CONFERENCE REPORT ON H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

Mr. BOEHNER submitted the following conference report and statement on the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

CONFERENCE REPORT (H. REPT. 107–334)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

SECTION 1. SHORT TITLE.
This title may be cited as the “No Child Left Behind Act of 2001”.

SEC. 2. TABLE OF CONTENTS.
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TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Sec. 101. Improving the academic achievement of the disadvantaged.

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Sec. 201. Teacher and principal training and recruiting fund.

TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

Sec. 301. Language instruction for limited English proficient children and immigrant children and youth.

TITLE IV—21ST CENTURY SCHOOLS

Sec. 401. 21st century schools.

TITLE V—FLEXIBILITY AND ACCOUNTABILITY

Sec. 501. Flexibility and accountability.

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

Sec. 701. Indians.

TITLE VIII—IMPACT AID PROGRAM

Sec. 801. Payments relating to Federal acquisition of real property.

NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, Public Printer

This symbol represents the time of day during the House proceedings, e.g., 0700 is 7:00 a.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
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Sec. 1011. Short title.
Sec. 1012. Amendments to the Education Amendments of 1978.
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Sec. 1076. Technical and conforming amendments.

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. 4. TRANSITION.
(a) MULTI-YEAR AWARDS. Except as otherwise provided in this Act, the recipient of a multi-year award under the Elementary and Secondary Education Act of 1965, as that Act was in effect prior to the date of enactment of this Act, shall continue to receive funds in accordance with the terms of that award, except that no additional funds may be awarded after the date of enactment of this Act, and the amendments made by this Act, shall take effect on July 1, 2002. (c) COMPETITIVE PROGRAMS. With respect to programs that are conducted by the Secretary on a competitive basis, this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under those programs for fiscal year 2002.

SEC. 6. TABLE OF CONTENTS OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965. The Act is amended—
(1) in the heading of section 1, by striking “table of contents” and inserting “short title”; and
(2) by adding after section 1 the following new section:

SEC. 2. TABLE OF CONTENTS.
The table of contents for this Act is as follows:

“Sec. 1. Short title.
“Sec. 2. Table of contents.

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“Sec. 1001. Statement of purpose.
“Sec. 1002. Authorization of appropriations.
“Sec. 1003. School improvement.
“Sec. 1004. State administration.

“PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
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“Sec. 1112. Local educational agency plans.
“Sec. 1113. Eligible school attendance areas.
“Sec. 1114. Schoolwide programs.
“Sec. 1115. Targeted assistance schools.
“Sec. 1116. Academic assessment and local educational agency and school improvement.
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“Sec. 1118. Parental involvement.
“Sec. 1119. Qualifications for teachers and paraprofessionals.
“Sec. 1120. Participation of children enrolled in private schools.
“Sec. 1120A. Fiscal requirements.
“Sec. 1120B. Coordination requirements.

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“Sec. 1122. Allocations to the Secretary.
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“Sec. 1124A. Concentration grants to local educational agencies.
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“Sec. 1125A. Authority of the Secretary to make grants to support the education of children who reside on Indian reservations and to support the education of children who reside on Indian reservations as the Secretary determines to be in the best interests of such children.

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“Sec. 1423. Local educational agency applications.
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“Sec. 1425. Program requirements for correctional facilities receiving funds under this section.

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TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

SEC. 101. IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED.

Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended to read as follows:

"TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED"

SEC. 1001. STATEMENT OF PURPOSE.

The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic standards and state academic assessments. This purpose can be accomplished by—

(1) ensuring that high-quality academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are aligned with challenging State academic standards so that students, teachers, parents, and administrators can measure progress against common expectations for student academic achievement;

(2) meeting the educational needs of low-achieving children in our Nation’s highest-poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance;

(3) closing the achievement gap between high-performing and low-performing children, especially the achievement gap between minority and nonminority students, and between disadvantaged children and their more advantaged peers;

(4) holding schools, local educational agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools and states to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education;

(5) distributing and targeting resources sufficiently to make a difference to local educational agencies and schools where needs are greatest;

(6) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to ensure that students are meeting challenging State academic achievement standards and generating achievement overall, but especially for the disadvantaged;

(7) providing greater decision-making authority and responsibility to schools and teachers in exchange for greater responsibility for student performance;

(8) 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;

(9) promoting schoolwide reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic curriculum;

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

(11) 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; and

(12) affording parents substantial and meaningful opportunities to participate in the education of their children.

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For fiscal year 2003, each State agency determined under section 1116 and 1117, including carrying out the program of technical assistance and support for local educational agencies;

(b) UNEXPENDED FUNDS.—Of the amount reserved under subsection (a) for any fiscal year, the State educational agency—

(1) shall allocate not less than 95 percent of the funds directly to local educational agencies for schools identified for school improvement, corrective action, and restructuring, for activities under section 1116(b); or

(2) may use the allocation of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams or educational service agencies;

(c) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under subsection (a) in any fiscal year, shall give priority to local educational agencies that—

(1) serve the lowest-achieving schools;

(2) demonstrate the greatest need for such funds and

(3) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to meet the progress goals in school improvement plans under section 1116(b)(3)(A)(iv).

(d) UNEXPENDED FUNDS.—If, after consultation with local educational agencies where appropriate, the State educational agency determines that the amount of funds reserved for carryout subpart (b) is greater than the amount needed to fund the purposes under subpart (b), the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

(1) the relative allotments of the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

(2) section 1121(c).

(e) SPECIAL RULE.—Notwithstanding any other provision of this section, the amount of funds reserved by the State educational agency under subsection (a) in any fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 below the amount received by such local educational agency under such subpart for the preceding fiscal year.

(f) REPORTING.—The State educational agency shall make publicly available a list of those schools and districts which have pursuant to subpart (b) the percentage of students from each school from families with incomes below the poverty line.

(g) ASSISTANCE FOR LOCAL SCHOOL IMPROVEMENT.—

(1) PROGRAM AUTHORIZED.—The Secretary shall award grants to States to enable the States to provide subgrants to local educational agencies for the purpose of providing assistance for school improvement consistent with section 1116;

(2) STATE ALLOCATIONS.—Such grants shall be allotted among States, the Bureau of Indian Affairs, and the outlying areas, respectively, for each fiscal year under parts A, C, and D of this title. The Secretary shall expeditiously award a portion of such funds to States for the purpose of assisting local educational agencies and schools that were in school improvement status on the date preceding the date of enactment of the No Child Left Behind Act of 2001.

(3) REALLOCATIONS.—If a State does not receive funds under this subsection, the Secretary shall reallocate such funds to other States in the same proportion. Such proportion funds are allocated under paragraph (2).

(4) STATE APPLICATIONS.—Each State educational agency that desires to receive funds under this subsection shall submit an application to the Secretary at such time, and containing such information, as the Secretary shall
reasonably require, except that such require-
ment shall be waived if a State educational
agency submitted such information as part of its
State plan under this part. Each State applica-
tion submits such information as part of its
State plan under this part, the State educational
agency will allocate such funds in order to as-
sist the State educational agency and local edu-
cational agencies in complying with school im-
provement plans developed under section 1116.

"(5) LOCAL EDUCATIONAL AGENCY GRANTS.—A grant to a local educational agency under this subsection shall be
(A) of sufficient size and scope to support the activities required under sections 1116 and 1117, but not less than $50,000 and not more than $200,000, to partially support participating local educational agencies.

"(B) integrated with other funds awarded by the State under this Act; and

"(C) payable for 2 additional 1-year periods if schools are meeting the goals in their school improvement plans developed under section 1116.

"(6) PRIORITY.—The State, in awarding such grants, shall give priority to local educational agencies with the lowest-achieving schools that demonstrate

"(A) the greatest need for such funds; and

"(B) the strongest commitment to ensuring that such funds are used to provide adequate resources to meet the goals under school and local educational agency improvement, corrective action, and restructuring plans under section 1116.

"(7) ALLOCATION.—A State educational agency that submits an application under this subsection shall allocate at least 95 percent of the grant funds directly to local educational agencies for schools identified for school improvement, corrective action, or restructuring to carry out activities under section 1116(b), or may, with the approval of the local educational agency, directly provide the funds to ensure that a school receives the assistance or services they reasonably require, except that such require-
ment shall not exceed 1 percent of the amount the State uses for all public elementary schools and secondary schools in the State, toward enabling all public elementary school and secondary school students to meet the State’s student academic achievement standards and, while working toward narrowing the achievement gaps in the State, local educational agencies, and schools.

"(8) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this subsection may reserve not more than 1 percent of the amounts received under this subsection to pay for costs associated with participation in the program, except that such reserve may not exceed the administrative costs under section 1116(b), or may, with the consent of the Secretary, use such funds to provide for technical assistance.

"(9) LOCAL AWARDS.—Each local educational agency that applies for assistance under this subsection shall use these funds to purchase and make available to the State’s lowest-achieving schools the resources necessary to meet goals under school and local educational agency improvement, corrective action, and restructuring plans under section 1116.

"SEC. 1004. STATE ADMINISTRATION.

"(a) IN GENERAL.—Except as provided in sub-
section (b), to carry out administrative duties assigned under parts A, C, and D of this title, each State may reserve the greater of

"(1) 1 percent of the amounts received under such parts; or

"(2) $14,000,000 ($50,000 in the case of each out-
lying area).

"(b) EXCEPTION.—If the sum of the amounts appropriated for parts A, C, and D of this title is equal to or greater than $14,000,000, then the reservation described in subsection (a)(1) shall not exceed 1 percent of the amount the State would receive, if $14,000,000 were allo-
cated among the States for parts A, C, and D of this title.

"PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—Any State desiring to re-
cieve a grant under this part shall submit to the Secretary a plan developed in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (includ-
ing administrators of programs described in other parts of this title), other staff, and par-
ents, that satisfies the requirements of this sec-
tion and that is coordinated with other pro-
cgrams described under parts A, C, and D of this Act, and with other Federal child and edu-
cation programs, and with the Early Learning Homeless Assistance Act, the Carl D. Perkins Vo-

"(2) CONSOLIDATED PLAN.—A State plan sub-
mitted under paragraph (1) may be submitted as part of a consolidated plan under section 1117.

"(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
MENTS, AND ACCOUNTABILITY.—

"(1) CHALLENGING ACADEMIC STANDARDS.—

"(A) IN GENERAL.—Each State plan shall demon-
strate that the State has adopted challenging academic content standards and challenging student academic achievement standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to sub-
mit such standards to the Secretary.

"(B) SAME STANDARDS.—The academic stand-
ards required by subparagraph (A) shall be the same academic standards that the State applies to all schools within the State.

"(C) SUBJECTS.—The State shall have such academic standards for all public elementary school and secondary school children, including children served in children served in programs and services for children under this part that are not determined by the State, but including at least
mathematics, reading or language arts, and (be-
ginning in the 2005-2006 school year) science, which shall include the same knowledge, skills, and levels of achievement expected of all chil-
dren.

"(D) CHALLENGING ACADEMIC STANDARDS.—Standards under this section shall include

"(i) challenging academic content standards in academic subjects that—

"(I) are aligned with the State’s academic content standards;

"(II) describe 2 levels of high achievement (proficient and advanced) that determine how well children are expected to know the material in the State academic content standards; and

"(III) describe a third level of achievement (basic) to provide complete information about the proportion of children who fail the same academic standards that the State applies to all schools within the State, and for whom achievement is insufficient to yield statistically reliable informa-
tion or the results would reveal personally iden-
tifiable information about an individual student.

"(ii) contains separate measurable annual objectives for continuous and substantial improve-
ment for each of the following

"(I) The achievement of all public elementary school and secondary school students.

"(II) The achievement of—

"(aa) economically disadvantaged students;

"(bb) students from major racial and ethnic groups;

"(cc) students with disabilities; and

"(dd) students with limited English pro-
ficiency, except that disaggregation of data under sub-
clause (II) shall not be required in a case in which the number of students is insufficient to yield statistically reliable informa-
tion or the results would reveal personally identifiable information about an individual student.

"(iii) in accordance with subparagraph (D), includes graduation rates for public secondary school students and other indicators of student success, and the State—

"(v) includes separate measurable annual ob-
tives consistent with subparagraph (C)(ii) and (vii), and shall take into account the achieve-
ment of all public elementary school and sec-

"(vi) in accordance with subparagraph (D), includes results in continuous and substantial improve-
ment for each of the following

"(I) The achievement of all public elementary school and secondary school students.

"(II) The achievement of—

"(aa) economically disadvantaged students;

"(bb) students from major racial and ethnic groups;

"(cc) students with disabilities; and

"(dd) students with limited English pro-
ficiency, except that disaggregation of data under sub-
clause (II) shall not be required in a case in which the number of students is insufficient to yield statistically reliable informa-
tion or the results would reveal personally identifiable information about an individual student.

"(vii) in accordance with subparagraph (D), includes graduation rates for public secondary school students and other indicators of student success, and the State—

"(viii) includes separate measurable annual ob-
tives consistent with subparagraph (C)(ii) and (vii), and shall take into account the achieve-
ment of all public elementary school and sec-

“(ii) except as provided in subparagraph (J)(i), may not use those indicators to reduce the number of, or change, the schools that would otherwise be subject to school improvement, corrective, or turnaround actions under paragraph (3) of section 612 of the Individuals with Disabilities Education Act and paragraph (3), on which adequate yearly progress is based (except that the 95 percent requirement described in this clause shall not apply to a category in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).”

“(J) UNIFORM AVERAGING PROCEDURE.—For the purpose of determining whether schools are making adequate yearly progress, the State may establish a uniform averaging procedure for establishing data which includes one or more of the following:”

“(i) The State may average data from the school year for which the determination is made with data from one or two school years immediately preceding that school year.

“(ii) Until the assessments described in paragraph (3) are administered in such manner and to time to allow for the implementation of the uniform procedure for averaging data described in clause (i), for each academic subject, the assessments that were required under paragraph (3) as that paragraph was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001 with respect to the preceding school year, the requirements of section 1116, or the implementation of assessments under this section.

“(iii) The State may use data across grades in a school.

“(3) ACADEMIC ASSESSMENTS.—

“(A) IN GENERAL.—Each State plan shall demonstrate that the State, in consultation with local educational agencies, has developed a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the State and of each local educational agency and school in the State in enabling all children to meet the State’s challenging academic achievement standards, except that no State shall be required to meet the requirements of this part relating to science assessments until the beginning of the 2007–2008 school year.

“(B) USE OF ASSESSMENTS.—Each State may incorporate the data from the assessments under this paragraph and such additional data developed by the State relating to the performance for the State of each of grades 3 through 8 in, at a minimum, mathematics, and reading or language arts as the State shall determine.

“(C) REQUIREMENTS.—Such assessments shall—

“(i) be the same academic assessments used to measure the achievement of all children;

“(ii) be aligned with challenging academic content and student academic achievement standards, and provide coherent information about student attainment of such standards;

“(iii) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards;

“(iv) be used only if the State provides to the Secretary evidence from the text publisher or other relevant source that the assessments used are of adequate technical quality for each purpose required under this Act and are consistent with the requirements of this section, and such evidence is made public by the Secretary upon request;

“(v) meet, as applicable, the requirements of paragraph (3)(C) and with accommodations, guidelines, and alternative assessments provided in the same manner as those provided under section 602(3)(C) of the Individuals with Disabilities Education Act and paragraph (3), on which adequate yearly progress is based (except that the 95 percent requirement described in this clause shall not apply to a category in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).”
and principals to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments aligned with State academic achievement standards, and that are provided to parents, teachers, and principals, as soon as is practicable after the assessment is given, in an understandable and uniform format, that is, practicable, in a language that parents can understand;

“(xiii) enables results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migratory status, by students with disabilities as compared to non-disabled students, and by economic status and other factors as appropriate to students who are not economically disadvantaged, except that, in the case of a local educational agency or a school, such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

“(xiv) be consistent with widely accepted professional testing standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information; and

“(xv) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, and administrators can interpret and address the specific academic needs of students as indicated by the academic assessments aligned with State academic achievement standards, and academic assessments aligned with such academic standards, which will be administered, or suspended the administration, but not cease the development, of the assessments described in this paragraph, that were not required prior to the date of enactment of the No Child Left Behind Act of 2001, for each year for which the amount appropriated for grants under section 6204(c) is less than—

“(i) $70,000,000 for fiscal year 2002;

“(ii) $80,000,000 for fiscal year 2003;

“(iii) $90,000,000 for fiscal year 2004; and

“(iv) $100,000,000 for fiscal years 2005 through 2007.

“(4) SPECIAL RULE.—Academic assessment measures in addition to those in paragraph (3) that do not meet the requirements of such paragraph (3) may be included in the assessment measures described in paragraph (3) as additional measures, but may not be used in lieu of the academic assessments required under paragraph (3). Such additional assessments may not be used to reduce the number of or change, the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may be used to identify additional schools for school improvement or in need of corrective action or restructuring except as provided in paragraph (3).

“(5) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor other State or local educational official agency, or entity has sufficient authority, under State law, to adopt curriculum content and academic achievement standards, and academic assessments aligned with such academic standards, which will be applicable to all students enrolled in the State’s public schools, and the local educational agencies or schools, then the State educational agency may meet the requirements of this subsection by—

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

“(B) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part will adopt curriculum content and student academic achievement standards, and academic assessments aligned with such standards, which—

“(i) meet all of the criteria in this subsection and are administered in the requirements for academic achievement standards and assessments that the Secretary may publish; and

“(ii) are applicable to all students served by each such local educational agency.

“(6) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available and are needed. The State shall make such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary may provide the State with appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

“(7) ACADEMIC ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—Each State plan shall demonstrate that local educational agencies in the State will, beginning not later than school year 2002–2003, provide for an annual assessment of English proficiency (measuring students’ oral language, reading, and writing skills) in English, and shall ensure that each local educational agency provides evidence, which is satisfactory to the Secretary, that neither the State nor any local educational agency or schools served by such agencies or other local consortia, and institutions to provide technical assistance and support for local educational agencies, will complete implementation within the additional 1-year period.

“(8) REQUIREMENT.—Each State plan shall describe how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(b), and 1115(c) that is applicable to such agency or school;

“(B) where educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools, including providing technical assistance in the planning and development under section 1119, technical assistance under section 1117, and technical assistance relating to parental involvement under section 1118;

“(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

“(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative arrangements such as through a consortium of local educational agencies;

“(C) the State educational agency will notify local educational agencies and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency’s responsibilities regarding local educational agency improvement plans that are under section 1116, including such corrective actions as are necessary; and

“(D) DEFERRAL. —A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, that were not required prior to the date of enactment of the No Child Left Behind Act of 2001, for each year for which the amount appropriated for grants under section 6204(c) is less than—

“(i) $70,000,000 for fiscal year 2002;

“(ii) $80,000,000 for fiscal year 2003;

“(iii) $90,000,000 for fiscal year 2004; and

“(iv) $100,000,000 for fiscal years 2005 through 2007.

“(9) FACTORS AFFECTING STUDENT ACHIEVEMENT.—Each State plan shall include an assurance that the State educational agency will collaborate, to the extent feasible and necessary as determined by the State, with agencies providing services to children, youth, and families, with respect to local educational agencies within the State that are identified under section 1116 and that request assistance with addressing major problems and deficiencies relating to the academic achievement of students in the local educational agency or schools served by such agency.

“(10) USE OF ACADEMIC ASSESSMENT RESULTS TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State plan shall describe how the State will ensure that the results of the State assessments described in paragraph (3)—

“(A) will be promptly provided to local educational agencies, schools, and teachers in a manner that is clear and easy to understand, but not later than before the beginning of the next school year; and

“(B) be used by those local educational agencies, schools, and teachers to improve the academic achievement of individual students.

“(C) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain—

“(I) the State will meet the requirements of subsection (h)(1) and, beginning with the 2002–2003 school year, will produce the annual State report cards described in such subsection, except that the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of this paragraph by that deadline and that the State will complete implementation within the additional 1-year period;

“(2) the State will, beginning in school year 2002–2003, participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 411 of the National Education Statistics Act of 1994 if the Secretary deems the costs of administering such assessments; and

“(3) the State educational agency, in consultation with the Governor, will include, as a component of the State plan, a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency’s statewide system of technical assistance and support for local educational agencies;

“(4) the State educational agency will work with educational service agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools, including providing technical assistance in the planning and development under section 1119, technical assistance under section 1117, and technical assistance relating to parental involvement under section 1118;

“(5)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

“(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative arrangements such as through a consortium of local educational agencies;

“(6) the State educational agency will notify local educational agencies and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency’s responsibilities regarding local educational agency improvement plans that are under section 1116, including such corrective actions as are necessary; and

“(C) the State educational agency will provide the least restrictive and burdensome regulations that are necessary to carry out the requirements of paragraphs (9) and (10)
“(8) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for academic achievement;

“(9) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

“(10) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

“(11) the State educational agency has invited participating communities established under section 1903(b) in developing the plan and monitoring its implementation;

“(12) the State educational agency will inform local educational agencies in the State of the local educational agency’s authority to transfer funds under title VI, to obtain waivers under part D of title IX, and, if the State is an Education Flexibility Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;

“(13) the State will coordinate activities funded under this part with other Federal activities as appropriate; and

“(14) the State educational agency will encourage local educational agencies and individuals in the process of meeting in a particular context established under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of the minority are served under this part by the agency or school have parents who do not have a secondary school diploma or its recognized equivalent or who have low levels of literacy.

“(d) PARENTAL INVOLVEMENT. — Each State plan shall describe how the State will support the collection and dissemination to local educational agencies, schools, and school districts of effective parental involvement practices. Such practices shall—

“(i) be based on the most current research that meets the highest professional and technical standards, on effective parental involvement that fosters achievement to high standards for all children; and

“(ii) be geared toward lowering barriers to greater participation by parents in school planning, revi8w, and improvement experienced.

“(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

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

“(A) establish a peer-review process to assist in the review of such State plans as described in subsection (d)(2); and

“(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students;

“(C) verify that each State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

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

“(E) not decline to approve a State’s plan before—

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

“(ii) providing technical assistance in order to assist the State to meet the requirements of subsections (a), (b), and (c); and

“(iii) providing a hearing; and

“(F) have the authority to disapprove a State plan for not meeting the requirements of this part, and the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State’s academic content standards or to use specific academic assessment instruments or items.

“(2) STATE REVISIONS. — A State shall revise its State plan as necessary to satisfy the requirements of this section.

“(f) DURATION OF THE PLAN.—

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

“(A) remain in effect for the duration of the No Child Left Behind Act of 2001; and

“(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State’s policies and programs under this part.

“(2) ADDITIONAL INFORMATION.—If the State determines that the State shall meet the requirements of this section, other than the requirements of this section, the Secretary may issue an annual State report card for each of the academic assessments required under this part;

“(iii) the percentage of students not tested (disaggregated by the same categories and subcategories to the same extent described in clause (i));

“(iv) the most recent 2-year trend in student achievement in each subject area, and for each group of students identified in the same manner as in subsection (b)(2)(C)(v); and

“(v) aggregate information on any other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards;

“(vi) graduation rates for secondary schools consistent with subsection (b)(2)(B)(viii);

“(vii) information on the performance of local educational agencies in the State regarding adequate yearly progress, including the number and names of each school identified for school improvement under section 1116; and

“(viii) the professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the State, and disaggregated by race, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the State of such determination and the reasons for such determination.

“(g) PENALTIES.—

“(1) FAILURE TO MEET DEADLINES ENACTED IN 1999.—

“(A) IN GENERAL.—If a State fails to meet the deadlines established by the Improving America’s Schools Act of 1994 (or any later waiver deadline) pursuant to subsection (c)(1), a State that receives assistance under this part shall submit such information to the Secretary.

“(B) NO EXTENSION.—Notwithstanding any other provision of law, 90 days after the date of enactment of the No Child Left Behind Act of 2001 the Secretary shall not grant any additional waivers of, or enter into any additional compliance agreements with the Secretary for demonstrating that the State has in place challenging academic content standards and student achievement standards, new academic assessments, or a new definition of adequate yearly progress, the Secretary shall withhold 25 percent of the funds that would otherwise be available to the State under such State plans under this part in each year until the Secretary determines that the State meets those requirements.

“(2) IN GENERAL.—Not later than the beginning of the 2002–2003 school year, a State shall—

“(A) submit the annual State report card required under subsection (c)(1), a State that receives assistance under this part shall prepare and disseminate an annual State report card.

“(B) IMPLEMENTATION.—The State report card shall be—

“(i) concise; and

“(ii) presented in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

“(C) REQUIRED INFORMATION.—The State shall include in its annual State report card—

“(i) information, in the aggregate, on student achievement at each proficiency level on the State academic assessments described in subsection (b)(3) disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged. Except that such disaggregated information shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results that this subsection (b) would not lead to disproportionate adverse consequences, and to a system that can be made available for the public to find out the status of schools that are making adequate yearly progress, including the number and names of each school identified for school improvement under section 1116; and

“(D) OPTIONAL INFORMATION.—The State may include in its annual State report card such other information as the State believes will best provide the Secretary and the public of how Federal dollars are spent and the status of schools regarding school improvement, corrective action, and restructuring.

“(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARD.—

“(A) REPORT CARDS.—

“(i) IN GENERAL.—Not later than the beginning of the 2002–2003 school year, a local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card, except that the State may provide the local educational agency 1 additional year if the local educational agency demonstrates that excepting or controlling circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency, prevented full implementation of this paragraph by that deadline and that the local educational agency did complete implementation within the additional 1-year period.

“(ii) SPECIAL RULE.—If a State has received an extension pursuant to paragraph (c)(1), then a local educational agency within that State shall not be required to include the information required under paragraph (1)(C) in such report card.

“(B) MINIMUM REQUIREMENTS.—The State shall ensure that each local educational agency
collects appropriate data and includes in the local educational agency’s annual report the information described in paragraph (1)(C) as applied to the local educational agency and each school served by the local educational agency, and—

(i) in the case of a local educational agency,

(ii) in the case of a school.

(ii) information that shows how students served by the local educational agency achieved on the statewide academic assessment compared to students in the State as a whole, and

(iii) information that shows how the school’s students achievement on the statewide academic assessments and other indicators of adequate yearly progress compared to students in the local educational agency and the State as a whole.

(C) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

(E) PUBLIC DISSEMINATION.—The local educational agency shall, not later than the beginning of each school year, unless the local educational agency has received a 1-year extension pursuant to subparagraph (A), publicly disseminate the information described in this paragraph in the schools in the school district served by the local educational agency and to all parents of students attending those schools in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include in the report card information under this section as part of such report card.

(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that issues a report card that contains data that performance of students, schools, local educational agencies, or the State prior to the enactment of the No Child Left Behind Act of 2001 may use those report cards for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

(4) ANNUAL STATE REPORT TO THE SECRETARY.—Each State receiving assistance under this part shall report annually to the Secretary, and made available to the public within the State,—

(A) beginning with school year 2002–2003, information on the State’s progress in developing and implementing the academic assessments described in subsection (b)(2)(A), and

(B) beginning not later than school year 2002–2003, information on the achievement of students on the academic assessments required by subsection (b) and the State’s academic assessments that are described in the disaggregated results for the categories of students identified in subsection (b)(2)(C)(v).

(5) REPORT TO CONGRESS.—The Secretary shall transmit annually 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 that provides national and State-level data on the information collected under paragraph (4).

(6) PARENTS RIGHT-TO-KNOW.—

(A) QUASI-STATE AGENCY REPORTS.—Each state beginning with each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving assistance under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of classroom teachers, including, at a minimum, the following:

(i) Whether the teacher has met State qualifications or such other qualifications as applicable in the school receiving funds under this part.

(ii) Whether the teacher has met State licensing requirements or, if such other qualifications as applicable in the school receiving funds under this part.

(iii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) ADDITIONAL INFORMATION.—In addition to the information in paragraph (A) that is required to be provided to parents under this part, the State plan shall include such other information as the State educational agency deems appropriate.

(C) ADJUSTED ASSESSMENTS.—In determining the achievement of students on State assessments, each local educational agency shall—

(i) in the case of a local educational agency,

(ii) in the case of a school served by the local educational agency and school, and

(D) LOCAL EDUCATIONAL AGENCY PLANS.—Each State receiving assistance under this part shall develop and implement a plan to meet the requirements of this section, including the provision of advice by experts in the development of high-quality academic assessments, the setting of State standards, the State’s academic assessments, and the State’s own accountability system, that the State plan submitted under section 1116(b) describes.

(E) CONSTRUCTION.—Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.
Section 1111(b)(3), and other Federal or State academic indicators under section 1111(b)(2); or

(b) to reduce the number of, or change, which schools would otherwise be subject to school improvement, restructuring, or other corrective action, or, if such additional assessments or indicators described in such subparagraphs were not used, but such assessments and indicators may be used to identify additional schools for school improvement or in need of corrective action or restructuring.

(c) ASSURANCES.

(1) In general.—Each local educational agency plan shall provide assurances that the local educational agency will—

(A) enable eligible schools and parents of schoolwide program authority and the ability of such schools to consolidated funds from Federal, State, and local sources;

(B) provide technical assistance and support to schoolwide programs;

(C) work in consultation with schools as the schools develop and implement their plans or actions, 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 student academic achievement standards;

(D) fulfill such agency’s school improvement responsibilities under section 1116, including taking actions under paragraphs (7) and (8) of section 1116(b);

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

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

(G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory attendance at schools, ensure that such services comply with the performance standards established under section 641(a) of the Head Start Act;

(H) work in consultation with schools as the schools develop and implement their plans or activities under sections 1114 and 1115;

(I) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals and professional development;

(J) inform eligible schools of the local educational agency’s plan to obtain waivers on the school’s behalf under title II, and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1990.;

(K) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with the State educational agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under section 1116, if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement;

(L) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inadequately supervised teachers.

(M) use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the State, in order to review the process of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students meet the State’s proficient level of achievement on the State academic assessments described in section 1111(b)(3) within 12 years from the baseline year described in section 1111(b)(2).

(N) ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to parents and teachers as soon as is practically possible after the test is taken, in an understandable and uniform format, and, to the extent practicable, provided in a language that the parents can understand; and

(O) assist each school served by the agency and assisted under this part in developing or identifying examples of high-quality, effective programs consistent with the requirements described in paragraph (D).

(2) SPECIAL RULE.—In carrying out subparagraph (G) of paragraph (1), the Secretary—

(A) shall consult with the Secretary of Health and Human Services and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph;

(B) shall disseminate to local educational agencies the Head Start performance standards as in effect under section 641(a) of the Head Start Act and such agencies requesting such assistance may plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including ensuring the availability of Federal, State, and local funding sources to assist in compliance with such subparagraph.

(3) R EVIEW.

(1) IN GENERAL.—Each such plan shall be submitted for the first time for which this part is in effect following the date of enactment of the No Child Left Behind Act of 2001 and shall remain in effect for the duration of the agency’s participation under this part.

(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of the No Child Left Behind Act of 2001 and shall remain in effect for the duration of the agency’s participation under this part.

(3) I NAPPLICABILITY.—Paragraph (1)(G) of this subsection shall not apply to preschool programs using the Even Start model or toEven Start programs that are expanded through the use of funds under this part.

(4) PLAN DEVELOPMENT AND DURATION.

(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, principals, administrators (including administrators of programs described in other parts of this title), and other appropriate personnel, and in consultation with children in schools served under this part.

(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of the No Child Left Behind Act of 2001 and shall remain in effect for the duration of the agency’s participation under this part.

(3) PROGRAM RESPONSIBILITY.—Each local educational agency plan shall periodically review and, as necessary, revise its plan.

(c) STATE APPROVAL.

(1) GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

(2) APPROVAL.—The State educational agency may approve a local educational agency’s plan only if the State educational agency determines that the local educational agency’s plan—

(A) enables schools served under this part to substantially help children served under this part meet the academic standards expected of all children described in section 1111(b)(1); and

(B) includes the requirements of this section.

(3) REVIEW.—The State educational agency shall review the local educational agency’s plan to determine if such agencies activities are in accordance with section 1111(b)(1) and this section.
Section 1113. Eligible School Attendance Areas.

(1) General.

A local educational agency shall use funds received under this part only in eligible school attendance areas.

(2) Ranking Order.

For the purposes of this part—

(A) the term, ‘school attendance area’ means, in relation to a school, the geographical area in which the children who are normally served by that school reside; and

(B) the term, ‘eligible school attendance area’ means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

(3) Ranking Order—If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

(A) annually rank, without regard to grade spans, such agency’s eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

(B) serve such eligible school attendance areas in rank order.

(4) Remaining Funds—If funds remain after serving all eligible school attendance areas under paragraph (3), a local educational agency shall—

(A) annually rank such agency’s remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

(B) serve such eligible school attendance areas in rank order.

(5) Measures—The local educational agency shall use the same measure of poverty, which shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced price lunch under the National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency.

(6) Exception—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

(7) Waiver for Desegregation Plans.—The Secretary may approve a local educational agency’s written request for a waiver of the requirements of subsections (a) and (c), and permit such agency to use funds pursuant to such waiver to serve, during the school year immediately following the school year in which this part is in effect, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in any school that children attend with a court-ordered desegregation plan, if—

(A) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school’s total enrollment; and

(B) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes that approval of that request would further the purposes of this part.

(8) Local Education Agency Discretion—

(1) In General.—Notwithstanding subsection (a)(2), a local educational agency may—

(A) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

(B) use funds received under this part in a school that is not in an eligible school attendance area or school in which the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area or school;

(C) designate and serve a school attendance area or school that is not eligible under this section, but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and

(D) elect not to serve an eligible school attendance area or school that has a higher percentage of children from low-income families if—

(i) the school meets the comparability requirements of section 1114; and

(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

(2) Special Rule.—Notwithstanding paragraph (1)(D), the number of children attending private elementary schools and secondary schools who are to receive services, and the assumption of such children’s services, for the school year shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

(3) Allocations—

(1) In General.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or schools, identified under subsections (a) and (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

(2) Special Rule.—

(A) In General.—Except as provided in subparagraph (B), the percentage of funds allocated to each school attendance area or school under paragraph (1) shall be at least 25 percent of the per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves children in which the percentage of such children is 35 percent or greater.

(B) Exception.—A local educational agency may serve the school attendance area or school by the amount of any supplemental State and local funds expended in that area or school or under the programs that meet the requirements of section 1114 or 1115.
sec. 1114. SCHOOLWIDE PROGRAMS.

(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

(1) IN GENERAL.—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order 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.

(2) IDENTIFICATION OF STUDENTS NOT REQUIRED.

(A) IN GENERAL.—No school participating in a schoolwide program shall be required—

(i) to identify particular children under this part as eligible to participate in a schoolwide program; or

(ii) to provide services to such children that are supplementary, as otherwise required by section 1120(a).

(B) FUNDAMENTAL FUNDS.—A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of the funds under this part, be available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and limited English proficient.

(3) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—

(A) EXEMPTION.—Except as provided in subsection (B), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other non-Federal grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are not served.

(B) REQUIREMENTS.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, and attendance, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, use of Federal funds to support non-Federal programs, the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

(4) RECORDS.—A school that consolidates and uses funds from different Federal programs under this part is not required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school can indicate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

(5) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to professional development for teachers, principals, and other school personnel to improve the academic achievement of all students served under this part, including funds needed to provide services that are consistent with, and are designed to address, the needs of migratory children as defined in section 1111(b)(4).

(6) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

(A) IN GENERAL.—A schoolwide program shall include the following components:

(i) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in section 1309(2) that is based on information which includes the achievement of children in relation to the State academic content standards and the State student academic achievement standards described in section 1111(b)(1).

(ii) School reform strategies that—

(I) include strategies to address the needs of all children in the school, but particularly those needs that result from risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program, which may include—

(aa) counseling, pupil services, and mentoring services;

(bb) career and college awareness and preparation, such as college and career guidance, personal finance education, and innovative teaching methods, which may include applied learning and team-teaching strategies; and

(cc) the integration of vocational and technical education programs; and

(II) the school is operating a schoolwide program described in paragraph (i) that is in effect for the duration of the school year before and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

(iii) includes strategies to meet the needs of all students in the school, but particularly those needs that result from risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program, which may include—

(aa) counseling, pupil services, and mentoring services;

(bb) career and college awareness and preparation, such as college and career guidance, personal finance education, and innovative teaching methods, which may include applied learning and team-teaching strategies; and

(cc) the integration of vocational and technical education programs; and

(II) address how the school will determine if such needs have been met; and

(iii) are consistent with, and are designed to implement, the State and local improvement plans, if any.

(C) Instruction by highly qualified teachers.

(1) In accordance with section 1119 and subsection (a)(4), high-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services personnel, parents, and other staff to enable all children in the school to meet the State’s student academic achievement standards.

(D) Strategies to attract high-quality highly qualified teachers to high-need schools.

(1) Strategies to attract highly qualified teachers to high-need schools.

(2) Strategies to attract highly qualified teachers to high-need schools in each State.

(3) Strategies to attract highly qualified teachers to high-need schools in each State.

(E) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, Early Reading First, or a State-run preschool program, to local elementary school programs.

(F) Measures to include teachers in the decisions regarding the use of academic assessments described in section 1111(b)(1)(B) to provide information on progress to improve the achievement of individual students and the overall instructional program.

(G) Activities to assist students who experience difficulty mastering the proficient or advanced levels of academic achievement standards required by section 1111(b)(1) to provide information on progress to improve the achievement of individual students and the overall instructional program.

(H) Coordination and integration of Federal, State, and local services and programs, including programs that are subject to this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

(2) PLAN.—

(A) IN GENERAL.—Any eligible school that desires to operate a schoolwide program shall first develop a plan for an improvement plan as a program that was in existence on the date before the date of enactment of the No Child Left Behind Act of 2001, in consultation with the local educational agency and any other Federal programs under subsection (a)(3) that will be consolidated in the schoolwide program.

(B) STRATEGIES.—The schoolwide plan may include—

(i) strategies to increase parental involvement, services to parents of a child who participates in the academic assessments required by section 1111(b)(3).

(ii) PLAN DEVELOPMENT.—The comprehensive plan shall be—

(I) developed during a one-year period, unless—

(aa) the local educational agency, after considering the recommendation of the technical assistance providers under section 1117, determines that less time is needed to develop and implement the schoolwide program; or

(bb) the school is operating a schoolwide program on the day preceding the date of enactment of the No Child Left Behind Act of 2001, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section.

(ii) developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, and admin-
entitled to a free public education through time in the 2 years preceding the year for which such services.

this part may not be used to provide services community day program for such children is eligible

SCHOOL PROGRAM.

receive services under this part.

children, are eligible for services under this part

migrant children or limited English proficient

practicable, provided in a language that the

parents can understand; and

(c) if appropriate, developed in coordination with programs under Reading First, Early Reading First, part C of the Head Start Act, Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.

(c) PREKINDERGARTEN PROGRAM.—A school that offers a schoolwide program under this section may use funds made available under this part to establish or enhance prekindergarten programs for children below the age of 6, of Head Start programs or Early Reading First programs.

SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

(a) In general.—In all schools selected to receive funds under section 1113(c) that are

eligible programs under section 1112(b)(1)(A) and (B) to review annually the progress of each school

under this part meet the State's challenging student academic achievement standards in subjects as determined by the State's established assistance program under this section shall—

(A) use such program's resources under this part to help participating children meet such standards; (B) establish academic achievement standards expected for all children; (B) ensure that planning for students served under this part is incorporated into existing school policies, school-wide, and summer programs and opportunities; (ii) help provide an accelerated, high-quality curriculum, including applied learning; and (iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; (D) coordinate with and support the regular education programs to provide services to assist preschool children in the transition from early childhood programs such as Head Start, Even Start, Early Reading First, or State-run preschool programs to elementary school programs; (E) provide instruction by highly qualified teachers; (F) in accordance with subsection (e)(3) and section 1119, provide opportunities for professional development with resources under this part, and, to the extent practicable, part I, title II of the Elementary and Secondary Education Act of 1965; (G) provide programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

(3) SPECIAL RULES.

(1) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL.—Each local educational agency receiving funds under this part shall—

(A) give primary consideration to providing extended learning time, such as an extended school year, before- and after-school, and summer programs and opportunities; (ii) help provide an accelerated, high-quality curriculum, including applied learning; and (iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; (D) coordinate with and support the regular education programs to provide services to assist preschool children in the transition from early childhood programs such as Head Start, Even Start, Early Reading First, or State-run preschool programs to elementary school programs; (E) provide instruction by highly qualified teachers; (F) in accordance with subsection (e)(3) and section 1119, provide opportunities for professional development with resources under this part, and, to the extent practicable, part I, title II of the Elementary and Secondary Education Act of 1965; (G) provide programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

(4) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part shall—

(1) participate in general professional development and school planning activities; and

(2) assume limited duties that are assigned to similarly paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the

amount of time spent on such duties is the same proportion of total work time as preexists with respect to similar personnel at the same school.

(c) SPECIAL RULES.—Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(2) COMPREHENSIVE SERVICES.—If—

(A) health, nutrition, and other social service assistance are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a comprehensive partnership with local service providers; and

(B) funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

(i) the provision of basic medical equipment, such as eyeglasses and hearing aids;

(ii) compensation of a coordinator; and

(iii) professional development necessary to assist teachers, pupil services personnel, other staff, and caregivers in identifying and meeting the comprehensive needs of eligible children.

(2) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall develop and implement professional development activities described in subparagraph (F) of subsection (c)(1) in accordance with section 1119 for such fiscal year, and a school may enter into a consortium with another school to carry out such activities.

SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(a) LOCAL REVIEW.—

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

(A) use the State academic assessments and other indicators described in the State plan to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2); (B) at the local educational agency's discretion, any academic indicators described in the State educational agency's plan under section 1112(b)(1)(A) and (B) to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2), except that the local educational agency may not use such additional indicators as provided for in section 1111(b)(2)(I) if the indicators reduce the number of students that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may identify additional schools for school improvement or in need of corrective action or restructuring.

(C) publicize and disseminate the results of the local annual review described in paragraph (1) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the challenging student academic achievement standards established under section 1111(b)(1); and

(D) review the effectiveness of the actions and strategies the school described in paragraph (1) under this part with respect to parental involvement, professional development, and other activities assisted under this part.

(2) AVAILABLE RESULTS.—The State educational agency shall ensure that the results of State academic assessments administered in that
school year are available to the local educational agency before the beginning of the next school year.

(b) SCHOOL IMPROVEMENT.—

(1) GENERAL REQUIREMENTS.—

(A) IDENTIFICATION.—Subject to subparagraph (C), a local educational agency shall identify for school improvement any elementary school or secondary school served under this part that fails, for 2 consecutive years, to make adequate yearly progress as defined in the State's plan under section 1111(b)(2).

(B) DEADLINE.—The identification described in subparagraph (A) shall take place before the beginning of the school year following such failure to make adequate yearly progress.

(C) APPLICATION.—Subparagraph (A) shall not apply to a school if almost every student in each of 2 or more subgroups specified in section 1111(b)(2)(C)(i) enrolled in such school is meeting or exceeding the State's proficient level of academic achievement.

(D) TARGETED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified for school improvement under section 1111(b)(2)(C)(iv), the local educational agency or an entity approved by the State shall use an index, developed in consultation with the school district, that identifies schools that fail to make adequate yearly progress as defined in the State's plan under section 1111(b)(2).

(2) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall provide, at a minimum, the technical assistance described in subparagraph (C) and—

(i) a notice to parents and community leaders; and

(ii) a plan to provide supplemental educational services consistent with subsection (E).

(B) SPECIFIC ASSISTANCE.—Such technical assistance—

(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(3), and other examples of student work, to identify and address problems in instruction and programs, if any, in implementing the parental involvement requirements described in section 1111(b)(3), the professional development requirements described in section 1111(b)(3), and the responsibilities of the school and local educational agency under the school plan, and to identify and address solutions to such problems;

(ii) shall include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research that have been effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

(iii) shall include assistance in analyzing and assessing the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student academic achievement and to remove the school from school improvement status; and

(iv) may be provided by—

(I) by the local educational agency, through mechanisms authorized under section 1117; or

(II) by the State educational agency, an institution of higher education (that is in full compliance with all the provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or any entity with substantial experience in helping schools improve academic achievement.

(C) SCIENTIFICALLY BASED RESEARCH.—Technical assistance provided under this section by a local educational agency or an entity approved by the agency shall be based on scientifically based research.

(3) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—

In the case of a school that is identified for school improvement under paragraph (1), the local educational agency serving the school under the school plan on which the technical assistance described in subparagraph (A) was based, and the State educational agency, shall—

(A) provide assistance to the school in implementing the school plan under this paragraph on—

(i) inclusion of one or more of the corrective actions specified in paragraph (7)(C)(vi); and

(ii) technical assistance in school improvement plan from parents and community leaders.

(B) PLAN IMPLEMENTATION.—Except as provided in subsection (A), the school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification notice described in paragraph (2)(A).

(C) PLAN APPROVED DURING SCHOOL YEAR.—Notwithstanding paragraph (C), if a plan is not approved prior to the beginning of a school year, such plan shall be implemented immediately upon approval.

(E) LOCAL EDUCATIONAL AGENCY APPROVAL.—The local educational agency, within 45 days of receiving a school plan under paragraph (1), shall—

(i) establish a peer review process to assist with review of the school plan; and

(ii) promptly review the school plan, work with the school as necessary, and approve the school plan if the plan meets the requirements of this paragraph.

(4) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall—

(i) provide technical assistance as the school develops and implements the school plan under paragraph (3) throughout the planning process; and

(ii) provide technical assistance to the school as necessary and—

(A) to identify and address problems in instruction and programs, if any, in implementing the parental involvement requirements described in section 1111(b)(3), the professional development requirements described in section 1111(b)(3), and the responsibilities of the school and local educational agency under the school plan, and to identify and address solutions to such problems;

(B) to include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research that have been effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

(C) to include assistance in analyzing and assessing the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student academic achievement and to remove the school from school improvement status; and

(D) may be provided by—

(I) by the local educational agency, through mechanisms authorized under section 1117; or

(II) by the State educational agency, an institution of higher education (that is in full compliance with all the provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or any entity with substantial experience in helping schools improve academic achievement.

(B) SPECIFIC ASSISTANCE.—Such technical assistance—

(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(3), and other examples of student work, to identify and address problems in instruction and programs, if any, in implementing the parental involvement requirements described in section 1111(b)(3), the professional development requirements described in section 1111(b)(3), and the responsibilities of the school and local educational agency under the school plan, and to identify and address solutions to such problems;

(ii) shall include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research that have been effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

(iii) shall include assistance in analyzing and assessing the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student academic achievement and to remove the school from school improvement status; and

(iv) may be provided by—

(I) by the local educational agency, through mechanisms authorized under section 1117; or

(II) by the State educational agency, an institution of higher education (that is in full compliance with all the provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or any entity with substantial experience in helping schools improve academic achievement.

(C) SCIENTIFICALLY BASED RESEARCH.—Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—

In the case of any school served under this part that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2), by the end of the first full school year after identification under paragraph (1), the local educational agency serving such school—

(A) shall continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, and the State educational agency serving the school under the school plan under this paragraph on—

(i) inclusion of one or more of the corrective actions specified in paragraph (7)(C)(vi); and

(ii) technical assistance in school improvement plan from parents and community leaders.

(B) PLAN IMPLEMENTATION.—Except as provided in subsection (A), the school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification notice described in paragraph (2)(A).

(C) PLAN APPROVED DURING SCHOOL YEAR.—Notwithstanding paragraph (C), if a plan is not approved prior to the beginning of a school year, such plan shall be implemented immediately upon approval.
and take at least one of the following corrective actions:

(I) Replace the school staff who are relevant to the student's educational services.

(ii) Implement a new curriculum, including providing appropriate professional development for all relevant staff, that is based on the identified strengths and weaknesses of the school. This approach would give a substantial promise of improving educational achievement for low-achieving students and enabling the school to make adequate yearly progress.

(III) Significantly decrease management authority at the school level.

(IV) Appoint an outside expert to advise the school on its progress toward making adequate yearly progress, based on its school plan under paragraph (3).

(V) End the school year or school day for the school.

(VI) Restructure the internal organizational structure of the school.

(VII) DELAY.—Notwithstanding any other provision of this paragraph, the local educational agency may delay, for a period not to exceed 1 year, implementation of the requirements under paragraph (5), corrective action under this paragraph, or restructuring under paragraph (8) if the school makes adequate yearly progress for 1 year. Adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

(E) PUBLICATION AND DISSEMINATION.—The local educational agency shall publish and disseminate information regarding any corrective action that the local educational agency takes under this paragraph at a school—

(i) to the public and to the parents of each student enrolled in the school subject to corrective action; and

(ii) in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

(iii) through such means as the Internet, the media, and public agencies.

(F) RESTORING.—

(1) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—If, after 1 full school year of corrective action under paragraph (7), a school subject to such corrective action continues to fail to make adequate yearly progress, then the local educational agency shall—

(i) continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, in accordance with paragraph (1)(E) and (F);

(ii) continue to make supplemental educational services available, in accordance with subsection (e), to children who remain in the school; and

(iii) prepare a plan and make necessary arrangements to carry out subparagraph (B).

(2) ALTERNATIVE GOVERNANCE.—Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement one of the following alternative governance arrangements for the school to improve student achievement:

(i) Reopening the school as a charter public school.

(ii) Replacing all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress.

(iii) Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.

(iv) Turning the operation of the school over to the State, if permitted under State law and agreed to by the State.

(V) TRANSFERRING.—In any case described in paragraph (1)(E) for schools described in paragraphs (1)(A), (5)(C)(i), and (8)(A)(i), and subsection (c)(10)(C)(viii), the local educational agency shall provide, or shall pay for the provision of, transportation for the student to the public school the student attends

(G) FUNDING FOR TRANSFORMATION AND SUPPLEMENTAL EDUCATIONAL SERVICES.—

(1) IN GENERAL.—Unless a lesser amount is needed to comply with paragraph (9) and to satisfactorily meet the local educational agency's obligation to the public schools served by the local educational agency under subsection (e), the local educational agency shall spend an amount equal to 20 percent of its allocation under subpart 2, from which the agency shall subtract—

(i) an amount equal to 5 percent of its allocation under subpart 2 to provide, or pay for, transportation under paragraph (9);

(ii) an amount equal to 5 percent of its allocation under subpart 2 to provide supplemental educational services under subsection (e); and

(iii) an amount equal to the remaining 10 percent of its allocation under subpart 2 for transportation under paragraph (9), supplemental educational services under subsection (e), or both, as the agency determines.

(B) TOTAL AMOUNT.—The total amount described in subparagraph (A)(ii) is the maximum amount the local educational agency shall be required to spend under this part on supplemental educational services described in subsection (e).

(2) INEFFECTIVE FUNDS.—If the amount of funds described in subparagraph (A)(ii) or (iii) and available to provide services under this subsection is insufficient to provide supplemental educational services to each child whose parents request such services, the local educational agency shall give priority to providing the services to the lowest-achieving children.

(3) PROHIBITION.—A local educational agency shall not, as a result of the application of this paragraph, reduce by more than 15 percent the total amount made available under section 1111(b)(2) to a school described in paragraph (7)(C) or (8)(A) of subsection (b).

(II) COOPERATIVE AGREEMENT.—In any case described in paragraph (1)(E), (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(viii), if all public schools served by the local educational agency to which a child may transfer are identified for school improvement, corrective action or restructuring, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for a transfer.

(IV) BUFFER YEAR.—If any school identified for school improvement, corrective action, or restructuring makes adequate yearly progress for 2 consecutive school years, the local educational agency shall no longer be subject to the requirements of school improvement, corrective action, or restructuring or identify the school for school improvement for the succeeding school year.

(13) SPECIAL RULE.—A local educational agency shall permit a child who transferred to
another school under this subsection to remain in that school until the child has completed the highest grade in that school. The obligation of the local educational agency to provide, or to provide alternative provision for the child ends at the end of a school year if the local educational agency determines that the school from which the child transferred is no longer identified for improvement under this subsection consistent with section 1119; and

(iii) was identified under paragraph (3) shall, not later than 3 months after being so identified, develop an adequate school educational plan, in consultation with parents, school staff, and others. Such plan shall—

(a) incorporate scientifically based research strategies that strengthen the core academic program in schools served by the local educational agency;

(b) identify elections that have the greatest likelihood of improving the achievement of participating children in meeting the State's student academic achievement standards;

(c) address the development needs of the instructional staff serving the agency by committing to spend not less than 10 percent of the funds received by the State educational agency under paragraph (9) and during an extension of the school year; and

(d) include and achieve specific measurable achievement goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2)(C)(i), consistent with adequate yearly progress as defined under section 1111(b)(2).

(c) REVIEWS.—In the case of a local educational agency that, for 2 consecutive years, has exceeded adequate yearly progress as defined in the State plan under section 1111(b)(2), the State shall require that a new plan consistent with subsection (a) be developed by the local educational agency. Such technical assistance provided to the local educational agency shall take place in a format and, to the extent practicable, in a language the parents can understand. The State shall provide such technical assistance under paragraph (9) through the State educational agency or an entity authorized by such agency to provide technical assistance under this section.

(A) DEFINITION.—As used in this paragraph, the term "technical assistance" means assistance, consistent with State law, that the local educational agency identifies for corrective action under this section. The State shall provide technical assistance under paragraph (9) to a higher-performing public school operated by the local educational agency that fails to make adequate yearly progress, as defined by the State, by the end of the second full school year following the identification of the agency under paragraph (3); and

(b) REMOVING SCHOOL.-If the local educational agency personnel who are relevant to the failure to make adequate yearly progress are employed by schools from the jurisdiction of the local educational agency and establishing alternative arrangements for public governance and supervision of such schools.

(c) Collection of data.—(1) Deferring programmatic funds or reducing administrative funds.

(d) INSTITUTING AND FULLY IMPLEMENTING A NEW CURRICULUM.—In the case of a local educational agency identified for corrective action, the State shall require that the local educational agency shall be consistent with subsections (b)(1)(E) and (F), and provide to such students transportation (or the costs of transportation) to such schools consistent with subsection (b)(9), in conjunction with carrying out not less than 1 additional action described under paragraph (i).
to parents and the public, information on any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

"(F) In the case of a student with disabilities, is consistent with the student’s individualized education program under section 614(d) of the Individuals with Disabilities Education Act;

"(G) Describe the student’s parents and the student’s teacher or teachers will be regularly informed of the student’s progress;

"(H) PROVIDE TERMINATION OF SUCH AGREEMENT—If the provider is unable to meet such goals and timetables;

"(I) PROVIDE PAYMENTS TO PROVIDERS If the provider is unable to meet such goals and timetables;

"(J) PROHIBITION—Nothing contained in this subsection shall permit the making of any payment for religious worship or instruction.

"(K) WAIVER—

"(A) REQUIREMENT.—At the request of a local educational agency, the State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services if the State educational agency determines that—

"(ii) none of the providers of those services on the list approved by the State educational agency under paragraph (4) (C) makes those services available in the area served by the local educational agency or within a reasonable distance of that area; and

"(ii) the local educational agency provides evidence that it is not able to provide those services.

"(L) NOTIFICATION.—The State educational agency shall notify the local educational agency of any days on which the local educational agency and the academic standards described under paragraph 1111; and

"(M) LOCAL EDUCATION AGENCY RESPONSIBILITIES.—Each local educational agency subject to this subsection shall—

"(A) PROVIDE, at a minimum, annual notice to parents in an understandable and uniform format and, to the extent practicable, in a language that such parents can understand, of—

"(ii) is capable of providing supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness that is selected and approved for that purpose by the State educational agency in accordance with reasonable criteria, consistent with paragraph 5, that the State educational agency shall adopt.

"(5) CRITERIA FOR PROVIDERS.—In order for a provider to be included on the State list under paragraph (4)(C), a provider shall agree to carry out the following:

"(i) the availability of services under this subsection;

"(ii) The provider to be included on the State list under this subsection shall, in the case of a student with disabilities, is consistent with the student’s individualized education program under section 614(d) of the Individuals with Disabilities Education Act;

"(iii) The provider to be included on the State list under this subsection shall permit the making of any payment for religious worship or instruction.

"(4) with respect to those who provide, or seek approval to provide, supplemental educational services, each local educational agency in the State shall carry out those responsibilities with respect to its students who are eligible for those services.

"(7) Definitions.—In this subsection—

"(A) the term ‘eligible child’ means a child from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1111(c)(1); and

"(B) the term ‘provider’ means a non-profit entity, a for-profit entity, or a local educational agency that—

"(i) has a demonstrated record of effectiveness in increasing student academic achievement;

"(ii) is capable of providing supplemental educational services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111; and

"(iii) is financially sound; and

"(C) the term ‘supplemental educational services’ means tutoring and other supplemental academic enrichment services that are—

"(i) in addition to instruction provided during the school day; and

"(ii) of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the academic assessments required under section 1111 and attain proficiency in meeting the State’s academic achievement standards.

"(8) SCHOOLS AND LEAS PREVIOUSLY IDENTIFIED FOR IMPROVEMENT OR CORRECTIVE ACTION.

"(9) EFFECTIVE DATE.
Schools in School-Improvement Status for 2 or More Years Before Date of Entrance.—Any school that was in school-improvement status under this section for 2 or more consecutive school years preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school described in subsection (b)(5).

CORRECTIVE ACTION.—Any school that was in corrective action status under this section on any date preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school described in paragraph (7).

(2) LEAS.—

(A) LEA IMPROVEMENT.—A State shall identify for further subsection (c)(10) any local educational agency that was in corrective action status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001, and shall take into account the unique circumstances and needs of such local educational agency that was in improvement status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001.

(B) CORRECTIVE ACTION.—A State shall identify for corrective action under subsection (c)(10) any local educational agency that was in corrective action status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001.

(C) SPECIAL RULE.—For the schools and other local educational agencies described under paragraphs (1) and (2), as required, the State shall provide for the school or agencies in accordance with subparagraphs (b)(1)(E) and (F) and (3) and supplemental education services in accordance with subsection (e) if the State determines that the definition is waived, the tribal governing body or school board shall be responsible for meeting the requirements of subsection (b) relating to technical assistance, and the requirements to provide public school choice and supplemental educational services under subsections (b) and (e).

(3) SCHOOL IMPROVEMENT FOR BUREAU SCHOOLS.—

(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Bureau of Indian Affairs which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a contract issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such school shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any school improvement plan as described in subsections (b)(1) through (b)(5), other than subsection (b)(1)(E).

(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Bureau of Indian Affairs, the school board shall be responsible for meeting the requirements of subsection (b)(4) relating to technical assistance.

(4) STATEWIDE SYSTEM.—

(A) IN GENERAL.—For schools funded by the Bureau of Indian Affairs on a regional or tribal basis, or any local educational agency that was in corrective action status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001, in which the agency has failed to make adequate yearly progress, consistent with section 1111(b), the Secretary of Education shall give priority to the approach described in clause (i) of subparagraph (A).

(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Bureau of Indian Affairs, the school board of such school shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any school improvement plan as described in subsections (b)(1) through (b)(5), other than subsection (b)(1)(E).

(C) an analysis by the Secretary of the Interior to the appropriate committees of Congress regarding any schools served under this part that have been especially successful in improving academic achievement.

(5) ANNUAL REPORT.—On an annual basis, the Secretary of Education shall report to the appropriate committees of Congress regarding any schools funded by the Bureau of Indian Affairs which have been identified for school improvement.

(1) The Secretary shall report to the appropriate committees of Congress regarding the major factors that were determined by the State educational agency to have significantly affected student academic achievement.

(2) SEC. 1117. SCHOOL SUPPORT AND RECOGNITION.

(a) SYSTEM FOR SUPPORT.—

(1) IN GENERAL.—Each State shall establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools receiving funds under this part, in part, in order to increase the opportunity for all students served by those agencies and schools to meet the State's academic content standards and student academic achievement standards.

(2) PRORITIES.—In carrying out this subsection State shall

(A) first, provide support and assistance to local educational agencies with schools subject to corrective action under section 1116 and assist those schools to meet the requirements of section 1116(b)(11), for which a local educational agency has failed to carry out its responsibilities under paragraphs (7) and (8) of section 1116(b);

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

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

(2) REGIONAL CENTERS.—Such a statewide system shall, to the extent practicable, work closely with the Department to develop and implement a school improvement plan as described in subsections (b)(7) and (b)(8) of this section, for which a local educational agency has failed to carry out its responsibilities under paragraphs (7) and (8) of section 1116(b); and

(3) OTHER AGENCIES.—For the purposes of this section, schools served under this part that have been especially successful in improving academic achievement.

(4) STATEWIDE SYSTEM.—

(A) IN GENERAL.—In order to achieve the purpose described in paragraph (1), the statewide system shall include, at a minimum, the following approaches:

(1) Establishing school support teams in accordance with subparagraph (C) for assignment to, and working in, schools in the State that are described in paragraph (2).

(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Bureau of Indian Affairs, the school board of such school shall be responsible for meeting the requirements of subsection (b) relating to corrective action and restructuring as described in subsection (b)(7) and (b)(8). Any action taken by the school board under subsection (b)(7) or (b)(8) shall take into account the unique circumstances and structure of the Bureau of Indian Affairs-funded school system and the laws governing such system.

(2) ANNUAL REPORT.—On an annual basis, the Secretary of Education shall report to the appropriate committees of Congress regarding any schools funded by the Bureau of Indian Affairs which have been identified for school improvement.

(1) the identity of each school;

(2) a statement from each affected school board regarding the factors that lead to such identification; and

(C) an analysis by the Secretary of the Interior, in consultation with the Secretary of Education and to the appropriate committees of Congress regarding any schools served under this part that have been especially successful in improving academic achievement.
“(5) SCHOOL SUPPORT TEAMS.—

“(A) COMPOSITION.—Each school support team established under this section shall be composed of persons knowledgeable about scientifically based research practices in teaching and learning and about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students, including:

“(i) highly qualified or distinguished teachers and principals;

“(ii) pupil services personnel;

“(iii) teachers of the content area designated by the teacher;</subparagraph (B)(ii). Such distinguished schools may serve as models for and provide support to other schools, especially schools identified for improvement under section 1116, to assist such schools in meeting the content standards and student academic achievement standards.

“(2) AWARES TO TEACHERS.—A State program under this subpart may establish and administer a Teacher Recognition Program that provides financial awards to teachers teaching in a school described in such paragraph that consistently makes significant gains in academic achievement. Such program may provide instruction, or to teachers or principals designated as distinguished under subsection (a)(4)(A)(iii).

“(c) FUNDING.—

“(1) IN GENERAL.—Each State—

“(A) shall use funds reserved under section 1003(a) and may use funds made available under section 1005(a) for the approaches described in subsection (a)(4)(A); and

“(B) shall use State administrative funds authorized under section 1004(a) to establish the statewide system of support described under subsection (a).”

“(2) RESERVATIONS OF FUNDS BY STATE.—

“(A) AWARD PROGRAM.—For the purpose of carrying out this subpart, each State receiving a grant under this part may reserve, from the amount (if any) by which the funds received by the State under subpart 2 for a fiscal year exceed the amount required under subsection (B) if the amount reserved by the State for the preceding fiscal year, not more than 5 percent of such excess amount.

“(B) TEACHER AWARD.—For the purpose of carrying out subsection (B), a State educational agency may reserve such funds necessary from funds made available under section 2112.

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

“(4) SPECIAL ALLOCATION RULE FOR SCHOOLS IN HIGH-PRIORITY AREAS.—

“(A) IN GENERAL.—Each State shall distribute not less than 10 percent of the amount reserved under paragraph (2) for each fiscal year to schools described in subparagraph (B) or to teachers consisting with subsection (B)(i).

“(B) SCHOOL DESCRIBED.—A school described in subparagraph (A) is a school whose student population includes the highest quartile of schools statewide in terms of the percentage of children from low income families.

“SEC. 1118. PARENTAL INVOLVEMENT.

“(a) LOCAL EDUCATIONAL AGENCY POLICY.—

“(1) IN GENERAL.—Each local educational agency may receive funds under this part only if such agency implements programs, activities, and procedures for the involvement of parents in improving the educational quality of the schools served under this part.

“(2) WRITTEN POLICY.—Each local educational agency that receives funds under this part shall jointly develop with, and distribute to, parents of participating children a written parent involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Parents shall have the right to participation in the development and implementation of the policy in an understandable and uniform format, and to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

“(2) SPECIAL RULE.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.

“(3) AMENDMENT.—If the local educational agency involved has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

“(4) PARENTAL COMMENTS.—If the plan under section 1112 is not satisfactory to the parents of participating children, the local educational agency involved shall submit any parent comments with such plan when such local educational agency submits the plan to the State.

“(c) POLICY INVOLVEMENT.—Each school served under this part shall—

“(1) convene an annual meeting, at a convenient time, to which all parents of participating
children shall be invited and encouraged to attend, to inform parents of their school’s participation under this part and to explain the requirements of this part, and the right of the parents to inspect and review, and to participate, in the planning, review, and improvement of programs under this part, including the planning, review, and improvement of the school parental involvement policy and the development of the schoolwide parental involvement plan under section 1114(b)(2), except that if a school has in place a process for involving parents in the joint planning and design of the school’s programs, the school may use that process, if such process includes an adequate representation of parents of participating children.

(4) provide parents of participating children—

(A) timely information about programs under this part;

(B) a description and explanation of the curriculum in use at the school, of the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and

(C) if requested by parents, opportunities for regular, two-way communication between teachers and other educators, who work directly with participating children, with parents who are unable to attend such conferences at the requested times, or conduct conferences by telephone, or use other electronic means for communication.

(5) if the schoolwide parental involvement plan under section 1114(b)(2) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

(g) INFORMATION FROM PARENTAL INVOLVEMENT.—As part of the component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and national standards and the ways in which the school and parents will build and develop a partnership to help children achieve the State’s expectations for academic performance. Such compact shall—

(1) describe the school’s responsibility to provide high-quality curricula and instruction in a supportive and effective learning environment that enables students to meet the State’s academic achievement standards, and the proficiency levels students are expected to meet; and

(2) address the importance of communication between the school and parents on an ongoing basis through, at a minimum—

(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child’s achievement;

(B) frequent reports to parents on their children’s progress;

(C) reasonable access to staff, opportunities to volunteer and participate in their child’s class, and observation of classroom activities.

(h) TERMS OF INVOICING.—To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student achievement, each local educational agency assisted under this part—

(1) shall provide assistance to parents of children served by the school or local educational agency, as appropriate, in understanding such topics as the State’s academic achievement standards, and the means by which parents can assist their children in meeting those standards, such as literacy training and using technology, as appropriate, to foster parental involvement;

(2) shall provide materials and training to help parents to work with their children to improve their children’s achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;

(3) shall educate teachers, pupil services personnel, principals, and other educators, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

(4) shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction for Prestyle Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, parent advisory councils, and other efforts to more fully participating in the education of their children;

(5) shall ensure that information related to school and parent meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand;

(6) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;

(7) may provide necessary literacy training funds received under this part if the local educational agency has exhausted all reasonably available sources of funding for such training;

(8) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

(9) may provide funds to enhance the involvement of other parents;

(10) may arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;

(11) may adopt and implement model approaches to improving parental involvement;

(12) may establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;

(13) may develop appropriate roles for community-based organizations and businesses in parent involvement activities; and

(14) shall provide such other reasonable support for parental involvement activities under this section as parents may request.

(i) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies shall, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, parents of migratory children, and parents of homeless children, including, to the extent practicable, providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.

(j) INFORMATION FROM PARENTAL INVOLVEMENT AND RESOURCE CENTERS.—In a State where a parental involvement and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies assisted under this part shall provide assistance to parents and individuals who work with local parents, local educational agencies assisted under this part, each local educational agency or school that receives assistance under this part and is located in the State shall assist parents and parents of migrant children who are unable to attend such conferences at the requested times, or conduct in-home conferences directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation.

(k) QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.—(1) In general.—Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001, each local educational agency receiving assistance under this part shall ensure that all teachers hired after such day and teaching in a program or activity funded with funds under this part are highly qualified.

(2) STATE PLAN.—As part of the plan described in section 1111, each State educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching in core academic subjects within the State described in subsection (a)(2) are highly qualified not later than the end of the 2005–2006 school year. Such plan shall establish annual measurable objectives for each local educational agency and school that, at a minimum—

(A) shall include an annual increase in the percentage of highly qualified teachers at each local educational agency and school, to ensure that all teachers teaching in core academic subjects in the State described in subsection (a)(2) are highly qualified not later than the end of the 2005–2006 school year;

(B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and

(C) may include other measures as the State educational agency determines to be appropriate to increase teacher qualifications.

(3) LOCAL PLAN.—As part of the plan described in section 1112, each local educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching in core academic subjects within the State described in subsection (a)(2) are highly qualified not later than the end of the 2005–2006 school year.

(l) REPORTS.—

(1) ANNUAL STATE AND LOCAL REPORTS.—(A) LOCAL REPORTS.—Each State educational agency described in subsection (a)(2) shall require each local educational agency receiving funds under this part to publicly report, each year, beginning with the 2002–2003 school year, the annual progress of the local educational agency as a whole and of each of the schools served by the agency, in meeting the annual measurable objectives described in subsection (a)(2).

(B) STATE REPORTS.—Each State educational agency receiving funds under this part shall prepare and submit each year, beginning with the 2002–2003 school year, a report to the Secretary, describing the State educational agency’s progress in meeting the annual measurable objectives described in subsection (a)(2).

(m) INFORMATION FROM OTHER REPORTS.—A State educational agency or local educational agency may submit information from the reports described in section 1111(h) for the purposes of this subsection, if such report is modified, as may be necessary, to contain the information required for this subsection, and may submit such information as a part of the reports required under section 1111(h).
"(2) ANNUAL REPORTS BY THE SECRETARY.—Each year, beginning with the 2002-2003 school year, the Secretary shall publically report the annual progress of State educational agencies, local educational agencies, and schools, in meeting the measurable objectives described in subsection (a)(2).

(c) NEW PARAPROFESSIONALS.—(1) RESPONSIBILITIES.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired after the date of enactment of the No Child Left Behind Act of 2001 and working in a program supported with funds under this part shall have—

(A) completed at least 2 years of study at an institution of higher education;

(B) obtained an associate’s (or higher) degree; or

(C) met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment—

(i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

(ii) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics, and

(2) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—

(A) How the children’s needs will be identified;

(B) what services will be offered;

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

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

(E) the size and scope of the equitable services provided to the eligible private school children, and the proportion of funds that is allocated under subsection (a)(4) for such services;

(F) the method or sources of data that are used under subsection (c) and section 1116(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools;

(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;

(H) how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor.

(2) TIMING.—Such consultation shall include meetings of agency and private school officials and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such consultation shall precede the development and assessment of services provided under this section.

(3) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

(4) DOCUMENTATION.—Each local educational agency shall maintain in the agency’s records and provide to the State educational agency involved a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has taken place to the State educational agency.

(5) COMPLIANCE.—In GENERAL.—A private school official shall have the right to complain to the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, and consider to the extent consistent with the views of the private school officials.
(B) PROCEDURE.—If the private school official wishes to complain, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.

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

(1) CALCULATION.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of private school children who reside in that school attendance area; or

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

(B) 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;

(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; or

(D) using an equated measure of low income correlated with the measure of low income used to count public school children.

(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 9505.

(d) PUBLIC CONTROL OF FUNDS.—

(1) IN GENERAL.—The control of funds provided under this part, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

(2) PROVISION OF SERVICES.—

(A) PROVIDER.—The provision of services under this section shall be provided—

(i) by employees of a public agency; or

(ii) by such public agency with an individual, association, agency, or organization.

(B) REQUIREMENT.—In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be subject to the control and supervision of such public agency.

(e) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation in programs on an equitable basis of eligible children enrolled in private elementary and secondary schools served by the Secretary, the local educational agency shall be permitted to bypass the requirements of this part for such program staff, and, where appropriate, other early childhood development program.

(f) FUNDING.—Funds received under this part are available only to provide services for those children, transferred with parental consent, automatically carry out the activities described in subpart 2—Allocations.

**SEC. 1120B. COORDINATION REQUIREMENTS.**

(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) to the extent possible, subject to the requirements of this part.

(b) SPECIFIC REQUIREMENTS.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and Head Start agencies and, if feasible, other entities carrying out early childhood development programs such as the Early Head Start program.

(c) COMPETITIVE GRANTS.—Until each appropriate amount made available for any fiscal year under subsection (a), the Secretary shall reserve a total of 1 percent to provide assistance to—

(I) the outlying areas in the amount determined in accordance with subsection (b); and

(II) the Secretary the limited amount necessary to make payments pursuant to subsection (d).

(d) ASSISTANCE TO OUTLYING AREAS.—

(1) FUNDING.—From the amount made available for any fiscal year under subsection (a), the Secretary shall award grants to local educational agencies in the outlying areas, for the purposes of providing early childhood education services.

(2) LIMITATION FOR COMPETITIVE GRANTS.—Until each appropriate amount made available for any fiscal year under subsection (a), the Secretary shall not award grants to local educational agencies in the outlying areas, for the purposes of providing early childhood education services.
“(B) AWARD BASES.—The Secretary shall award grants under subparagraph (A) on a competitive basis, taking into consideration the recommendations of the Pacific Region Education Laboratory in Honolulu, Hawaii.

“(C) USE.—Except as provided in subparagraph (D), grant funds awarded under this paragraph may be used only—

(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 that assist all students with meeting challenging State academic content standards.

“(D) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the amount reserved for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory under subparagraph (B).

“(4) SPECIAL RULE.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the freely associated States under this section.

“(5) DEFINITIONS.—For the purpose of subsections (a) and (b),—

“(A) ‘freely associated States’ means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

“(B) the term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(6) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

“(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a) 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—

(i) the term ‘outlying areas’ serving children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

(ii) ‘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 allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall allocate amounts to local educational agencies, on 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). The amount of such payments 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. ALLOCATIONS TO STATES.

“(a) ALLOCATION FORMULA.—Of the amount appropriated under section 1002(a) to carry out this part for each of fiscal years 2002 through 2007 (referred to in this subsection as the current fiscal year)—

“(1) an amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be allocated in accordance with section 1125; and

“(2) an amount equal to the amount made available to carry out section 1124A for fiscal year 2001 shall be allocated in accordance with section 1125.

“(3) an amount equal to 100 percent of the amount, if any, by which the amount made available to carry out sections 1124, 1124A, and 1125 for the current fiscal year for which the determination is made exceeds the amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be allocated in accordance with section 1125.

“(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—(1) IN GENERAL.—If the sums available under this subpart 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 and 1124A and 1125 for such fiscal year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

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

“(c) HOLD-HARMLESS AMOUNTS.—(1) AMOUNTS AVAILABLE.—For each fiscal year, the amount made available to each local educational agency under each of sections 1124, 1124A, and 1125 shall be—

(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted for grants under section 1124A for the preceding fiscal year is 90 percent or more of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 39 percent; and

(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

“(2) PAYMENTS.—If sufficient funds are appropriated, the amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124A for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria for 4 consecutive years shall no longer be eligible to receive a hold-harmless amount referred to in paragraph (1).

“(3) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of determining allocations under this title for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

“(4) POPULATION DATA.—For any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-harmless percentage 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 in that county, the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in accordance with this subsection.

“(5) Ratable reductions.—(1) IN GENERAL.—If the sums made available under this subpart for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under this subpart for such fiscal year, the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 32 percent, or 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 each local educational agency.

(B) AMOUNT OF GRANTS.—(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND WEALTH OF PUERTO RICO.—Except as provided in paragraph (4) and in sections 1126 and 1127, a grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying the number of children counted under subsection (c) and—

(ii) the 0.9 percent.

“(2) Of the amount determined under this subparagraph, not more than 20 percent, or more than 60 percent, of the average per-pupil expenditure in the United States.

“(C) MINTING IN CAYMAN ISLANDS.—(1) the term ‘State’ means the District of Columbia, the Commonwealth of Puerto Rico.

“(2) The term ‘State’ means the State that is receiving funds under this section under the jurisdiction of the Committee on Commerce, except that the term ‘State’ shall not include any local educational agency serving an area with a total population of 20,000 or more; and

“(3) the term ‘local educational agency’ means a local educational agency serving an area with a total population of less than 20,000.

“(D) ALLOCATIONS TO COUNTIES.—(1) CALCULATION.—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 subsection (c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations issued by the Secretary.

“(2) DIRECT ALLOCATIONS.—In any State in which a large number of local educational agencies are not expected to receive any grant, the Secretary shall either—

(iii) distribute grants to local educational agencies in the State that are not expected to receive any grant, in accordance with the provisions of section 1125.

“SEC. 1123. GRANTS TO THE NATIONAL MENTAL RETARDED CHILDREN’S RESEARCH CENTER.

“(a) AMOUNT OF GRANTS.—(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND WEALTH OF PUERTO RICO.—Except as provided in paragraph (4) and in sections 1126 and 1127, a grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying the number of children counted under subsection (c) and—

(ii) the 0.9 percent.

“(2) Of the amount determined under this subparagraph, not more than 20 percent, or more than 60 percent, of the average per-pupil expenditure in the United States.

“(C) MINTING IN CAYMAN ISLANDS.—(1) the term ‘State’ means the District of Columbia, the Commonwealth of Puerto Rico.

“(2) The term ‘State’ means the State that is receiving funds under this section under the jurisdiction of the Committee on Commerce, except that the term ‘State’ shall not include any local educational agency serving an area with a total population of 20,000 or more; and

“(3) the term ‘local educational agency’ means a local educational agency serving an area with a total population of less than 20,000.

“CAPITOL ALLOCATIONS TO COUNTIES.—(1) CALCULATION.—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 subsection (c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations issued by the Secretary.

“(B) DIRECT ALLOCATIONS.—In any State in which a large number of local educational agencies are not expected to receive any grant, the Secretary shall either—

(iii) distribute grants to local educational agencies in the State that are not expected to receive any grant, in accordance with the provisions of section 1125.
State educational agency may apply to the Secretary for authority to make the allocations under this subpart for a particular fiscal year directly to local educational agencies without regard to the adequacy of such allocations to meet the needs of such agencies.

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

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

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

“(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that it will establish a procedure through which any local educational agency that is dissatisfied with its determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

“(4) PUERTO RICO.—

(A) IN GENERAL.—For each fiscal year, the grant that the Commonwealth of Puerto Rico shall receive under this section shall be the amount determined by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the applicable per-pupil expenditure.

(i) subject to subparagraph (B), the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest and the per-pupil expenditure of any of the 50 States; and

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

(B) LIMITING PERCENTAGE.—The percentage in subparagraph (A)(i) shall not be less than—

(i) for fiscal year 2002, 77.5 percent;

(ii) for fiscal year 2003, 80.0 percent;

(iii) for fiscal year 2004, 82.5 percent;

(iv) for fiscal year 2005, 85.0 percent;

(v) for fiscal year 2006, 92.5 percent; and

(vi) for fiscal year 2007 and succeeding fiscal years, 100.0 percent.

(C) LIMITATION.—If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this subpart than it received under this subpart for the preceding fiscal year, the percentage in subparagraph (A) shall be the greater of—

(i) the percentage in subparagraph (A)(i);

(ii) the percentage specified in subparagraph (B) for the preceding fiscal year; or

(iii) the percentage used for the preceding fiscal year.

(D) DETERMINATION OF NUMBER OF CHILDREN.

(A) ELIGIBILITY FOR AND AMOUNT OF GRANTS.

(i) 0.25 percent of the total amount allocated to States under this section for fiscal year 2001, plus 0.35 percent of the total amount allocated to States under this section in excess of the amount allocated for fiscal year 2001; or

(ii) the average of—

(A) the amount calculated in paragraph (i), above; 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.

(B) MINIMUM NUMBER OF GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(i) ELIGIBILITY FOR AND AMOUNT OF GRANTS.

(A) IN GENERAL.—Except as otherwise provided in this subpart, any local educational agency 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) in the agency exceeds either—

(i) 6,500; or

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

(B) NOTWITHSTANDING SECTION 1122, NO STATE SHALL RECEIVE LESS THAN THE LESSER OF—

(i) 0.25 percent of the total amount allocated to States under this section for fiscal year 2001, plus 0.35 percent of the total amount allocated to States under this section in excess of the amount allocated for fiscal year 2001; or

(ii) the average of—

(A) the amount calculated under clause (i); and

(B) the greater of—

(i) $300,000; 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.

(ii) DETERMINATION.—For any county or local educational agency that is eligible for 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 each State except the Commonwealth of Puerto Rico for the Secretary, for the Commonwealth of Puerto Rico for the Secretary, and for the Commonwealth of Puerto Rico for the Commonwealth of Puerto Rico.

(iii) AMOUNT.—The amount of the additional grant for which an eligible local educational agency may be eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to

“{(C) Except for the data on children living in institutions for neglected or delinquent children, the Secretary of Health and Human Services shall collect and transmit the information required by this paragraph to the Secretary not later than January 1 of each year.

“(D) 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 (1)(A) in each school district, and the number of such children that 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 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 grants."

“{(4) 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—

(A) the amount calculated in paragraph (1), above; 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.

(6) ELIGIBILITY FOR AND AMOUNT OF GRANTS.

(A) IN GENERAL.—For each fiscal year, the amount allocated for fiscal year 2001, plus 0.35 percent of the total amount allocated to States under this section in excess of the amount allocated for fiscal year 2001; or

(B) the average of—

(A) the amount calculated in paragraph (1), above; 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.

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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) Grant amounts under this section shall be determined in accordance with paragraphs (2) and (4).

"(B) 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 its allocation under this section to make grants to local educational agencies that meet the criteria of paragraph (1)(A)(i) or (ii) and are in ineligible counties that do not meet the criteria.

"(C) SMALL STATES.—In any State for which on the date of enactment of the No Child Left Behind Act of 2001 the number of children counted under Section 1124(c) is less than 0.25 percent of the number of those children counted for all States, the State educational agency shall allocate funds under this section among the local educational agencies in the State either—

(i) in accordance with paragraphs (2) and (4) of subsection (b); or

(ii) based on their respective concentrations and numbers of children counted under Section 1124(c), except that only those local educational agencies that constitute not less than 29.20 percent of the number of children counted under Section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children 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 under this section shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of all 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 is—

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

(B) the amount determined under section 1124(a)(1)(B).

"(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 under section 1124(a)(4) for the Commonwealth of Puerto Rico.

"(c) WEIGHTED CHILD COUNT.—

"(1) WEIGHTS FOR ALLOCATIONS TO COUNTRIES.—

(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) WEIGHTED CHILD COUNT BASED ON AVERAGE CHILDREN.—The amount referred to in subparagraph (A) is determined by—

(i) the number of children determined under section 1124(c) for that county who constitute less than 10.00 percent 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 10.00 percent, but not more than 18.00 percent, of such population, multiplied by 1.5;

(iii) the number of such children who constitute more than 18.00 percent, but not more than 22.11 percent, of such population, multiplied by 2.5; and

(iv) the number of such children who constitute more than 22.11 percent, of such population, multiplied by 3.0.

"(C) WEIGHTED CHILD COUNT BASED ON PERCENTAGE OF COMMONWEALTH.—The number of children counted under section 1124(c) 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 1.82.

"(d) CALCULATION OF GRANT AMOUNTS.—

"(1) IN GENERAL.—The amount of the grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

"(2) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

(i) 0.35 percent of the total amount available to carry out this section; or

(ii) the average of—

(A) 0.35 percent of the total amount available to carry out this section; and

(B) the average of the same manner as grant amount under this section per child described in Section 1124(c), without application of a weighting factor, multiplied by the State’s total number of children described in section 1124(c), without application of a weighting factor.


"(a) FINDINGS.—Congress makes the following findings:

"(1) The current Basic Grant Formula for the distribution of funds under this part does not provide funds for the economically disadvantaged students for which such funds are targeted.

"(2) Any school district in which more than 2 percent of the students live below the poverty level qualifies for funding under the Basic Grant Formula.

"(3) 58 percent of all schools receive at least some funding under this part, including many suburban schools with predominantly well-off students.

"(4) Out of every 5 schools with concentrations of poor students between 50 and 75 percent receive no funding at all under this part.

"(5) In passing the Improving America’s Schools Act in 1994, Congress declared that grants under this part would more sharply target high poverty schools by using the Targeted Grant Formula, but annual appropriation Acts have prevented the use of the Targeted Grant Formula.

"(6) The advancement of the Targeted Grant Formula over other funding formulas under this part is that the Targeted Grant Formula provides increased grants per poor child as the percentage of economically disadvantaged children in a school district increases.

"(7) Studies have found that the poverty of a child’s family is much more likely to be associated with educational disadvantage if the family lives in an area with large concentrations of poor families and students.

"(8) States with large populations of high poverty students would receive significantly more funding if more funds under this part were allocated through the Targeted Grant Formula.

"(9) Congress has an obligation to allocate funds under this part so that such funds will positively affect the largest number of economically disadvantaged students.

"(10) LIMITATION ON ALLOCATION OF TITLE I FUNDS CONTINGENT ON ADEQUATE FUNDING OF
**TARGETED GRANTS.—**Pursuant to section 1122, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under this part shall not exceed the amount allocated for such programs and activities unless the amount available for targeted grants to local educational agencies under section 1125 in the applicable fiscal year meets the requirement determined under this section.

**SEC. 1125A. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.**

(a) GRANTS.—From funds appropriated pursuant to section 1124(c), the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the programs and activities in this part.

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

(I) IN GENERAL.—Except as provided in subparagraph (B), funds appropriated pursuant to subsection (f) shall be allotted to each State based on the number of children counted under section 1124(c) in such State multiplied by the product of—

(i) the amount in section 1124(a)(1)(B) for all States other than the Commonwealth of Puerto Rico, multiplied by 1.5; and

(ii) the amount in section 1124(a)(4)(A) for the Commonwealth of Puerto Rico, except that the amount in section 1124(a)(4)(A)(ii) shall be 34 percent of the average per pupil expenditure in the United States, and the amount in section 1124(a)(4)(A)(ii) shall be multiplied by 1.0.

(II) BY PERCENTAGE OF CHILDREN.—The Secretary shall compute a weighted child count for any fiscal year pursuant to section 1124(c), without application of a weighting factor calculated under subparagraph (A) for any such fiscal year to a State that meets the disparity standard described in section 1124(d), before application of section 1124(c).

(III) NUMBER OF PUPILS.—In determining the number of pupils in any section 1124(c), before application of section 1124(c) or for any fiscal year for which the Secretary determines under section 1124(c) that a county contains not more than 2.00 percent, but not more than 2.10 percent, of the average per pupil expenditure in the United States, the number of such children shall be calculated under section 1124(c) by a factor of 1.0.

(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.

(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 No Child Left Behind Act of 2001) or a State with only 1 local educational agency shall be not greater than 0.90.

(c) USE OF FUNDS; ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be allocated, consistent with section 1113, and may only be used by the State to allocate funds under this section to local educational agencies.

(d) ALLOCATION OF FUNDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Funds received by States under this section shall be allocated within States to local educational agencies on the basis of weighted child counts calculated in accordance with paragraph (1), (2), or (3), as appropriate for each State.

(1) BY NUMBER OF CHILDREN.—For each fiscal year for which the Secretary allocates funds under this section on the basis of counts, 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.

(2) STATES WITH AN EQUITY FACTOR LESS THAN .10.—In States with an equity factor less than .10, the weighted child counts referred to in subsection (d) shall be calculated as follows:

(A) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

(I) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate child count used to determine a county's allocation under this section, the larger of the 2 amounts determined under clauses (ii) and (iii).

(ii) NUMBER OF CHILDREN.—The number of children determined under section 1124(c) who constitute more than 15.80 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0.

(iii) BY PERCENTAGE OF CHILDREN.—The amount referred to in clause (i) is determined by adding—

(A) the number of children in excess of 35,314 in such population, multiplied by 1.0; and

(B) the number of children in excess of 93,811, inclusive, in such population, multiplied by 1.6.

(3) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .10 AND LESS THAN .20.—In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in subsection (d) shall be calculated as follows:

(A) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

(I) IN GENERAL.—For each fiscal year for which the States uses county population data to calculate child count used to determine a county's allocation under this section, the larger of the 2 amounts determined under clauses (ii) and (iii).

(ii) NUMBER OF CHILDREN.—The number of children determined under section 1124(c) who constitute more than 20.90 percent, but not more than 24.20 percent, of such population, multiplied by 1.5; and

(iii) BY PERCENTAGE OF CHILDREN.—The amount referred to in clause (i) is determined by adding—

(A) the number of children in excess of 19.00 percent, but not more than 20.90 percent, of such population, multiplied by 1.8; and

(B) the number of children in excess of 23,712, inclusive, in such population, multiplied by 1.5.

(4) STATES WITH AN EQUITY FACTOR GREATER THAN .20.—In States with an equity factor greater than .20, the weighted child counts referred to in subsection (d) shall be calculated as follows:

(A) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

(I) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child counts referred to in subsection (d) and the amount referred to in subsection (d) shall be calculated as follows:

(A) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

(I) IN GENERAL.—For each fiscal year for which the States uses county population data to calculate child count used to determine a county's allocation under this section, the larger of the 2 amounts determined under clauses (ii) and (iii).

(ii) NUMBER OF CHILDREN.—The number of children determined under section 1124(c) who constitute more than 15.80 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0.

(iii) BY PERCENTAGE OF CHILDREN.—The amount referred to in clause (i) is determined by adding—

(A) the number of children in excess of 93,811, inclusive, in such population, multiplied by 1.6; and

(B) the number of children in excess of 93,811, inclusive, in such population, multiplied by 1.6.
“(i) BY PERCENTAGE OF CHILDREN.—The amount referred to in clause (i) is determined by adding—

(1) the number of children determined under section 1124(c) who constitute not more than 15.00 percent, inclusive, of the county’s total population aged 5 to 17, inclusive, multiplied by 1.5; and

(II) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 2.0.

(III) the number of such children who constitute more than 19.00 percent, but not more than 24.20 percent, of such population, multiplied by 2.0; and

(IV) the number of such children who constitute more than 24.20 percent, but not more than 29.20 percent, of such population, multiplied by 2.0.

(V) the number of such children who constitute more than 29.20 percent, but not more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(1) BY PERCENTAGE OF CHILDREN.—The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 1124(c) who constitute not more than 15.00 percent, inclusive, of the county’s total population aged 5 to 17, inclusive, multiplied by 1.5; and

(II) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 2.0.

(III) the number of such children who constitute more than 19.00 percent, but not more than 22.11 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(IV) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(V) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(VI) BY PERCENTAGE OF CHILDREN.—The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 1124(c) who constitute not more than 15.00 percent, inclusive, of the county’s total population aged 5 to 17, inclusive, multiplied by 1.5; and

(II) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 2.0.

(III) the number of such children who constitute more than 19.00 percent, but not more than 22.11 percent, but not more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(IV) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(V) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(VI) the number of such children who constitute more than 38.24 percent of such population, multiplied by 4.0.

(VII) the number of such children who constitute more than 38.24 percent of such population, multiplied by 4.0.

(VIII) the number of such children who constitute more than 38.24 percent of such population, multiplied by 4.0.

(V) the number of such children in excess of 35,514 in such population, multiplied by 4.5.

(2) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .20.—In States with an equity factor greater than or equal to .20, the weighted child count referred to in subsection (d) shall be calculated as follows:

(A) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

(1) IN GENERAL.—For each fiscal year for which the Secretary determines that the number of children who constitute not more than 15.00 percent, inclusive, of the county’s total population aged 5 to 17, inclusive, multiplied by 1.5; and

(II) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 2.0.

(III) the number of such children who constitute more than 19.00 percent, but not more than 22.11 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(IV) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(V) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(VI) the number of such children who constitute more than 38.24 percent of such population, multiplied by 4.0.

(VII) the number of such children in excess of 35,514 in such population, multiplied by 4.5.

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(1) IN GENERAL.—For each fiscal year for which the Secretary determines that the number of children who constitute not more than 15.00 percent, inclusive, of the county’s total population aged 5 to 17, inclusive, multiplied by 1.5; and

(II) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 2.0.

(III) the number of such children who constitute more than 19.00 percent, but not more than 22.11 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(IV) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(V) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(VI) the number of such children who constitute more than 38.24 percent of such population, multiplied by 4.0.

(VII) the number of such children in excess of 35,514 in such population, multiplied by 4.5.

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(A) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

(1) IN GENERAL.—For each fiscal year for which the Secretary determines that the number of children who constitute not more than 15.00 percent, inclusive, of the county’s total population aged 5 to 17, inclusive, multiplied by 1.5; and

(II) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 2.0.

(III) the number of such children who constitute more than 19.00 percent, but not more than 22.11 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(IV) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(V) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(VI) the number of such children who constitute more than 38.24 percent of such population, multiplied by 4.0.

(VII) the number of such children in excess of 35,514 in such population, multiplied by 4.5.

(2) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .20.—In States with an equity factor greater than or equal to .20, the weighted child count referred to in subsection (d) shall be calculated as follows:

(A) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

(1) IN GENERAL.—For each fiscal year for which the Secretary determines that the number of children who constitute not more than 15.00 percent, inclusive, of the county’s total population aged 5 to 17, inclusive, multiplied by 1.5; and

(II) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 2.0.

(III) the number of such children who constitute more than 19.00 percent, but not more than 22.11 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(IV) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(V) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent of such population, multiplied by 4.0.

(VI) the number of such children who constitute more than 38.24 percent of such population, multiplied by 4.0.

(VII) the number of such children in excess of 35,514 in such population, multiplied by 4.5.
purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

**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 children as described in section 1124(c)(1)(B), the Secretary of the Treasury shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of the local educational agency's allocation under sections 1124, 1124A, 1125, and 1125A 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, 1125, and 1125A 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, 1125, and 1125A 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.**

"(1) If 2 or more local educational agencies receive, in whole or in part, such funds as are not reallocated under paragraph (b), the percentage limitation in subsection (a) may apply to the number of such allocations.

(b) **WAIVER.**

A State educational agency may, may not apply to any local educational agency that received less than $50,000 under this subpart for any fiscal year.

**PART B—STUDENT READING SKILLS 1128. FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.**

(a) **IN GENERAL.**

"(1) AUTHORIZATION TO MAKE GRANTS.—In the case of each State educational agency that in accordance with section 1203 submits to the Secretary an application for a 6-year period, the Secretary, from amounts appropriated under section 1002(b)(1) and subject to the application's approval, shall make a grant to the State educational agency for the uses specified in subsection (d). For each fiscal year, the funds made available under the grant shall equal the allotment determined for the State educational agency under subsection (b).

"(2) DURATION OF GRANTS.—Subject to subsection (e)(3), a grant under this section shall be awarded for a period of not more than 6 years.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.

for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(b) **DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve 

10 percent of such excess amount.
“(B) provide the funds in amounts related to the number or percentage of students in kindergarten through grade 3 who are reading below grade level.

(c) EDUCATION TO CERTAIN SCHOOLS.—In distributing subgrant funds under this subsection, an eligible local educational agency shall provide funds under that—

(1) are among the schools served by that eligible local educational agency with the highest percentages or numbers of students in kindergarten through grade 3 reading below grade level, based on the most currently available data; and

(2) are identified for school improvement under section 1116(b).

(d) REQUIREDSUBGRANTS.—Subject to paragraph (8), an eligible local educational agency that receives a subgrant under this subsection may use the funds provided under the subgrant to carry out the following:

(1) Humanities-based family literacy programs (which may be referred to as “Prime Time Family Reading Time”) that bond families around the acts of reading and using public libraries;

(2) Providing training in the essential components of reading instruction to a parent or other individual who volunteers to be a student’s reading tutor, to enable such parent or individual to support instructional practices that are based on scientifically based reading research and are being used by the student’s teacher;

(3) Assisting parents, through the use of materials, such as guides, and programs, strategies, and approaches (including family literacy services) that are based on scientifically based reading research, to encourage reading and support their child’s reading.

(8) LOCAL PLANNING AND ADMINISTRATION.—An eligible local educational agency that receives a subgrant under this subsection shall give priority to carrying out the activities described in paragraph (2), in paragraphs (3), (4), and (5) for schools described in subsection (c)(6).

(9) STATE USES OF FUNDS.—(1) In general.—A State educational agency that receives a grant under this section may expend not more than 3.5 percent of the funds provided under the subgrant for planning and administration.

(2) PRIORITY.—A State educational agency shall give priority to carrying out the activities described in paragraphs (3), (4), and (5) for schools described in subsection (c)(6).

(3) PROFESSIONAL INSERVICE AND PRESERVATION DEVELOPMENT AND REVIEW.—A State educational agency may expend not more than 55 percent of the amount of the funds made available under paragraph (1)—

(1) to develop and implement a program of professional development, including, where appropriate, special education teachers, of kindergarten through grade 3 that—

(i) will prepare these teachers in all of the essential components of reading instruction;

(ii) shall include—

(aa) information on instructional materials, programs, strategies, and approaches based on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches; and

(bb) instruction in the use of screening, diagnostic, and classroom-based instructional reading assessments and other scientifically based procedures that effectively identify students who may be at risk for reading failure or who are having difficulty acquiring reading skills;

(iii) shall be provided by eligible professional development providers;

(II) to strengthen and enhance preserve courses for students preparing, at all public institutions of higher education in the State, to teach kindergarten through grade 3 by—

(i) revisiting courses to determine whether the courses’ content is consistent with the findings of the most current scientifically based reading research, including findings on the effectiveness of classroom-based reading instruction;

(ii) following up such reviews with recommendations to ensure that such institutions offer courses that meet the highest standards; and

(iii) preparing a report on the results of such reviews, submitting the report to the reading...
above, significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(I) who are reading at grade level or above, and successfully implemented this subpart.

(iii) 3 individuals selected by the National Research Council of the National Academy of Sciences; and

(iv) 3 individuals selected by the National Institute of Child Health and Human Development.

(B) EXPERTS.—The expert panel shall include—

(i) experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section;

(ii) experts who provide professional development to individuals who teach reading to children and adults based on scientifically based reading research;

(iii) experts who provide professional development to other instructional agencies based on scientifically based reading research;

(iv) an individual who has expertise in screening, diagnostic, and classroom-based instructional reading assessments.

(C) REQUIREMENTS.—The panel shall recommend grant applications from State educational agencies under this section to the Secretary for funding or for disapproval.

(D) READING AND LITERACY PARTNERSHIPS.—

(1) IN GENERAL.—For a State educational agency to receive a grant under section 1202, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership.

(2) REQUIRED PARTICIPANTS.—The reading and literacy partnership shall include the following participants:

(A) The Governor of the State.

(B) The chief State school officer.

(C) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

(D) A representative, selected jointly by the Governor and the chief State school officer, of at least 1 eligible local educational agency.

(E) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.

(F) State directors of appropriate Federal or State programs with a strong reading component, selected jointly by the Governor and the chief State school officer.

(G) A parent of a public or private school student or a parent who educates the parent’s child in the parent’s home, selected jointly by the Governor and the chief State school officer.

(H) A teacher, who may be a special education teacher, who successfully teaches reading, and another instructional staff member, selected jointly by the Governor and the chief State school officer.

(I) A family literacy service provider selected jointly by the Governor and the chief State school officer.

(J) A reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of—

(A) an institution of higher education operating a program of teacher preparation in the field described in subsection (a) or (b) that is based on scientifically based reading research;

(B) a local educational agency;

(C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;

(D) an adult education provider;

(E) a volunteer organization that is involved in reading programs; or

(F) a school library or a public library that offers reading or library programs for children or families.

(PREEXISTING PARTNERSHIP.—If, before the date of enactment of the No Child Left Behind Act of 2001, a State educational agency established a consortium, partnership, or any other similar body that was considered a reading and
literacy partnership for purposes of part C of title II of this Act (as such part was in effect on the day before the date of enactment of No Child Left Behind Act of 2001), that consortium, partnership, or body may be considered a reading and literacy partnership for purposes of this subsection consistent with the provisions of this subpart.

**SEC. 1204. ELIGIBILITY CRITERIA FOR AWARDING TARGETED ASSISTANCE GRANTS TO STATES.—Beginning with fiscal year 2004, from funds appropriated under section 1202(b)(1)(E), the Secretary shall make grants, on a competitive basis, to those State educational agencies that—**

"(1) for each of 2 consecutive years, demonstrate that an increasing percentage of third grade students, as measured based on the requirements described in section 1111(b)(2)(C)(ii)(II) in the schools served by the local educational agencies receiving funds under section 1202 are reaching the proficient level in reading; and

"(2) for each of the same such consecutive 2 years, demonstrate that schools receiving funds under section 1202 are improving the reading skills of students in grades 1, 2, and 3 based on screening, diagnostic, and classroom-based instructional reading assessments.

**SEC. 1205. EXTERNAL EVALUATION.—**

"(a) IN GENERAL.—From funds reserved under section 1202(b)(1)(C), the Secretary—

"(1) may provide technical assistance in achieving the purposes of this subpart to State educational agencies, local educational agencies, and schools requesting such assistance;

"(2) shall, at a minimum, seek the impact of services provided to children under this subpart with respect to their referral to, and eligibility for, special education services under the Individuals with Disabilities Education Act (based on their disabilities learning to read); and

"(3) shall carry out the external evaluation as described in section 1205.

**SEC. 1206. NATIONAL ACTIVITIES.**

"(a) IN GENERAL.—From funds reserved under section 1202(b)(1)(C), the Secretary—

"(1) may provide technical assistance in achieving the purposes of this subpart to State educational agencies, local educational agencies, and schools requesting such assistance;

"(2) shall, at a minimum, seek the impact of services provided to children under this subpart with respect to their referral to, and eligibility for, special education services under the Individuals with Disabilities Education Act (based on their disabilities learning to read); and

"(3) shall carry out the external evaluation as described in section 1205.

**SEC. 1207. DISSEMINATION.**

"(a) IN GENERAL.—From funds reserved under section 1202(b)(1)(C), the National Institute for Literacy, in collaboration with the Secretary of Education, the Secretary of Health and Human Services, and the Director of the National Institute for Child Health and Human Development shall—

"(1) disseminate information on scientifically based reading research pertaining to children, youth, and adults;

"(2) identify and disseminate information about successful local educational agencies, and State educational agencies that have effectively developed and implemented classroom reading programs that meet the requirements of this subpart, including those State educational agencies, local educational agencies, and schools that have been identified through the evaluation and peer review provisions of this subpart; and

"(3) support the continued identification and dissemination of information on reading programs that contain the essential components of reading instruction as supported by scientifically based reading research, that can lead to improved reading outcomes for children, youth, and adults.

"(b) DISSEMINATION AND COORDINATION.—At a minimum, the National Institute for Literacy shall disseminate the information described in subsection (a) to—

"(1) recipients of Federal financial assistance under this title, title III, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Education and Family Literacy Act; and

"(2) each Bureau funded school (as defined in section 1141 of the Education Amendments of 1978).

"(c) USE OF EXISTING NETWORKS.—In carrying out this section, the National Institute for Literacy shall, to the extent practicable, use existing information and dissemination networks developed and maintained through public and private entities including through the Department and the National Center for Family Literacy.

"(d) NATIONAL INSTITUTE FOR LITERACY.—For purposes of section 1202(b)(1)(D) to carry out this section, the National Institute for Literacy shall administer
such funds in accordance with section 242(b) of Public Law 105–220 (relating to the establishment and administration of the National Institute for Literacy).

**SEC. 1202. DEFINITIONS.**

In this subpart:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ‘eligible local educational agency’ means a local educational agency that—

(A) administers the local educational agencies in the State with the highest numbers or percentages of students in kindergarten through grade 3 reading below grade level, based on the most currently available data; and

(B) has—

(i) jurisdiction over a geographic area that includes an area designated as an empowerment zone, an enterprise community, under part 1 of subchapter U of chapter 1 of the Internal Revenue Code of 1986; and

(ii) jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 1116(b); or

(iii) the highest numbers or percentages of children who are counted under section 1124(c), in comparison to other local educational agencies in the State.

(2) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.—The term ‘eligible professional development provider’ means a provider of professional development in reading instruction to teachers, including special education teachers, that is based on scientifically based reading research.

(3) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term ‘essential components of reading instruction’ means explicit and systematic instruction in—

(A) phonemic awareness;

(B) phonics;

(C) vocabulary development;

(D) reading fluency, including oral reading skills; and

(E) reading comprehension strategies.

**SEC. 1203. INSTRUCTIONAL STAFF.**—The term ‘instructional staff’—

(A) means individuals who have responsibility for teaching children to read; and

(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

**SEC. 1204. READING.**—The term ‘reading’ means a complex system of deriving meaning from print that results from the following:

(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

(B) The ability to decode unfamiliar words.

(C) The ability to read fluently.

(D) Sufficient background information and vocabulary to foster reading comprehension.

(E) The development of appropriate active strategies to construct meaning from print.

(F) The development and maintenance of motivational to read.

**SEC. 1205. SCIENTIFICALLY BASED READING RESEARCH.**—The term ‘scientifically based reading research’ means research that—

(A) applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

(B) includes research that—

(i) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the derived conclusions;

(ii) involves procedures that provide valid data across evaluators and observers and across multiple measurements and other observations; and

(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and other observations; and

(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

(2) SCREENING, DIAGNOSTIC, AND CLASSROOM-BASED INSTRUCTIONAL READING ASSESSMENTS.—

(A) IN GENERAL.—The term ‘screening, diagnostic, and classroom-based instructional reading assessments’ means—

(i) screening assessments;

(ii) diagnostic assessments; and

(iii) classroom-based instructional reading assessments.

(B) SCREENING READING ASSESSMENT.—The term ‘screening reading assessment’ means an assessment that is—

(i) valid, reliable, and based on scientifically based reading research; and

(ii) used for the purpose of—

(i) identifying a child’s specific areas of strengths and weaknesses so that the child has learned to read by the end of grade 3; and

(ii) determining difficulties that a child may have in learning to read and the potential cause of such difficulties; and

(iii) helping to determine possible reading intervention strategies and related special needs.

(C) DIAGNOSTIC READING ASSESSMENT.—The term ‘diagnostic reading assessment’ means an assessment that is—

(i) valid, reliable, and based on scientifically based reading research; and

(ii) used for the purpose of—

(i) evaluates children’s learning based on systematic observations by teachers of children performing academic tasks that are part of their daily classroom experience; and

(ii) is used to improve instruction in reading, including classroom instruction.

Subpart 2—Early Reading First

**SEC. 1211. PURPOSES, DEFINITIONS.**

(a) PURPOSES.—The purposes of this subpart are as follows:

(1) To support local efforts to enhance the early language, literacy, and prereading development of all preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically based research.

(2) To provide preschool age children with cognitive learning opportunities in high-quality language and literacy-rich environments, so that the children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.

(3) To support and improve the success of the activities supported under this section.

(4) To foster literacy development, including the development of essential components of reading instruction and other support, to provide high-quality language, literacy, and prereading activities using scientifically based reading research, for preschool age children.

(5) To foster the development of early language acquisition, prereading activities, and the development of spoken vocabulary skills;

(6) To ensure the proposed project will help staff in the programs to meet more effectively the diverse needs of preschool age children in the community, including such children with limited English proficiency, disabilities, or other special needs.

(7) To ensure the proposed project will integrate such instructional materials and literacy activities with existing preschool programs and family literacy services.

(8) To ensure the proposed project will provide services and use instructional materials that are based on scientifically based reading research early language acquisition, prereading activities, and the development of spoken vocabulary skills.

(9) To ensure the proposed project will foster the development of essential components of reading instruction and other support, to provide high-quality language, literacy, and prereading activities using scientifically based reading research, for preschool age children.

(b) APPLICATIONS.—An eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary, which shall include a description of—

(1) the programs to be served by the proposed project, including demographic and socio-economic information on preschool age children enrolled in the programs;

(2) how the proposed project will enhance the school readiness of preschool age children in high-quality oral language and literacy-rich environments;

(3) how the proposed project will prepare and provide ongoing assistance to staff in the programs to meet more effectively the diverse needs of preschool age children in the community, including such children with limited English proficiency, disabilities, or other special needs;

(4) how the proposed project will provide services and use instructional materials that are based on scientifically based reading research early language acquisition, prereading activities, and the development of spoken vocabulary skills;

(5) how the proposed project will prepare and provide ongoing assistance to staff in the programs to meet more effectively the diverse needs of preschool age children in the community, including such children with limited English proficiency, disabilities, or other special needs;

(6) how the proposed project will provide services and use instructional materials that are based on scientifically based reading research early language acquisition, prereading activities, and the development of spoken vocabulary skills;

(7) how the proposed project will enhance the school readiness of preschool age children in high-quality oral language and literacy-rich environments;

(8) how the proposed project will prepare and provide ongoing assistance to staff in the programs to meet more effectively the diverse needs of preschool age children in the community, including such children with limited English proficiency, disabilities, or other special needs;
subpart in enhancing the early language, literacy, and prereading development of preschool age children served by the project; and
(10) such other information as the Secretary may require.

"(c) APPROVAL OF LOCAL APPLICATIONS.—The Secretary shall select applicants for funding under this subpart based on the quality of the applications and the recommendations of a peer review panel convened under section 1203(c)(2), that includes, at a minimum, 3 individuals, selected from the entities described in clauses (ii), (iii), (v), (vi), (vii), (viii), and (ix) of subsection (b), who are experts in early reading development and early childhood development.

"(d) AUTHORIZED ACTIVITIES.—An eligible applicant under this subpart shall use the funds provided under the grant to carry out the following activities:

(1) Providing preschool age children with high-quality oral language and literacy-rich environments in which to acquire language and prereading skills.

(2) Providing professional development that is based on scientifically based reading research knowledge of early language and reading development for the staff of the eligible applicant and that will assist in developing the preschool age children—
(A) recognition, leading to automatic recognition, of letters of the alphabet, knowledge of letter sounds, and increasingly complex vocabulary;
(B) understanding that written language is composed of phonemes and letters each representing 1 or more speech sounds that in combination make up syllables, words, and sentences;
(C) spoken language, including vocabulary and oral comprehension abilities; and
(D) knowledge of the purposes and conventions of print.

(3) Identifying and providing activities and instructional materials that are based on scientifically based reading research to develop the skills and abilities described in paragraph (2).

(4) Acquiring, providing training for, and implementing screening reading assessments or other appropriate measures that are based on scientifically based reading research to determine whether preschool age children are developing the skills described in this subsection.

(5) Integrating such instructional materials, activities, tools, and measures into the programs offered by the eligible applicant under this subpart.

(6) AWARD AMOUNTS.—The Secretary shall establish a maximum award amount, or ranges of award amounts, for grants under this subpart.

"(e) REPORTS.—The reports submitted under subsection (b) shall include information on the following:

(1) How the grant recipients under this subpart are implementing the prereading skills of preschool children;

(2) The effectiveness of the professional development program assisted under this subpart.

(3) How the amount awarded to the eligible applicant was prepared with scientifically based reading research on early reading development.

(4) What activities and instructional practices are most effective.

(5) How prereading instructional materials and literacy activities based on scientifically based reading research are being integrated into preschools, child care agencies and programs, programs carried out under the Head Start Act, and family literacy programs.

(6) Any recommendations on strengthening or modifying this subpart.

"Subpart 3—William F. Goodling Even Start Family Literacy Programs

"SEC. 1231. STATEMENT OF PURPOSE.

It is the purpose of this subpart to help break the cycle of poverty and illiteracy by—

(1) improving the educational opportunities of the Nation’s low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as an ‘‘Even Start’’; and

(2) establishing a program that shall—

(A) be implemented through cooperative projects that build on high-quality existing community resources to create a new range of services;

(B) promote the academic achievement of children and adults;

(C) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student achievement standards; and

(D) use instructional programs based on scientifically based reading research and addressing the prevention of reading difficulties for children and adults, to the extent such research is available.

"SEC. 1232. PROGRAM AUTHORIZED.

"(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall reserve not more than 6 percent of such amount for grants under this subpart. In any fiscal year, if the amount appropriated under section 1002(b)(3) for such fiscal year—

(A) is equal to or less than the amount appropriated for the preceding fiscal year, the Secretary shall reserve from such amount only the amount necessary to continue multi-year activities carried out pursuant to section 1241(b) that began during or prior to the fiscal year preceding the fiscal year for which the determination is made; or

(B) exceeds the amount appropriated for the preceding fiscal year, then the Secretary shall reserve from such amount not more than 3 percent of such amount, whichever is less, to carry out section 1241(b).

(2) CONSORTIA.—

(B) The Head Start Act.

(3) The Adult Education and Family Literacy Act.

(4) the results of the evaluation described in section 1222(b)(9).

"(2) FINAL REPORT.—Not later than September 30, 2006, the Secretary shall submit a final report to the committees described in paragraph (1).

"(f) CONTENTS.—The reports submitted under subsection (b) shall include information on the following:

(1) How the grant recipients under this subpart are implementing the prereading skills of preschool children;

(2) The effectiveness of the professional development program assisted under this subpart.

(3) How the amount awarded to the eligible applicant was prepared with scientifically based reading research on early reading development.

(4) What activities and instructional practices are most effective.

(5) How prereading instructional materials and literacy activities based on scientifically based reading research are being integrated into preschools, child care agencies and programs, programs carried out under the Head Start Act, and family literacy programs.

(6) Any recommendations on strengthening or modifying this subpart.

"(g) GRANTS AUTHORIZED.—

(1) In general.—For any fiscal year for which section 1231 is available.
resources, derived from the programs referred to in subparagraph (A), to strengthen and expand family literacy services in the State.

(C) COORDINATION WITH SUBPART 1.—The consultation and coordinated activities under this paragraph with the activities of the reading and literacy partnership for the State educational agency established under section 1232d, if the State educational agency receives a grant under section 1202.

(3) READING INSTRUCTION.—Statewide family literacy programs and other activities implemented under this sub-paragraph shall base reading instruction on scientifically based reading research.

(4) TECHNICAL ASSISTANCE.—The Secretary shall make grants or contracts, through a grant or contract with an organization with experience and expertise in the development and operation of successful family literacy programs, technical assistance to State educational agencies receiving a grant under this subsection.

(5) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State educational agency under this subsection unless the State educational agency agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant is awarded, the State educational agency will make available non-Federal contributions in an amount equal to not less than the Federal share under the grant.

(d) STATE EDUCATIONAL AGENCY ALLOCATIONS.—

(1) IN GENERAL.—From amounts appropriated under section 1002(g)(3) and not reserved under subsection (a), (b), or (c), the Secretary shall make grants to State educational agencies from all funds not reserved under paragraphs (B) and (C), as provided in paragraphs (B) and (C), no State educational agency shall make a grant to a State educational agency established under section 1232d(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

(2) MINIMUM SUBGRANT AMOUNTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State educational agency shall award a subgrant under paragraph (1) in an amount less than $75,000.

(B) SUBGRANTS FOR LOCAL PROGRAMS.—

(I) IN GENERAL.—Each State educational agency shall make grants for subgrants to eligible entities provided in subparagraph (A) for fiscal year to carry out an Even Start program that is receiving assistance under this subpart as its subsidiary and may waive, in whole or in part, the Federal share under this subpart, including testing, referral to necessary counseling, and other needed services, provided by a State educational agency through subgrants.

(2) ENSURING QUALITY.—

(A) DEFINITIONS.—For the purpose of this subpart, each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(B) MENTORSHIP.—

(1) the term ‘eligible entity’ means a partnership composed of—

(A) a local educational agency; and

(B) a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education, or a public or private nonprofit organization other than a local educational agency, of demonstrated quality;

(2) the term ‘eligible organization’ means any public or private nonprofit organization with a record of providing effective family literacy services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

(3) the term ‘Indian tribe’ and ‘tribal organization’ have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act;

(4) the term ‘scientifically based reading research’ has the meaning given that term in section 1203; and

(5) the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1233. STATE EDUCATIONAL AGENCY LEVEL ACTIVITIES.—Each State educational agency that receives a grant under section 1232d(1) may use not more than a total of 6 percent of the grant funds for the costs of—

(1) administration, which amount shall not exceed half of the total administrative cost for the State educational agency under this subpart.

(2) providing, through 1 or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b); and

(3) carrying out sections 1240 and 1242(c).

(4) TECHNICAL ASSISTANCE.—The Secretary may make grants to an organization with experience and expertise in the development and operation of successful family literacy programs, technical assistance to State educational agencies receiving a grant under this subsection.

(5) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State educational agency under this subsection unless the State educational agency agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State educational agency will make available non-Federal contributions in an amount equal to not less than the Federal share under the grant.

(d) STATE EDUCATIONAL AGENCY ALLOCATIONS.—

(1) IN GENERAL.—From amounts appropriated under section 1002(g)(3) and not reserved under subsection (a), (b), or (c), the Secretary shall make grants to State educational agencies from all funds not reserved under paragraphs (B) and (C), as provided in paragraphs (B) and (C), no State educational agency shall make a grant to a State educational agency established under section 1232d(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

(2) MINIMUM SUBGRANT AMOUNTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State educational agency shall award a subgrant under paragraph (1) in an amount less than $75,000.

(B) SUBGRANTS FOR LOCAL PROGRAMS.—

(I) IN GENERAL.—Each State educational agency shall award a subgrant under paragraph (1) in an amount less than $75,000.

(II) MINIMUM SUBGRANT AMOUNTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State educational agency shall award a subgrant under paragraph (1) in an amount less than $75,000.

(B) SUBGRANTS FOR LOCAL PROGRAMS.—

(I) IN GENERAL.—Each State educational agency shall award a subgrant under paragraph (1) in an amount less than $75,000.

(II) MINIMUM SUBGRANT AMOUNTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State educational agency shall award a subgrant under paragraph (1) in an amount less than $75,000.

(B) SUBGRANTS FOR LOCAL PROGRAMS.—

(I) IN GENERAL.—Each State educational agency shall award a subgrant under paragraph (1) in an amount less than $75,000.

(II) MINIMUM SUBGRANT AMOUNTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State educational agency shall award a subgrant under paragraph (1) in an amount less than $75,000.
early childhood education, elementary school or secondary school education, or adult education; and

(11) if applicable, shall meet qualifications established by the Secretary for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

(ii) the individual responsible for administration of family literacy services under this subpart has received training in the operation of a family literacy program; and

(iii) paraprofessionals who provide support for academic instruction have a secondary school or equivalent educational attainment; and

(12) (B) all new personnel hired to provide academic instruction—

(i) have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

(ii) if applicable, meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

(iii) special training, including child-care staff, to develop the skills necessary to work with children and young children in the full range of instructional services offered through this subpart;

(iv) provide and monitor integrated instructional services to participating parents and children through home-based programs;

(v) operate on a year-round basis, including the provision of some programs, services, including instructional and enrichment services, during the summer months;

(i) be coordinated with—

(A) any program assisted under this Act; and

(B) any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Investment Act of 1998; and

(C) the Head Start program, volunteer literacy programs, and other relevant programs;

(ii) use instructional programs based on scientifically based reading research for children and adults, to the extent that research is available;

(iii) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

(iv) develop and implement readiness assessments for preschool children based on scientifically based reading research, to the extent available, to ensure that children enter school ready to learn to read;

(iv) if applicable, promote the continuity of family literacy to ensure that individuals retain and improve their educational outcomes;

(v) ensure that the programs will serve those families most in need of the activities and services provided by this subpart; and

(vi) provide for an independent evaluation of the program, to be used for program improvement.

SEC. 1236. ELIGIBLE PARTICIPANTS.

(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program include—

(1) a parent or parents—

(A) who are eligible for participation in adult education and literacy services under the Adult Education and Family Literacy Act; or

(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this subpart, or who are attending secondary school; and

(2) an individual who is under age 7, of any individual described in paragraph (1).

(1) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may also participate in services provided under this subpart, when appropriate to serve the purpose of this subpart.

(2) SPECIAL CASES.—If a family participating in a program assisted under this subpart that becomes ineligible to participate as a result of 1 or more members of the family becoming ineligible to participate in the program until all members of the family become eligible to participate, which—

(A) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of the family attaining the age of 8, shall be in 2 years when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of the family, shall be when all children in the family attain the age of 8.

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

SEC. 1237. APPLICATIONS.

(a) SUBMISSION.—To be eligible to receive a subgrant under this subpart, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

(1) to develop, administer, and implement an Even Start program under this subpart; and

(2) to provide access to the special training necessary to prepare staff for the program, which may be offered by an eligible organization.

(c) PLAN.—

(1) IN GENERAL.—The application shall also include a plan of operation and continuous improvement for the program, that includes—

(A) a description of the program objectives, strategies to meet those objectives, and how those strategies and objectives are consistent with the program indicators established by the State;

(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1235;

(C) a description of the population to be served and an estimate of the number of participants to be served;

(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

(E) a statement of the methods that will be used—

(i) to ensure that the programs will serve families most in need of the activities and services provided by this subpart;

(ii) to calculate the extent to which the program serves individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

(iii) to estimate the number of participants to remain in the program for a time sufficient to meet the program's purpose;

(F) a description of how the plan is integrated with other programs under this Act or other Acts, as appropriate; and

(G) a description of how the program provides for continuous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement.

(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1) shall—

(A) remain in effect for the duration of the eligible entity’s participation under this subpart; and

(B) be periodically reviewed and revised by the eligible entity as necessary.

(d) CONSOLIDATED APPLICATION.—The plan described in subsection (a)(2) may be submitted as part of a consolidated application under section 9302.

SEC. 1238. AWARD OF SUBGRANTS.

(a) SELECTION PROCESSES.—

(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with paragraph (3) that will approve applications that—

(A) are most likely to be successful in—

(i) meeting the purpose of this subpart; and

(ii) effectively implementing the program elements required under section 1235.

(B) demonstrate that the services to be offered by the program has a high percentage or a large number of children and families who are in need of services as indicated by levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators, such as a high percentage of children to be served by the program who reside in a school attendance area served by a local educational agency eligible for participation in programs under part A, a high number or percentage of parents who have been victims of domestic violence, or a high number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(C) provide services for at least a 3-year age range, which may begin at birth;

(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

(E) include cost-effective budgets, given the scope of the application;

(F) demonstrate the applicant's ability to provide the non-Federal share required by section 1234(b);

(G) demonstrate the greatest promise for providing models that may be adopted by other family literacy projects and other local educational agencies;

(2) PRIORITY FOR SUBGRANTS.—The State educational agency shall give priority for subgrants under this subsection to applications that—

(A) target services primarily to families described in paragraph (1)(B), or

(B) are located in areas designated as empowerment zones or enterprise communities.

(3) REVIEW PANEL.—A review panel shall consist of at least 3 members, including 1 early childhood professional, 1 adult education professional, and 1 individual with expertise in family literacy programs, and may include other individuals, such as 1 or more of the following:

(A) A representative of a parent-child education organization.

(B) A representative of a community-based literacy organization.

(C) A member of a local board of education.

(D) A representative of business and industry with a commitment to education.

(E) An individual who has been involved in the implementation of programs under this title in the State.

F) DURATION.
“(1) In general.—Subgrants under this subpart may be awarded for a period not to exceed 4 years.

(2) Startup period.—The State educational agency receiving formula grants under this subpart shall continue a program under this subpart after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1232(b)(1), and shall evaluate the program based on the indicators of program quality developed by the State under section 1240.

(3) Insufficient Progress.—The State educational agency may refuse to award subgrant funds to an eligible entity if the agency finds that the eligible entity has not sufficiently improved the performance of the program, as evaluated based on the indicators of program quality developed by the State under section 1240, after—

(A) providing technical assistance to the eligible entity; and

(B) affording the eligible entity notice and an opportunity for a hearing.

(4) Grant Renewal.—(A) An eligible entity that has previously received a subgrant under this subpart may reapply under this subpart for additional subgrants.

(B) The Federal share of any subgrant rereceived under subparagraph (A) shall be limited in accordance with section 1234(b).

SEC. 1239. EVALUATION.

(1) Evaluation.—From amounts reserved under section 1232(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this subpart—

(A) to determine the performance and effectiveness of programs assisted under this subpart;

(B) to identify effective Even Start programs assisted under this subpart that can be duplicated and used in providing technical assistance to Federal, State, and local programs; and

(C) to provide State educational agencies and eligible entities receiving a subgrant under this subpart an opportunity through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to ensure that local educational agencies carry out longitudinal studies of the development of literacy skills in children and have developed effective interventions to help children with reading difficulties.

(2) Use of Expert Entity.—The National Institute for Literacy shall disseminate, pursuant to section 1207, the results of the research described in subsections (a) and (b) to State educational agencies and recipients of subgrants under this subpart.

SEC. 1242. CONSTRUCTION.

“Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

Subpart 4—Improving Literacy Through School Libraries

SEC. 1251. IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.

(1) Purposes.—The purpose of this subpart is to improve literacy, information, and academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists.

(2) Formula grants.—From funds appropriated under section 1002(b)(4), for a fiscal year, the Secretary shall reserve—

(A) 1/2 of 1 percent to award assistance under this section to the Bureau of Indian Affairs to parents to parents need to support their children’s literacy development.

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

(iii) how family literacy services can best provide parent education to the Bureau of Indian Affairs.

(C) grade retention and promotion; and

(D) such other indicators as the State may develop.

(3) Definition of Local Educational Agency.—In this section the term ‘‘eligible local educational agency’’ means—

(a) in the case of a local educational agency receiving assistance made available under paragraphs (1) and (2), a local educational agency in which—

(i) less than 80 percent of the students served by the local educational agency are from families with income below the poverty line; and

(ii) the percentage of students from such families who are served by the local educational agency is greater than the statewide percentage of children from such families.

(b) with respect to eligible participants in a school district or community served by a local educational agency, receives assistance from State allocations made available under paragraph (2), a local educational agency in which—

(i) at least 33 percent of the students who are served by the local educational agency are from such families; or

(D) the percentage of students from such families who are served by the local educational agency is greater than the statewide percentage of children from such families.

(4) Allotments.—From funds made available under subsection (c)(2) and not reserved under subsections (b) and (i) for a fiscal year, the Secretary shall—

(A) allocate funds to States;

(B) allocate funds to the Bureau of Indian Affairs; and

(C) allocate funds to the outlying areas according to section 1242(b)(1).
“(A) how the State educational agency will assist eligible local educational agencies in meeting the requirements of this section and in using scientifically based research to implement effective school library media programs; and

(B) the standards and techniques the State educational agency will use to evaluate the quality and impact of activities carried out under this section by eligible local educational agencies to determine the need for technical assistance and whether to continue to provide additional funding to the agencies under this section.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring assistance under this section shall submit to the Secretary or State educational agency, as appropriate, an application at such time, in such manner, and containing such information as the Secretary or State educational agency, respectively, shall require. The application shall contain a description of—

(A) a needs assessment relating to the need for school library media improvement, based on the age and condition of school library media resources, including book collections, access of school library media centers to advanced technology, the quality of virtual and other school, library, school librarians, and other school librarians and educators who are in the activities assisted under this section, and with the number of the eligible local educational agency that will carry out the activities described in subsection (g);

(B) the manner in which the eligible local educational agency will use the funds made available through the grant to carry out the activities described in subsection (g); and

(C) the manner in which the eligible local educational agency will effectively coordinate the funds and activities provided under this section with Federal, State, and local funds and activities under this part and other efforts by the school library media specialists, teachers, administrators, and parents in the activities assisted under this section, and with the manner in which the eligible local educational agency will carry out the activities described in subsection (g) using programs and materials that are grounded in scientifically based research;

(D) the manner in which the eligible local educational agency will coordinate and analyze data on the quality and impact of activities that are carried out by the school library media resources, including books;

(E) acquire and use advanced technology, incorporated into the curricula of the school, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

(F) facilitate Internet links and other resources among schools and school library media centers, and public and academic libraries, where possible;

(G) professional development described in section 1222(d)(2) for school library media specialists, and activities that foster increased collaboration between school library media specialists, teachers, and administrators; and

(H) provide students with access to school library materials during nonschool hours, including the hours before and after school, during school breaks, and during summer vacation periods.

(b) ACCOUNTABILITY AND REPORTING.—

(1) LOCAL REPORTS.—Each eligible local educational agency that receives funds under this section for a fiscal year shall report to the Secretary or State educational agency, as appropriate, on how the funding was used and the extent to which the eligible local educational agency used the funding to improve the quality and use of, up-to-date school library media resources in the elementary schools and secondary schools served by the eligible local educational agency was increased.

(2) STATE REPORT.—Each State educational agency that receives funds under this section shall report to the Secretary or State educational agency, as appropriate, on how the funding was used and submit the compiled report to the Secretary.

(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development.

(j) NATIONAL ACTIVITIES.—

(1) EVALUATIONS.—From the funds appropriated under this section, the Secretary shall reserve not more than 1 percent for annual, independent, national evaluations of the activities assisted under this section and their impact on improving the reading skills of students. The evaluations shall be conducted not later than 3 years after the date of enactment of the No Child Left Behind Act of 2001, and biennially thereafter.

(2) REPORT TO CONGRESS.—The Secretary shall transmit the State reports received under subsection (h)(2) and the evaluations conducted under this section 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 and the Committee on Education and the Workforce of the House of Representatives.

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 1301. PROGRAM PURPOSE.

It is the purpose of this part to assist States to—

(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

(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 academic achievement standards;

(3) ensure that migratory children are provided with appropriate educational services (including supplementary services) that address their special needs in a coordinated and efficient manner;

(4) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;

(5) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that hinder the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and

(6) ensure that migratory children benefit from State and local systemic reforms.

SEC. 1302. PROGRAM AUTHORIZED.

In order to carry out the purpose of this part, the Secretary may make grants to the States, educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

SEC. 1303. STATE ALLOCATIONS.

(a) STATE ALLOCATIONS.

(1) FISCAL YEAR 2002. Notwithstanding any other law, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part for fiscal year 2002 an amount equal to—

(A) the sum of the estimated number of migratory children aged 3 through 21, residing in the State during the previous year; and

(B) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

(b) ALLOCATION TO PUERTO RICO.

(1) IN GENERAL. For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be entitled to receive under this part shall be the amount determined by multiplying the number of identified eligible migratory children under subsection (a)(1) by the percentage described in paragraph (2).

(2) LIMITATION. If the application of paragraph (2) for any fiscal year would result in any of the 50 States or the District of Columbia receiving less under this part than it received under the part for the preceding fiscal year, then the percentage described in paragraph (2) for such fiscal year shall be the percentage used for the preceding fiscal year.

(c) RATABLE REDUCTIONS; REALLOCATIONS. —
“(1) In general.—(A) If, after the Secretary reserves funds under section 1306(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which eligible, the Secretary shall ratably reduce each such amount.

(B) If additional funds become available for making grants for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

(C) The Secretary shall require the managing entity for any interagency agreement or consortium arrangement of States to which this section applies to consult with the States and make such recommendations as the Secretary determines are appropriate.

(2) Section 1306.—(A) The Secretary shall require and receive such information as the Secretary determines are appropriate.

(B) The Secretary shall consult with States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(C) The Secretary shall require the State to include in the comprehensive State plan the information required by the Secretary.

(D) The Secretary shall consider each application for a grant under this part and, consistent with the purposes of this part, award grants to States that meet the requirements of this part.

(3) Application.—The Secretary shall approve a consortium arrangement under paragraph (1) only if the proposed arrangement will result in efficient and effective use of funds and services to serve migratory children.

(4) Definition of eligible entity.—For purposes of this section, the term ‘eligible entity’ means a consortium arrangement under paragraph (1) of this subsection, or a State agency or a State educational agency.

(5) Comprehensive State plan.—In addition to the comprehensive State plan required by section 1306, the Secretary shall require each State to develop a comprehensive State plan that includes the following requirements:

(A) A description of how such programs and projects will be funded under this part.

(B) A description of the programs and projects that are proposed to be carried out in the State to serve migratory children, including, if applicable, the State and the local programs and projects that are proposed to be carried out in the State to serve migratory children.

(C) A description of the process by which the Secretary shall allocate such funds to the States.

(D) A description of the process by which the Secretary shall reallocate such funds.

(E) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(F) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(G) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(H) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(I) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(J) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(K) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(L) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(M) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(N) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(O) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(P) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(Q) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(R) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(S) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(T) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(U) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(V) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(W) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(X) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(Y) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(Z) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(aa) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(bb) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(cc) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(dd) A description of the process by which the Secretary shall consult with the States to determine the amount of funds required for the provision of services to migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, and the amount of any subgrants the State will make.

(3) Requirements.—In determining whether funds received under this part will be used effectively and efficiently, the Secretary shall:

(A) review any such application with the assistance of individuals with relevant expertise.

(B) make sure that the educational needs of migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, are met.

(C) ensure that the educational needs of migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides, are met.

(4) Authorization.—The Secretary shall have the authority to carry out this part as necessary to promote the educational needs of migratory children, including children who are enrolled in a school that is not operated by the State in which the child resides.
“(D) specifies measurable program goals and outcomes;

“(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

“(F) is the product of joint planning among such local, State, and Federal programs, including programs operating under part A, early childhood programs, and language instruction educational programs under part A or B of title III; and

“(G) includes integration of services available under this part with services provided by such other programs.

“(2) DURATION OF THE PLAN.—Each such comprehensive plan described in subsection (a), each State educational agency, where applicable through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds first shall be used to meet the identified needs of migratory children from their migratory lifestyle, and to permit these children to participate effectively in school.

“(2) UNADDRESSED NEEDS.—Funds provided under this part may not be used to address needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A may receive those services through funds provided under this part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).

“(3) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

“(4) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in paragraph (2), and shall meet the special educational needs of migratory children before using funds under this part for schoolwide programs under section 1114.

“SEC. 1307. BYPASS.

“The Secretary may use all or part of any State’s allocation under this part to make arrangements with any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

“(1) the State is unable or unwilling to conduct educational programs for migratory children;

“(2) such arrangements would result in more efficient and economic administration of such programs; or

“(3) such arrangements would add substantially to the welfare or educational attainment of such children.

“SEC. 1308. COORDINATION OF MIGRANT EDUCATION PROGRAMS.

“(a) IMPROVEMENT OF COORDINATION.—

“(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies’ educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students to reflect changes in such students’ educational status.

“(2) DURATION.—Grants under this subsection may be awarded for not more than 5 years.

“(b) STUDENT RECORDS.—

“(1) ASSISTANCE.—The Secretary shall assist States in developing effective methods for the electronic transfer of student records and in determining the number of migratory children in each State.

“(2) INFORMATION SYSTEM.—(A) Each, upon request, in consultation with the States, shall ensure the linkage of migratory student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students whom such State determines shall enhance such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed as a result of, enactment of the No Child Left Behind Act of 2001, and shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain. Such data elements may 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 section 1111(b));

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

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

“(B) NOTICE.—In making arrangements consulting with the States under subparagraph (A), the Secretary shall publish 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 migratory student information and the requirements that States shall meet for immediate electronic access to such information. Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001.

“(3) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this part shall make student records available to another State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

“(4) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than April 30, 2006, 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 on the Secretary’s recommendations regarding the maintenance and transfer of health and educational information for migratory students by the States.

“(B) REQUIRED CONTENTS.—The Secretary shall include in such report—

“(i) a review of the progress of States in developing and linking electronic records transfer systems;

“(ii) recommendations for the development and linkage of such systems; and

“(iii) recommendations that may be taken to ensure the continuity of services provided for migratory students.

“(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section 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.

“(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than $3,000,000 to award grants of not more than $50,000 each to States and to States educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to the requirements of subsection (b), will establish or improve programs of education for migratory children, with a support system to ensure their continued education.

“(e) DATA COLLECTION.—The Secretary shall directly the National Center for Education Statistics to collect data on migratory children.

“SEC. 1309. DEFINITIONS.

“As used in this part:

“(a) LOCAL OPERATING AGENCY.—The term ‘local operating agency’ means—

“(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part;

“(C) a State educational agency, if the State educational agency operates the State’s migrant education program or part of such program; or

“(D) a local educational agency to which a State educational agency makes a subgrant under this part;

“(b) MIGRATORY CHILD.—The term ‘migratory child’ means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—

“(A) has moved from one school district to another;

“(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

“(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in fishing activity;

“(D) is temporarily absent from school in order to meet the needs of a migratory child.

“PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

“SEC. 1401. PURPOSE AND PROGRAM AUTHORIZATION.

“(a) PURPOSE.—It is the purpose of this part—

“(1) to improve educational services for children and youth 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 academic content standards and challenging State student academic achievement standards that 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 to reduce the risk of dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

“(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part from amounts appropriated under section 1002(d), 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, delinquent, or at-risk children and youth.

“SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS PART.

“(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1412, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies and local educational agencies to establish or improve programs for children and youth, as specified in part B of title III.

“(b) LOCAL SUBGRANTS.—Each State shall retain, for the purpose of carrying out subpart 2, funds generated throughout the State under part A of this title based on children and youth attending community day programs for delinquent children and youth.
shall be the greater of the average per-pupil expenditure in the State, except that the amount determined under paragraph (1) shall be insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratify such amount.

**SEC. 1412. 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 Secretary may reduce the amounts that will be transferred to such State agencies, and shall allocate the amount that will not be needed to other eligible State agencies that need additional funding to carry out the purpose of this subpart, in such amounts as the State educational agency shall determine.

**SEC. 1414. 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 that:

(A) for meeting the educational needs of neglected, delinquent, and at-risk children and youth;

(B) for assisting in the transition of children and youth from correctional facilities to locally operated programs; and

(C) that is coordinated with other programs under this Act or other Acts, as appropriate.

(2) **CONTENTS.**—Each such State plan shall—

(A) describe the goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving the academic, vocational, and technical skills of children in the program;

(B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State; and

(C) contain an assurance 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 1431; and

(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

(3) **DURATION OF THE PLAN.**—Each such State plan shall—

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

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State’s strategies and programs under this part.

(b) **SECRETARIAL APPROVAL AND PEER REVIEW.**—

(1) **SECRETARIAL APPROVAL.**—The Secretary shall approve each State plan that meets the requirements of this subsection.

(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 subpart 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 under this subpart;

(2) provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and 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 and appropriate assistance so that the planning and operation of institution-wide projects under section 1416 are of high quality;

(6) describes how the State agency will carry out the evaluation requirements of section 9001 and how the results of the most recent evaluation will be used to plan and improve the program;

(7) includes data showing that the State agency has maintained the fiscal effort required of a local educational agency, in accordance with section 922;

(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105–220, vocational and technical education programs, State and local dropout prevention programs, and special education programs;

(9) describes how the State agency will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to their incarceration to ensure that student assessments and appropriate academic credits are shared with the correctional facility and the local educational agency or alternative education programs;

(10) describes how appropriate professional development will be provided to teachers and other staff;

(11) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of children and youth from such facility or institution to locally operated programs;

(12) describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;

(13) provides an assurance that the State agency will assist in locating alternative programs through which children can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;

(14) provides assurances that the State agency will work with parents to secure parents’ assistance in improving the educational achievement of their children in the State, and prevent the State’s education programs from being diverted to other purposes;

(15) provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child’s or youth’s local school if the child or youth—

(A) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and

(B) intends to return to the local school;

(16) provides an assurance that the State agency will work with children or youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment, continue the education of the training for which the child or youth sought certification, or obtain a high school diploma or its recognized equivalent if the child or youth does not intend to return to school;

(17) provides an assurance that any students and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

(18) describes any additional services to be provided to children and youth, such as career
counseling, distance learning, and assistance in securing student loans and grants; and

(19) provides an assurance that the program under this subpart will be coordinated with any programs provided under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable.

SEC. 1416. USE OF FUNDS.

(a) USES.—

(1) In general.—A State agency shall use funds received under this subpart only for programs and projects under this part; and

(A) are consistent with the State plan under section 1414(a); and

(B) are designed to provide participating children with the knowledge and skills needed to make a successful transition to secondary school completion, career or technical training, continued education or employment;

(2) provide transitional and support services operated in the local educational agency to children and youth who are age 20 or younger and have received a secondary school diploma or its recognized equivalent, including services to facilitate the transition of children and youth from the correctional facility to postsecondary education or vocational and training programs, such as:

(i) transitional and support services; and

(ii) job placement services.

(3) transitional and support services operated in the local educational agency that are designed to support educational and academic needs of students returning from correctional facilities, and programs which may serve at-risk children and youth;

(B) provide a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;

(C) shall carry out a transition plan in a manner consistent with section 1120A and part I (as applied to programs and projects under this part); and

(D) may include the costs of meeting the evaluation requirements of section 9601.

(b) SUPPLEMENT, NOT SUPPLANT.—A program under this subpart 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 (as applied to this part) without regard to the subject areas in which instruction is given during those hours.

SEC. 1417. THREE-YEAR PROGRAMS OR PROJECTS.

If a State agency operates a program or project under this subpart in which individual children or youth are likely to participate for more than 1 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 3 years.

SEC. 1418. TRANSITION SERVICES.

(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 15 percent and not more than 25 percent of the funds received under this subpart only for programs and projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or

(b) TRANSITIONAL AND SUPPORTIVE PROGRAMS.—Each State agency that provides transitional and support services to students at-risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.

SEC. 1422. LOCAL EDUCATIONAL AGENCY OPERATIONS.

(a) LOCAL SUBGRANTS.—With funds made available under section 1402(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities (including facilities in community day programs).

(b) SPECIAL RULE.—A local educational agency that serves a school where a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will receive subgrants from the local educational agency after 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 subpart.

(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative educational programs for students who are at-risk.

SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

Each local educational agency desiring assistance under this subpart shall submit an application to the State educational agency that contains 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, regarding the program to be assisted, between—

(A) the local educational agency; and

(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;

(3) as appropriate, a description of how participating schools will coordinate with facilities to provide services to children and youth returning from correctional facilities to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;

(4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such programs will provide such children and youth and other at-risk children and youth;
SEC. 1424. USES OF FUNDS.

Funds provided to local educational agencies under this subpart may be used, as appropriate, (1) to develop educationally and socially appropriate, at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs for such children and youth; (2) to serve the educational needs of such children and youth; (3) as appropriate, a description of how schools will coordinate with other Federal, State, and local programs to serve children and youth, including partnerships with local businesses to develop training and employment opportunities for children and youth under this subpart if a local educational agency or local educational agency that coordinates programs under this subpart if a local educational agency or local educational agency that coordinates under this subpart may be used, as appropriate, such as funds made available under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every 3 years, to determine the program’s impact on the ability of participants—

(1) to maintain and improve educational achievement;

(2) to accrue school credits that meet State requirements for grade promotion and secondary school graduation;

(3) to make the transition to a regular program or other education program operated by a local educational agency;

(4) to complete secondary school (or secondary school equivalency requirements) and receive training and employment opportunities at an alternative facility or institution for neglected or delinquent children and youth; and

(5) as appropriate, to participate in postsecondary education and job training programs.

SEC. 1431. PROGRAM EVALUATIONS.

Each interruption facility entering into an agreement with a local educational agency under section 1003(a)(2) to provide services to children and youth under this subpart shall—

(1) where feasible, provide assistance to the child or youth or youth in school, including counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

(2) provide programs that encourage children and youth who have dropped out of school to return school once their term at the correctional facility has been completed, or provide such children with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent;

(3) where feasible, provide transition assistance to help the child or youth stay in school, including counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

(4) provide programs that encourage children and youth who have come in contact with the juvenile justice system to demonstrate, after receiving assistance from the unique needs of such children and youth;

(5) ensure that educational programs in the correctional facility are related to assisting students to meet high academic achievement standards;

(6) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

(7) where feasible, involve parents in efforts to assist the education of achievement for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

(8) in coordination with programs under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

(9) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities;

(10) where appropriate, a description of the efforts of participating schools will make to ensure correctional facilities working with children and youth are aware of a child’s or youth’s existing individualized education programs; and

(11) as appropriate, a description of how students returning from correctional facilities and, as appropriate, other at-risk children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth to demonstrate, after receiving assistance from the unique needs of such children and youth;

(12) with respect to a child, youth, or student, means an at-risk school aged individual who is at-risk of academic failure, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, has limited English proficiency, is a gang member, has dropped out of school in the past, or has a high absenteeism rate in school;

(13) 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.

(14) the term ‘institution for neglected or delinquent children and youth’ means

(1) 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

(2) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

Subpart E—National Assessment of Title I

SEC. 1501. EVALUATIONS.

(a) National Assessment of Title I—The Secretary shall conduct a national assessment of the programs assisted under this title and the impact of this title on States, local educational agencies, schools, and students.
‘‘(2) ISSUES TO BE EXAMINED.—In conducting the assessment under this subsection, the Secretary shall examine, at a minimum, the following:

(A) The implementation of programs assisted under this title and the impact of such implementation on increasing student academic achievement (particularly in schools with high concentrations of children living in poverty), relative to the goal of all students reaching the proficient level of achievement based on State academic assessments, challenging State academic content standards, and challenging State student academic achievement standards under section 1111.

(B) The types of programs and services that have demonstrated the greatest likelihood of helping students reach the proficient and advanced levels of achievement based on State student academic achievement standards and State academic content standards.

(C) The implementation of State academic standards, assessments, and accountability systems developed under this title, including—

(i) the time and cost required for the development of academic assessments for students in grades 3 through 8;

(ii) the extent to which such State assessments meet the requirements for assessments described in this title; and

(iii) the impact of such standards, assessments, and accountability systems on educational programs and instruction at the local level.

(D) Each State’s definition of adequate yearly progress, including—

(i) the impact of applying this definition to schools, local educational agencies, and the State as a whole;

(ii) the number of schools and local educational agencies not meeting this definition; and

(iii) the changes in the identification of schools in need of improvement as a result of such definition.

(E) How schools, local educational agencies, and States have—

(i) publicized and disseminated the local educational agency report cards required under section 1111(b), to teachers, school staff, students, parents, and the community;

(ii) used funds made available under this title to provide preschool and family literacy services and the impact of these services on students’ school readiness;

(iii) implemented the provisions of section 1118 and afforded parents meaningful opportunities to be involved in the education of their children;

(iv) used Federal, State, and local educational agency funds and resources to support schools and provide technical assistance to improve the achievement of students in low-performing schools, including the impact of the technical assistance on such achievement; and

(v) used State educational agency and local educational agency funds and resources to help schools in which 50 percent or more of the students are from families with incomes below the poverty level meet the requirement described in section 1118(b) and that were highly qualified not later than the end of the 2005-2006 school year.

(F) The implementation of schoolwide programs and targeted assistance programs under this title and the impact of such programs on improving student academic achievement, including the extent to which individuals meet the requirements of such programs.

(G) The extent to which varying models of comprehensive school reform are funded and implemented under this title, and the effect of the implementation of such models on improving achievement of disadvantaged students.

(H) The costs as compared to the benefits of the actions authorized under section 1116 are implemented by State educational agencies and local educational agencies to improve the academic achievement of students in low-performing schools, and the effectiveness of the implementation of such actions, including—

(i) The number of schools identified for school improvement and how many years the schools remain in this status.

(ii) The extent to which such assistance provided by the State educational agencies and local educational agencies to schools and local educational agencies respectively identified as in need of improvement, and the impact of such support on student achievement.

(iii) The number of parents who take advantage of the supplemental services or provisions of this title, the costs (including transportation costs) associated with implementing these provisions, the implementation of these provisions, and the impact of these provisions (including the impact of attending another school) on student achievement.

(iv) The number of parents who choose to take advantage of the supplemental services or option, the criteria used by the States to determine the quality of providers, the kinds of services that are available and utilized, the costs associated with implementing this option, and the impact of receiving supplemental services on student achievement.

(v) The implementation and impact of actions that are consistent with schools and local educational agencies identified for corrective action and restructuring.

(vi) The extent to which State and local fiscal accountability systems are implemented under this title that affect the flexibility of schoolwide programs.

(K) The implementation and impact of the professional development activities assisted under this title, the effect of such activities on student academic achievement, and teacher qualifications.

(L) The extent to which the assistance made available under this title, including funds under section 1002, is targeted to disadvantaged students, schools, and local educational agencies with the greatest need.

(M) The effectiveness of Federal administration assistance made available under this title, including monitoring and technical assistance.

(N) The academic achievement of the groups of students described in section 1118(b)(2)(C)(v)(II).

(O) Such other issues as the Secretary considers appropriate.

(2) SOURCES OF INFORMATION.—In conducting the assessment under this subsection, the Secretary shall collect, at a minimum, trend information on the effect of each program authorized under this title, which shall be made available upon request and reported under subsections (a) and (c).

(3) MINIMUM INFORMATION.—In carrying out this subsection, the Secretary shall collect, at a minimum, trend information on the effect of each program authorized under this title, which shall be made available upon request and reported under subsections (a) and (c).

(C) NATIONAL LONGITUDINAL STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a longitudinal study of schools receiving assistance under part A.

(2) ISSUES TO BE EXAMINED.—In carrying out this subsection, the Secretary shall examine, at a minimum, trend information on the effect of each program authorized under this title, which shall be made available upon request and reported under subsections (a) and (c).

(2) APPOINTMENT OF MEMBERS.—

(A) In general.—Subject to subparagraph (B) of this paragraph, the Secretary shall appoint as members of the Review Panel from among qualified individuals who are—

(i) experts in educational, research, or technical assistance on such achievement; and

(ii) knowledgeable about programs under this title and the impact of such programs on improving achievement of disadvantaged students.

(2) INDEPENDENT REVIEW PANEL.—

(A) Person.—The Secretary shall establish an independent review panel (in this subsection referred to as the ‘‘Review Panel’’) to advise the Secretary on methodological and other issues that arise in carrying out subsections (a) and (c).

(B) APPOINTMENT OF MEMBERS.—

(A) IN GENERAL.—Subject to subparagraph (B) of this paragraph, the Secretary shall appoint as members of the Review Panel from among qualified individuals who are—

(i) experts in educational, research, or technical assistance on such achievement; and

(ii) knowledgeable about programs under this title and the impact of such programs on improving achievement of disadvantaged students.
“(1) CONTRACT AUTHORIZED.—The Secretary is authorized to award a contract, through a peer review process, to an organization or entity capable of conducting rigorous, independent research on the Secretary of Educational Research and Improvement shall appoint peer reviewers to evaluate the applications for this contract.

(9) STUDY.—The study shall—

(1) synthesize and analyze existing research that meets standards of quality and scientific rigor; and

(2) evaluate academic assessment and accountability systems in State educational agencies, local educational agencies, and schools; and

(3) make recommendations to the Department and to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate, based on the findings of the study.

(10) COMPONENTS OF THE RESEARCH PROGRAM.—The study described in subsection (a) shall examine—

(1) the effect of the assessment and accountability systems described in section (c) on students, teachers, schools, school districts, and States, including correlations between such systems and—

(A) student academic achievement, progress to the State-designated proficiency, and progress toward closing achievement gaps, based on independent measures;

(B) changes in course offerings, teaching practices, course content, and instructional material;

(C) changes in turnover rates among teachers, principals, and pupil-services personnel;

(D) changes in dropout, grade-retention, and graduation rates for students; and

(E) such other effects as may be appropriate;

(2) the effect of the academic assessments on students with disabilities, limited and nonlimited English proficient students, and special educational needs, including students with disabilities, ethnic minority students, and students with migrant parents; and

(3) the effect of the academic assessments on low, middle, and high socioeconomic status students, limited and nonlimited English proficient students, racial and ethnic minority students, and nonracial or nonethnic minority students;

(4) guidelines for assessing the validity, reliability, and consistency of those systems using nationally recognized professional and technical standards; and

(5) the relationship between accountability systems and performance of students from the assessment system; and

(6) such other factors as the Secretary finds appropriate.

(11) REPORTING.—Not later than 3 years after the contract described in subsection (b) is awarded, the organization or entity conducting the study shall submit an interim report to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate, Congress, and to the President and the States, and shall make the report widely available to the public. The organization or entity shall submit a final report to the same recipients as soon as possible after the conclusion of the study. Additional reports may be periodically prepared and released as necessary.

(12) RESERVATION OF FUNDS.—The Secretary may reserve up to 15 percent of the funds authorized to be appropriated for this part to carry out the study, except such reservation of funds shall not exceed $1,500,000.

SEC. 1504. CLOSE UP FELLOWSHIP PROGRAM.

(a) PROGRAM.—(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonprofit, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among middle school and secondary school students.

(B) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged students who participate in the programs described in subparagraph (A).

(C) NAME OF FELLOWSHIPS.—Financial assistance received by students pursuant to this subsection shall be known as Close Up fellowships.

(D) APPLICATIONS.—(A) APPLICATION REQUIRED.—No grant under this subsection 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 application submitted under this paragraph shall contain assurances that—

(i) Close Up fellowships provided under this subsection shall be made to economically disadvantaged middle school and secondary school students;

(ii) every effort shall be made to ensure the participation of students from rural, small town, and urban areas;

(iii) in awarding the fellowships to economically disadvantaged students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, ethnic minority students, and students with migrant parents;

(iv) the funds received under this subsection shall be properly disbursed.

(B) PROGRAM FOR MIDDLE SCHOOL AND SECONDARY SCHOOL TEACHERS.—

(A) ESTABLISHMENT.—

(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonprofit, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among middle school and secondary school students.

(1) ESTABLISHMENT.

(2) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to teachers who participate in the programs described in subparagraph (A).

(3) NAME OF FELLOWSHIPS.—Financial assistance received by teachers pursuant to this subsection shall be known as Close Up fellowships.

(4) APPLICATIONS.—(A) APPLICATION REQUIRED.—No grant under this subsection 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 application submitted under this paragraph shall contain assurances that—

(i) Close Up fellowships provided under this subsection shall be made only to economically disadvantaged middle school and secondary school teachers;

(ii) every effort shall be made to ensure the participation of students from rural, small town, and urban areas;

(iii) in awarding the fellowships to economically disadvantaged students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, ethnic minority students, and students with migrant parents; and

(iv) the funds received under this subsection shall be properly disbursed.

(C) PROGRAMS FOR NEW AMERICANS.

(A) ESTABLISHMENT.—

(1) ESTABLISHMENT.

(2) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to teachers who participate in the programs described in subparagraph (A).

(3) NAME OF FELLOWSHIPS.—Financial assistance received by teachers pursuant to this subsection shall be known as Close Up fellowships.

(4) APPLICATIONS.—(A) APPLICATION REQUIRED.—No grant under this subsection 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 application submitted under this paragraph shall contain assurances that—

(i) Close Up fellowships provided under this subsection shall be made only to economically disadvantaged middle school and secondary school teachers;

(ii) every effort shall be made to ensure the participation of students from rural, small town, and urban areas;

(iii) in awarding the fellowships to economically disadvantaged students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, ethnic minority students, and students with migrant parents; and

(iv) the funds received under this subsection shall be properly disbursed.
programs of increasing civic responsibility and understanding of the Federal Government among economically disadvantaged middle school and secondary school recent immigrant students.

“(B) DEFINITION.—In this subsection, the term ‘recent immigrant student’ means a student who is a member of a family that immigrated to the United States within 4 years of the student’s participation in such a program.

“(C) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged recent immigrant students who are enrolled in public schools and their teachers who participate in the programs described in subparagraph (A).

“(D) NAME OF FELLOWSHIPS.—Financial assistance received by students and teachers pursuant to this subsection shall be known as Close Up Fellowships for New Americans.

“(2) APPLICATION—

“(A) APPLICATION REQUIRED.—No grant under this subsection 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 application submitted under this paragraph shall contain assurances that—

(i) Close Up Fellowships for New Americans shall be made to economically disadvantaged middle school and secondary school recent immigrant students;

(ii) every effort shall be made to ensure the participation of all immigrant students from rural, small towns, and urban areas;

(iii) in awarding the fellowships to economically disadvantaged recent immigrant students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, students with migrant parents, and ethnic minority students;

(iv) fully describe the activities to be carried out with the proceeds of the grant made under paragraph (1); and

(v) the funds received under this subsection shall be properly disbursed.

“(d) GENERAL PROVISIONS—

“(1) ADMINISTRATIVE PROVISIONS—

“(A) ACCOUNTABILITY.—In consultation with the Secretary, the Close Up Foundation shall devise accountability and evaluation procedures to measure the efficacy of the programs authorized in subsection (a), (b), and (c) in attaining objectives that include the following:

(i) attracting young people with an increased understanding of the Federal Government;

(ii) Heightening a sense of civic responsibility among young people.

(iii) Enhancing the skills of educators in teaching young people about civic responsibility, the Federal Government, and attaining citizenship competencies.

“(B) GENERAL RULE.—Payments under this section may be made in installments, in advance, in any way of reimbursement, with necessary adjustments on account of underpayments or overpayments.

“(C) 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 section.

“(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this Act, any person who was awarded a grant under part G of title X before the date of enactment of the No Child Left Behind Act of 2001 shall continue to receive funds in accordance with such award until the close of the fiscal year in which the award period terminates under such terms.

**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 scientifically based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and academic achievement 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(f), the Secretary may reserve—

(i) not more than 1 percent for each fiscal year to provide assistance to schools supported by the Bureau of Indian Affairs and in the States of the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance for each fiscal year;

(ii) not more than 1 percent for each fiscal year to conduct national evaluation activities described in section 1607; and

(iii) not more than 1 percent of the amount appropriated in fiscal year 2002 to carry out this part, for quality initiatives described in section 1606.

“(B) IN GENERAL.—Of the amount appropriated under section 1002(f) that remains after making the reservation under subparagraph (A) may be made in installments, in accordance with the purpose described in section 1601.

“(C) REALLOTMENT.

“(1) In general.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allotted to such other States under subparagraph (B).

“(2) Subgrants.—Subgrants may be made under this subsection only to local educational agencies or consortia of local educational agencies that receive funds under part A, to support comprehensive school reforms that are eligible for funds under part A.

“(b) GRANT REQUIREMENTS—

“(1) of sufficient size and scope to support the initial costs of comprehensive school reforms selected or designed by each school identified in the application of the local educational agency or consortium; and

“(2) in an amount not less than $50,000—

(A) for each participating school;

(B) for each participating consortium of small schools (which for purposes of this subparagraph means a consortium of small schools consisting of a total of not more than 500 students); and

(C) renewable for 2 additional 1-year subgrant periods after the initial 1-year subgrant is made if the school is or the schools are 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 and secondary students.

“(e) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this part may retain 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, a description of the comprehensive school reforms selected and used, and a copy of the State’s annual evaluation of the implementation of comprehensive school reforms supported under this part and the student achievement results.

**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 form containing such information as the State educational agency may reasonably require.
SEC. 1607. EVALUATION AND REPORTS.

(a) IN GENERAL.—The Secretary shall de-
velop a plan for a national evaluation of the pro-
grams assisted under this part.

(b) CONTENTS.—Each such application shall—

(1) identify the schools that are eligible for assistance under part A and plan to implement a comprehensive school reform program, including the projected costs of such a program;

(2) describe the comprehensive school reforms based on scientifically based research and effective practices selected or developed to be implemented in the student's school, and

(3) describe how the local educational agency or consortium will provide technical assistance in the implementation of the comprehensive school reforms based on scientifically based research and effective practices selected or developed to be implemented in their school, and

SEC. 1608. LOCAL USE OF FUNDS.

(a) USE OF FUNDS.—A local educational agency or consortium that receives a subgrant 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.

(1) employs proven strategies and proven methods for student learning, teaching, and school management that are based on scientific evidence or effective practices and have been replicated successfully in schools;

(2) integrates a comprehensive design for effective school functioning, including instruction, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development with a comprehensive school reform agenda for schoolwide change designed to enable all students to meet challenging State content and student academic achievement standards and address the needs identified through a school needs assessment;

(3) provides high quality and continuous teacher and staff professional development;

(4) includes measurable goals for student academic achievement and benchmarks for meeting such goals;

(5) is supported by teachers, principals, administrators, school personnel staff, and other professional staff;

(6) provides support for teachers, principals, administrators, and other school staff;

(7) provides for the meaningful involvement of parents and the local community in planning, implementing, and evaluating school improvement activities; and

(8) uses 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;

(9) includes a plan for the annual evaluation of the implementation of school reforms and the student results achieved;

(10) identifies other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the comprehensive school reform effort; and

(11) has been found, through scientifically based research, to improve the academic achievement of students participation in such program as compared to students in schools who have not participated in such program.

(b) HAS BEEN FOUND to have strong evidence that such program will significantly improve the academic achievement of participating children.

(c) has developed, to the extent feasible, a comprehensive school reform program for schools to which the school is able to refer students who receive funds for which college academic credit is awarded;

(8) to increase the participation of low-income individuals in taking advanced placement tests; and

(9) to increase the number of individuals that achieve a baccalaureate or advanced degree, and to decrease the amount of time such individuals require to attain such degree.

SEC. 1703. FUNDING DISTRIBUTION RULE.

From amounts appropriated under section 1002(g) for a fiscal year, the Secretary shall give priority to funding activities under section 1704 and shall distribute any remaining funds under section 1703.

SEC. 1704. ADVANCED PLACEMENT TEST FEE PROGRAM.

(a) GRANTS AUTHORIZED.—From amounts made available under section 1703 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under this section to enable the State educational agencies to provide assistance to encourage 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 course; and

(2) plan to take an advanced placement test.

(b) AWARD BASIS.—In determining the amount of the grant awarded to a 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 awarding a grant under this section 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 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. 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 awarded under this section;

(2) provide an assurance that any grant funds awarded under this section 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 educational agency will ensure that a student is eligible for payments authorized under this section, including documentation required under chapter 1 of part A of title IV of the Higher Education Act of 1965.

(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

(f) REPORT.—

(i) IN GENERAL.—Each State educational agency awarding a grant under this section shall, with respect to each advanced placement subject, annually report to the Secretary on—

(A) the number of students who are taking an advanced placement course in that subject;

(B) the number of advanced placement tests taken by students in the State who have taken an advanced placement course in that subject;

(C) the number of students in the State scoring at different levels on advanced placement tests in that subject; and

(D) demographic information regarding indi-

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"(g) BIA AS SEA.—For purposes of this section the Bureau of Indian Affairs shall be treated as a State educational agency.

SEC. 1705. ADVANCED PLACEMENT INCENTIVE GRANTS.

(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts made available under section 1703 for a fiscal year, the Secretary shall award grants on a competitive basis, to eligible entities to carry out the authorized activities described in subsection (b).

"(2) DURATION AND PAYMENTS.—

"(A) DURATION.—The Secretary shall award a grant under this section for a period of not more than 3 years.

"(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

(b) 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.

(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that submits an application under subsection (b).

"(1) demonstrates a strong need for access to advanced placement programs;

"(2) provides for the involvement of business and community organizations in the activities to be assisted;

"(3) assures the availability of matching funds from State, local, or other sources to pay for the cost of activities to be assisted;

"(4) focuses on developing and expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science;

"(5) demonstrates an intent to carry out activities that target—

"(A) local educational agencies serving schools with a high concentration of low-income students;

"(B) schools with a high concentration of low-income students; and

"(C) teachers of local educational agency, assures that the local educational agency serves schools with a high concentration of low-income students;

"(D) demonstrates an intent to carry out activities to increase the availability of, and participation in, on-line advanced placement courses.

(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Subject to paragraph (2), an eligible entity shall use grant funds made available under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

"(A) teacher training;

"(B) pre-advanced placement course development;

"(C) coordination and articulation between grade levels to prepare students for academic achievement in advanced placement courses;

"(D) books and supplies; or

"(E) activities to increase the availability of, and participation in, on-line advanced placement courses,

"(F) any other activity directly related to expanding access to and participation in advanced placement incentive programs, particularly for low-income individuals.

"(2) STATE EDUCATIONAL AGENCY.—In the case of an eligible entity that is a State educational agency, the entity may use grant funds made available under this section to award subgrants to local educational agencies to carry out the activities under paragraph (1).

"(3) CONTRACTS.—An eligible entity awarded a grant to provide online advanced placement courses under this part may enter into a contract with a nonprofit or for-profit organization to provide the online advanced placement courses, including contracting for necessary support services.

"(f) DATA COLLECTION AND REPORTING.—

"(1) DATA COLLECTION.—Each eligible entity awarded a grant under this section shall, with respect to each advanced placement subject, annually report to the Secretary on—

"(A) the number of students served by the eligible entity who are taking an advanced placement course in that subject;

"(B) the number of advanced placement tests taken by students served by the eligible entity in that subject;

"(C) demographic information regarding individuals served by such agency who taking advanced placement courses and tests in that subject 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 the appropriate Committees of Congress regarding the information.

SEC. 1706. SUPPLEMENT, NOT SUPPLANT.

Grant funds provided under this part shall supplement, and not supplant, other non-Federal funds that are available to assist low-income individuals to pay for the cost of advanced placement tests and to expand access to advanced placement and pre-advanced placement courses.

SEC. 1707. DEFINITIONS.

"In this part—

"(1) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' means an advanced placement test administered by the College Board or approved by the Secretary.

"(2) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term 'high concentration of low-income students', used with respect to a school, means a school that serves a student population 40 percent or more of whom are low-income individuals.

"(3) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual who is determined by a State educational agency or local educational agency to be a child, age 5 through 17, from a low-income family, on the basis of data to determine allocations under section 1124 of this Act, data on children eligible for free or reduced-price lunches under the National School Lunch Act, data on children receiving assistance under part A of title IV of the Social Security Act, or data on children eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act, or through an alternate method that combines or extrapolates from those data.

PART H—SCHOOL DROPOUT PREVENTION

SEC. 1801. SHORT TITLE.

"This part may be cited as the 'Dropout Prevention Act'.

SEC. 1802. PURPOSE.

"The purpose of this part is to provide for school dropout prevention and reentry to raise academic achievement levels by providing grants that—

"(1) challenge all children to attain their highest academic potential; and

"(2) ensure that all students have substantial and ongoing opportunities to attain their high school diploma through schoolwide programs proven effective in school dropout prevention and reentry.

SEC. 1803. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

"(1) 10 percent shall be available to carry out subpart 1 for each fiscal year, and

"(2) 90 percent shall be available to carry out subpart 2 for each fiscal year.

Subpart 1—Coordinated National Strategy

SEC. 1811. NATIONAL ACTIVITIES.

(a) IN GENERAL.—The Secretary is authorized to—

"(1) collect systematic data on the effectiveness of the programs assisted under this part in reducing school dropout rates and increasing school reentry and secondary school graduation rates;

"(2) establish a national clearinghouse of information on effective school dropout prevention and reentry programs that shall disseminate to State educational agencies, local educational agencies, and schools—

"(A) the results of research on school dropout prevention and reentry; and

"(B) information on effective programs, best practices, and Federal resources to—

"(i) reduce annual school dropout rates;

"(ii) increase school reentry; and

"(iii) increase secondary school graduation rates;

"(3) to provide technical assistance to State educational agencies, local educational agencies, and schools in designing and implementing programs and securing resources to implement effective school dropout prevention and reentry programs;

"(4) to establish and consult with an interagency working group that shall—

"(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and reentry, and assess the targeting of existing Federal service providers who assist at-risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention and reentry;

"(B) describe the ways in which State educational agencies and local educational agencies can implement effective school dropout prevention and reentry programs using funds from a variety of Federal programs, including the programs under this part; and

"(C) examine Federal programs that may have a positive impact on secondary school graduation or school reentry;

"(5) to carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates; and

"(6) to use funds made available for this subpart to carry out the evaluation required under section 1820(c).

(b) RECOGNITION PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall—

"(A) establish a national recognition program; and

"(B) develop uniform national guidelines for the recognition program that shall be used to recognize eligible schools from nominations submitted by State educational agencies.

"(2) RECOGNITION.—The Secretary shall recognize, under the recognition program established under paragraph (1), eligible schools.

"(3) SUPPORT.—The Secretary may make monetary awards to an eligible school recognized under this subsection in amounts determined appropriate by the Secretary that shall be used for additional recognition activities within the eligible school district or nationally.

"(4) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term 'eligible school' means a public middle school or secondary school, including a charter school, that has implemented comprehensive reforms that have been effective in lowering school dropout rates for all students.

"(A) In that secondary school or charter school; or
"(B) in the case of a middle school, in the secondary school that the middle school feeds students into.

(c) CAPACITY BUILDING.—

(1) IN GENERAL.—The Secretary, through a contract with 1 or more non-Federal entities, may conduct a capacity building and design initiative in order to increase the types of proven strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

(2) NUMBER AND DURATION.—The Secretary may award not more than 5 contracts under this subsection.

(3) SUPPORT FOR EXISTING REFORM NETWORKS.—

(1) IN GENERAL.—The Secretary may provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools identified under this part.

(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means an entity that, prior to the date of enactment of the Dropout Prevention Act, provided technical assistance, and materials related to school dropout prevention or reentry to 100 or more elementary schools or secondary schools.

(3) DEVELOPED AND PUBLISHED A SPECIFIC EDUCATIONAL PROGRAM OR DESIGN RELATED TO SCHOOL DROPOUT PREVENTION OR REENTRY FOR USE BY THE SCHOOL DISTRICT.

Subpart 2—School Dropout Prevention Initiative

SEC. 1821. DEFINITIONS.—

In this subpart:

(1) LOW-INCOME STUDENT.—The term ‘low-income student’ means a student who is determined by a local educational agency to be from a low-income family using the measures described in subsection (c)(1).

(2) STATE.—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, and the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau.

SEC. 1822. PROGRAM AUTHORIZED.—

(a) GRANTS TO STATE EDUCATIONAL AGENCIES AND LOCAL EDUCATIONAL AGENCIES.—

(1) AMOUNT LESS THAN $75,000,000.—

(2) AMOUNT EQUAL TO OR EXCEEDS $250,000,000.—If the amount appropriated under section 1803 for a fiscal year equals or exceeds $250,000,000, then the Secretary shall use such amount to award a grant to each State educational agency to enable the State educational agency in an amount that bears the same relation to such appropriated amount as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount received by all State educational agencies under such part for the preceding fiscal year, to enable the State educational agency to award subgrants under subsection (b).

(b) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—From amounts made available to a State educational agency under paragraph (2) or (3) of subsection (a), the State educational agency shall award subgrants, on a competitive basis, to local educational agencies that operate public schools that serve students in grades 6 through 12 and that have annual school dropout rates that are above the State average annual school dropout rate for those schools, or the middle schools that feed students into those schools, or the middle schools that feed students into those secondary schools, that have the highest annual school dropout rates; and

(2) DURATION.—A subgrant under this subpart shall be awarded for a period of 3 years, and may be renewed for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1830, that significant progress has been made in lowering the annual school dropout rate for secondary schools participating in the program assisted under this subpart.

SEC. 1823. APPLICATIONS.—

(a) IN GENERAL.—To receive—

(1) a grant under this subpart, a State educational agency or local educational agency shall submit an application and plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

(b) CONTENTS.—

(1) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) shall—

(A) include an outline—

(i) of the State educational agency’s or local educational agency’s strategy for reducing the State educational agency’s or local educational agency’s annual school dropout rate;

(ii) for targeting secondary schools, and the middle schools that feed students into those secondary schools, that have the highest annual school dropout rates; and

(iii) for assessing the effectiveness of the efforts described in the plan.

(B) contain an identification of the schools in the State or by the local educational agency that have annual school dropout rates that are greater than the average annual school dropout rate for the State;

(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 State and local funds available for school dropout prevention and reentry programs; and

(G) describe how the activities to be assisted conform with research knowledge about school dropout prevention and reentry programs.

(2) LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) by a local educational agency shall contain, in addition to the requirements of paragraph (1)—

(A) an assurance that the local educational agency is committed to providing ongoing operational support for such schools to address the problem of school dropouts for a period of 5 years; and

(B) an assurance that the local educational agency will support the plan, including—

(i) provision of release time for teacher training;

(ii) efforts to coordinate activities for secondary schools and the middle schools that feed students into those secondary schools; and

(iii) encouraging other schools served by the local educational agency to participate in the plan.

SEC. 1824. STATE RESERVATION.—

A State educational agency that receives a grant under paragraph (2) or (3) of section 1822(a) may reserve not more than 5 percent of the grant funds for administrative costs and State activities related to school dropout prevention and reentry activities, of which not more than 2 percent of the grant funds may be used for administrative costs.

SEC. 1825. STRATEGIES AND CAPACITY BUILDING.—

Each local educational agency receiving a grant or subgrant under this subpart and each State educational agency receiving a grant
under this subpart shall implement scientifically based, sustainable, and widely replicated strategies for school dropout prevention and reentry. The strategies may include—

(a) specific strategies for targeted purposes, such as—

(1) effective early intervention programs designed for at-risk students;

(2) effective programs serving at-risk students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and

(3) effective programs to identify and encourage students who are already dropping out of school to reenroll and complete their secondary education; and

(b) approaches as breaking larger school problems into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, and developing clear linkages to career skills and employment.

**SEC. 1826.** SELECTION OF LOCAL EDUCATIONAL AGENCIES FOR SUBGRANTS.

(1) STATUTORY AND OTHER REVIEW AND AWARD.—The State educational agency shall review applications submitted under section 1823(a)(2) and award subgrants to local educational agencies with the assistance and advice of a panel of experts on school dropout prevention and reentry.

(2) ELIGIBILITY.—A local educational agency is eligible to receive a subgrant under this subpart if the local educational agency operates a public school (including a public alternative school) that—

(A) is eligible to receive assistance under part A; and

(B) is a school that serves 50 percent or more of who are low-income students.

**SEC. 1827.** COMMUNITY BASED ORGANIZATIONS.

(1) IN GENERAL.—A local educational agency that receives a grant or subgrant under this subpart shall—

(A) establish a negotiated rulemaking process for the subgrant to ensure that final regulations are issued by the Secretary not later than 1 year after the date of enactment of the No Child Left Behind Act of 2001; and

(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representatives from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educational agencies and officials; and

(2) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall—

(A) establish a negotiated rulemaking process on, at a minimum, standards and assessments;

(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representatives from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educational agencies and officials; and

(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (B) not later than 30 days before the first meeting under such process.

(3) PROCESS.—Such process—

(A) shall be conducted in a timely manner to ensure that final recommendations are issued by the Secretary not later than 1 year after the date of enactment of the No Child Left Behind Act of 2001; and

(B) shall not be subject to the Federal Advisory Committee Act, but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

(4) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist local educational agencies and schools in carrying out their responsibilities under this title, the Secretary may issue regulations without prior notice and public comment. Such regulations shall be considered a rulemaking for purposes of section 553 of title 5, United States Code, and shall be published as emergency regulations in the Federal Register.

**SEC. 1828.** SCHOOL DROPOUT RATE CALCULATION.

(1) STATUTORY AND OTHER REVIEW AND AWARD.—For purposes of calculating an annual school dropout rate under this subpart, each school shall be required to—

(A) report on the 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.

(2) DATA.—The dropout data under paragraph (1) shall include annual school dropout rates for each fiscal year, starting with the 2 fiscal years before the local educational agency received a grant or subgrant under this subpart and a fiscal year after the first fiscal year that the local educational agency received a grant or subgrant under this subpart.

**SEC. 1829.** AUDITS.

(1) IN GENERAL.—To receive funds under this subpart, each school shall—

(A) report such information about the school dropout rate that enables the Secretary to ensure that final regulations are issued by the Secretary not later than 1 year after the date of enactment of the No Child Left Behind Act of 2001; and

(B) shall not be subject to the Federal Advisory Committee Act, but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

(2) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist local educational agencies and schools in carrying out their responsibilities under this title, the Secretary may issue regulations without prior notice and public comment. Such regulations shall be considered a rulemaking for purposes of section 553 of title 5, United States Code, and shall be published as emergency regulations in the Federal Register.

**SEC. 1830.** REPORTING AND ACCOUNTABILITY.

(a) LOCAL EDUCATIONAL AGENCY REPORTS.—

(1) IN GENERAL.—To receive funds under this subpart for a fiscal year after the first fiscal year that a local educational agency receives funds under this subpart, the local educational agency shall provide, on an annual basis, a report regarding the status of the implementation of activities funded under this subpart, and the dropout data for students at schools assisted under this subpart, disaggregated by race and ethnicity, to the State educational agency.

(2) AUDITS.—The local educational agency shall provide an annual audit of the financial expenditures and major activities described in the subpart to the State educational agency, if the local educational agency receives a subgrant under paragraph (2) or (3) of section 1822(a).

(b) AGREEMENTS.—All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 1901 unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from, and not adhere to, such agreements.

(c) RECORDS.—The Secretary shall ensure that final regulations and reliable record of agreements reached during the negotiations process is maintained.

**SEC. 1831.** ADMINISTRATION.

(1) RULEMAKING.—Each State that receives funds under this title shall—

(A) establish a negotiated rulemaking process or provide a written explanation to the participants involved in the process explaining why the Secretary decided to depart from, and not adhere to, such agreements;

(B) minimize such rules, regulations, and policies to which the State’s local educational agencies and schools are subject;

(C) eliminate or modify State and local fiscal accountability requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs and avoid creating any special rule, regulation, or policy as a State-imposed requirement.

(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agencies and school-level systemic reform designed to enable all children to meet the challenging State student academic achievement standards.

**SEC. 1832.** COMMITTEE OF PRACTITIONERS.

(1) IN GENERAL.—Each State educational agency that receives funds under this title shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

(2) MEMBERSHIP.—Each such committee shall include—

(A) as a majority of its members, representatives from local educational agencies;

(B) administrators, including the administrators of programs described in other parts of this title;

(C) teachers, including vocational educators;

(D) parents;

(E) members of local school boards;

(F) representatives of private school children; and

(G) pupil services personnel.

(3) DUTIES.—The duties of such committee shall include a review, consultation, or endorsement of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies and schools in carrying out their responsibilities under this title, the Secretary may issue a regulation without prior notice and consultation. Such regulation shall be considered a rulemaking for purposes of section 553 of title 5, United States Code, and shall be published as emergency regulations in the Federal Register.

**SEC. 1833.** LOCAL EDUCATIONAL AGENCY SPEND-ING AUDITS.

(a) AUDITS.—The Comptroller General of the United States shall conduct audits of not less than 6 local educational agencies that receive funds under part A in each fiscal year to determine more clearly and specifically how local educational agencies are expending such funds.

(1) shall be conducted in 6 local educational agencies that represent the size, ethnic, economic, and geographic diversity of local educational agencies; and

(2) shall examine the extent to which funds have been expended for academic instruction in the core curriculum and activities unrelated to the core curriculum, such as the payment of sanitorial, utility, and other maintenance services, the purchase and
lease of vehicles, and the payment for travel and attendance costs at conferences.

“(b) REPORT.—Not later than 3 months after the completion of the audits under subsection (a) each year, the Controller General of the United States shall submit a report on each audit 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.

SEC. 1905. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

“Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.

SEC. 1906. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

“Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

SEC. 1907. STATE REPORT ON DROPOUT DATA.

“Not later than 1 year after a State educational agency receives funds under this title, the agency shall report to the Secretary and statewide, all school district data regarding annual school dropout rates 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 65 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.

“(2) HOLD HARMLESS.

“Subject to subparagraph (b), the Secretary shall ratably reduce those amounts for fiscal year 2002 and each of the 5 succeeding fiscal years.

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

SEC. 201. TRAINING AND PRINCIPAL TRAINING AND RECRUITING FUND.

Title II (20 U.S.C. 6001 et seq.) is amended to read as follows:

“TITL...
requirements for professional development activities described in section 901 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of providers, parents, school personnel, paraprofessionals, and other school personnel.

(8) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

(9) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.

(10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 1119 and how the State educational agency will hold local educational agencies accountable for meeting the annual measurable objectives described in section 1119(a)(2).

(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.

(12) An assurance that the State educational agency will comply with section 901 (regarding participation by private school children and teachers).

(13) A DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary if the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

(14) A disapproval.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(e) NOTIFICATION.—If the Secretary finds that the grant receipt by a grant receipt or that the Secretary has made a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

(f) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

(1) the expiration of the 45-day period beginning on the date on which the application is re-submitted; or

(2) the expiration of the 120-day period described in subsection (c).

(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

SEC. 2113. STATE USE OF FUNDS.

(a) IN GENERAL.—A State that receives a grant under section 2111 shall—

(1) reserve 85 percent of the funds made available pursuant to this subpart to make grants to local educational agencies as described in subsection (b); and

(2) reserve 2.5 percent, or, for a fiscal year described in subsection (b), the percentage determined under subsection (b) of the funds to make grants to local partnerships as described in subsection (c).

(3) use the remainder of the funds for State activities described in subsection (c).

(b) SPECIAL RULE.—For any fiscal year for which the total made available by all States under subsection (a)(2), if the States applied a 2.5 percentage rate, exceeds $125,000,000, the Secretary shall determine an alternative percentage rate that the States will apply for that fiscal year under subsection (a)(2) so that the total amount reserved by all States under subsection (a)(2) equals $125,000,000.

(c) STATE ACTIVITIES.—The State educational agency for a State that receives a grant under section 2111 shall use the funds described in subsection (a)(3) to carry out one or more of the following activities described in subsection (a)(1) or (b), as the case may be—

(1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that—

(A) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects they teach; and

(B) principals have the instructional leadership skills to help teachers teach and students learn.

(2) Teacher certification or licensing requirements are aligned with challenging State academic content standards; and

(3) Teachers have the subject matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills necessary to help students meet challenging State student academic achievement standards.

(4) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their professions, such as programs that

(A) provide teacher mentoring, team teaching, reduced class sizes, and intensive professional development; and

(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State academic achievement standards and with the requirements for professional development activities described in section 9101.

(5) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers and principals, especially in the areas of mathematics and science for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college graduates who possess a record of academic distinction who demonstrate the potential to become highly effective teachers or principals.

(6) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers and principals.

(7) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and applying for teacher certification or licensing, consistent with title II of the Higher Education Act of 1965.

(8) Providing professional development for teachers and principals and, in cases in which a State educational agency determines support to be appropriate, supporting the participation of pupil services personnel in a type of professional development activities as are made available to teachers and principals.

(9) Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach.

(10) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration of the programs carried out under this part, including provision of technical assistance to local educational agencies.

(11) Funding projects to promote reciprocity of teacher and principal certification or licensing between or among States, except that no reciprocity agreement developed under this paragraph or developed under any other Federal law may result from this part may lead to the weakening of any State teaching certification or licensing requirements.

(12) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.

(13) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable the principals to be effective school leaders and prepare all students to challenging State, local, or other requirements needed to become highly qualified under this part, including provision of technical assistance to local educational agencies for the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(14) Encouraging, or assisting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to use technology, and assistance to provide and improve teaching, decisionmaking, school improvement efforts, and accountability.

(15) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.

(16) Supporting activities that ensure that teachers are able to use challenging State academic achievement standards, standards, and State assessments, to improve instructional practices and improve student academic achievement.

(17) Providing grants to carry out programs to encourage men to become elementary school teachers.
‘‘(18) Establishing and operating a center that—
‘‘(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and
‘‘(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

‘‘(d) ADMINISTRATIVE COSTS.—A State educational agency or State agency for higher education that elects under this part may use not more than 1 percent of the grant funds for planning and administration related to carrying out activities under subsection (c) and subpart 3.

‘‘(e) 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 subpart and the activities carried out under that section.

‘‘(f) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

‘‘Subpart 2—Subgrants to Local Educational Agencies

‘‘SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

‘‘(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

‘‘(1) IN GENERAL.—The Secretary may make a grant to a State under subpart 1 only if the State agrees to distribute the funds described in this subpart as subgrants to local educational agencies under this subpart.

‘‘(2) HOLD HARMLESS.—

‘‘(A) IN GENERAL.—From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State an amount equal to the total amount that such agency received for fiscal year 2001 under—

‘‘(i) section 2203(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

‘‘(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

‘‘(B) NONPARTICIPATING AGENCIES.—In the case of a local educational agency that did not receive funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be reduced by an amount equal to the amount that would have been received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.

‘‘(c) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies that are eligible to receive subgrants under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.

‘‘(d) DETERMINATION OF ADDITIONAL FUNDS.—For any fiscal year for which the funds reserved by a State under section 2113(a)(1) exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State the sum of—

‘‘(A) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 in 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 consistent data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, and

‘‘(B) an amount that bears the same relationship to 80 percent of the excess amount 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 consistent 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.

‘‘SEC. 2122. DETERMINATION OF NEEDS ASSESSMENT.

‘‘(a) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local 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.

‘‘(b) CONTENTS.—Each application submitted under this section shall be based on the needs assessment required under subsection (c) and shall include the following:

‘‘(1) A description of the activities to be carried out by the local educational agency under the subpart and how these activities will be aligned with—

‘‘(i) challenging State academic content standards and student academic achievement standards, and

‘‘(ii) the curricula and programs tied to the standards described in clause (i).

‘‘(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

‘‘(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that—

‘‘(A) have the lowest proportion of highly qualified teachers;

‘‘(B) have the largest average class size; or

‘‘(C) are identified for school improvement under section 1116(b).

‘‘(4) 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.

‘‘(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

‘‘(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technological readiness.

‘‘(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

‘‘(8) A description of the results of the needs assessment described in subsection (c).

‘‘(9) A description of how the local educational agency will provide training to enable teachers to—

‘‘(A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs, students who are gifted and talented, and students with limited English proficiency;

‘‘(B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;

‘‘(C) involve parents in their child’s education; and

‘‘(D) understand and use data and assessments to improve classroom practice and student learning.

‘‘(10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 1119.

‘‘(11) An assurance that the local educational agency will comply with section 9007 (regarding participation by private school children and teachers).

‘‘(c) NEEDS ASSESSMENT.—

‘‘(1) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available through this paragraph may be used for pupil services personnel only—

‘‘(A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and

‘‘(B) in a manner consistent with mechanisms for—

‘‘(i) improving teacher recruitment and retaining highly qualified teachers, including strategies to assist schools in retaining highly qualified teachers;

‘‘(ii) involving parents in their child’s education; and

‘‘(iii) involving teachers in core academic subjects who will provide increased individualized instruction to students;

‘‘(2) REQUIREMENTS.—Such needs assessment shall be conducted with the involvement of teachers—

‘‘(A) in a manner consistent with mechanisms for—

‘‘(i) improving teacher recruitment and retaining highly qualified teachers, including strategies to assist schools in retaining highly qualified teachers;

‘‘(ii) involving parents in their child’s education; and

‘‘(iii) involving teachers in core academic subjects who will provide increased individualized instruction to students;

‘‘(B) in a manner consistent with mechanisms for—

‘‘(i) improving teacher recruitment and retaining highly qualified teachers, including strategies to assist schools in retaining highly qualified teachers;

‘‘(ii) involving parents in their child’s education; and

‘‘(iii) involving teachers in core academic subjects who will provide increased individualized instruction to students;
“(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, providing a system of intensive screening designed to hire the most qualified applicants; and

(ii) provide increased opportunities for minority and other individuals underrepresented in the teaching profession.

(3) Providing professional development activities that:

(A) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning:

(i) one or more of the core academic subjects that the teachers teach; and

(ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement; and

(B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and student activities that

(i) involve collaborative groups of teachers and administrators;

(ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students learning English as a second language;

(iii) provide training in methods of—

(I) improving student behavior in the classroom; and

(II) identifying early and appropriate interventions to help students described in clause (ii) learn;

(iv) provide training to enable teachers and principals to involve parents in their child’s education, especially parents of limited English proficient and immigrant children; and

(v) provide professional development opportunities for principals during their first 3 years of employment as teachers or principals, respectively;

(C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement or

(D) incentives, including financial incentives, to retain teachers who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.

(5) Carrying out programs and activities that are designed to improve the quality of the teaching force in an elementary school or secondary school. In this context, the term ‘elementary school or secondary school’ means an elementary school or secondary school that is identified under section 1116.

SECTION 2132. SUBGRANTS.

(A) IN GENERAL.—The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2131(a)(2) to make subgrants, on a competitive basis, to eligible partnerships to carry out the activities described in section 2134.

(B) DISTRIBUTION.—The State agency for higher education shall ensure that—

(1) such subgrants are equitably distributed by geographic area and by demographic group; and

(2) eligible partnerships in all geographic areas within the State are served through the subgrants.

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 this subpart.

SECTION 2133. APPLICATIONS.

To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

SECTION 2134. USE OF FUNDS.

(A) IN GENERAL.—An eligible partnership that receives a subgrant under section 2112 shall use the subgrant funds for—

(1) professional development activities in core academic subjects to ensure that—

(i) teachers and highly qualified paraprofessionals, and, if appropriate, principals, subject matter knowledge in core academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and

(ii) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and

(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that—

(A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve the quality of the teaching and learning activities carried out under that section 203.

(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

(C) may include activities of partnerships between one or more schools served by such agencies, and one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

(B) COORDINATION.—An eligible partnership that receives a subgrant 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 subpart and the activities carried out under section 203.

SECTION 4—ACCOUNTABILITY

PART I.—TECHNICAL ASSISTANCE AND ACCOUNTABILITY

(A) IMPROVEMENT PLAN.—After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifies the actions that will be taken to ensure that the agency meets such annual measurable objectives.

C. TECHNICAL ASSISTANCE.—During the development of the improvement plan described in subsection (a) and throughout implementation of the plan, the State educational agency shall—

(1) provide technical assistance to the local educational agency; and

(2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).

ACCOUNTABILITY.—The State agency in charge of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the State agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and

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has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency or a State educational agency on the use of that agency’s funds under this part. As part of this agreement, the State educational agency—

(1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the eligible objectives described in section 111(a)(2) and require such agency to utilize such strategies and activities; and

(2) may provide financial incentives to those local educational agencies, States, or local educational agencies in recruiting and training new principals; educational agencies in recruiting and training recruitment program to assist high-need local educational agencies in recruiting and training high-need local educational agencies; and

partnerships of high-need local educational agencies, nonprofit organizations, and institutions of higher education. A description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may require; and

(ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;

(iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the educators to be served by the partnership in the broader community, and a description of how the proposed project will address those needs;

(iv) a description of how the proposed project will be carried out, including a description of—

(1) how individuals will be selected to participate;

(2) the types of professional development activities, based on scientifically based research, that will be carried out;

(3) how research on effective professional development and on adult learning will be used to design and deliver project activities;

(4) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

(5) how the project will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, children with disabilities, or children with other special needs; and

(6) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse; and

(7) a description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may require; and

(iii) to the extent feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavioral problems in children identified as or suspected to be victims of abuse.

(2) DURATION AND NUMBER OF GRANTS.—

(1) DURATION.—The Secretary shall award grants under this subsection for periods of not more than 4 years.

(2) NUMBER.—No partnership may receive more than one grant under this subsection.

(3) APPLICATION.—

(A) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this subsection shall submit to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENTS.—Each such application shall include—

(i) a description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may require; and

(ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;

(iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the educators to be served by the partnership in the broader community, and a description of how the proposed project will address those needs;

(iv) a description of how the proposed project will be carried out, including a description of—

(1) how individuals will be selected to participate;

(2) the types of professional development activities, based on scientifically based research, that will be carried out;

(3) how research on effective professional development and on adult learning will be used to design and deliver project activities;

(4) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

(5) how the project will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, children with disabilities, or children with other special needs; and

(6) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse.

(C) AGENCY RESPONSIBILITY.—A partnership shall be responsible for—

(1) IN GENERAL.—The Secretary is authorized to award a grant to the University of Notre Dame to carry out a special education teacher preparation and development program for Alaska Natives.

(2) DURATION.—The grant shall be for a period of not more than 4 years.

(3) APPLICATION.—

(A) APPLICATIONS REQUIRED.—Any entity that desires to receive a grant under this subsection shall submit to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENTS.—Each such application shall include—

(i) a description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may require; and

(ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;

(iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the educators to be served by the partnership in the broader community, and a description of how the proposed project will address those needs;

(iv) a description of how the proposed project will be carried out, including a description of—

(1) how individuals will be selected to participate;

(2) the types of professional development activities, based on scientifically based research, that will be carried out;

(3) how research on effective professional development and on adult learning will be used to design and deliver project activities;

(4) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

(5) how the project will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, children with disabilities, or children with other special needs; and

(6) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse.

(2) IN GENERAL.—The Secretary is authorized to award a grant to the University of Notre Dame to carry out a special education teacher preparation and development program for Alaska Natives.

(2) DURATION.—The grant shall be for a period of not more than 4 years.

(3) APPLICATION.—

(A) APPLICATIONS REQUIRED.—Any entity that desires to receive a grant under this subsection shall submit to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENTS.—Each such application shall include—

(i) a description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may require; and

(ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;

(iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the educators to be served by the partnership in the broader community, and a description of how the proposed project will address those needs;

(iv) a description of how the proposed project will be carried out, including a description of—

(1) how individuals will be selected to participate;

(2) the types of professional development activities, based on scientifically based research, that will be carried out;

(3) how research on effective professional development and on adult learning will be used to design and deliver project activities;

(4) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

(5) how the project will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, children with disabilities, or children with other special needs; and

(6) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse.
(vii) an assurance that, in developing the application and in carrying out the project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educators for organizations, and early childhood education providers that are not members of the partnership.

(4) SELECTION OF GRANT RECIPIENTS.—

(A) CRITERIA.—The Secretary shall select partnerships, based on the grants under this subsection on the basis of the degree to which the communities proposed to be served require assistance and the quality of the applications submitted.

(B) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships to receive grants under this subsection, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

(5) USES OF FUNDS.—

(A) IN GENERAL.—Each partnership receiving a grant under this subsection shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

(B) ALLOWABLE ACTIVITIES.—Such activities may include—

(i) professional development for early childhood educators with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

(ii) development and implementation of evidence-based early childhood education programs for children in high-need communities;

(iii) professional development activities carried out through programs under this subsection with activities carried out through other early childhood programs administered by the Secretary or the Secretaries of Education and Health Services.

(9) DEFINITIONS.—In this subsection:

(A) EARLY CHILDHOOD EDUCATOR.—The term ‘early childhood educator’ means a person providing child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law; that complies with applicable Federal, State, and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten; and that makes use of distance learning and other methodologies.

(B) HIGH-NEED COMMUNITY.—

(i) IN GENERAL.—The term ‘high-need community’ means—

(a) a political subdivision of a State, or a portion of a political subdivision of a State, in which at least 30 percent of the children are from low-income families; or

(b) a political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

(ii) DETERMINATION.—In determining which communities are described in clause (i), the Secretary shall use such data as the Secretary determines appropriate.

(C) LOW-INCOME FAMILY.—The term ‘low-income family’ means a family with an income below the poverty line for the most recent fiscal year for which satisfactory data are available.

(D) TRAVEL MOBILITY.—

(1) ESTABLISHMENT.—The Secretary is authorized to establish a panel known as the National Panel on Teacher Mobility (referred to in this subsection as the ‘panel’).

(2) MEMBERSHIP.—The panel shall be composed of 12 members to be by the Secretary.

(i) The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

(ii) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

(4) DUTIES.—

(A) STUDY.—

(i) IN GENERAL.—The panel shall study strategies for increasing the number of openings in early childhood education programs for highly qualified teachers, especially for States with teacher shortages and States with school districts or schools that are difficult to staff.

(ii) DATA AND ANALYSIS.—As part of the study, the panel shall evaluate the desirability of the capability of State initiatives that support teacher mobility by collecting data and conducting effective analysis concerning—

(a) teacher supply and demand; and

(b) development of recruitment and hiring strategies that support teachers; and

(III) increasing reciprocity of certification and licensing across States.

(B) REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

(5) POWERS.—

(A) HEARING.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this subsection.

(B) INFORMATION FROM FEDERAL AGENCIES.—

The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this subsection. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

(C) POSTAL SERVICES.—The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(6) PERSONNEL.—

(A) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the travel incurred in the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

(B) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privileges.

(7) PERMANENT CONCILIATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

*PART B—MATHEMATICS AND SCIENCE PARTNERSHIPS*

"SEC. 2201. PURPOSE; DEFINITIONS.

"(a) PURPOSE.—The purpose of this part is to improve the academic achievement of students in the areas of mathematics and science by encouraging State educational agencies, institutions of higher education, local educational agencies, elementary schools, and secondary schools to participate in programs that—

(i) focus on the education of mathematics and science teachers as a career-long process that continuously stimulates teachers' intellectual growth and upgrades teachers' knowledge and skills; and

(ii) bring mathematics and science teachers in elementary schools and secondary schools together with scientists, mathematicians, and engineers to improve the capability of mathematics and science teachers and improve such teachers' teaching skills through the
use of sophisticated laboratory equipment and work space, computing facilities, libraries, and other resources that institutions of higher education are better able to provide than the elements of secondary schools:

“(4) develop more rigorous mathematics and science curricula that are aligned with challenging State and local academic content standards and with secondary study in engineering, mathematics, and science; and

“(5) improve and expand training of mathematics and science teachers, including training such teachers in the effective integration of technology into curricula and instruction.

“APPLICATION REQUIREMENTS.—In this part:

“(1) ELIGIBLE PARTNERSHIP.—The term ‘eligible partnership’ means a partnership that—

“(A) shall include—

“(i) if grants are awarded under section 2202(a)(1), a State educational agency;

“(ii) an engineering, mathematics, or science department of an institution of higher education; and

“(iii) a high-need local educational agency; and

“(B) may include—

“(i) another engineering, mathematics, science, or teacher training department of an institution of higher education;

“(ii) at least one educational agency, public charter schools, public or private elementary schools or secondary schools, or a consortium of such schools; and

“(iii) a business or a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of mathematics and science teachers.

“(2) SUMMER WORKSHOP OR INSTITUTE.—The term ‘summer workshop or institute’ means a workshop or institute, conducted during the summer, that—

“(A) is conducted for a period of not less than 2 weeks; and

“(B) includes, as a component, a program that provides direct interaction between students and faculty; and

“(C) provides for followup training during the academic year that is conducted in the classroom for a period of not less than 3 consecutive or nonconsecutive days, except that—

“(i) if the workshop or institute is conducted during a 2-week period, the followup training shall be conducted for a period of not less than 4 days; and

“(ii) if the followup training is for teachers in rural school districts, the followup training may be conducted in a distance learning format.

“SEC. 2202. GRANTS FOR MATHEMATICS AND SCIENCE PARTNERSHIPS.

“(a) GRANTS AUTHORIZED.—

“(1) GRANTS TO PARTNERSHIPS.—For any fiscal year for which the funds appropriated under section 2203 are less than $100,000,000, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c).

“(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—For any fiscal year for which the funds appropriated under section 2203 are not less than $100,000,000—

“(i) if an eligible partnership in the State was previously awarded a grant under paragraph (1), and the grant period has not expired, the Secretary shall reserve funds in a sufficient amount to make payments to the partnership in accordance with the terms of the grant; and

“(ii) the Secretary is authorized to award grants to State educational agencies to enable such agencies to award subgrants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c).

“(B) ALLOTMENT.—The Secretary shall allot the amount made available under this part for a fiscal year and not reserved under subparagraph (A)(i) among the State educational agencies in proportion to the number of children, aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent school year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year.

“(C) STATEMENT OF PURPOSE.—The amount of any State educational agency’s allotment under subparagraph (B) for any fiscal year may not be less than 1/2 of the amount made available under subparagraph (A).

“(D) DURATION.—The Secretary shall award grants under this part for a period of 3 years.

“(e) SUPPLEMENT, NOT SUPPLANT.—Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

“(b) APPLICATION REQUIREMENTS.—

“(1) IN GENERAL.—Each eligible partnership desiring a grant or subgrant under this part shall submit an application—

“(A) in the case of grants awarded pursuant to subsection (a)(1), to the Secretary, at such time, in such manner, and accompanied by such information, including a proposal, as the Secretary may require; and

“(B) in the case of subgrants awarded pursuant to subsection (a)(2), to the State educational agency, at such time, in such manner, and accompanied by such information, including a proposal, as the State educational agency may require.

“(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

“(A) the results of a comprehensive assessment of the teacher quality and professional development needs of any schools, local educational agencies, and State educational agencies that comprise the eligible partnership with respect to the teaching and learning of mathematics and science;

“(B) a description of how the activities to be carried out by the eligible partnership will be aligned with challenging State academic content and student academic achievement standards in mathematics and science and with other educational reform activities that promote student academic achievement in mathematics and science;

“(C) a description of how the activities to be carried out by the eligible partnership will be based on a review of scientifically based research and an explanation of how the activities are expected to enhance student academic achievement and strengthen the quality of mathematics and science instruction;

“(D) a description of—

“(i) how the eligible partnership will carry out the authorized activities described in subsection (c); and

“(ii) the eligible partnership’s evaluation and accountability plan described in subsection (c); and

“(E) a description of how the eligible partnership will continue the activities funded under this part after the original grant or subgrant period has expired.

“(c) AUTHORIZED ACTIVITIES.—An eligible partnership awarded grants under this part for one or more of the following activities related to elementary schools or secondary schools:

“(1) Creating opportunities for enhanced and ongoing professional development of mathematics and science teachers that improves the subject matter knowledge of such teachers.

“(2) Providing professional development, including distance learning, for mathematics and science teachers and teacher educators, including integrating reliable scientifically based research methods and technology-based teaching methods into the curriculum.

“(3) Establishing and operating programs to bring mathematics and science teachers into contact with working scientists, mathematicians, and engineers, to expand such teachers’ subject matter knowledge of and research in science and mathematics.

“(4) Designing programs to identify and develop exemplary mathematics and science teachers in the kindergarten through grade 8 classrooms.

“(5) Training mathematics and science teachers and developing programs to encourage women and other underrepresented individuals in mathematics and science careers (including engineering and technology) to pursue postsecondary degrees in majors leading to such careers.

“(6) COORDINATION AND CONSULTATION.—

“(1) PARTNERSHIP GRANTS.—An eligible partnership receiving a grant under section 203 of the Higher Education Act of 1965 shall coordinate the use of such funds with any related activities carried out by such partnership with funds made available under this part.
(2) NATIONAL SCIENCE FOUNDATION.—In carrying out the activities authorized by this part, the Secretary shall consult and coordinate with the Director of the National Science Foundation, after 6 months, the appropriate roles for the Department and the Foundation in the conduct of summer workshops, institutes, or partnerships to improve mathematics and science teaching in elementary schools and secondary schools.

(e) EVALUATION AND ACCOUNTABILITY PLAN.

(1) IN GENERAL.—Each eligible partnership receiving a grant or subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes measurable objectives that measure the impact of activities funded under this part.

(2) CONTENTS.—The plan developed pursuant to paragraph (1) shall include:

(A) the Army;

(B) the Navy;

(C) the Air Force;

(D) the Secretary of Transportation, with respect to matters concerning the Coast Guard Reserve.

SEC. 2302. AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program, which was originally established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2001 et seq.).

(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the ‘‘Troops-to-Teachers Program’’):

(1) to assist eligible members of the Armed Forces described in section 2303 to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

(2) to facilitate the employment of such members—

(A) by local educational agencies or public charter schools that the Secretary identifies as—

(i) receiving grants under part A of title I as a result of having within their jurisdictions concentrations of children from low-income families; or

(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

(B) in elementary schools or secondary schools, or as vocational or technical teachers.

(c) SELECTION CRITERIA.

(1) FORM AND SUBMISSION.—The Secretary shall prescribe the criteria to be used to select eligible members of the Armed Forces to participate in the Program.

(2) TIME FOR SUBMISSION.—Each eligible member shall submit an application to participate in the Program not later than September 30, 2003.

(d) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense, acting through the Deputy Secretary of Defense, for distribution as part of preseparation counseling provided under section 12732 of title 10, United States Code, information as the Secretary may require.

(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who meet the criteria described in section 2303, including meeting education qualification requirements under subsection (d) of section 2304.

(f) RESERVE COMPONENT.—The term ‘‘reserve component’’ means—

(A) the Army National Guard of the United States;

(B) the Army Reserve;

(C) the Air Force Reserve; and

(G) the Coast Guard Reserve.

(G) SECRETARY CONCERNED.—The term ‘‘Secretary concerned’’ means—

(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Armed Forces;

(B) the Secretary of the Navy, with respect to matters concerning reserve components named in subparagraphs (C) and (D) of paragraph (4);

(C) the Secretary of the Air Force, with respect to matters concerning a reserve component of the Air Force;

(D) the Secretary of Transportation, with respect to matters concerning the Coast Guard Reserve.

SEC. 2302. AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program, which was originally established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2001 et seq.).

(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the ‘‘Troops-to-Teachers Program’’):

(1) to assist eligible members of the Armed Forces described in section 2303 to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

(2) to facilitate the employment of such members—

(A) by local educational agencies or public charter schools that the Secretary identifies as—

(i) receiving grants under part A of title I as a result of having within their jurisdictions concentrations of children from low-income families; or

(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

(B) in elementary schools or secondary schools, or as vocational or technical teachers.

(c) SELECTION CRITERIA.

(1) FORM AND SUBMISSION.—The Secretary shall prescribe the criteria to be used to select eligible members of the Armed Forces to participate in the Program.

(2) TIME FOR SUBMISSION.—Each eligible member shall submit an application to participate in the Program not later than September 30, 2003.

(d) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense, acting through the Deputy Secretary of Defense, for distribution as part of preseparation counseling provided under section 12732 of title 10, United States Code, information as the Secretary may require.

(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who meet the criteria described in section 2303, including meeting education qualification requirements under subsection (d) of section 2304.

(f) RESERVE COMPONENT.—The term ‘‘reserve component’’ means—

(A) the Army National Guard of the United States;

(B) the Army Reserve;

(C) the Air Force Reserve; and

(G) the Coast Guard Reserve.

(G) SECRETARY CONCERNED.—The term ‘‘Secretary concerned’’ means—

(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Armed Forces;

(B) the Secretary of the Navy, with respect to matters concerning reserve components
in section 10(a)(9) of title 10, United States Code. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty shall be permitted to participate in the Program after the retirement, separation, or release only if the member’s last period of service is characterized as honorable by the Secretary concerned.

(d) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary shall give preference to members who have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

(e) OTHER CONDITIONS OF SELECTION.—

(1) SELECTION SUBJECT TO FUNDING.—The Secretary shall not select an eligible member of the Armed Forces to participate in the Program under this section and receive financial assistance under section 2304 unless the Secretary has sufficient appropriations for the Program available as determined by the Secretary to satisfy the obligations to be incurred by the United States under section 2304 with respect to the member.

(2) RESERVE COMMITMENT AGREEMENT.—The Secretary shall not select an eligible member of the Armed Forces described in subsection (a)(2)(A) to participate in the Program under this section and receive financial assistance under section 2304 if—

(A) the Secretary notifies the member in writing and the member agrees in writing to serve as a member of a reserve component of the Armed Forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

(b) SEPARATION.—Subject to paragraph (a)(1) of section 3010, the Secretary may pay to a participant in the Program selected under section 2303 a stipend in an amount of not more than $5,000.

(c) BONUS FOR PARTICIPANTS.—

(1) BONUS AUTHORIZED.—A participant in the Program selected under section 2303 during any period in which the participant enters into an agreement with the Secretary in writing to become a highly qualified teacher may receive a bonus as authorized by section 2304(d) of not more than $5,000.

(2) LIMITATION.—The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 5,000.

(d) JOINT FUNDING.—The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

(e) OBLIGATIONS TO BE INCURRED BY THE UNITED STATES.—

(1) STIPEND AUTHORIZED.—In this subsection, the term ‘‘high-school school’’ means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

(A) the school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act.

(B) CHILDREN WITH DISABILITIES.—The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act.

(C) STIPEND AUTHORIZED.—A participant in the Program who is paid a stipend or bonus under this section shall be required to repay the stipend or bonus under the following circumstances:

(A) FAILURE TO OBTAIN CERTIFICATION OR LICENSING.—A participant in the Program who fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as a highly qualified teacher at the end of the period for which the participation agreement is in effect shall be required to repay the stipend or bonus under the following circumstances:

(B) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause, employment as a highly qualified teacher at the end of the period for which the participation agreement is in effect shall be required to repay the stipend or bonus under the following circumstances:

(C) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant voluntarily leaves, or is terminated for cause, employment as a highly qualified teacher at the end of the period for which the participation agreement is in effect shall be required to repay the stipend or bonus under the following circumstances:

(D) AMOUNT OF REIMBURSEMENT.—A participant required to repay the Secretary for a stipend or bonus paid to the participant under this section shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unearned portion of required service bears to the total amount of required service.

(e) DEPARTMENT OF EDUCATION.—The obliga-

tion to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under United States law shall not release a participant from the obligation to reimburse the Secretary under this subsection.

(f) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY ACT.—The receipt by a participant in the Program of a stipend or bonus under this section shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38, United States Code, or chapter 1606 of title 10, United States Code.

 SEC. 2305. PARTICIPATION BY STATES.

(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

(b) ASSISTANCE TO STATES.—

(1) GRANTS AUTHORIZED.—An eligible member of the Armed Forces may receive grants under section 2304 for the purpose of providing assistance to a State for purposes of recruiting eligible members of the Armed Forces to participate in the Program and facilitating the employment of participants in the Program.

(2) LIMITATION.—The total amount of grants made under paragraph (1) in any fiscal year may not exceed $5,000,000.

SEC. 2306. SUPPORT OF INNOVATIVE PRE-RETIREMENT AND OTHER CERTIFICATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to provide funding to develop, implement, and demonstrate teacher certification programs.

(b) DEVELOPMENT, IMPLEMENTATION AND DEMONSTRATION.—The Secretary shall enter into a memorandum of agreement with a State educational agency, an educational agency, or a consortia of States educational agencies or institutions of higher education, to develop, implement, and demonstrate teacher certification programs for members of the Armed Forces described in section 2303(a)(1)(B) for the purpose of assisting such members to consider and prepare for a career as a highly qualified elementary school teacher, secondary school teacher, or vocational or technical teacher upon retirement from the Armed Forces.

(c) PROGRAM ELEMENTS.—A teacher certification program under subsection (a) shall—

(1) provide recognition of military experience and training as related to certification or licensing requirements;

(2) provide courses of instruction that may be conducted on or near a military installation;

(3) incorporate alternative approaches to achieve teacher certification, such as innovative
methods to gaining field-based teaching experiences, and assessment of background and experience as related to skills, knowledge, and abilities required of elementary school teachers, secondary school teachers, or vocational or technical teachers;

(4) provide for courses to be delivered via distance education methods; and

(5) address any additional requirements or specifications established by the Secretary.

(4) APPLICATION PROCEDURES.—

(a) IN GENERAL.—A State educational agency, institution of higher education, or a consortium of States (or a consortia of State educational agencies or institutions of higher education) that desires to enter into a demonstration program under this section shall prepare and submit to the Secretary a proposal, at such time, in such manner, and containing such information as the Secretary may require, including assurance that the State educational agency, institution, or consortium is operating a program leading to State approved teacher certification.

(b) PREFERENCE.—The Secretary shall give preference to State educational agencies, institutions, and consortia that submit proposals that provide for cost sharing with respect to the program described.

(c) CONTINUATION OF PROGRAMS.—Upon successful completion of the demonstration phase of a teacher certification program funded under this section, the continued operation of the teacher certification programs shall not be the responsibility of the Secretary. A State educational agency, institution, or consortium that desires to continue a program that is funded under this section after such funding is terminated shall use amounts derived from tuition charges to continue such program.

(d) FUNDING LIMITATION.—The total amount obligated by the Secretary under this section for any fiscal year may not exceed $10,000,000.

SEC. 2312. DEFINITIONS.

“SEC. 2312. DEFINITIONS. In this chapter:

(1) ELIGIBLE PARTICIPANT.—The term ‘eligible participant’ means—

(A) an individual with substantial, demonstrable career experience, including a highly qualified paraprofessional; or

(B) an individual who is a graduate of an institution of higher education who—

(i) has graduated not more than 3 years before applying to an eligible entity to teach under this chapter; and

(ii) is in the number of highly qualified teachers, in high-need schools operated by high-need local educational agencies.

(2) EXPLANATION.—The program carried out under the grant will meet the relevant State laws (including regulations) related to teacher certification or licensing and facilitate the certification or licensing of such teachers.

(3) DESCRIBE HOW THE GRANT WILL INCREASE THE NUMBER OF Highly Qualified Teachers In High-need Schools Operated By High-need Local Educational Agencies

(a) IN GENERAL.—The entity shall report the effectiveness of the Program in the recruitment and retention of qualified personnel by local educational agencies and public charter schools.

(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on—

(1) THE NUMBER OF PARTICIPANTS IN THE PROGRAM;

(2) THE SCHOOLS IN WHICH THE PARTICIPANTS TEACH;

(3) THE GRADE LEVELS AT WHICH THE PARTICIPANTS TEACH;

(4) THE ACADEMIC SUBJECTS TAUGHT BY THE PARTICIPANTS;

(5) THE RATES OF RETENTION OF THE PARTICIPANTS BY THE LOCAL EDUCATIONAL AGENCIES AND PUBLIC CHARTER SCHOOLS; and

(6) SUCH OTHER MATTERS AS THE SECRETARY MAY REQUIRE.

(c) PRIORITY.—In making such a grant, the Secretary shall give priority to partnerships that includes high-need educational agencies or local educational agencies.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity described in subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—The application shall describe—

(A) one or more target recruitment groups on which the applicant will focus its recruitment efforts;

(B) the characteristics of each such target group that—

(i) shall describe the knowledge and experience of the group’s members; and

(ii) demonstrate that the members are eligible to achieve the objectives of this section;

(C) the methods used to develop these funds received under this section to develop a teacher corps or other program to recruit and retain highly qualified midcareer professionals (which may include highly qualified paraprofessionals, recent college graduates, and recent graduate school graduates, as highly qualified teachers in high-need schools operated by high-need local educational agencies.

(F) DESCRIBE HOW THE PROGRAM WILL ENSURE THE EFFECTIVE AND EFFICIENT DELIVERY OF CERTIFICATION OR LICENSING SERVICES.

(3) USES OF FUNDS.—The entity shall use the funds to carry out a program that includes two or more of the following activities:

(a) Providing scholarships, stipends, bonuses, and other financial incentives, that are likely to participate activities that have proven effective in retaining teachers in high-need schools operated by high-need local educational agencies, to all eligible participants, in amounts not exceed $5,000 per participant.

(b) Carrying out pre- and post-placement induction or support activities that have proven effective in recruiting and retaining teachers, such as—

(i) teacher mentoring;

(ii) providing internships;

(iii) providing high-quality, preservice coursework; and

(iv) providing high-quality, sustained inservice professional development.

(E) COLLABORATING WITH INSTITUTIONS OF HIGHER EDUCATION IN DEVELOPING AND IMPLEMENTING PROGRAMS TO FACILITATE TEACHER RECRUITMENT (INCLUDING USE OF EXISTING INFRASTRUCTURE AND COLLABORATION WITH GRANTS FOR TEACHER RECRUITMENT).
“(b) REQUIREMENTS.—(1) TARGETING.—An entity that receives a grant under this chapter shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit teachers through alternative routes to certification.

(3) PARTNERSHIPS AND CONSORTIA OF LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership or a consortium established under subsection (a), 50 percent of such funds shall be available to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit teachers through alternative routes to certification.

(4) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.

(5) FUNDING REQUIREMENTS.—The entity shall ensure that the funds through the grant for the administration of a program under this chapter carried out under the grant at the end of the third year of the grant period have met the goals required in paragraph (4).

(6) EVALUATION.—The entity shall conduct an evaluation of the program at the end of the third year of the grant period and, at the end of the fifth year of the grant period, shall report on the effectiveness of the program.

(7) PROGRAMS TO SUPPLEMENT.—The entity shall describe the extent to which the program has been effective in recruiting and retaining teachers.

(8) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.

(9) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.

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(9) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.

(10) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.

The entity shall prepare and—

(1) an interim evaluation of the program at the end of the third year of the grant period; and

(2) a final evaluation of the program at the end of the fifth year of the grant period.

(b) REQUIREMENTS.—(1) TARGETING.—An entity that receives a grant under this chapter shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.

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(4) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.

(5) FUNDING REQUIREMENTS.—The entity shall ensure that the funds through the grant for the administration of a program under this chapter carried out under the grant at the end of the third year of the grant period have met the goals required in paragraph (4).

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(7) PROGRAMS TO SUPPLEMENT.—The entity shall describe the extent to which the program has been effective in recruiting and retaining teachers.

(8) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.

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(10) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.

The entity shall prepare and—

(1) an interim evaluation of the program at the end of the third year of the grant period; and

(2) a final evaluation of the program at the end of the fifth year of the grant period.

(b) REQUIREMENTS.—(1) TARGETING.—An entity that receives a grant under this chapter shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit teachers through alternative routes to certification.

(3) PARTNERSHIPS AND CONSORTIA OF LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership or a consortium established under subsection (a), 50 percent of such funds shall be available to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit teachers through alternative routes to certification.

(4) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.

(5) FUNDING REQUIREMENTS.—The entity shall ensure that the funds through the grant for the administration of a program under this chapter carried out under the grant at the end of the third year of the grant period have met the goals required in paragraph (4).

(6) EVALUATION.—The entity shall conduct an evaluation of the program at the end of the third year of the grant period and, at the end of the fifth year of the grant period, shall report on the effectiveness of the program.

(7) PROGRAMS TO SUPPLEMENT.—The entity shall describe the extent to which the program has been effective in recruiting and retaining teachers.

(8) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.

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(10) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.

The entity shall prepare and—

(1) an interim evaluation of the program at the end of the third year of the grant period; and

(2) a final evaluation of the program at the end of the fifth year of the grant period.

(b) REQUIREMENTS.—(1) TARGETING.—An entity that receives a grant under this chapter shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit teachers through alternative routes to certification.

(3) PARTNERSHIPS AND CONSORTIA OF LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership or a consortium established under subsection (a), 50 percent of such funds shall be available to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit teachers through alternative routes to certification.

(4) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.

(5) FUNDING REQUIREMENTS.—The entity shall ensure that the funds through the grant for the administration of a program under this chapter carried out under the grant at the end of the third year of the grant period have met the goals required in paragraph (4).

(6) EVALUATION.—The entity shall conduct an evaluation of the program at the end of the third year of the grant period and, at the end of the fifth year of the grant period, shall report on the effectiveness of the program.

(7) PROGRAMS TO SUPPLEMENT.—The entity shall describe the extent to which the program has been effective in recruiting and retaining teachers.

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(9) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.

(10) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant to administer the program.
(2) the National Council on Economic Education to carry out economic education activities under section 2345; and

(3) organizations experienced in the development of curricula and programs in civics and government, and economic education for students in elementary schools and secondary schools in countries other than the United States, to carry out civic education activities under section 2345.

(b) DISTRIBUTION FOR COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.—

(1) INITIATION.—Not more than 40 percent of the amount appropriated under section 2345 for a fiscal year shall be used to carry out section 2345.

(2) DISTRIBUTION.—Of the amount used to carry out section 2345 for a fiscal year (consistent with paragraph (1)), the Secretary shall use

(A) 37.5 percent for a grant or contract for the Center for Civic Education;

(B) 37.5 percent for a grant or contract for the National Council on Economic Education; and

(C) 25 percent for not less than 1, but not more than 3, grants or contracts for organizations described in subsection (a)(3).

SEC. 2345. COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.

(a) THE CITIZEN AND THE CONSTITUTION.—

(1) EDUCATIONAL ACTIVITIES.—The Center for Civic Education—

(A) shall use funds made available under grants or contracts under section 2345(a)(1)—

(i) to continue and expand the educational activities of the program entitled the 'We the People...Project Citizen' program administered by the Center;

(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;

(iii) to provide 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; and

(iv) to provide an annual national showcase or competition; and

(B) may use funds made available under grants or contracts under section 2345(a)(1)—

(i) to provide optional school and community simulated State legislative hearings;

(ii) to provide sessions, and ongoing training of teachers on the roles of State and local governments in the Federal system established by the Constitution of the United States;

(iii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology;

(iv) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

(2) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be designed to advance and sustain, and ongoing training of teachers about the Constitution of the United States, to carry out civic education activities described in subsection (a)(3).

(3) assist participants from eligible countries—

(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) independent research and evaluation assistance to determine 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

(4) to identify effective participation in, and the evaluation and improvement of, an efficient market economy;

(2) to provide to the participants from the United States—

(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) independent research and evaluation assistance to determine 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

(4) PARTICIPANTS.—The primary participants in the cooperative education exchange programs assisted under this section shall be educational leaders, teachers, 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.

(c) CONSULTATION.—The Secretary may award a grant to the enter into a contract with, the entities described in section 2343 to carry out programs assisted under this section only if the Secretary concurs with the Secretary that such grant, or contract, respectively, is consistent with the foreign policy of the United States.

(d) AVOIDANCE OF DUPLICATION.—With the concurrence of the Secretary of State, the Secretary shall ensure that—
“(1) the activities carried out under the programs assisted under this section are not duplicative of other activities conducted in eligible countries;

“(2) any institutions in eligible countries, with which the Center for Civic Education, the National Council on Economic Education, or organizations described in section 2343(a)(3) may work in conducting such activities, are creditable;

“(g) ELIGIBLE COUNTRY DEFINED.—In this section, the term ‘eligible country’ means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, the independent states of the former Soviet Union as defined in the former Soviet Union Freedom Support Act (22 U.S.C. 5801), the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country (as such term is defined in section 209(d) of the Education for the Deaf Act) if the Secretary, with the concurrence of the Secretary of State, determines that such developing country has a democratic form of government.

SEC. 2346. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subpart $20,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

Subpart 4—Teaching of Traditional American History

SEC. 2351. ESTABLISHMENT OF PROGRAM.

“(a) IN GENERAL.—The Secretary may establish and implement a program to be known as the Teaching American History Grant Program, under which the Secretary shall award grants on a competitive basis to local educational agencies—

“(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and

“(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies) within an elementary school and secondary school curriculum, including the implementation of activities—

“(A) to improve the quality of instruction; and

“(B) to provide professional development and teacher education activities with respect to American history.

“(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with one or more of the following:

“(1) An institution of higher education.

“(2) A nonprofit history or humanities organization.

“(3) A library or museum.

“(c) APPLICATION.—To be eligible to receive an grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 2352. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

Subpart 5—Teacher Liability Protection

SEC. 2361. SHORT TITLE.

This subpart may be cited as the ‘‘Paul D. Coverdell Teacher Protection Act of 2001.’’

SEC. 2362. PURPOSE.

The purpose of this subpart is to provide teachers, principals, and other school professionals employed to undertake or implement viable educational activities to maintain order, discipline, and an appropriate educational environment.

SEC. 2363. DEFINITIONS.

For purposes of this subpart:

“(1) Economic Loss.—The term ‘economic loss’ means any pecuniary loss resulting from the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities if the death or injury was undertakable for such loss is allowed under applicable State law.

“(2) Harm.—The term ‘harm’ includes physical, nonphysical, economic, and noneconomic losses.

“(3) Noneconomic Loss.—The term ‘noneconomic loss’ means loss for physical or emotional pain, suffering, inconvenience, physical impairment, emotional impairment, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.

“(4) School.—The term ‘school’ means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

“(5) State.—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, or any other territory or possession of the United States, or any political subdivision of such State, territory, or possession.

“(6) Teacher.—The term ‘teacher’ means—

“(A) a teacher, instructor, principal, or administrator;

“(B) another educational professional who works in a school;

“(C) a professional or nonprofessional employee who—

“(i) works in a school;

“(ii) in the performance of his or her job, maintains discipline or ensures safety; or

“(iii) in an emergency, is called on to maintain discipline or ensure safety; or

“(D) an individual member of a school board (as distinct from the board).

SEC. 2364. APPLICABILITY.

This subpart shall only apply to States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.

SEC. 2365. PREEMPTION AND ELECTION OF APPLICABILITY.

“(a) PREEMPTION.—The term ‘State’ means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

“(b) APPLICATION.—To be eligible to receive an grant under this Act, and shall apply to such a State as a condition of receiving such funds.

“(c) APPLICATION.—The term ‘State’ means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

“(d) E XCEPTIONS TO LIMITATIONS ON LIABILITY.

“(1) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

“(2) A State law that makes a limitation of liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

“(A) that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

“(B) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

“(3) A State law that makes a limitation of liability applicable if the civil action was brought by an officer of a State or local government pursuant to State law.

“(4) A State law that makes a limitation of liability applicable if the civil action was brought for harm based on the act or omission of such teacher that constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

“(5) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would for any reason limit the award of punitive damages.

“(6) EXCEPTION TO LIMITATIONS ON LIABILITY.

“(1) IN GENERAL.—The limitations on the liability of a teacher under this subpart shall not apply to any misconduct that—

“(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant was convicted in any court;

“(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

“(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

“(D) where the defendant was under the influence of alcohol or any drug at the time of the misconduct.

“(2) HIRING.—The limitations on the liability of a teacher under this subpart shall not apply to misconduct during background investigations, or during other actions, involving the hiring of a teacher.

“(3) RULES OF CONSTRUCTION.—

“(A) CONCERNING RESPONSIBILITY TO SCHOOLS AND GOVERNMENTAL ENTITIES.—
Nothing in this section shall be construed to affec
t any civil action brought by any school or any governmental entity against any teacher of such school.

(2) UNCERTAIN CORPORAL PUNISHMENT.—Nothing in this subpart shall be construed to affec
t any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

SEC. 2367. ALLOCATION OF RESPONSIBILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against an educator, an act or omission of a teacher acting within the scope of the teacher’s employment or responsibilities to a school or governmental entity, the liability of the teacher shall be liable only for the amount of economic loss allocated to a defendant who is a teacher acting within the scope of the teacher’s employment or responsibilities to a school or governmental entity, the liability of the teacher acting within the scope of the teacher’s employment or responsibilities to a school or governmental entity.

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—(A) LIABILITY.—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable.

(2) SEPARATE JUDGMENT.—The court shall render a separate judgment against each defendant in an amount determined pursuant to subparagraph (A).

(3) PERCENTAGE OF LIABILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher, the percentage of responsibility of each person responsible for the claimant’s harm, whether or not such person is a party to the action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersed any Federal or State law that further limits the apportionment of liability in a civil action described in subsection (a), beyond the limitations established in this section.

SEC. 2368. EFFECTIVE DATE.

(a) IN GENERAL.—This subpart shall take effect 90 days after the date of enactment of the No Child Left Behind Act of 2001.

(b) APPLICATION.—This subpart applies to any claim for harm caused by an act or omission of a teacher if such claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of such claim or the conduct that caused the harm occurred before such effective date.

“PART D—ENHANCING EDUCATION THROUGH TECHNOLOGY

SEC. 2401. SHORT TITLE.

“This part may be cited as the ‘Enhancing Education Through Technology Act of 2001’.

SEC. 2402. PURPOSES AND GOALS.

(a) PURPOSES.—The purposes of this part are the following:

(1) To provide assistance to States and localities for the implementation and support of a comprehensive computer technology program that effectively uses technology in elementary schools and secondary schools to improve student academic achievement.

(2) To encourage the establishment or expansion of initiatives, including initiatives involving public-private partnerships, designed to increase access to technology, particularly in schools served by high-need local educational agencies.

(3) To assist States and localities to the acquisition, development, interconnection, implementation, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students).

(4) To provide that the Secretary shall be liable only for the amount of economic loss allocated to a defendant who is a teacher acting within the scope of the teacher’s employment or responsibilities to a school or governmental entity, the liability of the teacher acting within the scope of the teacher’s employment or responsibilities to a school or governmental entity.

(b) GOALS.—

(1) PRIMARY GOAL.—The primary goal of this part is to improve student academic achievement through the use of technology in elementary schools and secondary schools.

(2) ADDITIONAL GOALS.—The additional goals of this part are the following:

(A) To assist every student in crossing the digital divide by ensuring that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student’s race, ethnicity, gender, family income, geographic location, or disability.

(B) To encourage the effective integration of technology and curricula for students in areas that would not otherwise have access to such courses and curricula, particularly in geographically isolated regions.

(C) To support the rigorous evaluation of programs funded under this part, particularly regarding the impact of such programs on student academic achievement, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.

(D) To support local efforts using technology to promote parent and family involvement in education, with emphasis on families of students in particular, parents, teachers, principals, and administrators.


(A) L I A B I L I T Y .—The term ‘eligible local educational agency’ means—

(i) a high-need local educational agency; or

(ii) an eligible entity.

(B) E L I G I B L E L O C A L P A R T N E R S H I P .—The term ‘eligible local partnership’ means a partnership that—

(i) includes at least one high-need local educational agency and at least one—

(1) local educational agency that can demonstrate that schools in the area served by the agency are effectively integrating technology and proven teaching practices into instruction, based on a review of relevant research, and that the program results in improvements in—

(II) classroom instruction in the core academic subjects; and

(II) preparation of students to meet challenging State academic content and student academic achievement standards; and

(ii) institution of higher education that is in compliance with the reporting requirements of section 2001(f) of the Higher Education Act of 1965 and that has not been identified by its State as low-performing under section 205 of such Act;

(iii) for-profit business or organization that develops, manufactures, or produces technology products or services, or has substantial expertise in the application of technology in instruction; or

(iv) public or private nonprofit organization with demonstrated experience in the application of educational technology to instruction; and

(2) has a substantial need for assistance in acquiring and using technology.

(C) FUNDING.

(1) FUNDING MECHANISM.—(A) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2 $1,000,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

(B) ALLOCATION OF FUNDS BETWEEN STATE AND LOCAL AND NATIONAL INITIATIVES.—The amount of funds made available under subsection (a) for a fiscal year shall be allocated so that—

(i) not less than 98 percent is made available to carry out subpart 1; and

(ii) not more than 2 percent is made available to carry out subpart 2.

(C) ALLOCATION OF FUNDS FOR STUDY.—Of the total amount of funds allocated under subsection (b)(2) for fiscal year 2002 through 2007, not more than $15,000,000 may be used to carry out section 4242(a).

(D) LIMITATION.—The amount of funds made available to a recipient of funds under this part for a fiscal year, not more than 5 percent may be used by the recipient for administrative costs or technical assistance, of which not more than 69 percent may be used by the recipient for administrative costs.

Subpart 1—State and Local Technology Grants

SEC. 2411. ALLOTMENT AND REALLOCATION.

(a) RESERVATIONS AND ALLOTMENT.—From the amount made available to carry out this subpart under section 2404(b)(1) for a fiscal year—

(1) the Secretary shall reserve—

(A) ¼ of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs;

(B) ½ of 1 percent to provide assistance under this subpart to the outlying areas; and

(c) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not use its entire allotment under this subpart for the fiscal year, the Secretary shall reallocate the amount of the State educational agency’s allotment, or the unused portion of the amount made available to the State educational agency under this subpart in accordance with this section.
“(d) STATE EDUCATIONAL AGENCY DEF—
In this section, the term ‘State educational agency’ does not include an agency of an outlying area or the Bureau of Indian Affairs.

SEC. 2414. FUNDING BY STATE

(a) IN GENERAL.—Of the amount provided to a State educational agency (from the agency’s allotment under section 2411(a)(2)) for a fiscal year—

(1) the State educational agency may use not more than 5 percent to carry out activities under section 2415; and

(2) the remainder the State educational agency shall distribute the remainder as follows:
   (A) From 50 percent of the remainder, the State educational agency shall award subgrants by allocating to each eligible local educational agency that has submitted an application to the State educational agency under section 2414, for the activities described in section 2416, an amount that bears the same relationship to 50 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State.
   (B) From 50 percent of the remainder and subject to subsection (b), the State educational agency shall award subgrants, through a State-determined competitive process, to eligible local educational agencies described in subparagraph (A) and—
      (i) received allocations under subsection (a)(2)(B); or
      (ii) are eligible local entities;
   (C) determine the minimum amount for awards under subsection (a)(2)(B) to ensure that subgrants awarded under that subsection are of sufficient size to be effective.

(b) SPECIAL AMOUNTS

(1) SPECIAL RULE.—In awarding a subgrant under subsection (a)(2)(B), the State educational agency shall—
   (i) determine the local educational agencies that—
      (I) received allocations under subsection (a)(2)(A) that are not of sufficient size to be effective, are consistent with the purposes of this part; and
      (II) are eligible local entities;
   (B) apply the provisions submitted by eligible local educational agencies described in subparagraph (A); and
   (C) determine the minimum amount for awards under subsection (a)(2)(B) to ensure that subgrants awarded under that subsection are of sufficient size to be effective.

(c) SUFFICIENCY.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure that each subgrant is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

(d) DISTRIBUTION.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure an equitable distribution of assistance under this subpart among urban and rural areas of the State, according to the demonstrated need of those local educational agencies serving the areas.

(e) FISCAL AGENT.—If an eligible local partnership receives a subgrant under subsection (a)(2)(B), a local educational agency in the partnership shall serve as the fiscal agent for the partnership.

(f) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under section 2411(a) shall—
   (1) identify the local educational agencies served by the State educational agency that—
      (I) have the highest numbers or percentages of children from families with incomes below the poverty line; and
      (II) demonstrate to such State educational agency the greatest need for technical assistance in developing an application under section 2414;
   (2) offer the technical assistance described in paragraph (1)(B) to those local educational agencies.

SEC. 2415. STATE APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing a new or updated statewide long-range strategic educational technology plan (which shall address the educational technology needs of local educational agencies) and such other information as the Secretary may reasonably require.

(b) CONTENTS.—An application submitted under subsection (a) shall include each of the following:
   (1) an outline of the State educational agency’s long-term strategies for improving student academic achievement, including technology literacy, through the effective use of technology in classrooms throughout the State, including those teachers who are required to integrate technology effectively into curricula and instruction.
   (2) A description of the State educational agency’s goals for using advanced technology to improve student academic achievement, and how those goals are aligned with challenging State academic content and student academic achievement standards.
   (3) A description of how the State educational agency will take steps to ensure that all students and teachers in the State, particularly students and teachers in districts served by high-need local educational agencies, have increased access to technology.
   (4) A description of the process and accountability measures that the State educational agency will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction.
   (5) A description of how the State educational agency will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly in areas of the State that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.
   (6) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.
   (7) A description of how the plan incorporates teacher education, professional development, and curriculum development, and how the State educational agency will work to ensure that teachers and other school professionals receive financial assistance provided under this subpart.
   (8) A description of—
      (A) how the State educational agency will provide technical assistance to applicants under section 2414, especially to those applicants serving the highest numbers or percentages of children in poverty or with the greatest need for technical assistance; and
      (B) the capacity of the State educational agency to provide such assistance.
   (9) A description of resources and systems that the State will provide for the purpose of establishing best practices that can be widely replicated by State educational agencies and local educational agencies in the State and in other States.
   (10) A description of the State’s long-term strategies for using technology to ensure that all students, teachers, and classrooms have access to technology.
   (11) A description of the State’s strategies for using technology to increase parental involvement.
   (12) A description of how the State educational agency will ensure that each subgrant awarded under section 2414 is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.
   (13) A description of how the State educational agency will ensure ongoing integration of technology into school curricula and instructional strategies in all schools in the State, so that technology will be fully integrated into the curricula and instruction of the schools by December 2006.
   (14) A description of how the local educational agencies in the State will provide incentives to teachers who are technologically literate and teaching in rural or urban areas, to encourage such teachers to remain in those areas.
   (15) A description of how public and private entities will participate in the implementation and support of the plan.

(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

(d) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(e) NOTIFICATION.—If the Secretary finds that the application is noncompliant, and notifies the State in writing of such noncompliance in whole or in part, the Secretary shall—
   (1) give the State educational agency notice and an opportunity for a hearing; and
   (2) notify the State educational agency of the finding of noncompliance and, in such notification—
      (A) cite the specific provisions in the application that are not in compliance; and
      (B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(f) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—
   (1) the expiration of the 45-period day beginning on the date on which the application is resubmitted; or
   (2) the expiration of the 120-day period described in subsection (c).

(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (e)(2) during the 45-period day beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

SEC. 2414. LOCAL APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive a subgrant from a State educational agency under this subpart, a local educational agency or eligible local entity shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan that is consistent with the objectives of the statewide educational technology plan described in section 2413(a) and such other information as the State educational agency may reasonably require, at such time and in such manner as the State educational agency may require.

(b) CONTENTS.—The application shall include each of the following:
   (1) A description of how the applicant will use Federal funds under this subpart to improve student achievement, including technology literacy, of all students attending schools served by the local educational agency and to improve the capacity of all teachers teaching in schools served by the local educational agency to integrate technology effectively into curricula and instruction.
(2) A description of the applicant’s specific goals for using advanced technology to improve student academic achievement, aligned with challenging State academic content and student academic achievement standards.

(3) A description of the steps the applicant will take to ensure that all students and teachers in the local educational agency involved have increased access to educational technology, including how the agency would use funds under this subpart (such as combining the funds with funds from other sources), to help ensure that—
(A) students in high-poverty and high-needs schools, or schools identified under section 1116, have ongoing access to educational technology; and
(B) teachers are prepared to integrate technology effectively into curricula and instruction.

(4) A description of how the applicant will—
(A) identify and promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research, leading to improvements in student academic achievement, as measured by challenging State academic content and student academic achievement standards; and
(B) provide ongoing, sustained professional development for principals, school administrators, and school library media personnel serving the local educational agency, to further the effective use of technology in the classroom or library setting.

(5) A description of how the applicant will coordinate activities carried out with funds provided under this subpart with technology-related activities carried out with funds available from other Federal, State, and local sources.

(6) A description of how the applicant will integrate technology (including software and other electronically delivered learning materials) into curricula and instruction, and a timeline for such integration.

(7) A description of how the applicant will encourage parent and teacher involvement in the development and adoption ofcurricula, and including specific provisions for interoperability among components of such technologies.

(8) A description of how the applicant will coordinate activities carried out with funds provided under this subpart with technology-related activities carried out with funds available from other Federal, State, and local sources.

(9) A description of how the applicant will ensure the effective use of technology to promote parental involvement and increase communication with parents, including a description of how programs will be informed of the technology being applied in their child’s education so that the parents are able to reinforce at home the instruction their child receives at school.

(10) A description of how programs will be developed, where applicable, in collaboration with adult literacy service providers, to maximize the use of technology.

(11) A description of the process and accountability measures that the applicant will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

(12) A description of the supporting resources (such as services, software, other electronically delivered learning materials, and print resources) that will be acquired to ensure successful and effective use of technology.

(13) Combined Applications.—A local educational agency that is an eligible local entity and submits an application to the State educational agency under this section for funds available under this subpart shall combine the agency’s application for funds awarded under this section with an application for funds awarded under section 2412(a)(2).

(1) Consortium Applications.—
(A) In general.—For any fiscal year, a local educational agency applying for financial assistance described in section 2412(a)(2)(A) may apply as part of a consortium that includes other local educational agencies, institutions of higher education, educational service agencies, or other entities appropriate to provide local programs.

(B) Fiscal agent.—If a local educational agency applies for and receives financial assistance described in section 2412(a)(2)(A) as part of a consortium, the local educational agency shall serve as the fiscal agent for the consortium.

(2) State Educational Agency Assistance.—At the request of a local educational agency, a State educational agency may assist the local educational agency in the formation of a consortium described in paragraph (1) to provide services and support to students served by the local educational agency.

SEC. 2415. STATE ACTIVITIES.

From funds made available under section 2412(a)(2), a State educational agency shall carry out activities and assist local efforts to carry out the purposes of this part, which may include the following activities:

(1) Developing, or assisting applicants or recipients of funds under this subpart in the development and utilization of, innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, and providing other technical assistance to such applicants or recipients throughout the State, with particular emphasis on high-need local educational agencies.

(2) Establishing or supporting public-private initiatives (such as interest-free or reduced-cost loans) for the acquisition of educational technology for high-need local educational agencies and students attending schools served by such agencies.

(3) Assisting recipients of funds under this subpart in providing sustained and intensive, high-quality professional development based on a review of relevant research, leading to improvements in student academic achievement, as measured by challenging State academic content standards and student academic achievement standards.

(4) Assisting recipients of funds under this subpart in providing sustained and intensive, high-quality professional development based on a review of relevant research, leading to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content and student academic achievement standards.

(5) Utilizing technology to develop or expand existing and new applications of technology to enable teachers to increase student academic achievement, including technology literacy—
(A) through the use of teaching practices that are based on a review of relevant research and are designed to prepare students to meet challenging State academic content and student academic achievement standards; and
(B) by the development and utilization of innovative distance learning programs and technology that are designed to meet the needs of students with disabilities and students with limited English proficiency.

(6) Collaborating with other State educational agencies on distance learning, including the provision of specialized courses and curricula available to students in areas that would not otherwise have access to such courses and curricula.

(7) Utilizing technology to develop or expand efforts to connect schools and teachers with parents and students to promote meaningful parental involvement in education, to improve communication about curricula, assignments, and assessments between students, parents, and teachers, and to assist parents to understand the technology-based instruction and educational technologies they are receiving in their child’s education, so that parents are able to reinforce at home the instruction their child receives at school.
"(5) Preparing one or more teachers in elementary schools and secondary schools as technology leaders who are provided with the means to serve as experts and train other teachers in the effective use of technology, and providing bonus payments to the technology leaders.

"(6) Acquiring, adapting, expanding, implementing, repairing, and maintaining existing and new technology, and providing the school with the school reform effort and to improve student academic achievement, including technology literacy.

"(7) Acquiring connectivity linkages, resources, and services (including the acquisition of hardware and software and other electronically based materials) by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement.

"(8) Using technology to collect, manage, and analyze data to inform and enhance teaching and school improvement efforts.

"(9) Implementing performance measurement systems to determine the effectiveness of educational technology programs funded under this subsection, in determining the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers and students to meet challenging State academic content and student academic achievement standards.

"(10) Developing, enhancing, or implementing information systems.

"Subpart 2—National Technology Activities

"SEC. 2421. NATIONAL TECHNOLOGY PLAN.

"(a) PROGRAM AUTHORIZED.

"(1) In general.—Based on the Nation’s progress and an assessment by the Secretary of the country’s needs for this section, the Secretary may establish a national technology plan for schools in effectively using technology to provide all students the opportunity to meet challenging State academic content and student academic achievement standards, the Secretary shall update and publish, in a form readily accessible to the public, a national long-range technology plan, by not later than 12 months after the date of enactment of the No Child Left Behind Act of 2001.

"(b) CONTENTS.—The plan referred to in subsection (a) shall include each of the following:

"(1) A description of the manner in which the Secretary will promote—

"(A) higher student academic achievement through the integration of advanced technologies, including emerging technologies, into curricula and instruction;

"(B) increased access to technology for teaching and learning for schools with a high number or percentage of children from families with incomes below the poverty line; and

"(C) the use of technology to assist in the implementation of the comprehensive strategies described in paragraph (10) of section 2404(b)(2), the Secretary shall—

"(1) conduct an independent, long-term study, utilizing scientifically based research methods and control groups or control conditions—

"(A) on the conditions and practices under which educational technology is effective in increasing student academic achievement; and

"(B) on the conditions and practices that increase the ability of teachers to integrate technology effectively into curricula and instruction, that enhance the learning environment and opportunities, and that increase student academic achievement, including technology literacy;

"(2) shall establish an independent review panel to advise the Secretary on methodological and other issues that arise in conducting the long-term study;

"(3) shall consult with other interested Federal departments or agencies, State and local educational practitioners and policymakers (including teachers, principals, and superintendents), and experts in technology, regarding the study; and

"(4) shall submit to Congress interim reports, when appropriate, and a final report, to be submitted no later than April 1, 2006, on the findings of the study.

"(b) DISSEMINATION.—Using funds made available under section 2404(b)(2), the Secretary shall make widely available, including through dissemination on the Internet and to all State educational agencies and other recipients of funds, materials developed or provided through activities carried out under this section regarding the conditions and practices under which educational technology is effective in increasing student academic achievement.

"(c) TECHNICAL ASSISTANCE.—Using funds made available under section 2404(b)(2), the Secretary may provide technical assistance (directly or through competitive award grants or contracts) to State educational agencies, local educational agencies, and other recipients of funds, particularly in rural areas, under this part, that are providing such assistance to such State educational agencies, local educational agencies, and other recipients to achieve the purposes of this part.

"SEC. 2422. NATIONAL EDUCATION TECHNOLOGY PLAN.

"(a) IN GENERAL.—Based on the Nation’s progress and an assessment by the Secretary of the country’s needs for this section, the Secretary may provide technical assistance (directly or through competitive award grants or contracts) to State educational agencies, local educational agencies, and other recipients of funds, in order to improve student academic achievement, including technology literacy.

"(b) CONTENTS.—The plan referred to in subsection (a) shall include each of the following:

"(1) A description of the manner in which the Secretary will promote—

"(A) higher student academic achievement through the integration of advanced technologies, including emerging technologies, into curricula and instruction;

"(B) increased access to technology for teaching and learning for schools with a high number or percentage of children from families with incomes below the poverty line; and

"(C) the use of technology to assist in the implementation of the comprehensive strategies described in paragraph (10) of section 2404(b)(2), the Secretary shall—

"(1) shall conduct an independent, long-term study, utilizing scientifically based research methods and control groups or control conditions—

"(A) on the conditions and practices under which educational technology is effective in increasing student academic achievement; and

"(B) on the conditions and practices that increase the ability of teachers to integrate technology effectively into curricula and instruction, that enhance the learning environment and opportunities, and that increase student academic achievement, including technology literacy;

"(2) shall establish an independent review panel to advise the Secretary on methodological and other issues that arise in conducting the long-term study;

"(3) shall consult with other interested Federal departments or agencies, State and local educational practitioners and policymakers (including teachers, principals, and superintendents), and experts in technology, regarding the study; and

"(4) shall submit to Congress interim reports, when appropriate, and a final report, to be submitted no later than April 1, 2006, on the findings of the study.

"(b) DISSEMINATION.—Using funds made available under section 2404(b)(2), the Secretary shall make widely available, including through dissemination on the Internet and to all State educational agencies and other recipients of funds, materials developed or provided through activities carried out under this section regarding the conditions and practices under which educational technology is effective in increasing student academic achievement.

"(c) TECHNICAL ASSISTANCE.—Using funds made available under section 2404(b)(2), the Secretary may provide technical assistance (directly or through competitive award grants or contracts) to State educational agencies, local educational agencies, and other recipients of funds, particularly in rural areas, under this part, that are providing such assistance to such State educational agencies, local educational agencies, and other recipients to achieve the purposes of this part.

"(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

"(1) A capacity for the development and distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

"(2) A capacity to contract with the producers of children’s television programming for the development of educational television programming of high quality.

"(3) A capacity, consistent with the entity’s mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

"(C)Coordinate and Disseminate.—The Secretary shall establish an independent review panel to advise the Secretary on methodological and other issues that arise in conducting the long-term study; the Secretary shall prepare and submit to the relevant committees of Congress an annual report that contains such information as the Secretary may require.

"(D) REPORTS AND ANNUAL REPORT TO THE SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary a 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 the grant, contract, or cooperative agreement, including each of the following:

"(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 and training materials that have been developed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

"(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.

"(D) The initiatives undertaken by the entity to develop public-private partnerships to secure additional support for the development, dissemination, and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall transmit and submit to the appropriate committees of Congress a biannual report that includes the following:

"(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 and training materials that have been developed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

"(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.

"(D) The initiatives undertaken by the entity to develop public-private partnerships to secure additional support for the development, dissemination, and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall transmit and submit to the appropriate committees of Congress a biannual report that includes the following:
“(A) A summary of the activities assisted under subsection (a).
“(B) A description of the education and training materials made available under subsection (a)(1), a description of which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.
“(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.
“(e) AUTHORIZATION OF APPROPRIATIONS.—
“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section as may be necessary for fiscal year 2002, and for each of the 5 succeeding fiscal years.
“(2) FUNDING RULE.—Not less than 60 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).

Subpart 4—Limitation on Availability of Certain Funds for Schools

SEC. 2441. INTERNET SAFETY.

(a) IN GENERAL.—No funds made available under this part to a local educational agency for an elementary or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase, lease, or otherwise acquire the use of such computers with Internet access that projects against access through such computers to visual depictions that are—

(i) child pornography; or

(ii) harmful to minors; and

(b) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

“(1) IN GENERAL.—The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as of the date of enactment of this Act following December 21, 2000, and for each subsequent program year thereafter.

“(2) PROCESS.—

(A) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by subsection (a)(1), (ii) shall certify its compliance with subsection (a) during the fiscal year in which the local educational agency is applying for funds under this Act, that shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets all such requirements, and

(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—

“(1) CERTIFICATION.—A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)(1) shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets all such requirements, and

“(ii) a person or entity that, prior to the date of enactment of this Act, was awarded funds appropriated under the Department of Education Appropriations Act, 2001 for new teacher recruitment initiatives; or

SEC. 301. LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

“(1) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to carry out this title, except for subpart 4 of part B, $759,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(2) EMERGENCY IMMIGRANT EDUCATION PROGRAM.—There are authorized to be appropriated
to carry out subpart 4 of part B (when such part is in effect) such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

(b) CONDITIONS ON EFFECTIVENESS OF PARTS A AND B.—

(1) PART A.—Part A shall be in effect for any fiscal year for which the amount appropriated under paragraph (2) of subsection (a) equals or exceeds $650,000,000.

(2) PART B.—Part B shall be in effect only for a fiscal year for which Part A is not in effect.

(c) REFERENCES.—In any fiscal year for which Part A is in effect, references in Federal law to Part B shall be considered to be references to Part A.

(2) DEVELOPMENT OF PROGRAMS.—In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 3113, the Secretary shall make a grant for the fiscal year to the agency and subgrants as specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

(3) USE OF FUNDS.—

(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency’s allotment under subsection (c) for a fiscal year.

(A) To award subgrants, from allocations under section 3114, to eligible entities to carry out the activities described in section 3115 (other than subsection (c)) and

(B) To award subgrants under section 3114(d)(1) to eligible entities that are described in that section to carry out the activities described in section 3116.

(2) STATE ACTIVITIES.—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency’s allotment under subsection (c) for the purpose of carrying out one or more of the following activities:

(A) Professional development activities, and other activities, that assist personnel in meeting State and local certification and licensing requirements for teaching limited English proficient children.

(B) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in

(i) identifying and implementing language instruction educational programs and curricula that are based on scientifically based research on teaching limited English proficient children;

(ii) helping limited English proficient children meet the same challenging State academic content and student academic achievement standards as all children are expected to meet; consistent with section 1111(b)(1);

(iii) identifying or developing, and implementing, measures of English proficiency; and

(iv) promoting parental and community participation in programs that serve limited English proficient children.

(D) Providing recognition, which may include providing financial awards, to additional qualified agencies within the State to satisfy the requirements of this subpart, the Secretary—

(i) shall endeavor to make the State’s allotment available on a competitive basis to specially qualified agencies within the State to satisfy the requirements of section 3115 (and any additional requirements that the Secretary may impose) consistent with the purposes of such section, and to carry out required and authorized activities under such section; and

(ii) shall reallocate any portion of such allotment remaining after the application of clause (i) to the remaining State educational agencies in accordance with subparagraph (A).

(3) REALLOCATIONS.—If any State educational agency described in subsection (a) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subparagraph, the Secretary—

(A) in general.—Except as provided in subparagraph (B), the Secretary shall reallocate any portion of such allotment remaining after the application of clause (i) to the remaining State educational agencies in accordance with subparagraph (A).

(B) SPECIAL RULE FOR PUERTO RICO.—The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed 0.5 percent of the total amount allotted to all States for that fiscal year.

(c) USE OF DATA FOR DETERMINATIONS.—

(A) IN GENERAL.—In making State allotments under paragraph (3) for the purpose of determining the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a
State and in all States, for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date numbers of such children and youth.

(3) contain an assurance that—
(A) in the case of a subgrant to a local educational agency, the agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, schools, teachers, and researchers, in developing the annual measurable achievement objectives described in section 312;
(B) in the case of a subgrant to a local educational agency, the agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, and researchers, in developing the annual measurable achievement objectives described in section 312;
(C) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(7) to annually assess in English children who have been in the United States for 3 or more consecutive years;
(D) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all limited English proficient children participating in a program funded under this subpart, consistent with section 1111(b)(7);
(E) in awarding subgrants under section 3114, the agency will address the needs of school systems and all geographic areas, including school systems with rural and urban schools;
(F) subgrants to eligible entities under section 3111(h)(1) with a sufficient size and scope to allow such entities to carry out high-quality language instruction educational programs for limited English proficient children; and
(G) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient’s capacity to deliver high-quality language instruction educational programs that assist limited English proficient children in meeting challenging State academic content and student academic achievement standards once assistance under this subpart is no longer available;

(4) describe how the agency will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

(5) describe how the agency will hold local educational agencies, eligible entities, elementary schools, and secondary schools accountable for—
(A) meeting all annual measurable achievement objectives described in section 322;
(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2); and
(C) achieving the purposes of this part; and

(6) describe how eligible entities in the State will be given the flexibility to teach limited English proficient children—
(A) using a language instruction curriculum that is tied to scientifically based research on teaching limited English proficient children and that has been demonstrated to be effective; and
(B) in the manner the eligible entities determine to be the most effective.

(c) Approval. —The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

(1) [DUTY ON PLAN.]

(1) IN GENERAL.—Each plan submitted by a State educational agency or specially qualified agency and approved under subsection (c) shall—
(A) remain in effect for the duration of the agency’s participation under this part; and
(B) be periodically reviewed and revised by the agency to conform to changes in the agency’s strategies and programs carried out under this part.

(2) ADDITIONAL INFORMATION.—

(A) AMENDMENTS.—If the State educational agency or specially qualified agency amends the plan, the agency shall submit such amendment to the Secretary.

(B) APPROVAL.—The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment is not in the public interest or not in accord with the requirements, or fulfilling the purposes, of this part.

(3) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 9302.

(4) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, to eligible entities in the State in carrying out this part.

SEC. 3114. WITHIN-STATE ALLOCATIONS

(a) IN GENERAL.—After making the reserve required under subsection (d)(1), each State educational agency receiving a grant under section 3111(c)(3) shall award subgrants for a fiscal year by allocating to each eligible entity in the State a pro rata part of the total amount to carry out that purpose.

(b) LIMITATION.—A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than $10,000.

(c) REALLOCATION.—Whenever a State educational agency determines that an amount from an allocation made to an eligible entity subsection (a) for a fiscal year shall not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate the amount to eligible entities in the State that the agency determines will use the amount to carry out that purpose.

(d) REQUIRED RESERVATION.—A State educational agency receiving a grant under this subpart for a fiscal year—

(1) shall reserve not more than 15 percent of the amount of the agency’s allotment under section 3111(c)(3) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public or nonpublic elementary and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

(2) in awarding subgrants under paragraph (1)—
(A) shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no history of serving immigrant children and youth; and
(B) shall consider the quality of each local plan in section 3113, and shall determine that each subgrant is of sufficient size and scope to meet the purposes of this part.

SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES

(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this part only if the eligible entity agrees to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out such purposes with such funds, the eligible entity shall use approaches and methodologies based on scientifically based research on teaching limited
English proficient children and immigrant children and youth for the following purposes:

(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.

(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such children and youth.

(3) Implementing within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114 shall use the funds—

(1) to increase the English proficiency of limited English proficient children; and

(b) student academic achievement in the core academic subjects; and

(2) to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is—

(A) designed to improve the instruction and assessment of limited English proficient children;

(B) designed to enhance the ability of such teachers to understand and use curricular, assessment measures, and instruction strategies for limited English proficient children;

(C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children’s English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

(3) of sufficient intensity and duration (which shall not include activities such as one-day workshops and workshops) to have a positive and lasting impact on the teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the school, and the students of the teacher, and any local educational agency employing the teacher.

(d) AUTHORIZED SUBGRANT ACTIVITIES.—Subject to section 3114(g), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

(1) Upgrading program objectives and effective instruction strategies.

(2) Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

(3) Providing—

(A) tutorials and academic or vocational education for limited English proficient children;

(B) intensified instruction.

(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

(5) Improving the English proficiency and academic achievement of limited English proficient children.

(6) Providing community participation programs, family literacy services, and parent outreach and other activities to limited English proficient children and their families—

(A) to improve the English language skills of limited English proficient children; and

(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

(7) Implementing the instruction of limited English proficient children by providing for—

(A) the acquisition or development of educational technology or instructional materials;

(B) access to, and participation in, electronic networks for materials, training, and communication; and

(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

(8) Carrying out other activities that are consistent with the purposes of this section.

(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.

(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

(E) basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civic education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and immigrant children and youth by offering comprehensive community services.

(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114 shall be determined by the agency in its discretion.

(3) SELECTION OF METHOD OF INSTRUCTION.—

(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities under this subpart to assist limited English proficient children to attain English proficiency and meet challenging State academic content and student academic achievement standards.

(2) CONSISTENCY.—Such selection shall be consistent with sections 3125 through 3127.

(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs to assist limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

SEC. 3116. LOCAL PLANS.

(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from the State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(b) CONTENTS.—Each plan submitted under subsection (a) shall—

(1) describe the programs and activities proposed to be developed, implemented and administered under the subgrant;

(2) describe how the eligible entity will use the subgrant funds to meet all annual measurable achievement objectives described in section 3122;

(b) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

(1) meeting the annual measurable achievement objectives described in section 3122;

(2) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and

(3) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);

(4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children; and

(5) contain an assurance that the eligible entity will consult with teachers, school administrators, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing such plan;

(6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.

(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

(d) LOCAL PLAN APPROVAL.—Each local plan shall also contain assurances that—

(1) each local educational agency that is included in the eligible entity under section 3130 prior to, and throughout, each school year;

(2) the eligible entity annually will assess the English proficiency of children with limited English proficiency participating in programs funded under this part;
"3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;

(4) the eligible entity will ensure that the programs and activities conducted by the entity using funds under subpart 1 (including provisions for implementing such programs and activities) are tailored to limited English proficient children, consistent with sections 3126 and 3127.

Subpart 2—Accountability and Administration

SEC. 3121. EVALUATION RONNS.

(a) In GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation, in a form prescribed by the agency, that includes—

(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years;

(2) a description of the progress made by children in learning the English language and meeting challenging State academic content and student academic achievement standards; and

(3) a description of the percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency by the entity receiving limited English proficient children or immigrant children, consistent with sections 3122.

(b) DEVELOPMENT OF OBJECTIVES.—Such annual measurable achievement objectives shall be developed in a form prescribed by the agency, at the conclusion of every second fiscal year;

(A) reflects the amount of time an individual child has been enrolled in a language instructional program; and

(B) uses currently available and measures to reflect the increases described in subparagraphs (A)(i), (A)(ii), and (B) of paragraph (3).

(3) CONTENTS.—Such annual measurable achievement objectives—

(A) shall include—

(i) at a minimum, annual increases in the number or percentage of children making progress in learning English;

(ii) at a minimum, annual increases in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with section 1111(b)(1); and

(iii) making adequate yearly progress for limited English proficient children as described in section 1111(b)(2); and

(B) at the discretion of the agency, may include the number or percentage of children not receiving waivers for reading or language arts assessments under section 1111(b)(3), but this section does not require the achievement objective applied to an eligible entity that, in a given school year—

(i) has experienced a large increase in limited English proficient children or immigrant children and youth;

(ii) enrolls a statistically significant number of immigrant children and youth from countries where such children and youth had little or no access to formal education; or

(iii) has a statistically significant number of immigrant children and youth who have fled from war or natural disaster.

(b) ACCOUNTABILITY.—

(1) FOR STATES.—Each State educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subprocess accountable for meeting the annual measurable achievement objectives under subsection (a), including making adequate yearly progress for limited English proficient children.

(2) IMPROVEMENT PLAN.—If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 2 consecutive years, the agency shall—

(A) require such entity to develop a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children; and

(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a);

(3) DEVELOPMENT, IN CONSULTATION WITH THE ENTITY, PROFESSIONAL DEVELOPMENT STRATEGIES AND ACTIVITIES, BASED ON SCIENTIFICALLY BASED RESEARCH, THAT THE AGENCY WILL USE TO MEET SUCH OBJECTIVES;

(4) ACCOUNTABILITY.—If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall—

(A) require such entity to modify the entity’s curriculum, program, and method of instruction; or

(B) make a determination whether the entity shall continue to receive funds related to the entity’s failure to meet such objectives; and

(5) containing an estimate of the number of such teachers.

(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this subpart accountable for meeting the annual measurable achievement objectives described in subsection (a) in the same manner as if such entity were a State educational agency that held eligible entities accountable under subsection (b).

SEC. 3122. REPORTING REQUIREMENTS.

(a) STATES.—Based upon the evaluations provided to a State educational agency under section 3121, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education of limited English proficient children who are limited English proficient.

(b) SECRETARY.—Every second year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of children who are limited English proficient;

(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this part to teach limited English proficient children;

(3) containing a critical synthesis of data reported by eligible entities to States under section 3121(a);

(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 311(b)(2); and

(5) containing an estimate of the number of certified or licensed teachers working in language instructional educational programs and educating limited English proficient children, and an estimate of the number of such teachers.
that will be needed for the succeeding 5 fiscal years;

“(6) containing the major findings of scientific-

fically based research carried out under this part;

“(7) containing the number of programs or ac-
tivities, if any, that were terminated because the
entities carrying out the programs or activities were
not in compliance with the standards; and

“(8) containing other information gathered from
the evaluations from specially qualified
agencies and other reports submitted to the Secre-
tary under this title when applicable.

SEC. 3124. COORDINATION WITH RELATED PRO-
GRAMS.

“In order to maximize Federal efforts aimed at
serving the educational needs of children of lim-
ited English proficiency, the Secretary shall co-
ordinate and ensure close cooperation with
other entities carrying out programs serving lan-
guage-minority and limited English proficient
children that are authorized by the Federal
Department and other agencies.

SEC. 3125. RULES OF CONSTRUCTION.

“Nothing in this part shall be construed
(1) to prohibit a local educational agency
from serving limited English proficient children
simultaneously with children with similar edu-
cational needs, in the same educational settings
where appropriate;

“(2) to require a State or a local educational
agency to establish, continue, or eliminate any
particular type of instructional program for
limited English proficient children; or

“(3) to limit the preservation or use of Native
American languages.

SEC. 3126. LEGAL AUTHORITY UNDER STATE
LEGAL AUTHORITY.

“Nothing in this part shall be construed to
supersede State law, or the legal author-
ity under State law of any State agency, State
entity, State public official, or programs
that are under the jurisdiction of the State
agency, entity, or official.

SEC. 3127. CIVIL RIGHTS.

“Nothing in this part shall be construed in a
manner inconsistent with any Federal law guar-
teeding a civil right.

SEC. 3128. PROGRAMS FOR NATIVE AMERICANS
AND PUERO RICO.

“Notwithstanding any other provision of this
part, programs authorized under this part that
serve Native American (including Native Ameri-
can Pacific Islander) children and children in
Puerto Rico may include programs of instruction, teacher training, cur-
culum development, evaluation, and assess-
ment designed for Native American children
learning and studying Native American languages
and children of limited Spanish pro-
ficiency, except that an outcome of programs
serving such children shall be increased English
proficiency among such children.

SEC. 3129. PROHIBITION.

“In carrying out this part, the Secretary shall
not mandate nor preclude the use of a par-
ticular curricular or pedagogical approach to
educating limited English proficient children.

Subpart 3—National Activities

SEC. 3131. NATIONAL PROFESSIONAL DEVELO-
PMENT PROJECT.

“The Secretary shall use funds made available under section 311(f)(1)(C) to award grants on
a competitive basis, for a period of not more than
5 years, to institutions of higher education (in
consortia with State educational agencies or
local educational agencies) to provide for profes-
sional development activities that will improve
classroom instruction for limited English pro-

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ficient children and assist educational personnel
working with such children to meet high profes-
sional standards, including standards for cer-
tification and licensure as teachers who work in
classes to which limited English proficient
children are assigned.

Grants awarded under this subsection may be used—

“(1) for preservice professional development
programs that provide for, educational programs
and institutions of higher education to upgrade the
qualifications and skills of educational per-
sonnel who are not certified or licensed, espe-
cially educationally predominant racial and ethnic
minority teachers;

“(2) for the development of curricula appro-
priate to the needs of the consortia participants
involved; and

“(3) in conjunction with other Federal need-

based student financial assistance programs, for
financial assistance, and costs related to tui-
tion, fees, and books for enrolling in courses re-
quired to complete the degree involved, to meet
certification or licensing requirements for teach-
ers who work in language instruction edu-
cational programs or serve limited English pro-
ficient children.

Subpart 4—Definitions

SEC. 3141. ELIGIBLE ENTITY.

“In this part, the term ‘eligible entity’ means—

“(1) one or more local educational agencies;

“(2) one or more educational entities, in

collaboration with an institution of higher edu-
cation, community-based organization, or State
educational agency.

PART B—IMPROVING LANGUAGE
INSTRUCTION EDUCATIONAL PROGRAMS

SEC. 3201. SHORT TITLE.

“This part may be cited as the ‘Improving
Language Instruction Educational Programs
For Academic Achievement Act’.

SEC. 3202. PURPOSE.

“The purpose of this part is to help ensure
that limited English proficient children master
English and meet the same rigorous standards
for academic achievement as all children are ex-
pected to meet, including meeting challenging
State academic content and student academic
achievement standards by—

“(1) promoting systemic improvement and re-
form of, and developing accountability systems
for, educational programs serving limited English
proficient children;

“(2) developing language skills and mul-
ticultural understanding;

“(3) developing the English proficiency of
limited English proficient children and, to the ex-
tent possible, the native language skills of such
children;

“(4) providing similar assistance to Native
Americans with certain modifications relative to
the unique status of Native American languages
under Federal law;

“(5) developing data collection and dissemina-
tion, research, materials, and technical assist-
ance that are critical to achieving improvements for
limited English proficient children;

“(6) developing programs that strengthen
and improve the professional training of educational
personnel who work with limited English pro-

ficient children.

SEC. 3203. NATIVE AMERICAN CHILDREN IN
SCHOOL.

“(a) ELIGIBLE ACTIVITIES.—For the purpose of
carrying out programs under this part for indi-
viduals served by elementary schools, secondary
schools, and postsecondary schools operated
dominated by Native American (including Alaska
Native) children and youth, an Indian tribe,
a tribally sanctioned educational author-
ity, a Native Hawaiian or Native American Pa-
cific Islander education organization, or an
educational entity or secondary school that is operated or funded by the Bureau of
Indian Affairs shall be considered to be a
local educational agency.

“(b) APPLICATION.—Notwithstanding any
other provision of this part, each tribe, author-
ity, organization, or school described in sub-
section (a) shall submit any application for as-
sistance under this part directly to the Secretary
along with timely comments on the need for
the assistance.

SEC. 3204. RESIDENTS OF THE TERRITORIES
AND FREELY ASSOCIATED STATES.

“For the purpose of carrying out programs
under this part that are for or to local educational agencies that include public
institutions or agencies whose mission is the preser-
vation and maintenance of native languages.

Subpart 1—Program Development and
Enhancement

SEC. 3211. FINANCIAL ASSISTANCE FOR LAN-
GUAGE INSTRUCTION EDUCATIONAL PROGRAMS.

“The purpose of this subpart is to assist local educational agencies, institutions of higher
education, and community-based organizations, through the grants authorized under sections
3212 and 3213—

“(1) to develop and enhance their capacity to
provide high-quality instruction through lan-
guage instruction educational programs or spe-
cial alternative instruction programs to limited English proficient children;

“(2) to help such children—

“(A) develop English proficiency and, to the
extent possible, proficiency in their native lan-
guage; and

“(B) meet the same challenging State ac-
ademic content and student academic achieve-
ment standards as all children are expected to meet under section 1111(b)(1).

SEC. 3212. PROGRAM ENHANCEMENT ACTIVI-
TIES.

“(a) PROGRAM AUTHORIZED.

“(1) AUTHORITY.—

“(A) IN GENERAL.—The Secretary is autho-

rized to award grants to eligible entities having
applications approved under section 3214 to en-
sure such entities to provide innovative, locally
designed, high-quality language instruction
English proficient children, by expanding, de-
veloping, or strengthening language instruction
educational programs or special alternative in-
struction programs.

“(B) PERIOD.—Each grant awarded under
this section shall be awarded for a period of 3
years.

“(2) AUTHORIZED ACTIVITIES—

“(A) MANDATORY ACTIVITIES.—Grants
awarded under this section shall be used for—

“(i) developing, implementing, expanding, or
enhancing comprehensive preschool, elemen-
tary, or secondary education programs for lim-
ited English proficient children, that are—

“(I) aligned with State and local academic
content and student academic achievement
standards, and local school reform efforts; and

“(II) coordinated with related academic serv-
ices for children;

“(ii) providing high-quality professional de-
velopment to classroom teachers, administrators,
and other school or community-based organiza-
tion personnel to improve the instruction and
achievement of limited English proficient chil-
dren; and

“(iii) annually assessing the English pro-
ficiency of all limited English proficient children
and by activities carried out under this sec-
tion.

“(B) PERMISSIBLE ACTIVITIES.—Grants
awarded under this section may be used for—

“(i) implementing programs to increase the
reading and other academic skills of limited
English proficient children;

“(ii) developing accountability systems to
measure the academic progress of limited
English proficient and formerly limited English
proficient children;

“(iii) implementing family education pro-
grams and parent outreach and training activities
designed to assist parents to become active partici-
pants in the education of their children;
(iv) improving the instruction programs for limited English proficient children by identifying, acquiring, and applying effective curricula, instruction materials (including materials prepared under technology), and programs, 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 children;

(E) implementing culturally and linguistically appropriate family education programs, or parent workshops, that are designed to assist parents of limited English proficient children to become active participants in the education of their children;

(F) coordinating programs carried out under this section with other programs, such as programs carried out under this title;

(G) providing services to meet the full range of the educational needs of limited English proficient children.

(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

(A) implementing programs to upgrade and provide other academic skills of limited English proficient children;

(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient children; and

(C) implementing scientifically based research programs to meet the needs of limited English proficient children;

(D) providing tutorials and academic, or vocational, training for limited English proficient children;

(E) developing and implementing State and local academic content and student academic achievement standards for learning English as a second language, as well as for learning other languages;

(F) developing and implementing programs for limited English proficient children to meet the needs of changing populations of such children;

(G) implementing policies to ensure that limited English proficient children have access to other education programs (other than programs designed to address limited English proficiency);

(H) assisting limited English proficient children with disabilities;

(i) developing and implementing programs to help children become proficient in English and other languages;

(j) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

(k) participating in electronic networks for materials, training, and communication, and incorporating information derived from such participation in curricula and programs; and

(l) carrying out such other activities related to the purpose of this part as the Secretary may approve.

(b) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

(1) is a limited 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 children; and

(2) has limited or no experience in serving limited English proficient children.

(c) ELIGIBLE ENTITY.

(1) AUTHORITY.

The eligible entity shall—

(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 children; and

(2) has limited or no experience in serving limited English proficient children.

(2) ELIGIBLE ENTITY.

(1) AUTHORITY.

The eligible entity shall—

(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 children; and

(2) has limited or no experience in serving limited English proficient children.

(d) STATE REVIEW AND COMMENTS.

(1) REQUIREMENTS.

For purposes of this subpart, an eligible entity described in section 3211 of 2121 shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(2) STATE EDUCATIONAL AGENCY.

The eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

(3) STATE REVIEW AND COMMENTS.

(1) REQUIREMENTS.

For purposes of this subpart, an eligible entity described in section 3211 or 2121 shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(2) STATE EDUCATIONAL AGENCY.

The eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

(e) PAYMENTS.

(1) AUTHORITY.

The Secretary shall—

(A) provide the Department of the Interior, the Department of Health and Human Services, the Department of Education, or the Department of Labor, or any other Federal agency, or any combination thereof, with funding for the fiscal year under section 3001(a) and made available for carrying out activities under this subpart.

(B) subject to the State educational agency.

(C) provide the grants for payments under paragraph (1) to—

(i) one or more local educational agencies; or

(ii) one or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

(iii) a community-based organization or an institution of higher education that has an application approved by the local educational agency that has participated in programs carried out under this subpart by enhancing early childhood education or other educational programs or conducting instruction programs that supplement the educational services provided by a local educational agency.

(f) SEC. 3213. COMPREHENSIVE SCHOOL AND SYSTEM-WIDE IMPROVEMENT ACTIVITIES.

(a) PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to eligible entities having applications approved under section 3212 to enable such entities to develop and implement language instruction programs, and improve, reform, or upgrade programs or operations that serve significant percentages or numbers of limited English proficient children.

(b) ELIGIBLE ACTIVITIES.

(1) ELIGIBLE ACTIVITIES.

Grants awarded under this section shall be used for—

(A) improving instruction programs for limited English proficient children; or

(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 community-based organization personnel to improve the instruction and assessment of limited English proficient children;

(D) developing and implementing plans, coordinated with other 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 children;

(E) implementing culturally and linguistically appropriate family education programs, or parent workshops, that are designed to assist parents of limited English proficient children to become active participants in the education of their children;

(F) coordinating programs carried out under this section with other programs, such as programs carried out under this title;

(G) providing services to meet the full range of the educational needs of limited English proficient children.

(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 terms of that 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 3001(a) that is made available to carry out this section, the remainder that remains after the Secretary reserves funds for payments under paragraph (1)—

(A) not less than ½ of the remainder shall be used to award grants to eligible entities for activities carried out within an entire school district; and

(B) not less than ½ of the remainder shall be used to award grants to eligible entities for activities carried out within individual schools.

(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an applicant that—

(1) experiences a significant increase in the number or percentage of limited English proficient children enrolled in the applicant’s programs and has limited or no experience in serving limited English proficient children;

(2) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

(3) demonstrates that the applicant has a proven track record of success in helping limited English proficient children learn English and meet or exceed academic standards; or

(4) serves a school district with a large number or percentage of limited English proficient children.

(d) ELIGIBLE ENTITY.

In this section, the term ‘eligible entity’ means—

(1) one or more local educational agencies; or

(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

(e) SEC. 3214. APPLICATIONS.

(a) IN GENERAL.

The Secretary shall—

(i) require the State educational agency to make all applications submitted under this subpart available to the public.

(ii) submit to the Secretary the comments of the public on such applications and the comments of the public shall be available to the public.

(b) REVIEW AND COMMENTS.

(1) REQUIREMENTS.

For purposes of this subpart, the Secretary shall—

(A) require the Secretary to make all applications submitted under this subpart available to the public.

(B) require the Secretary to submit the written comments of the agency regarding the application to the Secretary.

(c) COMMENTS.

(1) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the Secretary shall—

(A) submit the Secretary’s written comments regarding all such applications; and

(B) submit to each eligible entity the comments that pertain to such entity.

(2) SUBJECT.—For purposes of this subpart, such comments shall address—

(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient children served under the grant; and
“(ii) how the grant application is consistent with the State plan required under section 1111.

“(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that explain the comments submitted by the State educational agency.

“(d) COMMENT CONSIDERATION.—In making grants under this subpart, the Secretary shall take into account the comments made by State educational agencies.

“(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review and comment specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency’s ability to fulfill the requirements of participation in this section 3224, particularly such agency’s ability to carry out data collection efforts and such agency’s ability to provide technical assistance to local educational agencies not receiving funds under this subpart.

“(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.

“(g) APPLICATION CONTENT.—(1) An application for a grant under this subpart shall contain the following:—

“(A) A description of the need for the proposed activity and each recipient of the grant funds.

“(B) Data on the number of limited English proficient children in the school or school district to be served, such information to be related to the area to be served, whose educational needs are of a similar type to the needs, language, and grade levels that the program is intended to address, provided for the participation of such children on a basis comparable to the basis on which public school children participate.

“(C) A description of the program to be implemented and how such program’s design—

“(i) relates to the linguistic and academic needs of the limited English proficient children to be served;

“(ii) will ensure that the services provided through the program will supplement the basic services provided to limited English proficient children;

“(iii) will ensure that the program is coordinated with other programs under this Act and other Acts;

“(iv) involves the parents of the limited English proficient children to be served;

“(v) ensures accountability in achieving high academic standards; personnel of such program, and in no case to supplant such State educational agencies or State educational agencies, or businesses; and

“(vi) in designing the program, the eligible entity has, after consultation with appropriate education agencies, private schools, nonprofit organizations, or businesses carrying out the proposed program.

“(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for language instruction educational programs or special alternative instructional programs, if the applicant receives an award under this subpart.

“(E) An assurance that the applicant will employ teachers in the proposed program, who, individually or in combination, are proficient in English, with respect to written, as well as oral, communication skills; and

“(F) A budget for the grant funds.

“(2) ADDITIONAL INFORMATION.—Each application for a grant under section 3213 shall—

“(A) describe—

“(i) current services (as of the date of submission of the application) the applicant provides to limited English proficient children;

“(ii) what services limited English proficient children will receive under the grant that such children will not otherwise receive;

“(iii) how funds received under this subpart will be integrated with all other Federal, State, and local programs that may be used to serve limited English proficient children;

“(iv) specific achievement and school retention goals for the children to be served by the program proposed to be integrated toward achieving such goals will be measured; and

“(v) the current family education programs (as of the date of submission of the application) of the eligible entity, if applicable; and

“(B) provide assurances that—

“(i) the program funded with the grant will be integrated with the overall educational program of the children served through the proposed program; and

“(ii) the application has been developed in consultation with other representatives of the children to be served in such program.

“(h) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

“(1) the program proposed in the application will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

“(2) in designing the program, the eligible entity has, after consultation with appropriate private schools and businesses, and in no case to supplant such State educational agencies or State educational agency, or businesses; and

“(3) to determine program effectiveness.

“(A) the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate education agencies, and State educational agency, or businesses; and

“(B) whether the program provides for training of personnel participating in or preparing to participate in, a program that will assist such personnel in meeting State and local certification requirements.

“(i) SEC. 3215. CAPACITY BUILDING.

“(A) ELIGIBLE ENTITIES.—Notwithstanding any other provision of this part, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children and children in the Commonwealth of Puerto Rico. Each such program shall be used by the grant recipient under this subpart to—

“(1) prepare and equip teachers for the grant recipient under this subpart to—

“(A) for activities carried out under an order of a Federal or State court requiring services to be provided to such children; or

“(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children.

“(ii) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, to a sufficient number of such children;

“(iii) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, to a sufficient number of such children; and

“(c) SEC. 3216. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

“(A) ELIGIBLE ENTITIES.—Notwithstanding any other provision of this part, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children and children in the Commonwealth of Puerto Rico. Each such program shall be used by the grant recipient under this subpart to—

“(1) prepare and equip teachers for the grant recipient under this subpart to—

“(A) for activities carried out under an order of a Federal or State court requiring services to be provided to such children; or

“(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children.

“(ii) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, to a sufficient number of such children;
student academic achievement standards, and including data comparing limited English proficient children with English proficient children with regard to school retention and academic achievement differences to the State.

“(A) reading and language arts;

“(B) English proficiency;

“(C) mathematics;

“(D) the native language of the children, if the program develops native language proficiency;

“(E) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student academic performance;

“(F) 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

“(G) include such other information as the Secretary may require.

SEC. 3214. CONSTRUCTION.

“Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate.

Subpart 2—Research, Evaluation, and Dissemination

SEC. 3221. AUTHORITY.

“(a) IN GENERAL.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving language instruction educational programs and special alternative instruction programs for limited English proficient children.

(b) COMPETITIVE AWARDS.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grant contracts or cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.

(c) ADMINISTRATION.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

SEC. 3222. RESEARCH.

“(a) IN GENERAL.—The Secretary shall conduct research activities authorized by this subpart through the Office of Educational Research and Improvement in coordination and collaboration with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

(b) REQUIREMENTS.—Such research activities—

“(1) shall have a practical application to teacher education and preparation of school administrators, parents, and others involved in improving the education of limited English proficient children and their families;

“(2) may include research on effective instructional practices for multilingual classes, and on effective instruction strategies to be used by a teacher or other staff member who does not know the native language of a limited English proficient child in the teacher’s or staff member’s classroom;

“(3) may include establishing (through the National Center for Education Statistics in consultation with experts in second language acquisition and scientifically based research on teaching limited English proficient children) a common definition of ‘limited English proficient child’ for purposes of national data collection; and

“(4) shall be administered by individuals with expertise in second language acquisition, scientifically based research on teaching limited English proficient children, and the needs of limited English proficient children and their families.

“(c) FIELD-INITIATED RESEARCH.—

“(1) IN GENERAL.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by recipients of grants under subpart 1 or this subpart who have received such grants in the previous 5 years. Such research may provide for longitudinal studies of limited English proficient children or students who are nearing graduation, monitoring the education of such children from entry into language instruction educational programs through secondary school completion.

“(2) APPLICATION.—An applicant for assistance under this subsection may submit an application for such assistance to the Secretary at such time as the applicant submits another application under subpart 1 or this subpart. The Secretary shall complete a review of such applications on a timely basis to allow the activities carried out under research and program grants to be coordinated. Recipients who are awarded 2 or more of such grants.

“(d) CONSULTATION.—The Secretary shall consult with agencies, organizations, and individuals that are engaged in research and practice on the education of limited English proficient children, language instruction educational programs, or related research, to identify areas of study and activities to be funded under this section.

“(e) DATA COLLECTION.—The Secretary shall provide for the collection of data on limited English proficient children as part of the data systems operated by the Department.

SEC. 3223. ACADEMIC EXCELLENCE AWARDS.

“(a) AUTHORITY.—The Secretary may make grants to States to assist States in developing and implementing strategies to support 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 children to learn English according to age appropriate and developmentally appropriate standards; and

“(2) demonstrated significant progress in assisting limited English proficient children to meet, according to age appropriate and developmentally appropriate standards, the challenging State academic content and student academic achievement standards as all children are expected to meet.

“(b) APPLICATION.—A State educational agency desiring a grant under this subsection shall submit an application for such grant to the Secretary by the 30th day of February of each year.

“(c) GRANT DISPOSAL.—States receiving grants under this subsection shall—

“(1) integrate the content of such grants into their education reform plans to the extent practical, that in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such funds.

“(d) REPORT TO THE SECRETARY.—A State educational agency receiving an award under this section shall provide for the annual submission of a summary report to the Secretary describing such State’s use of the funds made available through the award.

SEC. 3224. STATE GRANT PROGRAM.

“(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency’s programs and other Federal educational programs, effectively provides for the education of limited English proficient children within the State.

“(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 50 percent of the total amount available to the State for the education of limited English proficient children within the State.

“(c)burgered.

“(d) In General—The Secretary shall use funds awarded under this section to—

“(1) to develop instruction materials in languages indigenous to the United States or the outlying areas;

“(2) to develop and evaluate materials, in collaboration with entities carrying out activities assisted under subpart 1 and this subpart, that are consistent with challenging State academic content and student academic achievement standards.

Subpart 3—Professional Development

SEC. 3231. PROFESSIONAL DEVELOPMENT GRANTS.

“(a) PURPOSE.—The purpose of this section is to provide assistance to prepare educators to improve educational services for limited English proficient children by—

“(1) supporting professional development programs and activities to prepare teachers, pupil service personnel, administrators, and other educational personnel working in language instruction educational programs to provide effective services to limited English proficient children;
“(2) incorporating curricula and resources concerning appropriate and effective instruction and assessment methodologies specific to limited English proficient children into preschool and secondary school programs; or

“(3) upgrading the qualifications and skills of non-certified educational personnel, including paraprofessionals, to enable such personnel to meet standards for educating limited English proficient children;

“(4) improving the quality of professional development opportunities for teachers in bilingual education at institutions of higher education, for educational personnel serving, or preparing to serve, limited English proficient children; and

“(5) enhancing the recruitment and training of prospective educational personnel to serve limited English proficient children by providing fellowships for undergraduate, graduate, doctoral, and post-doctoral study related to the instruction of such children.

“(b) AUTHORIZATION. —

“(1) IN GENERAL. — The Secretary is authorized to award grants under this section to:

“(A) State educational agencies;

“(B) local educational agencies;

“(C) institutions of higher education; or

“(D) consortia of one or more local educational agencies, State educational agencies, institutions of higher education, for-profit organizations, or nonprofit organizations.

“(2) DURATION. — Each grant awarded under this section shall be awarded for a period of not more than 4 years.

“(c) AUTHORIZED ACTIVITIES. — Grants awarded under this section shall be used to conduct high-quality professional development programs and activities to improve the quantity and quality of instruction and services provided to limited English proficient children, including:

“(1) implementing preservice and inservice professional development programs for teachers who serve limited English proficient children, administrators, and other educational personnel who are preparing to provide educational services for limited English proficient children, including professional development programs that assist limited English proficient children to attain English proficiency;

“(2) implementing school-based collaborative efforts among teachers to improve instruction in core academic subjects, especially reading, for limited English proficient high children;

“(3) implementing and developing professional development programs for teachers who serve limited English proficient children with transitional bilingual education at institutions of higher education that provide mentoring and team teaching with trained and experienced teachers;

“(4) implementing and developing programs and activities that support effective teacher use of education technologies to improve instruction and assessment;

“(5) developing curricular materials and assessments for teachers that are appropriate to the needs of limited English proficient children, and that are aligned with challenging State academic content and student academic achievement standards, including materials and assessments that ensure limited English proficient children attain English proficiency;

“(6) integrating and coordinating programs with other programs consistent with the purpose of this section and supported under this Act, or other Acts as appropriate;

“(7) developing and implementing career ladder programs to upgrade the qualifications and skills of non-certified educational personnel working in, or preparing to work in, language instruction education programs to enable such personnel to meet high professional standards, including standards for certification and licensure at the state or local level;

“(8) developing and implementing activities to help recruit and train secondary school students as teachers who serve limited English proficient children;

“(9) providing fellowships and assistance for costs related to enrollment in a course of study at an institution of higher education that addresses the instruction of limited English proficient children in such areas as teacher training, program administration, research, evaluation, or training, when there is an institutional commitment to ongoing support of dissertation research related to such study, except that any person receiving such a fellowship or assistance shall agree to—

“(A) work toward improving the educational services for limited English proficient children authorized under this subpart, including work as a teacher that serves limited English proficient children for a period of time equivalent to the period of time during which such person receives assistance under this paragraph; and

“(B) repay such assistance; and

“(10) carrying out such other activities as are consistent with the purpose of this section.

“(d) APPLICATION. —

“(1) IN GENERAL. — Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(2) CONTENTS. — Each application shall—

“(A) describe the programs and activities proposed to be designed, implemented, and administered under the award;

“(B) describe how the applicant has consulted with, and assessed the needs of, public and private entities assisting limited English proficient children to determine such schools’ need for, and the design of, the program, for which funds are sought and proposed activities;

“(C) describe how the programs and activities to be carried out under the award will be used to ensure that limited English proficient children will meet challenging State academic content and student academic achievement standards and attain English proficiency.

“(3) SPECIAL RULE. — An eligible entity that proposes to award a fellowship or scholarship to a limited English proficient child to determine such school’s need for, and the design of, the program, for which funds are sought and proposed activities shall serve limited English proficient children;

“(4) DURATION AND TECHNICAL ASSISTANCE. — The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965, and institutions of higher education that are operated, in whole or in part, by the Bureau of Indian Affairs, to facilitate the participation of such institutions in programs and activities under this section.

“(5) DISTRIBUTION OF AWARD. — For each fiscal year under this section, the Secretary shall ensure adequate representation of Hispanic-serving institutions, institutions that are historically Black, rural, and tribal, and institutions that serve high populations due to immigration.

“(f) PROGRAM EVALUATIONS. — Each recipient of an award under this section for a program or activity shall annually conduct an independent evaluation of the program or activity and submit to the Secretary a report containing such evaluation. Such report shall include information —

“(1) on the program or activity conducted by the recipient to provide high-quality professional development to participants in such program or activity;

“(2) the number of participants served through the program or activity, the number of participants who completed the requirements of the program or activity, and the number of participants who took positions in an instruction setting with limited English proficient children;

“(3) the effectiveness of the program or activity in imparting the professional skills necessary for participants to achieve the objectives of the program or activity; and

“(4) the teaching effectiveness of graduates of the program or activity or other participants who have completed the program or activity.

“Subpart 4 — Emergency Immigrant Education Program

“SEC. 3241. PURPOSE.

“(a) For the purpose of this subpart is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration;

“(b) to provide high-quality instruction to immigrant children and youth; and

“(c) to meet the challenging State academic content and student academic achievement standards as all children are expected to meet.

“SEC. 3242. STATE ADMINISTRATIVE COSTS.

“For any fiscal year, a State educational agency may reserve not more than 1.5 percent (2 percent if the State educational agency distributes funds received under this subpart to local educational agencies on a competitive basis) of the amount allotted to such agency under section 3244 to pay the costs of performing such agency’s administrative functions under this subpart.

“SEC. 3243. WITHHOLDING.

“Whenever the Secretary, after providing reasonable notice and an opportunity for the State involved to be heard, determines that any State educational agency, funds that there is a failure to comply with a requirement of any provision of this subpart, the Secretary shall notify that agency that further payments will not be made until the agency is in compliance, or, in the discretion of the Secretary, that the State educational agency shall not make further payments under this subpart to any educational agencies whose actions caused or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is satisfied, no further payments shall be made to the State educational agency under this subpart, or payments by the State educational agency under this subpart shall be made to educational agencies whose actions did cause or were not involved in the failure, as the case may be.

“SEC. 3244. STATE ALLOTMENTS.

“(a) PAYMENTS. — The Secretary shall, in accordance with the provisions of this Act that are in effect for the fiscal years 2002 through 2008, make payments to State educational agencies for each of the fiscal years 2002 through 2008 for the purpose set forth in section 3241.

“(b) ALLOTMENTS. —

“(1) IN GENERAL. — Except as provided in subsections (c) and (d), of the amount appropriated for such fiscal year for this subpart, each State shall be allotted an amount equal to the proportion of the number of immigrant children
and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of each local educational agency described in paragraph (2), and in nonpublic elementary schools or secondary schools within the district served by each such local educational agency within such State, relative to the total number of immigrant children and youth so enrolled.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is a local educational agency for which the sum of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of such agency, and in nonpublic elementary schools or secondary schools within the district served by such agency, during the fiscal year for which the payments are to be made under this subpart, is equal to at least—

(A) 500; or

(B) 3 percent of the total number of children enrolled in such public or nonpublic schools during such fiscal year, whichever is less.

(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary shall provide in its notice and order for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimation or an overestimation of the number of immigrant children and youth in a State, or the basis of determining immigrant children and youth in a State, on December 31 of such fiscal year. Such data, estimates, or determinations provided to the Secretary under this section shall be used by the Secretary to make determinations of the number of immigrant children and youth for purposes of this subpart.

(d) REALLOCATION.—

(1) IN GENERAL.—Whenever the Secretary determines that any amount of a payment made to a State under this subpart for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out services to immigrant children and youth in other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose.

(2) FISCAL YEAR.—Any amount made available to a State from any appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of such State’s payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

(e) RESERVATION OF FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of this subpart, if the amount appropriated to carry out this subpart exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency’s payment under this subpart for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

(A) AGENCIES WITH IMMIGRANT CHILDREN AND YOUTH.—At least ½ of the funds reserved under this paragraph shall be made available to eligible local educational agencies (as described in subparagraph (B)) for the purposes of this subpart.

(B) AGENCIES WITH A SUDDEN INFUX OF IMMIGRANT CHILDREN AND YOUTH.—Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State that are experiencing a sudden influx of immigrant children and youth and that are otherwise not eligible for assistance under this subpart.

(2) USE OF FUNDS.—Use of funds received under this subpart shall be subject to the control and supervision of such public agency, and shall be used for assistance to local educational agencies within the State that are otherwise not eligible for assistance under this subpart.

SEC. 3245. STATE APPLICATIONS.

(a) SUBMISSION.—No State educational agency for which the payment was made under this subpart for any fiscal year 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. Each such application shall—

(1) provide that the educational programs, services, and activities for which payments under this subpart are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this subpart will be used for purposes set forth in sections 3244(d) and 3245(d), including a description of how local educational agencies receiving funds under this subpart will use such funds to meet such purposes and coordinate with entities carrying out other programs and activities assisted under this Act, and other Acts as appropriate;

(3) provide an assurance that local educational agencies receiving funds under this subpart will coordinate the use of such funds with entities carrying out programs and activities assisted under part A of title I; and

(4) provides assurances that such payments, with the exception of payments reserved under section 3244(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 3244(b)(1); (c), (d), (e), (f) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this subpart without first affording the local educational agency an adequate opportunity for a hearing on such application for funds reasonable notice and opportunity for a hearing;

(6) provide for making such reports as the Secretary may require, and in consultation with the State educational agency, to the Secretary’s functions under this subpart;

(7) provide assurances—

(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary schools or secondary schools within the district served by a local educational agency, such agency, after consultation with the nonpublic schools of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

(B) that the control of funds provided under this subpart for any materials or equipment, or property acquired with such funds shall be in a public agency for the uses and purposes provided in this subpart, and a public agency shall administer such funds and property in accordance with section 3245(a)(7), or if the Secretary determines that a local educational agency has substantially failed to comply with the requirements of this paragraph, that it is unwilling to provide for the participation of nonpublic elementary or secondary schools in such agency, the Secretary may disapprove such application and shall arrange for the provision of services, subject to the requirements of this subpart, to such children and youth. Such waivers shall be subject to consultation, withholding, notice, and judicial review, and shall provide for the payment of reasonable costs to the State educational agency that meets the requirements of this section.

(b) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more States educational agencies for the purposes of this subpart.

(c) FUND DISTRIBUTION.—

(1) IN GENERAL.—The Secretary shall disapprove any application submitted by a State educational agency that does not meet the requirements of this section, and shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State educational agency.

(d) ADMINISTRATIVE PROVISIONS.

(1) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has applied for assistance under this subpart of the amount of such agency’s allotment under section 3244 for the succeeding year.

(2) SERVICES TO IMMIGRANT CHILDREN AND YOUTH ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for immigrant children and youth enrolled in nonpublic schools and secondary schools, as required by section 3245(a)(7), or if the Secretary determines that a local educational agency has substantially failed to comply with the requirements of section 3244 for the succeeding year.

SEC. 3246. ADMINISTRATIVE PROVISIONS.

(a) NOTIFICATION OF AMOUNT.—The Secretary shall send by first-class mail a notice to each State educational agency that has applied for assistance under this subpart at least 30 days before the fiscal year for which such agency receives an allotment.

(b) USE OF FUNDS.—Funds awarded under this subpart shall be used to provide, or enhance instructional opportunities for, immigrant children and youth, which may include—

(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children; and

(2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(4) identification and acquisition of curricular materials, educational software, and technologies;

(5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services; and

(6) such other activities, related to the purposes of this subpart, as the Secretary may authorize.

(7) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more States educational agencies for the purposes of this subpart.
more local educational agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

(c) A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such institutions or organizations to carry out a program described in an application approved under this subpart using a program to serve out-of-school youth.

(d) Construction.—Nothing in this subpart shall prohibit a local educational agency, or a consortium of local educational agencies, from serving children and youth simultaneously with children and youth with similar educational needs, in the same locale, and according to where appropriate.

[SEC. 3244. REPORTS.]

(1) Biennial Report.—Each State educational agency receiving funds under this subpart shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this subpart. Each local educational agency receiving funds under this subpart shall submit to the Secretary a report containing all of such information as may be necessary for such report.

(b) Report to Congress.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of Congress concerning programs assisted under this subpart.

[Subpart 5—Administration]

[SEC. 3251. RELEASE TIME.]

The Secretary shall allow entities carrying out professional development programs funded under this part to use funds provided under this part for professional release time to enable individuals to participate in programs assisted under this part.

[SEC. 3252. NOTIFICATION.]

A State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days after the date an award under this part is made to an eligible entity within the State.

[SEC. 3253. COORDINATION AND REPORTING REQUIREMENTS.]

(a) Coordination with Related Programs.—In order to maximize Federal efforts aimed at serving the educational needs of children educated in English proficiency levels, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient children and youth that are administered by the Secretary, the Office of English Language Acquisition, and limited English proficient children.

(1) The Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient children and youth that are administered by the Secretary, the Office of English Language Acquisition, and limited English proficient children and their families. The Secretary shall provide for coordination of the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students and relevant programs operated by the Department, including programs under this part, within the Department, and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General, and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient children and their families. The Secretary shall provide for ongoing consultation and collaboration, between the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students and relevant programs operated by the Department, including programs under this part and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high-quality educational opportunities to all language-minority and limited English proficient children. The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient children.

(c) Publication of Proposals.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this part.

(d) Report.—The Director shall prepare and, not later than February 1 of every other year, transmit to the Secretary, 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

(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs to improve English proficiency, and the achievement and English proficiency of children who are limited English proficient;

(2) containing a critical synthesis of data reported by States under section 3224, when applicable;

(3) containing an estimate of the number of certified or licensed teachers working in language-minority and limited English proficient schools and educating limited English proficient children, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

(4) containing the major findings of scientifically based research carried out under this part; and

(5) containing other information gathered from the reports submitted to the Secretary under this title when applicable.

[PART C—GENERAL PROVISIONS]

[SEC. 3281. DEFINITIONS.]

(1) Child.—The term 'child' means any individual aged 3 through 21.

(2) Community-Based Organization.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such terms includes a Native Hawaiian or Native American educational program that is administered by a Native Hawaiian or Native American language education organization.

(3) Community College.—The term 'community college' means an institution of higher education as defined in section 102 of the National Education Act of 1965 that provides not less than a 2-year program that is acceptable for full credit toward a bachelor's degree, including institutional and governmental policies and criteria of the Tribally Controlled College or University Act of 1978.

(4) Director.—The term Director means the Director of the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students established under section 299 of the Department of Education Organization Act.

(5) Family Education Program.—The term 'family education program' means a language instruction educational program or special alternative instructional program that

(A) is designed—

(i) to help limited English proficient adults and out-of-school youths achieve English proficiency; and

(ii) to provide instruction on how parents and family members can facilitate the educational achievement of their children;

(B) when feasible, uses instructional programs based on models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters; and

(C) gives preference to participation by parents and immediate family members of children attending school.

(6) Immigrant Children and Youth.—The term 'immigrant children and youth' means individuals who—

(A) are aged 3 through 21;

(B) were not born in any State; and

(C) have not been attending one or more schools in any one or more States for more than 2 years, as determined by the Secretary.

(7) Indian Tribe.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any tribe recognized by the Secretary of the Interior, or their organizations, or Tribes incorporated by or under the laws of the United States to Indians because of their status as Indians.

(8) Native Language Instruction Educational Program.—The term 'language instruction educational program' means an instruction course—

(A) in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic and student achievement standards, as required by section 1111(b)(1); and

(B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

(9) Native American and Native Hawaiian Language.—The terms 'Native American' and 'Native Hawaiian language' shall have the meanings given such terms in section 103 of the Native American Languages Act.

(10) Native Hawaiian or Native American Pacific Islander Native Language Educational Organization.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization which—

(A) is a majority of its governing board and employees consisting of fluent speakers of the traditional Native Hawaiian languages used in the organization's educational programs; and

(B) not less than 5 years successful experience in providing educational services in traditional Native Hawaiian languages.

(11) Native Language.—The term 'native language', when used with reference to an individual of limited English proficiency, means—

(A) the language normally used by such individual;

(B) in the case of a child or youth, the language normally used by the parents of the child or youth;

(12) Paraprofessional.—The term 'paraprofessional' means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certificated or licensed teacher, including individuals employed in language instruction educational programs, special education, and migrant educational programs.

(13) Special Education.—The term 'special education' means education provided in nearby schools to enable such children to benefit from instruction with other children with like degrees of advancement and to meet their special educational needs.

(14) Specialized Program.—The term 'specialized program' means a program operated by a State educational agency.

(15) Tribally Sanctioned Educational Authority.—The term 'tribally sanctioned educational authority' means:

(A) any department or division of education operating within the administrative structure of the local governmental body of an Indian tribe; and

(B) any nonprofit institution or organization that is—
“(a) The right that parents have to have their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;

(b) the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;

(c) how such program meets the objectives of the individualized education program of the child; and

(d) information pertaining to parental rights that includes written guidance—

(1) detailing—

(i) the right that parents have to have their child immediately removed from such program upon their request; and

(ii) the options that parents have to decline enrollment of their child in such program or to choose another program or method of instruction, if available; and

(2) existing parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity,

(b) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of—

(1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;

(2) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;

(3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs are funded, implemented, and use of English and a native language in instruction;

(4) how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;

(5) how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;

(6) the specific exit requirements for such program, including the rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;

(7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

(8) information pertaining to parental rights that includes written guidance—

(A) detailing—

(i) the right that parents have to have their child immediately removed from such program upon their request; and

(ii) the options that parents have to decline enrollment of their child in such program or to choose another program or method of instruction, if available; and

(B) existing parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity,

(c) RECEIPT OF INFORMATION.—The information required to be provided under subsection (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

(d) SPECIAL RULE APPLICABLE DURING SCHOOL CLOSURE.—If a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.

(2) PARENTAL PARTICIPATION.—

(a) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall—

(i) form such parents of how they can—

(A) be involved in the education of their children; and

(B) be active participants in assisting their children—

(1) to learn English;

(ii) achieve at high levels in core academic subjects; and

(iii) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

(b) RECIPE OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating, implementing, and evaluating recommendations from parents described in such paragraph.

(c) BASIS FOR ADMISSION OR EXCLUSION.—A child shall not be admitted to, or excluded from, any federal educational program on the basis of a surname or language-minority status.

3303. NATIONAL CLEARGHOUSE.

(a) The Secretary shall establish and support the operation of a national clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall—

(i) be available to States, local educational agencies, and educational institutions;

(ii) include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating, implementing, and evaluating recommendations from parents described in such paragraph.

(b) STATE GRANTS.

(1) The Secretary shall establish and support the operation of a State clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall—

(i) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Office of Educational Research and Improvement;

(ii) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs;

(4) collect and disseminate information on educational research and policies concerning language instruction educational programs;

(5) publish, on an annual basis, a list of grant recipients under this title.

3304. REGULATIONS.

(a) IN GENERAL.—The Secretary shall consult with State educational agencies and local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the education of limited English proficient children in developing regulations under this title.

(b) EFFECTIVE DATE.—The regulations described in subsection (a) shall take effect on the 90th day after the date of the promulgation of such regulations.

3305. IMPLEMENTATION.

(a) IN GENERAL.—The Secretary shall establish and support the operation of an implementation network that—

(1) disseminates implementation networks that include technical assistance; conduct training, demonstration, and evaluation activities; develop, implement, and improve the coordination and organization of activities for the prevention of drug use and violence among students and youth; and

(b) the national impact evaluation required by section 4122(a);

(c) shall reserve 1 percent or $4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary’s determination of their respective needs and to carry out programs described in this subpart;

(d) shall reserve 1 percent or $4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

(2) it shall reserve 1 percent or $4,750,000 (whichever is greater) of such amount for Native Hawaiians to be used under section 4117 to carry out programs described in this subpart.

3306. FACILITIES.

(a) IN GENERAL.—From the amount made available under section 4003(b)(2) to carry out subpart 3 for fiscal year 2002, and such sums as may be necessary from the amounts for each of the succeeding fiscal years, for State grants under subpart 1, and

(b) about such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.

3311. RESERVATIONS AND ALLOTMENTS.

(a) RESERVATIONS.—In general.—From the amount made available under section 4003(1) to carry out this subpart for each fiscal year, the Secretary shall—

(1) reserve 1 percent or $4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary’s determination of their respective needs and to carry out programs described in this subpart;

(2) reserve 1 percent or $4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

(3) reserve 0.2 percent of such amount for Native Hawaiians to be used under section 4117 to carry out programs described in this subpart.

(b) OTHER RESERVATIONS.—From the amount made available under section 4003(2) to carry out subpart 2 for each fiscal year, the Secretary may reserve not more than $2,000,000 for the national impact evaluation required by section 4122(a).

(c) NOTWITHSTANDING SUBSECTION 3 OF THE NO CHILD LEFT BEHIND ACT OF 2001, the Secretary shall not reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the same terms and conditions as provided for in the grants involved).

(d) STATE ALLOTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allot among the States—

(A) ½ 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 the States, and

(B) ½ 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 the greater of—

(A) ½ of 1 percent of the total amount allotted to all the States for the previous fiscal year;

(B) the amount such State received for fiscal year 2001 under section 4111 as such section was in effect the day preceding the date of enactment of the No Child Left Behind Act of 2001.

(3) REALLOTTMENT.—

(A) REALLOTTMENT FOR FAILURE TO APPLY.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

(B) REALLOTTMENT OF UNUSED FUNDS.—The Secretary may reallocate 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 reallocations shall be made on the same basis as allotments are made under paragraph (1).

(4) DEFINITIONS.—In this section—

the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

C. LIMITATION.—Amounts appropriated under section 4003(2) for a fiscal year may not be increased above the amounts appropriated under the previous fiscal year unless the amounts appropriated under section 6003(1) for the fiscal year involved are at least 10 percent greater that the amounts appropriated under such section 4003(1) for the previous fiscal year.

SEC. 4112. RESERVATION OF STATE FUNDS FOR SAFE AND DRUG-FREE SCHOOLS.

(a) STATE RESERVATION FOR THE CHIEF EXECUTIVE OFFICER OF A STATE.—

(1) IN GENERAL.—The chief executive officer of a State may reserve not more than 20 percent of the amount made available to the State under section 4111(b) for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations (including community anti-drug coalitions) other public entities and private organizations, and consortia thereof. Such grants and contracts shall be used to carry out the comprehensive drug and violence prevention programs described in section 4113(a) through programs or activities that complement and support activities of local educational agencies described in section 4113(b). Such grants based on—

(A) the quality of the program or activity proposed; and

(B) whether the program or activity meets the principles of effectiveness described in section 4115(a).

(2) PRIORITY.—In making such grants and contracts under this section, a chief executive officer shall give priority to programs and activities that prevent illegal drug use and violence for—

(A) children and youth who are not normally served by State educational agencies or local educational agencies; or

(B) persons who provide special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and alcohol and drug abuse programs).

(3) SPECIAL CONSIDERATION.—In awarding funds under paragraph (1), a chief executive officer shall give special consideration to grants or contracts that promote an approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.

(4) PEER REVIEW.—Grants or contracts awarded under this section shall be subject to a peer review to ensure—

(A) a peer review of grant applications;

(B) USE OF FUNDS.—Grants and contracts under this section shall be used to implement drug and violence prevention activities, including—

(1) activities that complement and support local educational agency activities under section 4115, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

(2) dissemination of information about drug and violence prevention to parents and students, local educational agencies, and other recipients of funds under this part;

(3) development and implementation of community-wide drug and violence prevention planning and organizing.

(6) ADMINISTRATION COSTS.—The chief executive officer of a State may use not more than 3 percent of the amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

(b) IN STATE DISTRIBUTION.—

(1) IN GENERAL.—In general, a State educational agency shall distribute—

(A) not less than 93 percent of the amount made available to the State under section 4111(b), less the amount reserved under subsection (a) of this section, to its local educational agencies.

(2) STATE ADMINISTRATION COSTS.—

(A) IN GENERAL.—A State educational agency may use not more than 3 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for administrative costs, including the implementation of the uniform management information and reporting system as provided for under subsection (c)(5).

(B) ADDITIONAL USES OF FUND.—The chief executive officer of a State may use not more than 3 percent of the amount made available to the State under section 4111(b) for each fiscal year for purposes provided for in subparagraph (A) and 1 percent of the amount made available to the State educational agency under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for administration of the uniform management information and reporting system as provided for under subsection (c)(5).

(3) STATE ACTIVITIES.—

(A) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for activities described in this subsection.

(B) ACTIVITIES.—A State educational agency shall use the amount described in paragraph (1), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance and training, evaluation, program and service, and coordination activities for local educational agencies, community-based organizations, and other public and private entities. Such uses—

(A) shall meet the principles of effectiveness described in section 4115(a);

(B) shall complement and support local uses of funds under section 4115(b); and

(C) shall be in accordance with the purposes of this part;

(D) may include, among others activities—

(i) identification, development, evaluation, and dissemination of violence prevention and intervention strategies, programs, activities, and other information;

(ii) training, technical assistance, and demonstration projects to address violence that is associated with prejudice and intolerance; and

(iii) financial assistance to enhance drug and violence prevention resources available in areas that serve large numbers of low-income children, are sparsely populated, or have other special needs.

(2) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—

(A) INFORMATION AND STATISTICS.—A State shall establish a uniform management information and reporting system.

(B) USES OF FUNDS.—A State may use funds described in subparagraphs (A) and (B) of section 4112(b), either directly or through grants and contracts, to implement the uniform management information and reporting system described in subparagraph (A), for the collection of the following information on—

(i) truancy rates;

(ii) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in referrals to law enforcement agencies for elementary schools and secondary schools in the State;

(iii) the types of curricula, programs, and services provided by the chief executive officer, the State educational agency, or local educational agencies, and other recipients of funds under this subpart; and

(iv) 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.

(3) REVIEW.—Nothing in this section shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes committed on school property or school security.

SEC. 4113. STATE APPLICATION.

(a) IN GENERAL.—In order to receive an allotment under section 4111(b) for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(A) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer of the State to provide safe, orderly, and drug-free schools and communities through programs and activities that complement and support activities of local educational agencies under section 4111(b), that is consistent with the purposes of this section;

(B) describes how activities funded under this subsection will foster a safe and supportive environment that supports academic achievement;

(C) provides an assurance that the application is developed in coordination with appropriate State officials and others, including the chief executive officer, the State school 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 education, or their designees, and representatives of parents, students, and community-based organizations;

(D) describes 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 other programs, as appropriate, in accordance with the provisions in section 5003;

(E) describes an assurance that funds reserved under section 4112(a) will not duplicate the efforts of the State educational agency and local educational agencies with regard to the implementation of school-based violence prevention activities and that those funds will be used to serve populations not normally served.
by the State educational agencies and local educational agencies and populations that need special services, such as school dropouts, suspended and expelled students, youth in detention centers, homeless children and youth, and pregnant and parenting youth;

"(6) provides an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4122;

"(7) provides an assurance that the local educational agencies in the State will comply with the provisions of section 4001 pertaining to the participation of private school children and children in the programs and activities under this subpart;

"(8) provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would otherwise be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

"(9) contains the results of a needs assessment conducted by the State for drug and violence prevention programs, which shall be based on ongoing State evaluation activities, including data on—

"(A) the incidence and prevalence of illegal drug use and violence among youth in schools and communities, including the age of onset, the perception of health risks, and the perception of social disapproval among such youth;

"(B) the prevalence of risk factors, including high blood pressure, diabetes, and cases of reported cases of child abuse or domestic violence;

"(C) the prevalence of protective factors, buffers, or assets; and

"(D) other variables in the school and community identified through scientifically based research;

"(10) provides a statement of the State’s performance measures for drug and violence prevention programs and activities to be funded under this subpart that will be focused on student behavior and attitudes, derived from the needs assessment described in paragraph (9), and be developed in consultation between the State and local officials, and that consist of—

"(A) performance indicators for drug and violence prevention programs and activities; and

"(B) levels of performance for each performance indicator;

"(11) describes the procedures the State will use for assessing and publicly reporting progress toward meeting the performance measures described in paragraph (10);

"(12) provides an assurance that the State application will be available for public review after submission of the application;

"(13) describes the special outreach activities that will be carried out by the State educational agency and the chief executive officer of the State to maximize the participation of community-based organizations of demonstrated effectiveness in activities such as mentoring programs in low-income communities;

"(14) describes how funds will be used by the State educational agency and the chief executive officer of the State to support, develop, and implement community-wide comprehensive drug and violence prevention planning and organizing activities;

"(15) describes how input from parents will be sought regarding the use of funds by the State educational agency and the chief executive officer of the State;

"(16) describes how the State educational agency will review applications from local educational agencies, including how the agency will refer the application from parents in such review;

"(17) describes how the State educational agency will monitor the implementation of activities under this subpart, and provide technical assistance and support to local educational agencies, community-based organizations, other public entities, and private organizations;

"(18) describes how the chief executive officer of the State will award funds under section 4112(a) and implement a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds under this subpart;

"(19) includes any other information the Secretary may require.

"(b) INTERIM APPLICATION.—

"(1) AUTOMATICALLY—Notwithstanding any other provision of this section, a State may submit for fiscal year 2002 a 1-year interim application and plan for the use of funds under this subpart that is consistent with the requirements of this section and contains such information as the Secretary may specify in regulations.

"(2) PURCHASING—Pursuant to 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.

"(3) EXCEPTION.—A State may not receive a grant under this subpart for a fiscal year after fiscal year 2002 unless the Secretary has approved such State’s application and comprehensive plan as described in subsection (a).

"(c) APPROVAL PROCESS.—

"(1) DEEMED APPROVAL.—An application submitted by a State under this section shall undergo peer review by the Secretary and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, within 120 days of the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

"(2) DISAPPROVAL.—The Secretary shall not disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

"(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

"(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

"(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification shall—

"(i) cite the specific provisions in the application that are not in compliance; and

"(ii) request additional information, only as to the noncompliance issues, needed to make the application compliant.

"(4) RESPONSE.—If the State educational agency or the chief executive officer of the State respond to the Secretary’s notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the late filing date.

"(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

"(B) the expiration of the 120-day period described in paragraph (1).

"(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary’s notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

"SEC. 4114. LOCAL EDUCATIONAL AGENCY PROGRAM.

"(a) IN GENERAL.—

"(1) FUNDING.—LOCAL EDUCATIONAL AGENCIES.—A State shall provide the amount made available to the State under this subpart, less the amounts reserved under section 4112 to local educational agencies for drug and violence prevention programs and activities programs and activities as follows:

"(A) 60 percent of such amount based on the relative amount such agencies received under part A of title I for the preceding fiscal year.

"(B) 40 percent of such amount based on the relative amount such agencies received under part A of titles I and IV for the preceding fiscal year for non-profit elementary schools and secondary schools within the boundaries of such agencies.

"(2) ADMINISTRATIVE COSTS.—In any amount received under paragraph (1), a local educational agency may use not more than 2 percent for the administrative costs of carrying out its responsibilities under this subpart.

"(3) RETURN OF FUNDS TO STATE; REALLOCATION.—

"(A) RETURN.—Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date on which a local educational agency receives its allocation under this subpart—

"(i) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

"(ii) the State educational agency shall reallocate any such amount to local educational agencies that have submitted plans for using such amount for programs or activities on a timely basis.

"(B) CARRYOVER.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

"(i) an amount equal to not more than 25 percent of the amount it received under this subpart for such fiscal year; or

"(ii) a demonstration of good cause by such agency and approval by the State educational agency, an amount that exceeds 25 percent of such allocation.

"(c) ELIGIBILITY.—To be eligible to receive a grant under this subpart, a local educational agency desiring a grant shall submit an application in accordance with subsection (d). Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

"(d) ELIGIBILITY.—A local educational agency shall develop its application through timely and meaningful consultation with State and local government representatives, representatives of school-related organizations, teachers and other staff, parents, students, community-based organizations, and others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).

"(e) CONTINUATION.—On an ongoing basis, the local educational agency shall consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency’s activities under this subpart with other initiatives in public and private programs, and activities being conducted in the community.

"(f) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation under paragraph (1), a local educational agency at the initial stages of design and development of a program or activity shall consult, in accordance with this subsection, with appropriate entities and persons on issues regarding the design and development of the program or activity, including:

"(1) the purposes and principles of effectiveness described in section 4115(a).

"(2) CONTENTS OF APPLICATION.—An application submitted by a local educational agency under this subpart shall contain—

"(A) a statement that the purpose or program to be funded comply with the principles
of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement;

(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, including a description of—

(A) how the plan will be coordinated with programs under this Act, and other Federal, State, and local programs for drug and violence prevention, in accordance with section 9306;

(B) the local educational agency's performance measures for drug and violence prevention programs and activities, that shall consist of—

(i) specific indicators for drug and violence prevention programs and activities; and

(ii) levels of performance for each performance indicator;

(C) how such agency will assess and publicly report progress toward attaining its performance measures;

(D) the drug and violence prevention activity or program to be funded, including how the activity or program will meet the principles of effectiveness described in section 4115(a), and the means of evaluating such activity or program; and

(E) how the services will be targeted to schools and students with the greatest need;

(3) whether the results of the evaluations of the effectiveness of the program will be used to refine, improve, and strengthen the program;

(4) an assurance that funds under this subpart will be used to refine, improve, and strengthen the program;

(5) a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this subpart;

(6) an assurance that drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and illegal use of drugs are wrong and harmful;

(7) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free environments.

(A) appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of 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;

(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

(E) a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that—

(i) allows a teacher to communicate effectively with all students in the class;

(ii) allows all students in the class to learn;

(iii) has consequences that are fair, and developmentally appropriate;

(iv) ensures the student and the circumstances of the situation; and

(v) is enforced accordingly;

(8) an assurance that the application and any underlying plans described in section 4115(a)(3) will be available for public review after submission of the application; and

(9) such other assurances, goals, and objectives identified through scientifically based research that the State may reasonably require in accordance with the purpose of this part.

(2) REQUIREMENTS.-(A) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of ensuring the quality of such applications.

(B) CONSIDERATIONS.—In determining whether to approve the application of a local educational agency pursuant to this section, the State educational agency shall consider the quality of application and the extent to which the application meets the principles of effectiveness described in section 4115(a).

(3) APPROVAL PROCESS.—(1) DEEMED APPROVAL.—An application submitted by a local educational agency pursuant to this section shall be deemed to be approved by the State educational agency unless the State educational agency makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with this subpart.

(2) DISAPPROVAL.—The State educational agency shall not finally disapprove the application, except after giving the local educational agency notice of a hearing and providing the applicant with a hearing.

(3) NOTIFICATION.—If the State educational agency finds that the application is not in compliance, in whole or in part, with this subpart, the State educational agency shall—

(A) give the local educational agency notice and an opportunity for a hearing; and

(B) notify the local educational agency of the funding of noncompliance, and in such notification, shall—

(i) cite the specific provisions in the application that are not in compliance; and

(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(4) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in paragraph (3)(B)(ii), the State educational agency shall approve or disapprove such application prior to the later of—

(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(B) the expiration of the 120-day period described in paragraph (1).

(5) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

SEC. 4115. AUTHORIZED ACTIVITIES.

(1) PRINCIPLES OF EFFECTIVENESS.—(A) In granting an application or activity developed pursuant to this subpart to meet the principles of effectiveness, such program or activity shall—

(A) be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use, including delinquency and serious and persistent juvenile offenders who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing monitoring of data and evaluation and other activities or programs that demonstrate innovative or promising practices that support academic achievement;

(B) foster a safe and drug-free learning environment that supports academic achievement;

(C) be consistent with the principles of effective programs described in subsection (a)(1);

(D) include activities to—

(i) prevent or reduce violence; the use, possession and distribution of illegal drugs; and delinquency; and

(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers, school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts; and

(E) include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity.

(2) PERIODIC EVALUATION.—(A) REQUIREMENT.—The program or activity shall undergo a periodic evaluation to assess its progress toward reducing violence and illegal drug use in schools to be served based on performance measures described in section 4114(d)(2)(B).

(B) USE OF RESULTS.—The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures, and shall also be made available to the public upon request, with public notice of such availability provided.

(3) WAIVER.—A local educational agency may apply to the State for a waiver of the requirement of subsection (a) to permit innovative activities or programs that demonstrate substantial likelihood of success.

(4) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

(A) PROGRAM REQUIREMENTS.—A local educational agency shall use funds made available under section 4114 to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other school and community-based services and programs, that shall—

(A) foster a safe and drug-free learning environment that supports academic achievement;

(B) be consistent with the principles of effective programs described in subsection (a)(1); and

(C) be designed to—

(i) prevent or reduce violence; the use, possession and distribution of illegal drugs; and delinquency; and

(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers, school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts; and

(D) include activities to—

(i) promote the involvement of parents in the activity or program;

(ii) promote coordination with community groups and coalitions, and government agencies; and

(iii) distribute information about the local educational agency's needs, goals, and programs under this subpart.

(2) AUTHORIZED ACTIVITIES.—Each local educational agency, or consortium of such agencies, that receives a subgrant under this subpart may use such funds to carry out activities that comply with the principles of effectiveness described in section 4(a), such as the following—

(A) appropriate and developmentally based activities that—

(i) address the consequences of violence and the illegal use of drugs, as appropriate;

(ii) promote a sense of individual responsibility;

(iii) teach students that most people do not illegally use drugs;

(iv) teach students to recognize social and peer pressure to use drugs illegally and the skills for refusal; and

(v) teach students about the dangers of emerging drugs;
(vi) engage students in the learning process; and
(vii) incorporate activities in secondary schools that reinforce prevention activities implemented in other schools.

(B) Activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs, in addition to the distribution of drug and violence prevention information to schools and the community.

(C) Professional development and training for, and involvement of, school personnel, pupil services personnel, parents, and interested community members in prevention, education, early identification of prevention, mentoring, or rehabilitation referral, as related to drug and violence prevention.

(D) Drug and violence prevention activities that may include the following:

(1) Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.

(ii) Developing and implementing comprehensive plans to deny or reduce the availability of firearms or other weapons and other technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico.

(iii) Supporting safe zones of passage activities that ensure that students travel safely to and from school, which may include bicycle and pedestrian safety programs.

(iv) The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities under this part that are implemented in the school.

(v) Expanded and improved school-based mental health services related to illegal drug use and violence, including early identification of violent or drug-related use, assessment, and direct or group counseling services provided to students, parents, families, and school personnel by qualified school-based mental health service providers.

(vii) Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug-counseling and activities.

(ix) Alternative education programs or services for violent or drug-abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make progress toward meeting the State academic achievement standards and to reenter the regular educational setting.

(x) Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health service providers and the training of teachers by school-based mental health service providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal drug use.

(xi) Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

(xii) Drug and violence prevention activities designed to reduce truancy.
innovative and high quality drug and violence prevention programs and activities, based on State and local needs, which may include—

(A) alternative education models, either established by local or State governments or adapted from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, reduce the need for repeat suspensions, and enable students to graduate, or make inroads into challenging State academic standards, and enable students to return to the regular classroom as soon as possible;

(B) community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students’ sense of individual responsibility;

(C) video-based projects developed by non-commercial telecommunications entities that provide young people with models for conflict resolution and responsible decision making; and

(D) child abuse education and prevention programs for elementary and secondary students;

(E) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination;

(F) the provision of information on violence prevention education and school safety to the Department of Justice for dissemination;

(G) technical assistance to chief executive officers, State agencies, local educational agencies, and any other entity or entity group funding under this part to build capacity to develop and implement high-quality, effective drug and violence prevention programs consistent with the principles of effectiveness in section 4115(a);

(H) assistance to school systems that have particularly severe drug and violence problems, including hiring drug prevention and school safety personnel, or any assistance to support appropriate response efforts to crisis situations;

(I) the development of education and training programs, curricula, instructional materials, and professional development and training for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

(J) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems; and

(K) activities in accordance with the purpose of this part, based on State and local needs.

(2) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

SEC. 4122. IMPACT EVALUATION.

(a) BIENNIAL EVALUATION.—The Secretary, in consultation with the Safe and Drug-Free Schools and Communities Advisory Committee described in section 4124, shall conduct an independent biennial evaluation of the impact of programs assisted under this part and of other recent and new initiatives to combat violence and illegal drug use in schools. The evaluation shall report on whether community and local educational agency, programs funded under this subpart:

(1) comply with the principles of effectiveness described in section 4115(a);

(2) have reduced the level of illegal drug, alcohol and tobacco use, and school violence and the illegal presence of weapons at schools; and

(3) have conducted effective parent involvement and training programs.

(b) DATA COLLECTION.—The National Center for Education Statistics shall collect data, that is subject to peer review, to determine the incidence and prevalence of illegal drug use and violence in elementary schools and secondary schools in the States. The collected data shall include, at a minimum, the number of students, anonymous student surveys, and anonymous teacher surveys.

(c) BIENNIAL REPORT.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted pursuant to subsection (a) together with the data collected under subsection (b) and data available from other sources on the incidence and prevalence, age of onset, perception of health risks, and perception of social disapproval of drug use and violence in elementary schools and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to section 4003(2) the Secretary may make grants to local educational agencies for community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

(d) 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) distribution 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) APPLICATION.—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 Secretary may reasonably require.

(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

(A) a request for funds for the purpose 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, and not supplant, non-Federal funds.

(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

(A) a request for funds for the purpose 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, and not supplant, non-Federal funds.

(5) MEASUREMENT.—The Secretary shall carry out a peer review process in reviewing applications for funds under this section.

SEC. 4123. HATE CRIME PREVENTION.

(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4003(2) the Secretary may make grants to local educational agencies for community-based programs for elementary and secondary students;

(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) distribution 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) APPLICATION.—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 Secretary may reasonably require.

(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

(A) a request for funds for the purpose 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, and not supplant, non-Federal funds.

(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

(A) a request for funds for the purpose 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, and not supplant, non-Federal funds.

(b) REPRESENTATION.—The Secretary shall submit to Congress a report every 2 years that shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

SEC. 4124. 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); and

(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

(c) conduct core data sets and evaluation protocols for safe and drug-free school- and community-based programs; and

(E) provide for the diffusion of scientifically based research to safe and drug-free school- and community-based programs; and

(F) review other regulations and standards developed under this title.

(b) 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;

(E) State and local governments, including education agencies; and

(J) researchers and expert practitioners.

(2) CONSULTATION.—The Secretary shall consult with the Advisory Committee to ensure that the Committee’s work, and the implementation of the Committee’s recommendations, is consistent with the policies and priorities established by the Secretary.

(3) DUTIES.—The Advisory Committee shall carry out its duties under this section.

(4) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out a peer review process in reviewing applications for funds under this section.

(c) REPORTS.—The Advisory Committee shall report to the Congress every 2 years on—

(1) the effectiveness of the programs under this section;

(2) the implementation of the activities under this section;

(3) the evaluation of the programs under this section;

(4) the implementation of the activities under this section; and

(5) the prevention of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State educational agencies and local educational 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 scientifically based research activities that have been shown to be effective and have been implemented worldwide.

“(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 evaluation.

(2) R EALLOTMENT.

(a) In GENERAL.—From funds made available to carry out this subpart under section 4003(2), the Secretary shall be allotted under this section an amount among the States equal to the ratio between the school-aged population of each State and the total school-aged population of all the States under this section.

(b) ALLOCATION.—From the amount allotted to all the States under this section, the Secretary may reallocate an amount to any State as the Secretary determines to be necessary to provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local educational agencies to carry out this subpart under section 4003(2), on a competitive basis, to local educational agencies to enable such agencies to develop and implement effective programs to reduce alcohol abuse in secondary schools.

(3) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(4) A description of the activities to be carried out under the grant;

(5) An assurance that such activities will include 1 or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

(6) An explanation of how activities to be carried out under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

(7) An assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of programs and activities funded under the grant; and

(8) Such other information as the Secretary determines appropriate.

SEC. 4125. NATIONAL COORDINATOR PROGRAM.

(a) IN GENERAL.—From funds made available to carry out this subpart under section 4003(2), the Secretary may provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local educational agencies to carry out this subpart under section 4003(2), on a competitive basis, to local educational agencies to enable such agencies to develop and implement effective programs to reduce alcohol abuse in secondary schools.

(b) USE OF FUNDS.—Amounts received under a grant awarded under this subpart (a) shall be used by local educational agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators.

(1) E STABLISHMENT.—From funds made available to carry out this subpart under section 4003(2), the Secretary may make grants to States to carry out programs under which students expelled or suspended from school are required to participate in community service programs.

(b) A LLOCATION.—From the amount described in subsection (a), the Secretary shall allocate among the States:

(1) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

(2) according to the ratio between the amount allotted to the State for the preceding year and the sum of such amounts received by all the States.

(c) M INIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than 1⁄2 of 1 percent of the total amount allotted to all the States under this section.

(d) R EALLOTMENT.—The Secretary may reallocate 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 reallocations shall be made on the same basis as allotments are made under subsection (b).

(e) D EFINITION.—In this section, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4127. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.

(a) CENTER.—From funds made available to carry out this subpart under section 4003(2), the Secretary, the Attorney General, and the Secretary of Education shall enter into an agreement for the establishment of the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the ‘School Security Technology and Resource Center’ (hereinafter in this section ‘the Center’).

(b) A DMINISTRATION.—The Center established under subsection (a) shall be administered by the Attorney General.

(c) F UNCTIONS.—The Center established under subsection (a) shall be a resource to local educational agencies on security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The Center will also establish school violence research, coalition building, and resources for victims, communities, and school personnel.

SEC. 4128. NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.

(a) E STABLISHMENT.—From funds made available to carry out this subpart under section 4003(2), the Secretary of Education and the Attorney General may jointly establish a National Center for School and Youth Safety (in this section ‘Center’),

(b) DUTIES.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

(c) R ESERVATIONS.—

(1) SAMHSA.—The Secretary may reserve 20 percent of any amount used to carry out this section to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

(2) LOW-INCOME AND RURAL AREAS.—The Secretary may reserve 25 percent of any amount used to carry out this section to award grants to low-income and rural local educational agencies.

SEC. 4130. MENTORING PROGRAMS.

(a) PURPOSE; DEFINITIONS.

(1) PURPOSE.—The purpose of this section is to make assistance available to promote mentoring programs for children with greatest need.

(A) to assist such children in receiving support and guidance from a mentor;

(B) to improve the academic achievement of such children;

(C) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

(D) to reduce the dropout rate of such children; and

(E) to reduce juvenile delinquency and involvement in gangs by such children.

(2) DEFINITIONS.—In this part

(A) CHILD WITH GREATEST NEED.—The term ‘child with greatest need’ means a child who is at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or who lacks strong positive role models.

(B) ELIGIBLE ENTITY.—The term ‘eligible entity’ means

(i) a local educational agency,

(ii) a nonprofit, community-based organization; or

(iii) a partnership between a local educational agency and a nonprofit, community-based organization.
(C) MENTOR.—The term ‘mentor’ means a responsible adult, a postsecondary school student, or a secondary school student who works with a child—

(i) to provide a positive role model for the child;

(ii) to establish a supportive relationship with the child; and

(iii) to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

(D) ‘State’.—The term ‘State’ means each of the several 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.

(b) GRANT PROGRAM.—

(1) In general.—The Secretary may award grants from funds made available to carry out this subpart under section 4003(2) to eligible entities to assist such entities in establishing and supporting mentoring programs and activities for children with greatest need that—

(A) are designed to link such children (particularly children living in rural areas, high-crime areas (where school or home environments, or children experiencing educational failure) with mentors who—

(i) have received training and support in mentoring;

(ii) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

(iii) are interested in working with children with greatest need; and

(B) are intended to achieve 1 or more of the following goals with respect to children with greatest need:

(i) Provide general guidance.

(ii) Promote personal and social responsibility.

(iii) Increase participation in, and enhance the ability to benefit from, elementary and secondary education.

(iv) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity.

(v) Encourage participation in community service and community activities.

(vi) Encourage setting goals and planning for the future; including encouragement of graduation from secondary school and planning for postsecondary education or training.

(vii) Discourage involvement in gangs.

(2) USE OF FUNDS.—(A) IN GENERAL.—Each eligible entity awarded a grant under this subsection shall use the grant funds for activities that establish or implement a grant under this subsection.

(i) emotional support;

(ii) academic assistance; and

(iii) exposure to new experiences and opportunities that children might not otherwise encounter on their own;

(F) an assurance that the mentoring program will be monitored to ensure that each child assigned to a mentor is assigned to a mentor that the child and the child will be assigned a new mentor if the relationship between the original mentor and the child is not beneficial to the child;

(G) information regarding how mentors and children will be recruited to the mentoring program;

(H) information regarding how prospective mentors will be screened;

(i) information on the training that will be provided to mentors; and

(ii) information on how the system that the eligible entity will use to manage and monitor information relating to the mentoring program’s—

(v) the degree to which the mentoring program will provide children with a variety of experiences and support, including—

(1) reference checks;

(2) child and domestic abuse record checks;

(3) criminal background checks; and

(iv) procedure for matching children with mentors.

(3) SELECTION.—

(A) COMPETITIVE BASIS.—In accordance with this subsection, the Secretary shall award grants to eligible entities that—

(i) serve children with greatest need living in rural areas, high-crime areas, troubled home environments, or who attend schools with violence problems;

(ii) provide high quality background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs;

(iii) propose a school-based mentoring program;

(iv) OTHER CONSIDERATIONS.—In awarding grants under subparagraph (A), the Secretary shall consider—

(A) the degree to which the location of the mentoring program proposed by each eligible entity contributes to a fair distribution of mentoring programs with respect to urban and rural locations;

(B) the quality of the mentoring program proposed by each eligible entity, including—

(i) the resources, if any, the eligible entity will dedicate to providing children with opportunities for job training or postsecondary education;

(ii) the degree to which parents, teachers, community-based organizations, and the local community will participate, in the design and implementation of the proposed mentoring program;

(III) the degree to which the eligible entity can ensure that mentors will develop long-standing relationships with the children they mentor;

(IV) the degree to which the mentoring program will serve children with greatest need in the 4th through 8th grades; and

(V) the degree to which the mentoring program will continue to serve children from the 9th grade through graduation from secondary school, as needed; and

(VI) the capability of each eligible entity to effectively implement its mentoring program.

(D) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in awarding grants under subparagraph (A), the Secretary shall select not less than 1 grant recipient from each State for which there is an eligible entity that submits an application of sufficient quality pursuant to paragraph (A).
“(f) DEFINITION.—For the purpose of subsection (d), the term ’school’ means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

“(g) EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked personal property, and that such activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

“(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—

“(1) IN GENERAL.—No funds shall be made available under the No Child Left Behind Act of 2001 to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency systems of a student that students bring firearms or weapon to a school served by such agency.

“(2) DEFINITIONS.—For the purpose of this subsection, the terms ’firearm’ and ’school’ have the same meanings given to such terms by section 921(a) of title 18, United States Code.

“Subpart 4—General Provisions

“SEC. 4151. DEFINITIONS.

“In this part:

“(1) CONTROLLED SUBSTANCE.—The term ’controlled substance’ means a drug or other substance identified under Schedule I, II, III, IV, or V in section 201(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

“(2) DRUG.—The term ’drug’ includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

“(3) DRUG AND VIOLENCE PREVENTION.—The term ’drug and violence prevention’ means—

“(A) drug, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;

“(B) with respect to violence, the prevention of school violence 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.

“(4) HATE CRIME.—The term ’hate crime’ means as defined in section 1(b) of the Hate Crime Statistics Act of 1990.

“(5) NONPROFIT.—The term ’nonprofit’, as applied to a school, agency, organization, or institution, means an agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, not part of the net earnings of which inures, or may lawfully be used, solely to the benefit of any private shareholder or individual.

“(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms ’protective factor’, ’buffer’, and ’asset’ are terms that refer to a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal 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 illegal drug use, as well as violent behavior, by youth in the school.

“(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 BASED MENTAL HEALTH SERVICES PROVIDER.—The term ’school based mental health services provider’ includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

“(10) SCHOOL PERSONNEL.—The term ’school personnel’ includes principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for such schools.

“(11) SCHOOL RESOURCE OFFICER.—The term ’school resource officer’ means a career law enforcement officer, with sworn authority, deployed in community oriented policing, and as assigned by the employing police department to a local educational agency to work in collaboration with schools and community based organizations to—

“(A) educate students in crime and illegal drug use prevention and safety;

“(B) develop or expand community justice initiatives for students; and

“(C) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.

“SEC. 4152. MESSAGE AND MATERIALS.

“(a) WRONG AND HARMFUL MESSAGE.—Drug and violence prevention programs supported under this part shall convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

“(b) CURRICULUM.—The Secretary shall not prescribe the curriculum or core academic curricula for programs supported under this part.

“SEC. 4153. PARENTAL CONSENT.

“Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program or activity funded under this part.

“SEC. 4154. 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); or

“(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 illegally use drugs.

“SEC. 4155. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

“(a) NONAPPLICATION OF PROVISIONS.—This section shall not apply to any disciplinary actions or educationally related suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or entity, that provides education below the secondary school level to any public or private, or the Commonwealth of Puerto Rico.

“(b) DISCIPLINARY RECORDS.—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), 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 exchange of disciplinary records with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student, or any teacher, or other school official who is instructed to enroll, on a full- or part-time basis, in the school.

“PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

“SEC. 4201. PURPOSE, DEFINITIONS.

“(a) PURPOSE.—The purpose of this part is to provide opportunities for communities to establish and expand activities in community learning centers that—

“(1) provide opportunities for academic enrichment, including providing tutorial services for out-of-school students, parents who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics;

“(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention, counseling, art, music, recreation, technology, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and

“(3) offer families of students served by community learning centers opportunities for literacy and related educational development.

“(b) DEFINITIONS.—In this part:

“(1) COMMUNITY LEARNING CENTER.—The term ’community learning center’ means an entity that—

“(A) assists students in meeting State and local educational achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that reinforce and complement the regular academic programs of the schools attended by the students served; and

“(B) offers families of students served by such center opportunities for literacy and related educational development.

“(2) COVERED PROGRAM.—The term ’covered program’ means a program for which—

“(A) the Secretary made a grant under part 1 of title X (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001);

“(B) the grant period had not ended on that date of enactment;

“(3) ELIGIBLE ENTITY.—The term ’eligible entity’ means a local educational agency, community-based organization, another public or private entity, or a consortium of 2 or more of such agencies, organizations, or entities.

“(4) STATE.—The term ’State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“SEC. 4202. ALLOCATIONS TO STATES.

“(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

“(1) such amount as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);

“(2) not more than 1 percent for national activities that the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting national evaluation activities.

“(b) STATE ALLOCATIONS.—

“(1) DETERMINATION.—From the funds appropriated under section 4206 for any fiscal year
and remaining after the Secretary makes res-
ervations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the total amount allotted to the State, under subpart 2 of part A of title I for the preceding fiscal year, as the Secretary shall allot to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to 1/2 of 1 percent of the total amount made available to all States under this subsection.

(2) ADEQUATE USE OF UNFUNDED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the re-
mainder of the fiscal year in accordance with this section.

(3) STATE USE OF FUNDS.—

(a) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under subpart (b), for each fiscal year for awards to eligible entities under section 2004.

(b) APPLICATION.—A State edu-
cational agency may use not more than 2 per-
cent of the amount made available to the State under subsection (b) for—

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a peer re-
view process for grant applications described in section 2003, including consultation with the Governor and other State agencies responsible for admin-
istering youth development programs and adult learning activities; and

(C) monitoring of funds to eligible entities under subsection (b) for the following activities:

(i) monitoring and evaluation of programs and activities assisted under this part;

(ii) providing capacity building, training, and technical assistance under this part;

(iii) comprehensive evaluation, directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part;

(iv) providing training and technical assistance to eligible entities who are applicants for funds under this part;

(3) STATE ACTIVITIES.—A State educational agency may use not more than 3 percent of the amount made available to the State under subsection (b) for the following programs and activities:

(A) monitoring and evaluation of programs and activities assisted under this part;

(B) providing capacity building, training, and technical assistance under this part;

(C) comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part;

(D) providing training and technical assistance to eligible entities who are applicants for funds under this part;

(4) SEC. 2004. STATE AGENCY.

(a) IN GENERAL.—In order to receive an allot-
ment under section 2002 for any fiscal year, a State educational agency, as Secretary may require, an application that—

(i) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(ii) describes how the State educational agency will ensure that awards made under this part are—

(A) of sufficient size and scope to support high-quality programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with sec-
tion 2004(h); and

(iii) describes the steps the State educational agency will take to ensure that programs imple-
ment effective strategies, including providing ongoing technical assistance and training, eval-
uation, and dissemination of promising prac-
tices;

(iv) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

(v) describes an assurance that the State edu-
cational agency—

(A) will allocate awards for programs for a pe-
riod of not less than 3 years and not more than 5 years; and

(B) will require each eligible entity seeking such an award to submit a plan describing how the community learning center to be funded through the award will continue after funding under this part ends;

(vi) contains an assurance that funds appro-
priated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to pro-
vide programs and activities authorized under this part and other similar programs;

(vii) contains an assurance that the State educational agency will require eligible entities to—

(i) submit an application to the State educational agency at such time, in such manner, and in-
cluding such information as the State edu-
cational agency may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a description of the before and after school activities, which shall be based on the re-\nsults of on-going State evaluation activities;

(B) describes the results of the State’s needs and resources assessment for before and after school activities, which shall be based on the re-
results of on-going State evaluation activities;

(C) describes how the State educational agency will evaluate the effectiveness of pro-
grams and activities assisted under this part, which shall include, at a minimum—

(A) a description of the performance indica-
tors and performance measures that will be used to evaluate programs and activities;

(B) public dissemination of the evaluations of programs and activities carried out under this part; and

(C) provides for timely public notice of in-
tent to file an application and an assurance that the application will be available for public review after submission.

(C) DEEMED APPROVAL.—An application sub-
mitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and opportunity for a hearing.

(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

(i) give the State educational agency notice and an opportunity for a hearing; and

(ii) notify the State educational agency of the finding of noncompliance, and, in such noti-
ification, shall—

(A) cite the specific provisions in the applica-
tion that are not in compliance; and

(B) request additional information, only as to the noncompliance provisions, needed to make the application compliant.

(c) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

(i) the expiration of the 45-day period begin-
ing on the date on which the application is re-
submitted; or

(ii) the expiration of the 120-day period de-
scribed in subsection (b).

(d) FAIR-disBURSEMENT.—If the State edu-
cational agency does not respond to the Sec-
tary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be dis-
approved.

SEC. 2004. LOCAL COMPETITIVE GRANT PROGRAM.

(a) IN GENERAL.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 2003 to eligible community learning centers in accordance with this part.

(b) APPLICATION.—

(i) EACH APPLICATION.—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and in-
cluding such information as the State edu-
cational agency may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a description of the before and after school activities, which shall be based on the re-
results of on-going State evaluation activities;

(B) a description of how students particip-
ating in the program carried out by the community learning center will travel safely to and from the center and home; and

(C) a description of how the eligible entity will disseminate information about the commu-
nity learning center (including its location) to the community in a manner that is understand-
able and accessible;

(B) a description of how the activity is ex-
pected to improve student academic achieve-
ment;

(C) an identification of Federal, State, and local programs that will be combined or coordi-
nated with the proposed program to make the most effective use of public resources;

(D) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students at-
tend;

(E) a description of how the activities will meet the principles of effectiveness described in section 2003(b); and

(F) an assurance that the program will pri-
marily target students who attend schools eligi-
ble for schoolwide programs under section 1114 and the families of such students;

(G) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be available for programs and activities authorized under this part, and in no case supplant Fed-
eral, State, local, or non-Federal funds;

(H) a description of how the program relates to local educational agency, a community-based organization, and another public entity or pri-
ivate entity, if appropriate;

(I) a description of how the community needs and available resources for the community learning center and a description of how the
program proposed to be carried out in the center will address those needs (including the needs of working families); (1) a demonstration that the eligible entity has experience in achieving some of its goals in providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students; (2) a description of a preliminary plan for how the community learning center will continue after funding under this part ends; (3) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver requests shall be submitted for public review after submission of the application; (4) if the eligible entity plans to use senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified seniors to serve as the volunteers; and (5) such other information and assurances as the State educational agency may reasonably require.

(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

(d) PERMISSIVE LOCAL MATCH.—(1) IN GENERAL.—A State educational agency may require an eligible entity to match funds provided under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.

(2) LIFE-SPAN.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account— (A) the relative poverty of the population to be targeted by the eligible entity; and (B) the ability of the eligible entity to obtain such matching funds.

(e) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(f) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity’s ability to match funds when determining which eligible entities will receive awards under this part.

(g) 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.

(h) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute funds under this part equally among geographic areas within the State, including urban and rural communities.

(i) DURATION OF AWARDS.—Grants under this part may be awarded for a period of not less than 3 years and not more than 5 years.

(j) AMOUNT OF AWARDS.—A grant awarded under this part may not be made in an amount that is less than $50,000.

(k) PRIORITY.—(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to applications for funding that— (A) propose to target services to students who attend schools that have been identified as in need of improvement under section 1116; and (B) are submitted jointly by eligible entities consisting of not less than 1— (i) local educational agency receiving funds under title I; (ii) community-based organization or other public or private entity.

(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

SEC. 4205. LOCAL ACTIVITIES. (a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under this part may use the award funds to carry out a broad range of activities (including summer programs and after school activities (including during summer recess periods) that advance student academic achievement, including— (1) remedial education activities and academic enrichment learning programs, including providing additional assistance to students to allow the students to improve their academic achievement; (2) mathematics and science education activities; (3) arts and music education activities; (4) entrepreneurial education programs; (5) tutoring services (including those provided by senior citizen volunteers) and mentoring programs; (6) programs that provide after school activities for limited English proficient students that emphasize language skills and academic achievement; (7) recreational activities; (8) telecommunications and technology education programs; (9) expanded library service hours; (10) programs that promote parental involvement and family literacy; (11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement; and (12) drug and violence prevention programs, counseling programs, and character education programs.

(b) PRINCIPLES OF EFFECTIVENESS.—(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall— (A) be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities; (B) be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities; and (C) if appropriate, be based upon scientifically research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards.

(2) PERIODIC EVALUATION.—(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation to assess its progress toward the goal of providing high quality opportunities for academic enrichment.

(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be— (i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures used; and (ii) made available to the public upon request, with public notice of such availability provided.

SEC. 4206. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated— (1) $1,250,000,000 for fiscal year 2002; (2) $1,500,000,000 for fiscal year 2003; (3) $1,750,000,000 for fiscal year 2004; (4) $2,000,000,000 for fiscal year 2005; and (5) $2,250,000,000 for fiscal year 2006; and

SEC. 4301. SHORT TITLE. This part may be cited as the ‘‘Pro-Children Act of 2001.’’

SEC. 4302. DEFINITIONS. (1) CHILDREN.—The term ‘‘children’’ means individuals who have not attained the age of 18. (2) LOCAL EDUCATIONAL AGENCY.—The term ‘‘children’s services’’ means the provision on a routine or regular basis of health, day care, education, or library services.

SEC. 4303. NONSMOKING POLICY FOR CHILDREN’S SERVICES. (1) PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, 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.

(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.

(3) FEDERAL AGENCIES.—(A) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, 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.

(4) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—
(A) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, 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 early childhood development (Head Start) services to children.

(B) EXCEPTION.—Subparagraph (A) shall not apply to—

(1) any portion of such facility that is used for inpatient treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(2) any private residence.

(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, preschool, or other early childhood education services in the facilities described in paragraph (2) not subject to paragraph (1).

(4) 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. At least 30 days after the date of enactment of the No Child Left Behind Act of 2001, 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 shall 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 amount shall not exceed fifty percent of the amount of Federal funds received under the No Child Left Behind Act of 2001 by such person for the fiscal year in which the 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 PROCEDING.—A civil penalty assessed under subsection (1) may be paid into the United States Treasury only if it can be shown that a 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 amount shall not exceed fifty percent of the amount of Federal funds received under the No Child Left Behind Act of 2001 by such person for the fiscal year in which the 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.

(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; and

(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, the degree of culpability, and any demonstration of willingness to comply with the provisions of this section in a timely manner; and

(C) other such matters as justice may require.

(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without notice and opportunity for hearing, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary, 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 in an action brought in the appropriate district court of the United States. In the case of a civil penalty, the amount assessed may be recovered by 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, and such court shall provide a copy of the petition to the Secretary and 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 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 and a copy of the order, the person may be liable to the United States for any part of the penalty or amount of the assessment that is not paid.

SEC. 4304. 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—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS

SEC. 501. INNOVATIVE PROGRAMS AND PARENTAL CHOICE PROVISIONS.

Title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

‘‘TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS

PART A—INNOVATIVE PROGRAMS

SEC. 5101. PURPOSES, STATE AND LOCAL RESPONSIBILITY.

(a) PURPOSES.—The purposes of this part are the following:

(1) To support local education reform efforts that are consistent with and support statewide education reform activities.

(2) To provide funding to enable State educational agencies and local educational agencies to implement promising educational reform programs and to conduct ongoing research based on scientifically based research.

(3) To provide a continuing source of innovation and improvement, including by the funding of support programs to provide library services and instructional and media materials.

(4) To meet the educational needs of all students, including—

(A) students with disabilities;

(B) children living in high concentrations of economically disadvantaged families; and

(C) children living in sparsely populated areas.

(b) ALLOCATION OF INCREASED AMOUNTS.—From the amount made available to a State educational agency under this part for a fiscal year that exceeds the amount made available to the agency under this part for fiscal year 2002, the State educational agency shall distribute 100 percent (or, in the case of a State educational agency serving a State under section 5111(a), not less than 50 percent, notwithstanding subsection (b) to local educational agencies within the State, on the same basis as the State educational agency distributes amounts under paragraph (1).

(b) LIMITATIONS AND REQUIREMENTS.—Not more than 15 percent of funds made available under this part for any fiscal year may be used for State administration under section 5121.

(c) CALCULATION OF ENROLLMENTS.—In general, the calculation of relative enrollments under subsection (a)(1) 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 participated in programs funded under this part, for the fiscal year preceding the fiscal year for which the determination is made.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of each local educational agency to contact, on an annual basis, appropriate officials from private nonprofit schools within the area served by such local educational agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

(3) ADJUSTMENTS.—

(A) STATE CRITERIA.—Relative enrollments calculated under subsection (a)(1) 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 that serve the greatest numbers or percentages of—

(i) children living in areas with high concentrations of economically disadvantaged families; 
(ii) children from economically disadvantaged families; or 
(iii) children living in sparsely populated areas.

(B) REVIEW OF CRITERIA.—The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under subparagraph (1) 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 of the State’s local educational agencies based on the factors set forth in subparagraph (A).

(d) PAYMENT OF ALLOCATIONS.—

(1) DISTRIBUTION.—From the funds paid to a State educational agency under this part for a fiscal year, the State educational agency shall distribute to each eligible local educational agency that has submitted an application as required by section 5133 the amount of such local educational agency’s allocation, as determined under subsection (a).

(2) ADDITIONAL FUNDS.—

(A) USE.—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)(1) may, in the discretion of the local educational agency, be used for expenditures to provide services for children enrolled in public schools and private nonprofit schools in direct proportion to the number of children enrolled in subscripted in such schools within the area served by the local educational agency.

(B) ALLOCATION.—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 area served by the local educational agency in such manner.

(C) RULE OF CONSTRUCTION.—Subparagraphs (A) and (B) may not be construed to require any school to use all of the additional funds described in subparagraph (A) to the provision of services to specific students or categories of students.

“Subpart 2—State Programs

SEC. 5121. STATE USES OF FUNDS.

A State educational agency may use funds made available for State use under section 5121(b) only for one or more of the following—

(1) State administration of programs under this part, including—

(A) allocating funds to local educational agencies; 
(B) planning, supervising, and processing State educational agency fund requests and funds; and 
(C) monitoring and evaluating programs under this part.

(2) Support for the planning, design, and initial implementation of charter schools as described in part B.

(3) Statewide education reform, school improvement, parent training, and technical assistance and direct grants to local educational agencies, which assist such agencies under section 5131.

(4) Support for the design and implementation of high-quality yearly student assessments.

(5) Support for implementation of challenging State and local academic achievement standards.

(6) Support for arrangements that provide for independent measure and report on school district achievement.

(7) Support for the program described in section 321 of the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

(8) Support for programs to assist in the implementation of the policy described in section 9507 which may include payment of reasonable transportation costs and tuition costs for such students.

SEC. 5122. STATE APPLICATIONS.

(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this part shall submit to the Secretary an application that includes each of the following:

(1) Description of the State educational agency as the State agency responsible for administration and supervision of programs assisted under this part.

(2) Provision for an annual statewide summary of how assistance under this part is contributing toward improving student academic achievement or improving the quality of education for students.

(3) Information setting forth the allocation of funds required to implement section 5142.

(4) A proposal 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) An assurance that, apart from providing 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 submitted under section 5133.

(6) An assurance that there is compliance with the specified provisions of this part.

(7) Provision for timely public notice and public dissemination of the information provided under paragraph (3).

(b) STATEWIDE SUMMARY.—The statewide summary required to be submitted annually to the Secretary and shall be derived from the evaluation information submitted by local educational agencies under section 5133(b)(8). The State educational agency shall determine the format and content of such summary and shall include, as a minimum, the following statistical measures, such as the number of students served by each type of innovative assistance program described in section 5131 and the number of teachers trained.

(c) PERIOD OF APPLICATION.—An application submitted by the State educational agency under subsection (a) shall be for a period not to exceed 3 years. The agency may amend the application annually, as may be necessary to reflect changes, without filing a new application.

(d) AUDIT RULE.—A local educational agency that receives less than an average of $10,000 under this part in any fiscal year shall not be audited more frequently than once every 5 years.

“Subpart 3—Local Innovative Education Programs

SEC. 5131. LOCAL USES OF FUNDS.

(a) INNOVATIVE ASSISTANCE PROGRAMS.—Funds made available to local educational agencies under section 5121 shall be used for innovative assistance programs, which may include any of the following:

(1) Programs to recruit, train, and hire highly qualified teachers to teach core subjects, especially in the early grades, and professional development activities carried out in accordance with title II, that give teachers, principals, and administrators the knowledge to provide students with the opportunity to meet challenging State or local academic content standards and student academic achievement standards.

(2) 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 use technology effectively in the classrooms and the school library media centers involved.

(3) Programs for the development or acquisition and use of instructional and educational materials, including library services and materials (including media materials), academic assessments, reference sources, software and hardware for instructional use, and other curricular materials that are tied to high academic standards, that will be used to improve student academic achievement, and that are part of an overall education reform program.

(4) Promising education reform projects, including magnet schools.

(5) Programs to improve the academic achievement of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school.

(6) Programs to improve the literacy skills of adults, especially the parents of children served by the local educational agency, and to improve adult education and family literacy programs.

(7) Programs to provide for the educational needs of gifted and talented children.

(8) The planning, design, and initial implementation of charter schools as described in part B.

(9) School improvement programs or activities under sections 1116 and 1117.

(10) Community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through service through the principles of responsibility, compassion, respect, and moral courage.

(11) Activities to promote consumer, economic, and personal finance education, such as disseminating information on, and encouraging use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved with earning, spending, saving, and investing).

(12) Activities to promote, implement, or expand public school career and technical education programs.

(13) Programs to hire and support school nurses.

(14) Expansion and improvement of school-based mental health services and programs, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs.

(15) Alternative educational programs for those students who have been expelled or suspended from their respective school setting, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs.

(16) Programs to establish or enhance pre-kindergarten programs for children.
(17) Academic intervention programs that are operated jointly with community-based organizations and that support academic enrichment, and counseling programs conducted during the school day (including during extended school day or extended school year programs), for students most at risk of not meeting challenging State academic achievement standards or not completing secondary school.

(18) Programs for cardiopulmonary resuscitation (CPR) training in schools.

(19) Programs to establish smaller learning community enhancing achievement.

(20) Activities that encourage and expand improvements throughout the area served by the local educational agency that are designed to advance student academic achievement.

(21) Initiatives to generate, maintain, and strengthen parental and community involvement.

(22) Programs and activities that expand learning opportunities through best-practice models designed to improve classroom learning and teaching.

(23) Programs to provide same-gender schools and classrooms (consistent with applicable law).

(24) Service learning activities.

(25) School safety programs, including programs to implement the policy described in section 5907 and which may include payment of reasonable transcription costs and tuition costs for such students.

(26) Programs that employ research-based cognitive and perceptual development approach using a diagnostic-prescriptive model to improve students’ learning of academic content at the preschool, elementary, and secondary levels.

(27) Supplemental educational services, as defined in section 1116(e).

(b) REQUIREMENTS.—The innovative assistance programs described in subsection (a) shall be—

(1) tied to promoting challenging academic achievement standards;

(2) used to improve student academic achievement; and

(3) part of an overall education reform strategy.

(c) GUIDELINES.—Not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall issue guidelines for local educational agencies seeking funding for programs described in subsection (a)(23).

SEC. 5132. ADMINISTRATIVE AUTHORITY.

In order to conduct the programs authorized by this section, the State educational agency 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. 5133. LOCAL APPLICATIONS.

(a) SUBMISSION OF APPLICATION.—A local educational agency may receive an allocation of funds under this part for any year for which the agency submits an application under this section. The Secretary shall certify under subsection (b) that certifies under subsection (a) that includes each of the following:

(1) A description of locally identified needs relative to the purposes of this part and to the innovative assistance programs described in section 5131.

(2) A statement that sets forth the planned allocation of funds, based on the needs identified in subparagraph (A), among innovative assistance programs described in section 5131, a description of the programs that the local educational agency intends to support, and a description of the reasons for the selection of such programs.

(3) Information setting forth the allocation of such funds required to implement section 5142.

(4) A description of how assistance under this part will contribute to improving student academic achievement or improving the quality of education for students.

(5) An assurance that the local educational agency will comply with the provisions of section 5142 concerning the participation of children enrolled in private nonprofit schools.

(6) An assurance that the local educational agency will keep such records, and provide such information to the State educational agency, as may be reasonably required for fiscal audit and program evaluation purposes.

(b) PERIOD OF APPLICATION.—An application submitted by a local educational agency under subsection (a) may seek allocations under this part for a period not to exceed 3 fiscal years.

(c) LOCAL EDUCATIONAL AGENCY DISCRETION.

(1) IN GENERAL.—Subject to the limitations and requirements of this section, the local educational agency shall have complete discretion in determining the manner described in subparagraph (A), and the manner in which funds under this part are to be used to meet the needs identified by the local educational agency.

(2) LIMITATION.—In exercising the discretion described in paragraph (1), the 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 of the schools served by the local educational agency.

Subpart 4—General Provisions

SEC. 5141. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—Except as provided in subparagraph (B), a State educational agency is entitled to receive its full allotment of funds under this part for any fiscal year only if the Secretary determines that the combined fiscal effort per student or the aggregate expenditures for the benefit of such children in such schools and classrooms under this part is located, who are enrolled in private nonprofit elementary schools and secondary schools, or, with respect to instructional support programs funded by the State educational agency from funds made available for State educational agency use, the local educational agency, after consultation with appropriate private entities, would have occurred if the local educational agency had received funds under this part.

(b) EQUAL EXPENDITURES.—

(1) IN GENERAL.—Expenditures for programs under subsection (a) shall be equal (consistent with the requirements of this section) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency.

(c) LOCAL PROVISIONED PROGRAMS.—Taking into account the needs of the individual children and other factors that relate to the expenditures for such students, funds under this part are to be used to meet the needs of children enrolled in the public schools of the local educational agency.
the cost of services to be provided by the Secretary to be necessary to pay or local educational agency the amount estimated by the Secretary may withhold from the allotment or allotments under this part, and title to materials, equipment, and property repaired, re-modeled, 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) SERVICES.—Services provided under this part shall be provided by employees of a public agency or through contract by such a public agency with a person, association, agency, or corporation that, in the provision of such services, is independent of the private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency. The funds provided under this part shall not be commingled with State or local funds.

(d) WAIVER.

(1) STATE PROHIBITION.—If a State educational agency or local educational agency is prohibited, by reason of any provision of law, from participating in programs of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary shall waive such requirements for the agency involved and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

(2) FAILURE TO COMPLY.—If the Secretary determines that a State educational agency 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 subsections (a) through (c), the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

(3) 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 programs under this part shall be available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

SEC. 5144. SUPPLEMENT, NOT SUPPLANT.

Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

SEC. 5145. DEFINITIONS.

In this part—

(1) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ means a local educational agency or a consortium of such agencies.

(2) PUBLIC SCHOOL.—The term ‘public school’ means a public elementary school or a public secondary school.

(3) SCHOOL-AGE POPULATION.—The term ‘school-age population’ means the population aged 5 through 17.

(4) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 5146. AUTHORIZATION OF APPROPRIATIONS.

There are appropriated to be appropriated to carry out this part—

(1) $475,000,000 for fiscal year 2002; and

(2) $450,000,000 for fiscal year 2003; and

(3) $550,000,000 for fiscal year 2004; and

(4) $525,000,000 for fiscal year 2005; and

(5) $550,000,000 for fiscal year 2006; and

(6) $600,000,000 for fiscal year 2007.

PART B—PUBLIC CHARTER SCHOOLS

Subpart 1—Charter School Programs

SEC. 5201. PURPOSE.

It is the purpose of this subpart to increase national understanding of the charter schools movement by—

(1) providing financial assistance for the planning, program design, and initial implementation of charter schools;

(2) evaluating the effects of such schools, including the effects on students, student academic achievement, staff, and parents;

(3) expanding the number of high-quality charter schools available to students across the Nation; and

(4) encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

SEC. 5202. PROGRAM AUTHORIZED.

(a) In General.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 5203 to enable such agencies to conduct a charter school grant program in accordance with this subpart.

(b) Special Rule.—If a State educational agency elects not to participate in the program authorized by this subpart, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 5203(c).

(c) Program Periods.—

(1) Grants to States.—Grants awarded to State educational agencies under this subpart shall be for a period of not more than 3 years.

(2) Grants to Eligible Applicants.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this subpart shall be for a period of not more than 3 years, of which the eligible applicant may use—

(A) not more than 18 months for planning and program design;

(B) not more than 2 years for the initial implementation of a charter school; and

(C) up to 3 years for out-dissemination activities described in section 5204(c)(6)(B).

(d) Limitation.—A charter school may not receive—

(1) more than 1 grant for activities described in subparagraphs (A) and (B) of subsection (c); or

(2) more than 1 grant for activities under subparagraph (C) of subsection (c).

(e) Priority Treatment.—(1) In general.—In awarding grants under this subpart for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 5211 other than funds reserved for section 5250 that the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and 1 or more of the criteria described in subparagraph (A) of paragraph (3).

(2) Review and Evaluation Priority Criteria.—The criteria referred to in paragraph (1) are that the State provides for periodic review and evaluation by an authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the school meets school funders meeting the terms of the school’s charter, and is meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth under State law.

(3) Priority Criteria.—The criteria referred to in paragraph (1) are the following:

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referred to in paragraph (1), and when funds available to a local educational agency under this part are used to concentrate programs on a particular group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate officials, be authorized to the Secretary’s designee to show cause why that action should not be taken.

(2) COURT ACTION.—If a State educational agency 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, present such findings of fact shall likewise be conclusive.

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, shall be conclusive.

The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(3) REMAND TO SECRETARY.—The findings of fact by the Secretary with respect to a proceeding under paragraph (1), if supported by substantial evidence, shall be conclusive.

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 a petition under paragraph (2), 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 upon certiorari or certification.

(b) Findings of Fact and Final Action.

(1) Waiver.—In determining that a State educational agency or local educational agency is prohibited, by reason of any provision of law, from participating in programs of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary shall waive such requirements for the agency involved and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

(2) Failure to Comply.—If the Secretary determines that a State educational agency 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 subsections (a) through (c), the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

(e) 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 programs under this part shall be available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

SEC. 5144. SUPPLEMENT, NOT SUPPLANT.

 Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

SEC. 5145. DEFINITIONS.

In this part—

(1) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ means a local educational agency or a consortium of such agencies.

(2) PUBLIC SCHOOL.—The term ‘public school’ means a public elementary school or a public secondary school.

(3) SCHOOL-AGE POPULATION.—The term ‘school-age population’ means the population aged 5 through 17.

(4) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 5146. AUTHORIZATION OF APPROPRIATIONS.

There are appropriated to be appropriated to carry out this part—

(1) $450,000,000 for fiscal year 2002; and

(2) $475,000,000 for fiscal year 2003; and

(3) $500,000,000 for fiscal year 2004; and

(4) $525,000,000 for fiscal year 2005; and

(5) $550,000,000 for fiscal year 2006; and

(6) $600,000,000 for fiscal year 2007.
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“(A) The State has demonstrated progress, in increasing the number of high-quality charter schools that are held accountable in the terms of the schools’ charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applied for assistance under this subpart.

“(B) The State—

(1) provides for 1 authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

(2) a description of how the subgrant funds will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary.

“(C) The State ensures that each charter school has a high degree of autonomy over the charter school’s budgets and expenditures.

“(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

“(E) a description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school;

“(F) a description of whether the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

“(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

“(H) a description of how the subgrant funds or such subgrant if the authorized public chartering agency to inform teachers, parents, and the public of charter schools to each local educational agency will require each eligible applicant to submit an application to the State educational agency containing—

(i) the grade levels or ages of children to be served;

(ii) Federal funds that the charter school is entitled to allocate, among other things, with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

(iii) the extent of community support for the charter school;

(iv) the degree of flexibility afforded by the chartering agencies, allows for an appeals process for the denial of an application for a charter school grant program; and

(v) a description of the educational program that will be managed.

“(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

(B) will assist each subgrantee in the State in receiving a waiver under section 520(e); and

(C) a description of—

(i) the State in which the charter school will be located;

(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

(iii) the description of the administrative relationship between the charter school and the authorized public chartering agency; and

(iv) the degree of flexibility afforded by the chartering agencies, allows for an appeals process for the denial of an application for a charter school program; and

(v) a description of how the State educational agency will be managed.

“(C) ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant from the Secretary under this subpart shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

“(b) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each application submitted pursuant to subsection (a) shall—

“(1) describe the objectives of the State educational agency’s charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency’s charter school grant program; and

“(2) describe how the State educational agency—

(A) will inform each charter school in the State regarding—

(i) Federal funds that the charter school is eligible to receive;

(ii) the planning, program design, and implementation of the charter school;

(iii) the degree of flexibility afforded by the chartering agencies, allows for an appeals process for the denial of an application for a charter school program; and

(iv) a description of the administrative relationship between the charter school and the authorized public chartering agency;

(B) will ensure that each charter school in the State receives the charter school’s commencement education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and

(D) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

(i) a description of the educational program to be implemented by the proposed charter school, including—

(I) the program will enable all students to meet challenging State student achievement standards;

(II) the grade levels or ages of children to be served; and

(III) the curriculum and instructional practices to be used;

(II) the description of how the charter school will be managed;

(iii) a description of—

(I) the State in which the charter school will be located;

(II) the methods by which the charter school will determine its progress toward achieving those objectives;

(III) the description of the administrative relationship between the charter school and the authorized public chartering agency; and

(IV) the degree of flexibility afforded by the chartering agencies, allows for an appeals process for the denial of an application for a charter school program; and

(2) the Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted under section 520(c), after taking into consideration such factors as—

(I) the quality of the proposed curriculum and instructional practices.

(II) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

(III) the extent of community support for the charter school;

(IV) the ambitiousness of the objectives for the charter school;

(V) the quality of the strategy for assessing achievement of those objectives;

(VI) the likelihood that the charter school will meet those objectives and improve educational results for students; and

(VII) the extent of community support for the charter school.

(VIII) the diversity of projects.

(VI) the Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the element of a charter school described in section 520(1), if—

(1) the waivers requested are in an approved application under this subpart; and

(2) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

“SEC. 5204. ADMINISTRATION.

“(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this subpart on the basis of the quality of the applications submitted under section 520(b), after taking into consideration such factors as—

(1) the contribution that the charter schools’ grant program will make to assisting educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards;

(2) the degree of flexibility afforded by the State educational agency to charter schools under the State’s charter school law;

(3) the ambitiousness of the objectives for the State charter school grant program;

(4) the quality of the strategy for assessing achievement of those objectives;

(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students; and

(6) the number of high-quality charter schools created under this subpart in the State; and

(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student academic achievement.

“(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted under section 520(c), after taking into consideration such factors as—

(1) the quality of the proposed curriculum and instructional practices.

(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

(3) the extent of community support for the charter school;

(4) the ambitiousness of the objectives for the charter school;

(5) the quality of the strategy for assessing achievement of those objectives;

(6) the likelihood that the charter school will meet those objectives and improve educational results for students; and

(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student academic achievement.

“(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this subpart, shall use a peer review process to review applications for assistance under this subpart.

“(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this subpart, shall award grants and subgrants under this subpart in a manner that, to the extent possible, ensures that such grants and subgrants—

(I) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

(ii) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

“(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the element of a charter school described in section 520(1), if—

(1) the waiver is requested in an approved application under this subpart; and

(2) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

“(f) SEMI-ANNUAL REPORTS.—The Secretary shall submit a semi-annual report to the Congress—

(1) that describes the charter school grant program; and

(2) that describes activities under section 5206.
(F) USE OF FUNDS.—

(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this subpart shall use such grant funds to award grants to 1 or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this subpart, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6).

(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school, or to disseminate information about the charter school and successful practices in the charter school, in accordance with this subpart.

(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this subpart may use the grant or subgrant funds only for—

(A) post-application planning and design of the educational program, which may include—

(i) refinement of the desired educational results and of the methods for measuring progress toward those results; and

(ii) professional development of teachers and other staff who will work in the charter school; and

(B) initial implementation of the charter school, which may include—

(i) informing the community about the school;

(ii) acquiring necessary equipment and educational materials and supplies;

(iii) acquiring or developing curriculum materials;

(iv) other initial operational costs that cannot be met from State or local sources.

(4) ADMINISTRATIVE EXPENSES.—(A) STATE EDUCATIONAL AGENCY ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 10 percent of the grant funds for administrative expenses associated with the charter school grant program assisted under this subpart.

(B) LOCAL ADMINISTRATIVE EXPENSES.—A local educational agency may not deduct funds for administrative fees or expenses from a subgrant awarded to an eligible applicant, unless the eligible applicant voluntarily enters into a mutually agreed upon arrangement for administrative services with the relevant local educational agency. Absent such an arrangement, the local educational agency shall distribute all such subgrant funds to the eligible applicant without delay.

(C) ELIGIBLE USE.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 10 percent of the grant funds for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this subpart, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of the eligible applicant until such time as the recipient begins receiving ongoing operational support from ongoing revenue sources.

(5) DISSEMINATION.—

(A) IN GENERAL.—A charter school may apply for funds under this subpart, whether or not the charter school has applied for or received funds under this subpart for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

(i) high levels of parent satisfaction; and

(ii) the management and leadership necessary to establish or enhance a charter school.

(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school’s program (or certain aspects of that program), or to disseminate information about the charter school, through such activities as—

(i) assisting other individuals with the planning and implementation of new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school’s developers, and that are held accountable as a result of accountability measures in the charter school; and

(ii) developing partnerships with other public schools, including charter schools, designed to improve student achievement in each of the schools participating in the charter school; and

(C) ELIGIBLE USE.—Each State educational agency receiving a grant under this subpart shall use such grant funds to—

(A) fund charter schools, including charter schools, designed to improve student achievement and are based on successful practices within the assisting charter school; and

(B) conduct evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

(6) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this subpart and designates a tribally controlled school as a charter school shall not use funds reserved under the Tribally Controlled Schools Act of 1988 and designated as a charter school for the purpose of—

(A) assisting any other public school or other institution, including charter schools, including charter schools, designed to improve student achievement in each of the schools participating in the charter school; and

(B) other initial operational costs that can—

(i) include funding of the charter school’s educational materials and supplies; and

(ii) include funding of other initial operational costs.

(7) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

(A) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subpart;

(B) 80 percent in the second year; and

(C) 60 percent in the third and subsequent fiscal years.

(8) USE OF FUNDS.—

(A) IN GENERAL.—A State that receives a grant under this subpart shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.

(B) USE OF FUNDS.—The grant funds made available under this subsection shall be used to provide technical assistance, and dissemination of information, to assist charter schools in the State to comply with State and Federal laws and regulations that affect the operation of charter schools.

(C) ELIGIBLE USE.—Charter schools receiving grants under this subsection shall use the funds made available under this subpart for—

(A) the development and implementation of a charter school program, including special education, self-contained classroom and related services, and other educational services provided to students with disabilities;

(B) the development and implementation of a charter school program, including special education, self-contained classroom and related services, and other educational services provided to students with disabilities; and

(C) other initial operational costs that can—

(i) include funding of the charter school’s educational materials and supplies; and

(ii) include funding of other initial operational costs.

(9) PER-PUPIL FACILITIES AID PROGRAM.—

(A) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this section, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing for—

(A) a portion of which is dedicated solely for funding charter school facilities; or

(B) activities for which a grant under this subpart shall be used for—

(i) the planning and implementation of a charter school program; and

(ii) the planning and implementation of a charter school program.

(B) ELIGIBILITY.—Each State that receives a grant under this subpart shall be eligible to receive funding under this subpart for—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(10) USE OF FUNDS.—The funds made available under this subpart shall be used to support—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(B) ELIGIBILITY.—Each State that receives a grant under this subpart shall be eligible to receive funding under this subpart for—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(11) PER-PUPIL FACILITIES AID PROGRAM.—

(A) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this section, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing for—

(A) a portion of which is dedicated solely for funding charter school facilities; or

(B) activities for which a grant under this subpart shall be used for—

(i) the planning and implementation of a charter school program; and

(ii) the planning and implementation of a charter school program.

(B) ELIGIBILITY.—Each State that receives a grant under this subpart shall be eligible to receive funding under this subpart for—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(12) USE OF FUNDS.—The funds made available under this subpart shall be used to support—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(B) ELIGIBILITY.—Each State that receives a grant under this subpart shall be eligible to receive funding under this subpart for—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(13) USE OF FUNDS.—The funds made available under this subpart shall be used to support—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(B) ELIGIBILITY.—Each State that receives a grant under this subpart shall be eligible to receive funding under this subpart for—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(14) USE OF FUNDS.—The funds made available under this subpart shall be used to support—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(B) ELIGIBILITY.—Each State that receives a grant under this subpart shall be eligible to receive funding under this subpart for—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(15) USE OF FUNDS.—The funds made available under this subpart shall be used to support—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.

(B) ELIGIBILITY.—Each State that receives a grant under this subpart shall be eligible to receive funding under this subpart for—

(A) the planning and implementation of a charter school program; and

(B) the planning and implementation of a charter school program.
States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5202(e).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).

SEC. 5206. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUBSEQUENT ENROLLMENT EXPANSIONS.

(a) IN GENERAL.—For purposes of the allocation to schools by the States or their agencies of funds under this section, each Federal fund the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives an appropriate share of any Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens.

(b) ADJUSTMENT AND LATE ENROLLMENTS.—

(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in case the actual enrollment made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment.

(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary, shall consult with eligible Federal agencies and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools’ first year of operation.

SEC. 5207. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.

To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools that are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools, and to the implementation process, are described in the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

SEC. 5208. RECORDS TRANSFER.

State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student’s records and, if applicable, a student’s individualized education program as defined in section 614(a)(2) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

SEC. 5209. PAPERWORK REDUCTION.

To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

SEC. 5210. DEFINITIONS.

In this section—

(1) CHARTER SCHOOL.—The term ‘charter school’ means a public school that—

(A) In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of that school, as determined from any rules relating to the other requirements of this paragraph;

(B) Is not affiliated with, and is operated under a separate fiscal and management structure from, any existing public school, and is operated under public supervision and direction;

(C) Operates in pursuit of a specific set of educational, social, or other objectives determined by the school’s developer and agreed to by the authorized public chartering agency;

(D) Provides a program of elementary or secondary education, or both;

(E) Is nonprofit in its programs, admissions policies, employment practices, and all other activities; and

(F) Does not charge tuition;

(G) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

(H) Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(I) Meets all applicable Federal, State, and local health and safety requirements;

(J) Meets all applicable Federal, State, and local assessments mutually agreeable to the authorized public chartering agency and the charter school; and

(K) Operates in accordance with State law; and

(L) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreed upon with the authorized public chartering agency and the charter school.

(2) DEVELOPER.—The term ‘developer’ means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(3) ELIGIBLE APPLICANT.—The term ‘eligible applicant’ means a school, a local educational agency, a charter school, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

(4) AUTHORIZED PUBLIC CHARTERING AGENCY.—The term ‘authorized public chartering agency’ means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years 2002 and 2003 $300,000,000 to carry out section 5205(b).

(b) REEXAMINATION.—From the amount appropriated under subsection (a) for each fiscal year, the Secretary shall—

(1) $200,000,000 to carry out this subpart, other than section 5205(b); and

(2) (A) 50 percent of any funds in excess of $300,000,000 to carry out this subpart, other than section 5205(b); and

(B) 50 percent of any funds in excess of $300,000,000 to carry out section 5205(b).

Subpart 2—Credit Enhancement Initiatives To Assist Charter School Facility Acquisition, Construction, and Renovation

SEC. 5221. PURPOSE.

The purpose of this subpart is to provide grants to eligible entities to permit the eligible entities to demonstrate innovative credit enhancement initiatives that will leverage the maximum amount of private or public funding used and otherwise enhance credit available to charter schools.

(a) GRANTS.—The Secretary shall use 100 percent of the amount of any funds in excess of 3 grants to eligible entities that have applications approved under this subpart to demonstrate innovative credit enhancement initiatives that will leverage the maximum amount of private or public funding used and otherwise enhance credit available to charter schools.

(b) ADMINISTRATION.—The Secretary shall carry out this subpart to award not less than 3 grants to eligible entities that have applications approved under this subpart to demonstrate innovative credit enhancement initiatives that will leverage the maximum amount of private or public funding used and otherwise enhance credit available to charter schools.

(c) GRANTS TO鏈—The Secretary shall evaluate each application submitted under section 5223, and shall determine whether the application is sufficient to merit approval.

(d) DISTRIBUTION OF GRANTS.—The Secretary shall award at least 1 grant to an eligible entity described in section 5223(h)(1) to an eligible entity described in section 5223(h)(2), and at least 1 grant to an eligible entity described in section 5223(h)(3), if applications are submitted that are sufficient to merit approval.

(e) GRANT CHARACTERSISTICS.—Grants under this subpart shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

(f) SPECIAL RULE.—In the event the Secretary determines that the funds made available under this subpart are insufficient to permit the Secretary to award not less than 3 grants in accordance with subsections (a) through (c), such grant amount shall be awarded, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).

SEC. 5222. APPLICATIONS.

(a) IN GENERAL.—To receive a grant under this subpart, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

(b) CONTENTS.—An application submitted under subsection (a) shall contain—

(1) A statement identifying the activities proposed to be undertaken with funds received under this subpart, including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

(2) A description of the involvement of charter schools in the application’s development and the design of the proposed activities;

(3) A description of the eligible entity’s expertise in capital market financing;

(4) A description of the proposed activities and how those proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools;

(5) A description of how the eligible entity possesses sufficient expertise in education to ensure the likelihood of successful charter school program for which facilities financing is sought; and

(6) In the case of an application submitted by a State, an explanation of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities.

SEC. 5223. ADDITIONAL PROVISIONS.

The term ‘credit enhancement’ means—

(a) the likelihood that the proceeds of the application will be used for the purpose of this program;

(b) the likelihood that the proceeds of the application will be used for the purpose of this program; and

(c) the likelihood that the proceeds of the application will be used for the purpose of this program; and

(d) The term ‘credit enhancement’ means—

(1) The term ‘credit enhancement’ means—

(2) The term ‘credit enhancement’ means—

(3) The term ‘credit enhancement’ means—

(4) The term ‘credit enhancement’ means—

(5) The term ‘credit enhancement’ means—

(6) The term ‘credit enhancement’ means—

(7) The term ‘credit enhancement’ means—

(8) The term ‘credit enhancement’ means—
SEC. 5224. CHARTER SCHOOL OBJECTIVES.

"An eligible entity receiving a grant under this subpart shall use the funds deposited in the reserve account established under section 5226(a) to carry out the operations of a charter school that access private sector capital to accomplish 1 or both of the following objectives:

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

SEC. 5225. RESERVE ACCOUNT.

(a) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in section 5224, an eligible entity receiving a grant under this subpart shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this subpart in a reserve account established under section 5226.

(b) INVESTMENT.—Funds received under this subpart and deposited in the reserve account established under subsection (a) shall be invested in obligations under section 5225(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this subpart, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section 5225(a); or

(c) REINVESTMENT OF EARNINGS.—Any earnings on such funds received under this subpart shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.

SEC. 5226. LIMITATION ON ADMINISTRATIVE COSTS.

"An eligible entity may use not more than 0.25 percent of the funds received under this subpart for administrative costs of carrying out its responsibilities under this subpart.

SEC. 5227. AUDITS AND REPORTS.

(a) FINANCIAL RECORD MAINTENANCE AND AUDITS.—Each eligible entity receiving a grant under this subpart shall maintain financial records of each eligible entity receiving a grant under this subpart in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

(b) REPORTS.—

(1) ANNUAL REPORTS.—Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

(2) TRANSFERS.—Each applicant and each grantee that receives a grant under paragraph (1) shall include—

(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, certified by the independent public accountant reviewing the financial records of the eligible entity;

(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

(C) a description of how the eligible entity used the Federal funds provided under this subpart in leveraging private funds;

(D) a listing and description of the charter schools served during the reporting period;

(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5224;

(F) a description of the characteristics of the eligible entity and the consolidation of multiple charter school projects within a single bond issue.

SEC. 5228. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

"No financial obligation of an eligible entity entered into pursuant to this subpart (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not provided in any of such obligations, which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this subpart.

SEC. 5229. RECOVERY OF FUNDS.

(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect any amount deposited in a reserve account established by an eligible entity under section 5225(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this subpart, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section 5225(a); or

(b) all or a portion of the funds in a reserve account established by an eligible entity under section 5225(a) if the Secretary determines that the eligible entity has permanently ceased to use or a portion of the funds in such account to accomplish any purpose described in section 5225(a).

(c) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5225(a).

(d) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subsection (a).

(2) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

SEC. 5230. DEFINITIONS.

"In this subpart:

(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given such term in section 5219.

(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

(A) a public entity, such as a State or local governmental entity;

(B) a private nonprofit entity; or

(C) a consortium of entities described in subparagraphs (A) and (B).

SEC. 5231. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated $150,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003."
...example text...

SEC. 5245. REQUIREMENTS AND VOLUNTARY PARTICIPATION.

(a) PARENT AND COMMUNITY INVOLVEMENT AND NOTICE.—In carrying out a program under this subpart, the Secretary shall—

(1) develop the program with—

(A) the involvement of parents and others in the community to be served; and

(B) individuals who will carry out the program, including administrators, teachers, principals, and other staff; and

(2) provide to parents of students in the area to be served by the program with prompt notice of—

(A) the existence of the program;

(B) the program’s availability; and

(C) a clear explanation of how the program will operate.

(b) SELECTION OF STUDENTS.—An eligible entity that receives a grant under this subpart shall select students to participate in a program on the basis of a lottery, if more students apply for admission to the program than can be accommodated.

(c) VOLUNTARY PARTICIPATION.—Student participation in a program funded under this subpart shall be voluntary.

SEC. 5246. EVALUATIONS.

(a) IN GENERAL.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent—

(1) to carry out evaluations;

(2) to provide technical assistance; and

(3) to disseminate information.

(b) EVALUATIONS.—In carrying out the evaluations under subsection (a), the Secretary shall, at a minimum, address—

(1) the nature and the extent to which the programs promote educational equity and excellence;

(2) the characteristics of the students participating in the programs; and

(3) the effect of the programs on the academic achievement of students participating in the programs, particularly students who move from schools identified under section 1116 to schools not so identified, and on the overall quality of participating schools and districts.

SEC. 5247. DEFINITIONS.

In this subpart—

(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given such term in section 5241(b).

(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

(A) one or more State educational agencies; or

(B) one or more local educational agencies; or

(C) a partnership of—

(i) one or more State educational agencies; and

(ii) one or more public, for-profit, or nonprofit entities; or

(iii) one or more public, for-profit, or nonprofit entities.

(3) LOW-PERFORMING SCHOOL.—The term ‘low-performing school’ means a public elementary school or secondary school that has failed to make adequate yearly progress, as described in section 1111(b), for 2 or more consecutive years.

SEC. 5248. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subpart $100,000,000 for fiscal year 2002 and each of the 5 succeeding fiscal years.

PART C—MAGNET SCHOOLS ASSISTANCE

SEC. 5301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Magnet schools are a significant part of the Nation’s effort to achieve voluntary desegregation of public schools.

(2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with approximately 2,000,000 students nationwide attending such schools, of whom more than 65 percent are non-white.

(3) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.

(4) It is in the best interests of the United States—

(A) to continue the Federal Government’s support of local educational agencies that are implementing court-ordered desegregation plans and local educational agencies that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students’ academic development; and

(B) to ensure that all students have equitable access to a high quality education that will prepare all students to function well in a technologically oriented and a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and

(C) to continue to desegregate and diversify schools by supporting magnet schools, recognizing that segregation exists between minority and nonminority students as well as among students of different minority groups.

(b) PURPOSE.—The purpose of this part is to—

(1) eliminate, reduce, or prevent minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

(2) develop and implement magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;

(3) develop and design innovative methods and practices that promote diversity and increase choices in public elementary and secondary schools and public secondary schools and public educational programs;

(4) courses of instruction within magnet schools that will substantially strengthen the knowledge and academic subjects and the attainment of tangible and marketable vocational, technical, and professional 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 for the magnet schools is terminated; and

(6) ensuring that all students enrolled in the magnet school programs have equitable access to a high quality education that enable the students to succeed academically and continue with postsecondary education or productive employment.

SEC. 5302. DEFINITION.

For the purpose of this part, the term ‘magnet school’ means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

SEC. 5303. PROGRAM AUTHORIZED.

(a) General Provisions.—In accordance with this part, the Secretary is authorized to award 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. 5304. ELIGIBILITY.

(A) local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this part to carry out the purpose of this part if such agency or consortium—

(i) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any other State or agency of or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or facility in elementary schools and secondary schools of such agency; or

(ii) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded 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 facility in such schools.

SEC. 5305. APPLICATIONS AND REQUIREMENTS.

(a) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive a grant 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 application submitted under subsection (a) shall include—

(i) a description of—

(A) how a grant awarded under this part will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school; and

(C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of how an institution of higher education established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;

(ii) how grant funds under this part will be used to—

(A) improve student academic achievement for all students attending the magnet school program;

(B) implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and

(C) engage in activities to ensure that students attending the magnet school program receive an education that is not inconsistent with the desegregation of minority-group-segregated children or facility in such schools.

(iii) to ensure that the magnet school program will not discriminate based on race, religion, color, national origin, sex, or disability in—

(A) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

(B) the assignment of students to schools, or to classes, or to teachers, or to other activities provided to students attending the magnet school program; and

(C) the use of magnet schools under this part for the purposes specified in section 5301(b).

SEC. 5306. FUNDING.
school program to students who are enrolled in that net schools; and instructional staff where applicable, programs in magnet schools; maintenance and operation of materials, equipment, and instructional staff where applicable, programs and services offered at magnet schools; and continuation, or enhancement of academic programs and services under this part may be used by an eligible local educational agency, or consortium of such agencies under this part unless the Assistant Secretary for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

SEC. 5306. PRIORITY.

In awarding grants 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 effecting carrying out approved desegregation plans and the magnet school program for which the grant is sought; (2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs; and (3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination.

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, for—

(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 of materials, equipment, and computers, necessary to conduct programs in magnet schools; (3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are highly qualified, and instructional staff where applicable, who are necessary to conduct programs in magnet schools; (4) respecting 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 program to students who are enrolled in the school but who are not enrolled in the magnet school program; and (B) further the purpose of this part; (5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended; (6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program; and (7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.

(b) Special rule.—Grant funds under this part may be used for any of the following programs:

(1) To support meritious unsolicited proposals from educational agencies, and institutions.

(2) To support meritious unsolicited proposals from educational agencies, and institutions.

(3) To support meritious unsolicited proposals from educational agencies, and institutions.

(4) To support meritious unsolicited proposals from educational agencies, and institutions.

(5) To support meritious unsolicited proposals from educational agencies, and institutions.

(6) To support meritious unsolicited proposals from educational agencies, and institutions.

SEC. 5401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this part the following amounts:

(1) $55,000,000 for fiscal year 2002; (2) $575,000,000 for fiscal year 2003; (3) $900,000,000 for fiscal year 2004; (4) $625,000,000 for fiscal year 2005; (5) $650,000,000 for fiscal year 2006; (6) $675,000,000 for fiscal year 2007.

Subpart 1—Fund for the Improvement of Mathematic and Science Education

SEC. 5411. PROGRAMS AUTHORIZED.

(a) Authorization.—The Secretary is authorized to support national significantly programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet challenging State academic content and student academic achievement standards. The Secretary may carry out such programs directly, or through grants to, or contracts with—

(1) States or local educational agencies; (2) institutions of higher education; and (3) other public and private agencies, organizations, and institutions.

(b) Uses of Funds.—Funds made available under this part may be used for any of the following programs:

(1) Activities to promote systemic education reform at the State and local levels, including scientifically based research, development, and evaluation designed to improve—

(A) student academic achievement at the State and local level; and (B) strategies for effective parent and community involvement.

(2) Programs at the State and local levels that are designed to yield significant results, including programs to explore approaches to public school choice and school-based decision-making.

(3) Recognition programs, which may include financial awards for outstanding educational agencies, and schools that have made the greatest progress, based on the Secretary's determination or on a nomination by the State in which the school is located.

(A) Improving the academic achievement of economically disadvantaged students and students from major racial and ethnic minority groups; and

(B) In closing the academic achievement gap for those groups of students farthest away from the proficient level on the academic assessments administered by the State under section 1111.

(4) Scientifically based studies and evaluation of education reform strategies and innovations, and the dissemination of information on the effectiveness of such strategies and innovations.

(5) Identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools, including programs to evaluate the effectiveness of using the best practices of exemplary or Blue Ribbon Schools to improve academic achievement.

(6) Activities to support Scholar-Athlete Games programs, the World Scholar-Athlete Games and the U.S. Scholar-Athlete Games.

(7) Programs to promote voter participation in American elections through programs, such as the National Student/Parent Mock Election and Kids Voting USA.

(8) Demonstrations relating to the planning and evaluation of effectiveness of programs under which local educational agencies or schools contract with private management organizations to reform a school or schools.

(9) Other programs that meet the purposes of this Act.

(c) Basis of Awards.—The Secretary is authorized to—

(1) make awards under this subpart on the basis of competitions announced by the Secretary; and

(2) support meritious unsolicited proposals for programs under this subpart.

(d) Effectiveness of Programs.—The Secretary shall ensure that programs supported under this subpart are designed so that their effectiveness is readily ascertainable and shall ensure that such effectiveness is assessed using rigorous, scientifically based research and evaluation.

SEC. 5412. APPLICATIONS.

(a) Submission.—To be eligible for an award under this subpart, an entity shall submit an application to the Secretary, at such time, in

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such manner, and containing such information as the Secretary may require.

“(b) CONTENTS.—Each application submitted under subsection (a) shall—

“(1) describe the characteristics of those public elementary, and secondary school buildings on which the Secretary is authorized to award grants to local educational agencies to enable such agencies to establish or expand elementary school and secondary school counseling programs that comply with the requirements of subsection (c)(2).

“(2) SPECIAL CONSIDERATION.—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 children in the schools served by the local educational agency, in part by providing information on current ratios of students to school counselors, students to school social workers, and students to school psychologists;

“(B) propose the most promising and innovative approaches for initiating or expanding school counseling, and demonstrate the greatest potential for replication and dissemination.

“(3) EQUIitable DISTRIBUTion.—In awarding grants under this section, the Secretary shall ensure equitable geographic distribution among the regions of the United States and among local educational agencies located in urban, rural, and suburban areas.

“(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

“(5) MaxiMum GRANT.—A grant awarded under this section shall not exceed $400,000 for any fiscal year.

“(6) SUPPLEMENT, NOT SUPPLAnt.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

“(7) APPLICATION.—Each application for a grant under this section shall—

“(A) describe the school population to be targeted by the program, the particular counseling 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 how the local educational agency will involve community groups, school social service agencies, school districts, and other entities in collaborative efforts to enhance the program and promote school-linked services integration;

“(E) document that the local educational agency has the personnel qualified to develop, implement, and administer the program;

“(F) describe how diverse cultural populations, if applicable, will be served through the program;

“(G) assure that the funds made available under this subpart for any fiscal year will be used to supplement, and not supplant, any Federal, State, or local funds used for providing school-based counseling and mental health services to students; and

“(H) assure that the applicant will appoint an advisory board composed of interested parties, including parents, teachers, school administrators, counseling services providers described in subsection (c)(2)(D), and community leaders, to advise the local educational agency on the design and implementation of the program.

“(e) USE OF FUNDS.—(1) In general.—The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to initiate or expand elementary school and secondary school counseling programs that comply with the requirements of paragraph (2).

“(2) REQUIREMENTS.—Each program funded under this section shall—

“(A) be comprehensive in addressing the counseling 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 and secondary schools of the local educational agency;

“(D) expand counseling services through qualified school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists; and

“(E) use innovative approaches to increase children’s understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve peer interaction;

“(F) provide counseling services in settings that meet the range of student needs;

“(G) include in-service training appropriate to the activities funded under this Act for teachers, instructional staff, and appropriate school personnel, including in-service training in appropriate identification and early intervention techniques by school counselors, school social workers, school psychologists, other qualified psychologists, and child and adolescent psychiatrists;

“(H) involve parents of participating students in the design, implementation, and evaluation of the counseling program;

“(I) involve community groups, school social service agencies, or other public or private entities in collaborative efforts to enhance the program and promote school-linked integration of services;

“(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

“(K) ensure a team approach to school counseling in the schools served by the local educational agency by working toward ratios recommended by the American School Health Association; and

“(L) ensure that school counselors, school psychologists, other qualified psychologists, school social workers, or child and adolescent psychiatrists paid from funds made available under this section spend a majority of their time counseling students on activities directly related to the counseling process.

“(j) LIMITATION ON ADMINISTRATIVE COSTS.—No more than 4 percent of the amounts made available under this section for any fiscal year may be used for administrative costs to carry out this section.

“(k) DEFINITIONS.—For the purpose of this section—

“(1) the term ‘child and adolescent psychiatrist’ means an individual who—

“(A) possesses State medical licensure; and

“(B) has completed residency training programs in both general psychiatry and child and adolescent psychiatry;

“(2) the term ‘other qualified psychologist’ means an individual who has demonstrated competence in counseling children in a school setting and—

“(A) is licensed in psychology by the State in which the individual works; and

“(B) …
"(B) practices in the scope of the individual's education, training, and experience with children in school settings;

"(3) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) is licensed by the State or certified 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;

"(4) the term 'school psychologist' means an individual who—

"(A) has completed 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 are in the school setting;

"(B) is licensed or certified in school psychology by the State in which the individual works;

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board; and

"(D) (i) is licensed or certified by the State in which services are provided; or

"(ii) in the absence of such State licensure or certification, possesses a national credential or certification as a school social work specialist granted by an independent professional organization.

"(f) SELECTION OF RECIPIENTS.—

"(1) SELECTION.—In selecting character education programs to which assistance is made available under this section, the Secretary shall use a peer review process that includes the applicants for such grants, the views of the students, and teacher training, and other activities related to character education; and

"(B) integrating secular character education into the curriculum and teaching methods of schools where the program is carried out.

"(ii) curriculum and instructional practices that will be used or developed;

"(3) MATERIALS AND PROGRAM DEVELOPMENT.—Each eligible entity awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for assistance in—

"(ii) one or more local educational agencies; or

"(i) broader educational reforms that are being instituted by the eligible entity or its partners; and

"(ii) State academic content standards;

"(E) the in the case of an eligible entity that is a State educational agency, describes how the State educational agencies—

"(i) will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

"(ii) in cooperation with any of the following:

"(h) USE OF FUNDS.—The Secretary may use funds appropriated under this section for the cost of carrying out peer reviews under this paragraph.

"(i) selection of recipients.

"(1) in general.—In selecting eligible entities to receive grants under this section from among the applicants for such grants, the Secretary shall use a peer review process that includes the participation of experts in the field of character education and development.

"(2) Use of Funds.—The Secretary may use funds appropriated under this section for the cost of carrying out peer reviews under this paragraph.

"(3) application.

"(I) in general.—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) REQUIRED INFORMATION.—Each application for a grant under this section shall include (together with any other information that the Secretary may require) information that—

"(d) general provisions relating to grants under this section (together with any other information that the Secretary may require) information that—

"(A) describes the programs for which the grant is sought has clear objectives that are based on scientifically based research;

"(B) describes any partnerships or collaborative efforts among the organizations and entities that will be carried out the grant funds and how such activities will meet the objectives described in subparagraph (A), including—

"(i) how parents, students, students with disabilities (including those with mental or physical disabilities), 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;

"(ii) methods of teacher training and parent education that will be used or developed;

"(iii) how the program for which the grant is sought will be linked to other efforts to improve academic achievement, including broader educational reforms that are being instituted by the eligible entity or its partners;

"(E) the in the case of an eligible entity that is a State educational agency, describes how the State educational agency—

"(ii) each eligible entity shall describe how it will use the funds made available to it under this section to—

"(iii) in cooperation with any of the following:

"(h) the in general.—In selecting eligible entities to receive grants under this section from among the applicants for such grants, the Secretary shall use a peer review process that includes the participation of experts in the field of character education and development.

"(A) collaborative initiatives with and between local educational agencies and schools;

"(B) the preparation or purchase of materials, and teacher training;

"(C) general provisions relating to grants under this section (together with any other information that the Secretary may require) information that—

"(d) technical assistance and evaluation.

"(i) in general.—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) REQUIRED INFORMATION.—Each application for a grant under this section shall include (together with any other information that the Secretary may require) information that—

"(A) demonstrates that the program for which the grant is sought has clear objectives that are based on scientifically based research;

"(B) describes any partnerships or collaborative efforts among the organizations and entities that will be carried out the grant funds and how such activities will meet the objectives described in subparagraph (A), including—

"(i) how parents, students, students with disabilities (including those with mental or physical disabilities), 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;

"(iv) how the program for which the grant is sought will be linked to other efforts to improve academic achievement, including broader educational reforms that are being instituted by the eligible entity or its partners;

"(E) the in the case of an eligible entity that is a State educational agency, describes how the State educational agency—

"(ii) each eligible entity shall describe how it will use the funds made available to it under this section to—

"(iii) in cooperation with any of the following:

"(h) the in general.—In selecting eligible entities to receive grants under this section from among the applicants for such grants, the Secretary shall use a peer review process that includes the participation of experts in the field of character education and development.

"(A) collaborative initiatives with and between local educational agencies and schools;

"(B) the preparation or purchase of materials, and teacher training;

"(C) general provisions relating to grants under this section (together with any other information that the Secretary may require) information that—

"(d) technical assistance and evaluation.

"(i) in general.—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.
Sec. 5441. SMALLER LEARNING COMMUNITIES.

Subpart 4—Smaller Learning Communities

(a) Grant Authority.—The Secretary is authorized to award grants to local educational agencies to enable the agencies to create a smaller learning community or communities.

(b) Conditions.—Each entity receiving a grant under this subpart shall be required to:

(1) strategies for creating the smaller learning community or communities;

(2) To research, develop, and implement—

(b) application.—Each local educational agency that wishes 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. The application shall include descriptions of the following:

(1) strategies and methods the local educational agency will use to create the smaller learning community or communities;

(2) Curriculum and instructional practices, including any particular themes or emphases, to be used in the smaller learning environment.

(3) The extent of involvement of teachers and other school personnel in investigating, designing, implementing, and sustaining the smaller learning community or communities.

(4) The process to be used for involving students, parents, and other stakeholders in the development and implementation of a plan to create the smaller learning community or communities.

(5) Any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities.

(6) The training and professional development activities that will be offered to teachers and others involved in the activities assisted under this subpart.

(7) The objectives of the activities assisted under this subpart, including a description of how such activities will better enable all students to reach challenging State academic content standards and State student academic achievement standards.

(8) The methods by which the local educational agency will assess progress in meeting the objectives described in paragraph (6) above.

(9) If the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the remainder of the school.

(10) The administrative and managerial relationships between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities (including the continuity of student and teacher assignment to a particular learning community).

(11) How the local educational agency will coordinate or use funds provided under this subpart with other funds provided under this Act or other Federal laws.

(12) The grade levels or ages of students who will participate in the smaller learning community or communities.

(13) The method of placing students in the smaller learning community or communities, such that students are not placed according to ability or any other measure, but are placed at random or by their own choice, and not pursuant to testing or otherwise.

(c) Authorized Activities.—Funds under this section may be used for one or more of the following:

(1) To study—

(A) the feasibility of creating the smaller learning community or communities; and

(B) the local educational agencies' instructional and environmental strategies that will be used in the smaller learning community or communities.

(2) To research, develop, and implement—

(A) the local educational agencies' instructional and environmental strategies that will be used in the smaller learning community or communities; and

(B) strategies for effective and innovative changes in curriculum and instruction, geared toward meeting State academic content standards and State student academic achievement standards.

(3) To provide professional development for school staff in innovative teaching methods that—

(A) challenge and engage students; and

(B) will be used in the smaller learning community or communities.

(4) To develop and implement strategies to include parents, business representatives, local educational agencies, community-based organizations, and other community members in the smaller learning communities as

(nationwide, including educators, parents, and administrators.

(1) PARTNERSHIP.—In carrying out national activities under this paragraph, the Secretary may enter into partnerships with non-profit character education organizations and institutions of higher education with expertise and successful experience in implementing—

(i) character education programs that had an impact on schools, students, students with disabilities (including those with mental or physical disabilities), and teachers; or

(ii) character education program evaluation and research.

(2) PARTNERSHIP FOR ACTIVITIES UNDER SUBPARAGRAPH (B)(iv).—In carrying out national activities under subparagraph (B)(iv), the Secretary may enter into a partnership with a national nonprofit character education organization that will disseminate information to educators, parents, administrators, and others nationwide, including information about the range of model character education programs, materials, and curricula.

(3) REPORT.—Each entity awarded a grant or entering into a contract or cooperative agreement under this paragraph shall submit an annual report to the Secretary that—

(i) describes the entity's progress in carrying out research, development, dissemination, evaluation, and technical assistance under this paragraph;

(ii) identifies unmet and future information needs in the field of character education; and

(iii) if applicable, describes the progress of the entity toward the requirements of subparagraph (B)(iv), including a listing of—

(A) the number of requests for information received by the entity in the course of carrying out such research, development, dissemination, evaluation, and technical assistance under this paragraph;

(B) the types of organizations making such requests; and

(C) the types of information requested.

(4) FUNDING.—Facilities or activities that may be considered in evaluating the success of programs funded under this section include the following:

(A) Discipline issues.

(B) Student academic achievement.

(C) Participation in extracurricular activities.

(D) Parental and community involvement.

(E) Faculty and administrative involvement.

(F) Student and staff morale.

(G) Overall improvements in school climate for all students, including students with disabilities (including those with mental or physical disabilities).

(I) PERMISIVE MATCH.—

(1) In General.—The Secretary may require eligible entities to provide under this section with non-Federal funds, except that the amount of the match may not exceed the amount of the grant awarded.

(2) SLIDING SCALE.—The amount of the match under paragraph (1) shall be established based on a sliding scale that takes into account

(i) the poverty of the population to be targeted under this section with non-Federal funds, except that such requirements shall be met in whole or in part with in-kind contributions.

(ii) the likelihood that the objectives of the activities assisted under this section will be reached.

(iii) How the Secretary determines if such requirements are met.

(iv) The types of organizations and other stakeholders in the activities assisted under this subpart, including a description of

(A) the local educational agency or agencies to enable the agencies to create a smaller learning community or communities;

(B) the amount of funds made available under this subpart to carry out this paragraph;

(C) the extent to which schools are undertaking character education initiatives;

(D) the effectiveness of instructional models for all students, including students with disabilities (including those with mental or physical disabilities);

(E) materials and curricula for use by programs in character education;

(F) models of professional development in character education;

(G) the development of measures of effectiveness for character education programs (which may include the factors described in paragraph (3)); and

(H) the effectiveness of State and local programs receiving funds under this section.

(2) Providing technical assistance to State and local programs, particularly on matters of program evaluation;

(3) Conducting evaluations of State and local programs receiving funding under this section, that may be conducted through a national clearinghouse or other means—

(i) information on model character education programs;

(ii) information about high quality 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 nationwide, including educators, parents, and administrators.

(3) EQUITABLE DISTRIBUTION.—In making selections under this subsection, the Secretary shall—

(A) assure that the programs assisted under paragraph (2), that the programs assisted under this section are equitably distributed among the geographic regions of the United States, and among urban, suburban, and rural areas.

(B) Reserve not more than 5 percent of the funds made available under this section to carry out national activities under subparagraphs (A) through (D) of this paragraph.

(C) Ensure, to the extent practicable under the laws and regulations governing the distribution of grants to such programs, that the equitable distribution of funds is not compromised under this section.

(D) Give priority to programs that receive a grant under this section because they are in geographic areas that have historically received fewer Federal funds under this Act, or are in geographic areas with a high percentage of those eligible to receive Federal funds under this Act, and those eligible to receive Federal funds under this Act, who are economically disadvantaged.

(4) The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out national activities under subparagraphs (A) through (D) of this paragraph.

(E) Give priority to programs that receive a grant under this section because they are in geographic areas that have historically received fewer Federal funds under this Act, or are in geographic areas with a high percentage of those eligible to receive Federal funds under this Act, who are economically disadvantaged.

(5) The Secretary shall assure that the programs assisted under this subpart are equitably distributed among the geographic regions of the United States, and among urban, suburban, and rural areas.

(6) The Secretary shall ensure, to the extent practicable under the laws and regulations governing the distribution of grants to such programs, that the equitable distribution of funds is not compromised under this section.
facilitators of activities that enable teachers to participate in professional development activities and provide links between students and their community.

Subpart 5—Reading is Fundamental—Inexpensive Book Distribution Program

SEC. 5451. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION

(a) PURPOSE.—The purpose of this subpart is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading and to encourage young children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, materials, programs, motivational activities, and other essential literacy resources and shall assign the highest priority to serving the youngest and neediest children in the United States.

(b) 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 young and school-age children, that motivate children to read.

(c) CONTRACT.—Any contract entered into under subsection (b) shall contain each of the following:

(1) A provision 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 by loan, to children from birth through secondary school age, including children in family literacy programs.

(2) A provision that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs.

(3) A provision 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 the following:

(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.

(I) Children whose parents are institutionalized or incarcerated.

(4) A provision that the contractor will provide such training and technical assistance to subcontractors as is necessary to carry out the purpose of this subpart.

(5) A provision that the contractor shall annually report to the Secretary the number, and a description, of programs funded under paragraph (3).

(6) Such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

(d) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books 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 make contracts for the sale of books at terms and prices less favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of such arrangements.

(e) SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.—

(1) FUNDs FROM OTHER FEDERAL SOURCES.—Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in paragraph (d)(4), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 30 percent of the non-Federal share of the cost of the funds used for the cost of acquiring and distributing books.

(2) WAIVER AUTHORITY.—Notwithstanding subsection (c)(4), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.

(3) MULTI-YEAR CONTRACTS.—The contractor may enter into a multi-year subcontract under this section, if—

(1) the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

(2) the subcontract does not undermine the finances of the national program.

(g) FEDERAL PREFERENCES.—In this section, the term ‘Federal preference’ means, with respect to the cost to a subcontractor of purchasing books to be paid for under this section, 75 percent of such costs to the subcontractor, except that the Federal preference shall be reduced for children of migrant or seasonal farmworkers who shall be 100 percent of such costs to the subcontractor.

Subpart 6—Gifted and Talented Students

SEC. 5461. SHORT TITLE.

This subpart may be cited as the ‘Jacob K. Javits Gifted and Talented Students Education Act of 2001’.

SEC. 5462. PURPOSE.

The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools statewide to meet the special educational needs of gifted and talented students.

SEC. 5463. RULE OF CONSTRUCTION.

Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving gifted and talented students simultaneously with students with similar educational needs within the same educational settings, where appropriate.

SEC. 5464. AUTHORIZED PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) is authorized to make grants to, or enter into contracts with, public agencies, institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (b).

(2) CENTERS FOR RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

(2) DIRECTOR.—The National Center shall be headed by 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 institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

(3) FUNDING.—The Secretary may use not more than 30 percent of the funds available under this subpart for fiscal year 2001 to carry out this subpart.
SEC. 5465. PROGRAM PRIORITIES.

(a) GENERAL PRIORITY.—In carrying out this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—

(1) improves the capabilities of schools to plan, develop, and implement programs to identify and serve gifted and talented students; and

(2) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals with limited English proficiency, and individuals with disabilities) who may not be identified and served through traditional assessment methods.

(b) SERVICE PRIORITY.—The Secretary shall ensure that not less than 50 percent of the applications approved under section 5464(a)(2) in a fiscal year are the priority described in subsection (a)(2).

SEC. 5466. GENERAL PROVISIONS.

(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and authorizing expenditures under this subpart, 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 students.

(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

(1) use a peer review process in reviewing applications under this subpart;

(2) ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including nonprofit private organizations; and

(3) evaluate the effectiveness of programs under this subpart in accordance with section 9601, in terms of the impact on students traditionally served in separate gifted and talented programs, and, if needed, submit to the Congress results of such evaluation no later than 2 years after the date of enactment of the No Child Left Behind Act of 2001.

(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

(1) administer and coordinate the programs authorized under this subpart;

(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

(3) assist the Assistant Secretary for Educational Research and Improvement in identifying research priorities that reflect the needs of gifted and talented students; and

(4) shall disseminate, and consult on, the information developed under this subpart with other offices within the Department.

SUBPART 7—Star Schools Program

SEC. 5471. SHORT TITLE.

This subpart may be cited as the "Star Schools Act."
"(A) A description of 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 instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines.

"(B) A description of the professional development programs and other personnel that will be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought.

"(C) A description of the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students from rural or isolated communities) will participate in the benefits of the telecommunications facilities and equipment.

"(D) A description of existing educational technology in the area to be served to ensure an equitable geographic distribution of services provided under this subpart.

"(E) Give priority to applications describing programs that—

1. Propose high-quality plans, will provide instruction consistent with State academic content standards, or will otherwise provide significant assistance to States and individual 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—

(i) 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;

(ii) 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;

(iii) Provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

(iv) Provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

(v) Provide instruction for students, teachers, and parents;

(vi) Serve a multi-state area; and

(vii) Assist in the acquisition of a secondary school telecommunications network if such network—

1. Provides 2-way full-motion interactive voice and audio communications;

2. Links together public colleges and universities and secondary schools throughout the State; and

3. Meets any other requirements determined appropriate by the Secretary.

"(5) A description of how the proposed program as a whole will be financed and how arrangements for future financing will be developed before the program expires.

"(6) An assurance that the applicant will use the funds provided under this subpart to supplement, and not supplant, funds available for the purposes of this subpart.

"(7) A description of 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, programs for student or student and other social service programs;

(D) Sharing curriculum resources between educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

(E) Ensuring that the eligible entity will—

1. 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;

2. 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;

3. Provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

4. Provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

5. Provide instruction for students, teachers, and parents;

6. Serve a multi-state area; and

7. Assist in the acquisition of a secondary school telecommunications network if such network—

1. Provides 2-way full-motion interactive voice and audio communications;

2. Links together public colleges and universities and secondary schools throughout the State; and

3. Meets any other requirements determined appropriate by the Secretary.

"(8) An assurance 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) An assurance that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary schools 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) An assurance that the applicant will use the funds provided under this subpart to supplement, and not supplant, funds available for the purposes of this subpart.

"(11) A description of how funds received under this subpart will be coordinated with funds received for educational technology in the classroom.

"(12) A description of 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, programs for student or student and other social service programs;

(D) Sharing curriculum resources between educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

(E) Ensuring that the eligible entity will—

1. 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;

2. 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;

3. Provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

4. Provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

5. Provide instruction for students, teachers, and parents;

6. Serve a multi-state area; and

7. Assist in the acquisition of a secondary school telecommunications network if such network—

1. Provides 2-way full-motion interactive voice and audio communications;

2. Links together public colleges and universities and secondary schools throughout the State; and

3. Meets any other requirements determined appropriate by the Secretary.

"(13) A description of how the proposed program as a whole will be financed and how arrangements for future financing will be developed before the program expires.

"(14) An assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary schools 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) An assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart.

"(16) Such additional assurances as the Secretary may reasonably require.

"(c) APPROVAL.—In approving applications submitted under subsection (a) for grants under section 5473, the Secretary shall—

(1) evaluate an application to determine whether the applicant has the technical capability to provide services under this subpart.

(2) give priority to applications describing programs that—

(A) propose high-quality plans, will provide instruction consistent with State academic content standards, or will otherwise provide significant assistance to States and individual educational agencies undertaking systemic education reform;

(B) will provide services to programs serving adults, especially parents, with low levels of literacy;

(C) will serve schools with significant numbers of children counted for the purposes of part A of title I;

(D) ensure that the eligible entity will—

(i) 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;

(ii) 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;

(iii) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

(iv) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

(v) provide instruction for students, teachers, and parents;

(vi) serve a multi-state area; and

(vii) assist in the acquisition of a secondary school telecommunications network if such network—

1. Provides 2-way full-motion interactive voice and audio communications;

2. Links together public colleges and universities and secondary schools throughout the State; and

3. Meets any other requirements determined appropriate by the Secretary.

(c) TELECOMMUNICATIONS PROGRAMS FOR CONCLUDING EDUCATION.—

(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to develop and operate one or more programs that provide educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent.

(A) A demonstration that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, audio, and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent.

(B) An assurance 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) To the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded programs.

(D) An assurance that the applicant has the technological and substantive experience to carry out the program.

(E) Such additional assurances as the Secretary may reasonably require.

"(d) ADMINISTRATIVE PROVISIONS.—

(1) RESERVATION OF FUNDS.—The Secretary may reserve not more than 5 percent of the amount made available to carry out this subpart for a fiscal year for national leadership, evaluation, and peer review activities, which the Secretary may carry out directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

(2) LEADERSHIP.—Funds reserved for leadership activities under paragraph (1) may be used for—

(A) Disseminating information, including lists and descriptions of services available from grant recipients under this subpart; and

(B) Other activities designed to enhance the quality of distance learning activities nationwide.

(3) EVALUATION.—Funds reserved for evaluation activities under paragraph (1) shall be used to conduct independent evaluations of the activities assisted under this subpart and of distance learning in general, including—

(A) Analyses of distance learning efforts (including such efforts that are, or are not, assisted under this subpart); and
"(B) comparisons of the effects (including student outcomes) of different technologies in distance learning efforts.

(4) PEER REVIEW.— Funds reserved for peer review of activities under paragraph (1) may be used for peer review of—

(A) applications for grants under this subpart; and

(B) activities assisted under this subpart.

(5) 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 subpart with the activities of such department or agency relating to a telecommunications network for educational purposes.

(6) FUNDS FROM OTHER AGENCIES.—The Secretary may accept funds from other Federal departments or agencies to carry out the purposes of this subpart, including funds for the purchase of equipment.

(7) AVAILABILITY OF FUNDS.— Funds made available to carry out this subpart shall remain available until expended.

(8) ELIGIBLE ENTITIES AND DESCRIPTIVE VIDEO.— The Secretary shall encourage each entity receiving funds under this subpart to provide—

(I) closed captioning of the verbal content of the entity’s programming, as appropriate; and

(II) descriptive video of the visual content of the entity’s programming, as appropriate.

SEC. 5471. ELIGIBLE ENTITIES.

In this subpart:

(1) EDUCATIONAL INSTITUTION.—The term ‘educational institution’ means an institution of higher education, a local educational agency, or a State educational agency.

(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ includes any of the following that is organized for educational purposes, or multi-state basis:

(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 schools and secondary schools that are eligible to participate in the program under part A of title I.

(B) A partnership that will provide telecommunications services that includes three or more of the following entities, at least one of which shall be an agency described in clause (I) or (II):

(i) A local educational agency that serves a significant number of elementary schools and secondary schools that are eligible for assistance under part A of title I, or elementary schools and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(d)(1)(A).

(ii) A State educational agency.

(iii) An adult and family education program.

(iv) An institution of higher education or a State higher education agency (as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(v) A teacher training center or academy that—

(I) provides teacher preservice and inservice training; and

(II) receives Federal financial assistance or has been designated by a State agency.

(vi) A public or private entity with expertise and experience in the planning and operation of a telecommunications network, including an entity in telecommunications through satellite, cable, telephone, or computer; or

(vii) A public broadcasting entity with such experience.

(2) FUNDING.— Funds made available to carry out this subpart shall be used—

(A) for the planning and operating activities assisted under this subpart; and

(B) to assist in telecommunications through satellite, cable, telephone, or computer;

(3) INSTRUCTIONAL PROGRAMMING.—The term ‘instructional programming’ means courses of instruction and training courses for elementary and secondary students, teachers, and others that are provided for in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

(4) PUBLIC BROADCASTING.—The term ‘public broadcasting entity’ has the same meaning given such term in section 397 of the Communications Act of 1934 (47 U.S.C. 397).

Subpart 9—Ready to Teach

SEC. 5481. GRANTS.

(1) IN GENERAL.— The Secretary is authorized to award grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of establishing a national telecommunications-based program to improve teaching in core curriculum areas.

(2) ELIGIBLE ENTITIES.—Grants under section 5481(b) shall be awarded on a competitive basis.

(3) INSTRUCTIONAL PROGRAMMING.—The Secretary shall support programs that promote systemic change, that are designed to assist elementary school and secondary school teachers in preparing all students to achieve challenging State academic content standards and student academic achievement standards in core curriculum areas.

(4) PUBLIC BROADCASTING ENTITY.—A public broadcasting entity that is able to demonstrate—

(A) that the entity has the capability to produce, disseminate, and present educational programming that is designed for use by elementary schools and secondary schools; and

(B) that the programming is designed to promote teaching in core curriculum areas.

SEC. 5482. APPLICATION REQUIRED.

(1) GENERAL APPLICATION.—

(A) IN GENERAL.— To be eligible to receive a grant under section 5481(a), a nonprofit telecommunications entity, or partnership of such entities shall submit an application to the Secretary. Each such application shall—

(i) provide a description of the purpose of the entity;

(ii) demonstrate that the entity will use the public telecommunications infrastructure, the Internet, and school digital networks, where available, to deliver video and data in an integrated service that will support components to ensure that teachers understand and can use the content of the programming with group instruction or for individual student use;

(iii) be awarded grants under section 5481(b), an entity shall be a public local telecommunications entity, as defined in section 597(2) 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;

(iv) COMPETITIVE BASIS.—Grants under section 5481(b) shall be awarded on a competitive basis as determined by the Secretary.

(v) ELIGIBLE ENTITIES.—To be eligible to receive a grant under section 5481(b), an entity shall contribute to the activities assisted under such grant non-Federal matching funds in an amount equal to not less than 100 percent of the total amount of Federal funds.

(b) ELIGIBLE ENTITIES. —An entity shall be eligible to receive a grant under section 5481(b) if it—

(i) receives Federal financial assistance or has been designated by a State educational agency, or local educational agencies, or State or local educational agencies, or State or local governmental agencies, or any combination of such agencies;

(ii) has a significant number of elementary schools and secondary schools in its service area that are eligible for assistance under part A of title I of this Act;

(iii) is located in a region in which the proportion of the population living in poverty is not less than 25 percent; and

(iv) is other than any entity that has received Federal financial assistance under such part A of title I in the most recent 10 years.

SEC. 5483. ADMINISTRATIVE COSTS.

The Secretary shall transfer an amount equal to not less than 100 percent of the administrative costs of the entity to the entity under this section; provided that the Secretary may reasonably require.

SEC. 5484. DIGITAL EDUCATIONAL PROGRAMMING GRANTS.

(a) GRANTS.—The Secretary is authorized to award grants under section 5481(b) to eligible entities to facilitate the development of educational programming that shall—

(i) require grants to entities that are eligible to receive Federal funds under such section 5481(b) to develop and support educational programming that promotes systemic change, through the use of the public telecommunications system, and is designed to achieve the purposes of this subpart;

(ii) include state, local, or other Federal department or agency standards, or other Federal, State, local, or other Federal department or agency funding.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under section 5481(b), an entity shall be a public local telecommunications entity, as defined in section 597(2) 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) ELIGIBILITY.—Grants under section 5481(b) shall be awarded on a competitive basis as determined by the Secretary.

SEC. 5485. ADMINISTRATIVE COSTS.

The Secretary shall transfer an amount equal to not less than 100 percent of the administrative costs of the entity to the entity under this section; provided that the Secretary may reasonably require.

SEC. 5491. SHORT TITLE.

This subpart may be cited as the ‘Foreign Language Assistance Act of 2001’.

SEC. 5492. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities, subject to the conditions and limitations set forth in this subpart, to carry out programs to support students in foreign language study for elementary school and secondary school students.

(2) DURATION.—The Secretary shall ensure that the program authorized by section 5491(a) is conducted at elementary school and secondary school sites throughout the United States.

(3) PROGRAM MATCH.—To be eligible to receive a grant under section 5491(b), an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such assurances as the Secretary may reasonably require.

SEC. 5493. REPORTS AND EVALUATION.

An entity receiving a grant under section 5491 shall submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, such report shall describe the program activities undertaken with funds received under the grant, including—

(1) the core curriculum areas for which program activities have been undertaken and the number of teachers using the program in each core curriculum area; and

(2) the States in which teachers using the program are located.

SEC. 5488. DIGITAL EDUCATIONAL PROGRAMMING GRANTS.
“(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

(C) may include a professional development component.

“(c) Federal share.—

“(1) In general.—The Federal share for each fiscal year shall be 50 percent.

“(2) Matching funds.—Notwithstanding paragraph (1), the Secretary may determine the Federal share for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this subpart.

“(d) Special rule.—Not less than one-half of the funds made available under section 5401 to carry out this subpart shall be used for the expansion of foreign language learning in the elementary grades.

“(e) Reservation.—The Secretary may reserve not more than 5 percent of funds made available under section 5401 to carry out this subpart for a fiscal year to evaluate the efficacy of programs assisted under this subpart.

“SEC. 5403. PROGRAM AUTHORIZED.

“(a) Authorization.—The Secretary is authorized to award grants to local educational agencies, including public school systems, community agencies (such as Boys and Girls Clubs, Boy Scouts and Girl Scouts, and the Young Men’s Christian Organization and Young Women’s Christian Organization (YWCA)) to pay the Federal share of the costs of initiating, expanding, and improving physical education programs (including after-school and summer programs for kindergarten through 12th-grade students) by—

“(1) providing equipment and support to enable students to participate actively in physical education programs;

“(2) providing funds for staff and teacher training and education.

“(b) Program elements.—A physical education program funded under this subpart may provide for one or more of the following:

“(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

“(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

“(3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

“(4) Combinations of positive social and cooperative skills through physical activity participation.

“(5) Instruction in healthy eating habits and good nutrition.

“(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

“(c) Special rule.—For the purpose of this subpart, extracurricular activities, such as team sports and Reserve Officers’ Training Corps (ROTC) program activities, shall not be considered as part of the curriculum of a physical education program assisted under this subpart.

“SEC. 5504. APPLICATIONS.

“(a) Submission.—Each local educational agency or community-based organization desiring a grant under this subpart shall submit an application to the Secretary at such time, and containing such information and assurances as the Secretary may require.

“(b) Special consideration.—The Secretary shall give special consideration to applications describing programs that—

“(1) include intensive summer foreign language programs for professional development;

“(2) link nonnative English speakers in the community with the schools in order to promote two-way language learning;

“(3) promote the sequential study of a foreign language for students, beginning in elementary school;

“(4) make effective use of technology, such as computer-assisted instruction, language laboratories, 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 eligible public or private secondary school.

“SEC. 5404. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.

“(a) Incentive payments.—From amounts made available under section 5401 to carry out this subpart, the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

“(b) Amount.—The Secretary shall determine the amount of the incentive payment under section (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in subsection (a) in such school for such year compared with the number of such students at all such schools in the United States for such year.

“(c) Requirement.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language for no fewer than 4 days per week throughout an academic year.

“Subpart 10—Physical Education

“SEC. 5501. SHORT TITLE.

“This subpart may be cited as the ‘Carol M. White Physical Education Program’.

“SEC. 5502. PURPOSE.

“The purpose of this subpart is to award grants and contracts to initiate, expand, and improve physical education programs for all kindergarten through 12th-grade students.

“SEC. 5503. PROGRAM AUTHORIZED.

“(a) Authorization.—The Secretary is authorized to award grants to local educational agencies, including community-based organizations (such as Boys and Girls Clubs, Boy Scouts and Girl Scouts, and the Young Men’s Christian Organization and Young Women’s Christian Organization (YWCA)) to pay the Federal share of the costs of initiating, expanding, and improving physical education programs (including after-school and summer programs for kindergarten through 12th-grade students) by—

“(1) providing equipment and support to enable students to participate actively in physical education programs;

“(2) providing funds for staff and teacher training and education.

“(b) Program elements.—A physical education program funded under this subpart may provide for one or more of the following:

“(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

“(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

“(3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

“(4) Combinations of positive social and cooperative skills through physical activity participation.

“(5) Instruction in healthy eating habits and good nutrition.

“(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

“(c) Special rule.—For the purpose of this subpart, extracurricular activities, such as team sports and Reserve Officers’ Training Corps (ROTC) program activities, shall not be considered as part of the curriculum of a physical education program assisted under this subpart.

“(d) Program requirements.—In order to be eligible to receive an award under this subpart, an applicant shall—

“(1) create or expand community technology centers; or

“(2) providing technical assistance and support to community technology centers of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

“SEC. 5512. ELIGIBILITY AND APPLICATION REQUIREMENTS.

“(a) Eligible applicants.—In order to be eligible to receive an award under this subpart, an applicant shall—

“(1) be an entity (such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization), an institution of higher education, a State educational agency, a local education agency, or a consortium of such entities, institutions, or agencies; and

“(2) have the capability to significantly expand access to computers and related services for disadvantaged persons of economically distressed urban and rural communities (who would otherwise be denied such access).

“(b) Application requirements.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. The application shall include each of the following:

“Subpart 11—Community Technology Centers

“SEC. 5511. PURPOSE AND PROGRAM AUTHORIZATION.

“(a) Purpose.—It is the purpose of this subpart to assist eligible applicants—

“(1) to create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

“(2) to provide technical assistance and support to community technology centers.

“(b) Program authorization.—The Secretary is authorized, in conjunction with the Office of Educational Technology, to award grants, contracts, or cooperative agreements, on a competitive basis, for a period of not more than 3 years, to eligible applicants in order to assist such applicants in—

“(1) creating or expanding community technology centers; or

“(2) providing technical assistance and support to community technology centers.

“(c) Service of Americorps participants.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use in community technology centers of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

“SEC. 5507. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under this subpart shall be used to supplement, and not supplant, other Federal, State, local, and private funds available for physical education activities.
expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community.

A demonstration of—

(A) the commitment, including the financial commitment, of entities (such as institutions, organizations, business and other groups in the community) that will provide support for the creation, expansion, and continuation of the proposed project; and

(B) the extent to which the proposed project coordinates with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community.

(3) How the proposed project would be sustained once the Federal funds awarded under this subpart end.

(4) A plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

SEC. 5513. USES OF FUNDS.

(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

(i) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

(ii) evaluating the effectiveness of the project.

(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart.

(i) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

(ii) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

(iii) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school and elementary education, career achievement, educational development, and workforce development, such as the following:

(A) After-school activities in which children and youth can use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including virtual field trips;

(B) Adult education and family literacy activities through technology and the Internet, including—

(i) General Education Development, Language Instruction Educational Programs, and adult basic education classes or programs;

(ii) introduction to computers;

(iii) computer-based training and activities; and

(iv) educational development opportunities.

(C) Career development and job preparation activities, such as—

(i) training in basic and advanced computer skills;

(ii) resume writing workshops; and

(iii) access to databases of employment opportunities, career information, and other online materials.

(D) Small business activities, such as—

(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

(ii) access to information on business start-up programs that is available online, or from other sources.

(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

SEC. 5514. Eligible Applicant, Community, Appraisals, and Exchange Programs for Alaskan Native, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts

SEC. 5514. SHORT TITLE.

(1) The purposes of this subpart are the following:

(a) To authorize and develop innovative culturally-based educational programs and cultural exchanges to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition to Alaska and Hawaii to learn about shared cultural and educational opportunities.

(b) To authorize and develop internships and apprenticeship programs to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition with Alaska and Hawaii to prepare for careers with cultural institutions.

(c) To supplement programs and authorities in the area of education to further the objectives of this subpart.

SEC. 5521. PROGRAM AUTHORIZATION.

(1) Grants and Contracts.—In order to carry out programs that fulfill the purposes of this subpart, the Secretary is authorized to make grants to, or enter into contracts with, the following:

(A) The Alaska Native Heritage Center in Anchorage, Alaska.

(B) The Inupiat Heritage Center in Barrow, Alaska.

(C) The Bishop Museum in Hawaii.

(D) The Peabody-Essex Museum in Salem, Massachusetts.


(F) Other Alaska Native and Native Hawaiian cultural and educational organizations.

(2) Cultural and educational organizations with experience in developing or operating programs that illustrate and interpret the contributions of Alaskan Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States.

(3) Consortia of the organizations and entities described in this subsection.

(3) USES OF FUNDS.—Activities provided through grants or contracts granted under this subpart may include one or more of the following:

(a) Development and implementation of educational programs to increase understanding of cultural diversity and multicultural communication among Alaskan Natives, Native Hawaiians, and the people of the continental United States, based on historic patterns of trading and commerce.

(b) Development and implementation of programs using modern technology, including the Internet, to educate students and their parents about historic and contemporary cultural and trading ties that continue to link the diverse cultures of the United States.

(8) The New Bedford Whaling Museum, in partnership with the New Bedford Whaling National Historical Park, has developed a cultural exchange and education program with the Inupiat Heritage Center in Barrow, Alaska. To bring together the children, parents, and elders from the Arctic region of Alaska with children and families of Massachusetts to learn about their historical ties and about each other’s contemporary cultures.

(9) Within the fast-growing cultural sector, meaning educational and career opportunities based on traditional relationships exist for Alaska Natives, Native Hawaiians, and low-income youth and young adults.

(10) Cultural institutions can provide practical, culturally relevant, education-related internship and apprenticeship programs, such as the Museum of Science, the Peabody-Essex Museum and similar programs at the New Bedford Oceanarium and other institutions, to prepare youth and their families for careers in the cultural sector.

(11) The resources of the institutions described in paragraphs (7) and (8) provide unique opportunities for illustrating and interpreting the contributions of Alaskan Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States, for educating students and young people, and for providing unique opportunities for internships and apprenticeships leading to careers with cultural institutions.

SEC. 5524. ADMINISTRATIVE PROVISIONS.

(1) APPLICATION REQUIRED.—No grant may be made under this subpart unless the applicant for a grant or contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such form, and in such manner as the Secretary may determine to be necessary to carry out the provisions of this subpart.
The following text is a continuation of the previous content and is formatted into paragraphs for clarity.

“(b) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this subpart 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. 5525. AVAILABILITY OF FUNDS.

If sufficient funds are made available under section 5511 to carry out this subpart for a fiscal year, there shall be available, to support activities described in section 5523(b), the following amounts:

(1) $2,000,000 each to—

(A) the New Bedford Whaling Museum, in partnership with the New Bedford Oceanarium, in Massachusetts;

(B) the Museum of Science in Boston, Massachusetts.

(2) For the New Trade Winds project, not less than $1,000,000 each to—

(A) the Alaska Native Heritage Center in Alaska;

(B) the Bishop Museum in Hawaii; and

(C) the Peabody-Essex Museum in Massachusetts.

SEC. 5526. DEFINITIONS.

“In this subpart:—

(1) ALASKA NATIVE.—The term ‘Alaska Native’ has the meaning given that term in section 7306.

(2) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ has the meaning given that term in section 7307.

Subpart 13—Excellence in Economic Education

SEC. 5531. SHORT TITLE.

“This subpart may be cited as the ‘Excellence in Economic Education Act of 2001’.

SEC. 5532. PURPOSE AND GOALS.

(a) PURPOSE.—The purpose of this subpart is to promote economic and financial literacy among all students in kindergarten through grade 12 by awarding a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics.

(b) OBJECTIVES.—The objectives of this subpart are the following:

(1) To increase students’ knowledge of, and achievement in, economics to enable the students to become more productive and informed citizens.

(2) To strengthen teachers’ understanding of, and competency in, economics to enable the teachers to increase student mastery of economic principles and the practical application of those principles.

(3) To encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy.

(4) To assist States in measuring the impact of education in economics.

(5) To leverage and expand private and public support for economic education partnerships at national, State, and local levels.

SEC. 5533. GRANT PROGRAM AUTHORIZED.

(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching of economics in the Nation’s classrooms (referred to in this subpart as the ‘grantee’).

(b) USES OF FUNDS.—

(1) DIRECT ACTIVITIES.—The grantee shall use 5 percent of the funds made available through the grant for a fiscal year—

(A) to strengthen and expand the grantee’s relationships with State and local personal finance, entrepreneurship, and economic education organizations;

(B) to support and promote training of teachers in partnerships through grade 12 regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

(C) to support research on effective teaching practices and the development of assessment instruments to document student understanding of personal finance and economics;

(D) to develop and disseminate appropriate materials to foster economic literacy.

(2) SUBGRANTS.—The grantee shall use 75 percent of the funds made available through the grant for a fiscal year to award subgrants to State educational agencies or local educational agencies, and State or local personal finance, personal finance, or entrepreneurship education organizations (referred to in this section as the ‘recipient’). The grantee shall award such a subgrant to pay for the Federal share of the cost of enabling the recipient to work in partnership with one or more of the entities described in paragraph (3) for one or more of the following purposes:

(A) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to teaching of economics, personal finance, and entrepreneurship.

(B) Providing resources to school districts that desire to incorporate economics and personal finance into the curricula of the schools in the districts.

(C) Conducting evaluations of the impact of economic and financial literacy education on students.

(D) Conducting economic and financial literacy education research.

(E) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education (such as saving, investing, and entrepreneurship education) and to encourage awareness and student achievement in economics.

(F) Encouraging adoption of best practices to promote economic and financial literacy.

(3) PARTNERSHIP ENTITIES.—The entities described in this paragraph are the following:

(A) Private sector entity.

(B) A State educational agency.

(C) A local educational agency.

(D) An institution of higher education.

(E) An organization promoting economic development.

(F) An organization promoting educational excellence.

(G) An organization promoting personal finance or entrepreneurship education.

SEC. 5534. APPLICATIONS.

(a) GRANTEE APPLICATIONS.—To be eligible to receive a grant under this subpart, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) RECIPIENT APPLICATIONS.—

(1) SUBMISSION.—To be eligible to receive a subgrant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

(2) REVIEW.—The grantee shall invite the individuals described in paragraph (3) to review all applications from recipients for a subgrant under this section and to make recommendations to the grantee regarding the approval of the applications.

(3) REVIEWERS.—The individuals described in this paragraph are the following:

(i) Leaders in the fields of economics and education.

(ii) Other individuals as the grantee determines to be necessary, especially members of the State and local business, banking, and finance communities.

SEC. 5535. REQUIREMENTS.

(a) ADMINISTRATIVE COSTS.—The grantee and each recipient shall use not more than 5 percent of the funds made available through the grant or subgrant for administrative costs.

(b) TEACHER TRAINING PROGRAMS.—In carrying out the teacher training programs described in section 5533(b)(2)(A), a recipient shall—

(1) train teachers who teach a grade from kindergarten through grade 12; and

(2) encourage teachers from disciplines other than economics and financial literacy to participate in such teacher training programs, if the training will promote the economic and financial literacy of those teachers’ students.

(c) INVOLVEMENT OF BUSINESS COMMUNITY.—In carrying out the activities assisted under this subpart, the grantee and recipients are strongly encouraged to—

(1) include interactions with the local business community to the fullest extent possible to reinforce the connection between economic and financial literacy and economic development; and

(2) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

SEC. 5536. ADMINISTRATIVE PROVISIONS.

(a) FEDERAL SHARE.—The Federal share of the cost described in section 5533(b)(2) shall be 50 percent.

(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind (fairly evaluated, including plant, equipment, or services).

(c) REPORTS TO CONGRESS.—Not later than 2 years after the date funds are first made available to carry out this subpart, and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report regarding activities assisted under this subpart.

SEC. 5537. SUPPLEMENT, NOT SUPPLANT.

Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds expended for the purpose described in section 5532.

Subpart 14—Grants to Improve the Mental Health of Children

SEC. 5541. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.

(a) AUTHORIZATION.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies, local educational agencies, or Indian tribes, for the purpose of increasing student access to quality mental health care by setting innovative programs to link local school systems with the local mental health system.

(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded or entered into under this section, the period during which payments under such grant, contract or agreement are made to the recipient may not exceed 3 years.

(c) USE OF FUNDS.—A State educational agency, local educational agency, or Indian
tribe that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract, or cooperative agreement for the following:

(1) To enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, or enhance access to, diagnosis, treatment, and services to students.

(2) To enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services, and ongoing mental health services.

(3) To provide training for the school personnel and mental health professionals who will participate in the program carried out under this section.

(4) To provide technical assistance and consultation to schools and mental health agencies and families participating in the program carried out under this section.

(5) To provide linguistically appropriate and culturally competent services.

(6) To evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, referrals to community mental health professionals, and school system sustainability.

(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an educational agency, local educational agency, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and with such content as the Secretary may reasonably require. The application shall include each of the following:

(1) A description of the program to be funded under the grant, contract, or cooperative agreement.

(2) A description of how such program will increase access to quality mental health services for students.

(3) A description of how the applicant will establish a crisis intervention program to provide immediate mental health services to the school community when necessary.

(4) An assurance that—

(A) persons providing services under the grant, contract, or cooperative agreement are adequately trained to provide such services;

(B) the services will be provided in accordance with this Act;

(C) teachers, principal administrators, and other school personnel are aware of the program; and

(D) parents of students participating in services under this section will be involved in the design and implementation of the program.

(5) An explanation of how the applicant will support and integrate existing school-based services with the program to provide appropriate mental health services for students.

(6) An explanation of how the applicant will establish a program that will support students and the school in maintaining an environment conducive to learning.

(c) INTERAGENCY AGREEMENTS.—

(1) DESIGNATION OF LEAD AGENCY.—The recipient of a grant, contract, or cooperative agreement shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities in the State, in collaboration with local entities and parents and guardians of students.

(2) CONTENTS.—The interagency agreement shall ensure the provision of the services described in subsection (c), specifying with respect to each agency, authority, or entity—

(A) the financial responsibility for the services;

(B) the conditions and terms of responsibility for the services, including quality, accountability, and other terms of the services described in this subsection;

(C) the conditions and terms of reimbursement among the agencies, authorities, or entities that are parties to the interagency agreement, including procedures for dispute resolution.

(3) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among urban, suburban, and rural populations.

(4) RULE OF CONSTRUCTION.—Nothing in Federal law shall be construed—

(1) to prohibit an entity involved with a program carried out under this section from reporting a crime that is committed by a student to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student.

(5) SUPPLEMENT, NOT SUPPLANT.—Any services provided through programs carried out under this section must supplement, and not supplant, existing mental health services, including those provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(6) To pay for the expenses of administering the activities authorized under this section, including assessment of children's eligibility for services.

(d) LIMITATIONS.—

(1) SERVICES NOT OTHERWISE FUNDED.—A local educational agency, local council, community-based organization, or nonprofit private entity may use funds under this section only to pay for services that cannot be paid for using other Federal, State, or local public or private resources or through private insurance.

(2) ADMINISTRATIVE EXPENSES.—A grantee may not use more than 3 percent of the amount of the grant to pay the administrative expenses described in subsection (c)(5).

(3) EVALUATIONS.—The Secretary shall directly evaluate, or enter into a contract for an outside evaluation of, each program carried out under this section and shall disseminate the findings with respect to such evaluation to appropriate public and private entities.

(e) DEFINITIONS.—In this section—

(1) ELIGIBLE CHILD.—The term "eligible child" means a child who has not attained the age of 7 years, and to whom two or more of the following characteristics apply:

(A) The child has been abused, maltreated, or neglected.

(B) The child has been exposed to violence.

(C) The child has been homeless.

(D) The child has been removed from child care, Head Start, or preschool for behavioral reasons or is at risk of being so removed.

(E) The child has been exposed to parental depression or other mental health problems.

(F) The family income with respect to the child is below 200 percent of the poverty line.

(G) The child has been exposed to parental substance abuse.

(H) The child has had early behavioral and peer relationship problems.

(I) The child had a low birth weight.

(J) The child has a cognitive deficit or developmental disability.

(K) LOCAL COUNCIL.—The term "local council" means a council that is established or designated by a local government entity, including a local government entity, Indian tribe, regional corporation, or Native Hawaiian entity, as appropriate, which is composed of representatives of local agencies directly affected by early learning programs, parents, key community leaders, and other individuals concerned with early learning issues in the community, such as elementary education, child care resources and referral services, early learning opportunities, child care, and health services.

(L) PROVIDER OF EARLY CHILDHOOD SERVICES.—The term "provider of early childhood services" means any public or private entity that has regular contact with young children, including child welfare agencies, child care providers, Head Start and Early Head Start providers, state and local educational agencies, mental health professionals, family courts, homeless shelters, and primary care providers.
"Subpart 15—Arts in Education

SEC. 5551. ASSISTANCE FOR ARTS EDUCATION.

(a) PURPOSES.—The purposes of this subpart are the following:

(1) To support systemic education reform by strengthening and expanding arts education as an integral part of the elementary school and secondary school curriculum.

(2) To help ensure that all students meet challenging academic content standards and challenging State student academic achievement standards in the arts.

(3) To support the national effort to enable all students to demonstrate competence in the arts.

(b) AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, eligible entities described in subsection (c).

(c) ELIGIBLE ENTITIES.—The Secretary may make assistance available under subsection (b) to each of the following eligible entities:

(1) State educational agencies.

(2) Local educational agencies.

(3) Institutions of higher education.

(4) Museums or other cultural institutions.

(5) Any other public or private agencies, institutions, or organizations.

(d) USE OF FUNDS.—Assistance made available under this subpart may be used for any of the following:

(1) Research on arts education.

(2) Planning, developing, acquiring, expanding, improving, and disseminating information about model school-based arts education programs.

(3) The development of model State arts education assessments based on State academic achievement standards.

(4) The development and implementation of curriculum frameworks for arts education.

(5) The development of model in-service professional development programs for arts educators and other instructional staff.

(6) Supporting collaborative activities with Federal agencies or institutions involved in arts education, arts educators, and organizations representing the arts, including State and local arts agencies involved in arts education.

(7) 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.

(8) Supporting model projects and programs by Very Special Arts which assure the participation of disabled individuals with appropriate programs that include them in the arts.

(9) Supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curricula.

(10) Other activities that further the purposes of this subpart.

(e) SPECIAL RULE.—If the amount made available under this subpart to carry out this subpart for any fiscal year is $15,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of this subsection.

(f) CONDITIONS.—As conditions of receiving assistance made available under this subpart, the Secretary shall require each entity receiving such assistance to:

(1) coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private schools, arts associations, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

(2) to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

(g) CONSULTATION.—In carrying out this subpart, the Secretary shall consult with Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).

Subpart 16—Parental Assistance and Local Family Information Centers

SEC. 5561. PURPOSES.

The purposes of this subpart are the following:

(1) To assist parents in participating effectively in their children’s education and help their children meet State and local standards, such as assisting parents—

(2) establish, expand, or operate Parents as Teachers programs, featuring parents or parent-teacher associations and Parents as Teachers organizations, and other organizations that carry out parent education and family involvement programs;

(3) provide assistance to parent leaders who are parents of low-income, minority, limited English proficient children, and severely educationally or economically disadvantaged;

(4) coordinate activities funded under this subpart with other programs providing comprehensive training, information, and support to parents;

(5) coordinate activities funded under this subpart with parental involvement initiatives funded under section 1118 and other provisions of this Act;

(6) provide a comprehensive approach to improving student learning, through coordination and integration of Federal, State, and local services and programs.

SEC. 5562. GRANTS AUTHORIZED.

(a) PARENTAL INFORMATION AND RESOURCE CENTERS. The Secretary is authorized to award grants in each fiscal year to nonprofit organizations (including statewide nonprofit organizations) and consortia of such organizations and local educational agencies to establish school-based or school-linked or school-based parental information and resource centers that provide comprehensive training, information, and support to:

(1) parents of children enrolled in elementary schools and secondary schools;

(2) individuals who work with the parents of children enrolled in elementary schools and secondary schools;

(3) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations, Teachers organizations), and other organizations that carry out parent education and family involvement programs;

(4) parents of children from birth through age 5.

(b) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall, to the extent practicable, ensure that such grants are distributed in all geographic regions of the United States.

SEC. 5563. APPLICATIONS.

(a) SUBMISSION.—Each nonprofit organization (including a statewide nonprofit organization), or a consortia of such an organization and a local educational agency, that desires 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) CONTENT.—Each application submitted under this subpart (a), at a minimum, shall include assurances that the organization or consortia will:

(1) be governed by a board of directors the membership of which includes parents; or

(2) be an organization or consortium that represents the interest of parents.

(c) SUBMISSION.—To establish a special advisory committee the membership of which includes—

(1) parents of children enrolled in elementary schools and secondary schools, who shall constitute a majority of the members of the special advisory committee;

SEC. 5564. USES OF FUNDS.

(a) IN GENERAL.—Grant funds received under this subpart shall be used for one or more of the following:

(1) To assist parents in participating effectively in their children’s education and help their children meet State and local standards, such as assisting parents—

(2) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

(3) to provide follow-up support for their children’s educational achievement;

(4) to provide assistance to parents in areas such as understanding State and local standards and measures of student and school academic achievement;

(5) to provide grants to parents enrolled in elementary schools and secondary schools who are parents of low-income, minority, and limited English proficient children;

(6) to provide assistance to parents in areas such as understanding State and local standards and measures of student and school academic achievement;

(7) to provide grants to parents enrolled in elementary schools and secondary schools who are parents of low-income, minority, and limited English proficient children;

(8) to provide grants to parents enrolled in elementary schools and secondary schools who are parents of low-income, minority, and limited English proficient children;

(9) to provide assistance to parents in areas such as understanding State and local standards and measures of student and school academic achievement;

(10) to provide grants to parents enrolled in elementary schools and secondary schools who are parents of low-income, minority, and limited English proficient children;

(11) to provide assistance to parents in areas such as understanding State and local standards and measures of student and school academic achievement;

(12) to provide grants to parents enrolled in elementary schools and secondary schools who are parents of low-income, minority, and limited English proficient children;

(13) to identify and coordinate Federal, State, and local services and programs that support improving student learning, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education, and job training; and

(14) to work with and find partners with other agencies that provide programs and deliver services described in paragraph (13) to make such programs and services more accessible to children and families.
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 academic progress;"

"(F) to participate in State and local decision-making; and"

"(G) to train other parents (such as training related to parents and teachers activities)."

"(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, State, and local services and programs that serve their children or families.

"(5) To provide support for State or local educational personnel, if the participation of such personnel will further the activities assisted under the grant.

"(6) To coordinate and integrate early childhood programs with school-age programs.

(b) SUBMISSION OF INFORMATION.—Grant funds received under this subpart may be used to assist schools with activities including one or more of the following:

"(1) Developing and implementing the schools’ plans or activities under sections 1118 and 1119.

"(2) Developing and implementing school improvement plans, including addressing problems that develop in the implementation of the schools’ plans or activities under 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 programs.

"(5) Providing training, information, and support to—

"(A) State educational agencies;

"(B) local educational agencies and schools, especially low-performing local educational agencies and schools; and

"(C) organizations that support family-school partnerships.

SECT. 5565. ADMINISTRATIVE PROVISIONS.

(a) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year in which an organization or consortium receives assistance under this subpart, the organization or consortium shall demonstrate in the application submitted for such fiscal year, that a portion of the funds provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

(b) SUBMISSION OF INFORMATION.—

"(1) IN GENERAL.—Each organization or consortium receiving assistance under this subpart shall submit to the Secretary, on an annual basis, information concerning the parents and resources and information centers assisted under this subpart, including the following information:

"(A) The number of parents (including the number of minority and limited English proficient parents) who receive information and training;

"(B) The types and modes of training, information, and support provided under this subpart;

"(C) 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 subpart;

"(D) Experience involving implementation policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school communication, student academic achievement, and school academic achievement, and parental involvement in school planning, review, and improvement;

"(E) The effectiveness of the activities that local educational agencies and schools are carrying out, with regard to parental involvement described in section 1118 of the Safe Streets Act of 1968 (42 U.S.C. 3796gg-3), that lead to improved student academic achievement and improved student and school academic achievement.

(b) TECHNICAL ASSISTANCE.—The Secretary shall disseminate annually to Congress and the public the information that each organization or consortium submitted under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a parental center; or

"(1) having its employees or agents meet with a parent at a site that is not on school grounds;

"(2) working with another agency that serves children.

"(D) LOCAL NONPROFIT PARENT ORGANIZATION.

"(E) To develop and implement school system-wide programs for, students who are experiencing or witnessing domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children.

"(F) To provide educational programming for students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

"(G) to develop and implement school system-wide policies regarding appropriate and safe responses to, identification of, and referral procedures for, students who are experiencing or witnessing domestic violence.

"(H) To provide grants to local educational agencies and schools and local educational agency and secondary schools served by the local educational agency—

"(1) AWARD BASIS.—The Secretary is authorized to award grants to local educational agencies and schools and local educational agency and secondary schools served by the local educational agency—

"(i) to provide training to school administration—

"(ii) to develop and implement school system-wide programs for, students who are experiencing or witnessing domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(J) To provide training and technical assistance to schools and local educational agencies and schools and local educational agency and secondary schools served by the local educational agency—

"(1) To provide training to school administration—

"(2) To provide training and technical assistance to schools and local educational agencies and schools and local educational agency and secondary schools served by the local educational agency—

"(A) To provide training to school administration—

"(B) To provide training and technical assistance to schools and local educational agencies and schools and local educational agency and secondary schools served by the local educational agency—

"(C) To provide support service to students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(D) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(E) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(F) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(G) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(H) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(I) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(J) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(K) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(L) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

"(M) To provide support services for students and school personnel to develop and strengthen prevention efforts, with a particular focus on strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;
"To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

(3) To develop and implement elementary school and secondary school system policies regarding:

(A) appropriate and safe responses to identification, of, and referral procedures for, students who are experiencing or witnessing domestic violence, such as a resource person who is either on-site or on-call and who is an expert.

(5) To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships or who witness domestic violence and the impact of the violence on those children.

(6) To conduct evaluations to assess the impact of programs and policies assisted under this subsection on students and school systems to enhance the development of the programs.

(d) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under this subsection (c) shall address issues of safety and confidentiality for the victim and the victim's family in a manner consistent with applicable Federal and State laws.

(2) A description of how the experts will be eligible for a grant under this section for a fiscal year, a local educational agency, in consultation with an expert, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include each of the following:

(1) A description of the need for funds provided under the grant and the plan for implementation of any of the activities described in subsection (c).

(2) A description of how the experts will work in consultation and collaboration with the local educational agency.

(3) Measurable objectives for, and expected results, for the use of the funds provided under the grant.

(4) Provisions for appropriate remuneration for collaborating partners.

**Subpart 18—Healthy, High-Performance School Building Programs**

**SEC. 5581. GRANT PROGRAM AUTHORIZED.**

The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, is authorized to award grants to State educational agencies to permit such State educational agencies to carry out section 5582.

**SEC. 5582. STATE USES OF FUNDS.**

(a) GRANTS.

(1) IN GENERAL.—A State educational agency receiving a grant under this subsection shall use funds made available under the grant to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in section 5583.

(2) LIMITATION.—A State educational agency shall award subgrants under this subsection to local educational agencies that are the neediest, as determined by the State, and that have made a commitment to develop healthy, high-performance school buildings in accordance with the plan developed and approved under paragraph (3)(A).

(3) IMPLEMENTATION.—Any State educational agency shall award subgrants under this subsection only to local educational agencies that, in consultation with the State educational agency and State agencies with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and in order to achieve the purposes for which the subgrants are made.

(b) SUPPLEMENTING GRANT FUNDS.—The State educational agency shall encourage local educational agencies to supplement the subgrants under this subsection to supplement their subgrant funds with funds from other sources in order to implement their plans.

(2) A State educational agency receiving a grant under this subsection shall use the grant funds made available under this subpart for one or more of the following:

(1) To provide technical services and assistance in planning, designing, and implementing healthy, high-performance school buildings.

(2) To distribute information and materials on healthy, high-performance school buildings for both new and existing facilities.

(3) To provide technical services and assistance in planning, designing, and implementing healthy, high-performance school buildings.

(4) To provide the necessary human resources to respond to the needs of elementary and secondary schools that address issues concerning domestic violence.

(5) To collect and monitor information pertaining to healthy, high-performance school buildings.

**SEC. 5583. LOCAL USES OF FUNDS.**

(a) IN GENERAL.—A local educational agency that receives a subgrant under section 5582(a) shall use the subgrant funds to plan and prepare for healthy, high-performance school building projects that—

(1) reduce energy use to at least 30 percent below that of a school constructed in compliance with the standards prescribed in chapter 8 of part B of title 20 of the National Energy Conservation Act of 1978, or a similar State code intended to achieve substantially equivalent results;

(2) meet Federal and State health and safety codes; and

(3) support healthful, energy efficient, and environmentally sound practices.

(b) USE OF FUNDS.—A local educational agency that receives a subgrant under section 5582(a) shall use funds for one or more of the following:

(1) To develop a comprehensive energy audit of the energy consumption characteristics of a building and the need for additional energy conservation measures necessary to allow schools to meet the guidelines set out in subsection (a).

(2) To produce a comprehensive analysis of building strategies, designs, materials, and equipment that—

(A) are cost effective, produce greater energy efficiency, and enhance indoor air quality; and

(B) can be used when constructing school construction and renovation or purchasing materials and equipment.

(3) To obtain research and provide technical services and assistance in planning and designing healthy, high-performance school buildings, including developing a timeline for implementation of such plans.

**SEC. 5584. REPORT TO CONGRESS.**

The Secretary shall conduct a biennial review of State actions implementing this subpart and shall submit a report to Congress on the results of such reviews.

**SEC. 5585. LIMITATIONS.**

No funds received under this subpart shall be used for any project primarily for acquisition of a stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public.

**SEC. 5586. HEALTHY, HIGH-PERFORMANCE SCHOOL BUILDING DEFINED.**

In this subpart, the term ‘‘healthy, high-performance school building’’ means a school building in which the design, construction, operation, and maintenance—

(1) use energy-efficient and affordable practices and materials;

(2) are cost-effective;

(3) enhance indoor air quality; and

(4) protect costs.

**Subpart 19—Grants for Capital Expenses of Providing Equitable Services for Private School Students**

**SEC. 5591. GRANT PROGRAM AUTHORIZED.**

The Secretary is authorized to award grants to State educational agencies, from allotments made under section 5593, to enable the State educational agencies to award subgrants to local educational agencies to pay for capital expenses incurred in providing equitable services for private school students under section 1120.

**SEC. 5592. USES OF FUNDS.**

A local educational agency that receives a subgrant under this subpart shall use the grant funds only to pay capital expenses incurred in providing equitable services for private school students under section 1120.

**SEC. 5593. ALLOTMENTS TO STATES.**

From the funds made available to carry out this subpart for a fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to the funds made available as the number of private school students who received services under part A of title I in the State in the most recent year for which data, satisfactory to the Secretary, are available bears to the number of such students in all States in such year.

**SEC. 5594. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

(a) APPLICATIONS.—A local educational agency that desires to receive a subgrant under this subpart shall submit an application to the State educational agency involved at such time, in such manner, and containing such information as the State educational agency may require.

(b) DISTRIBUTION.—A State educational agency shall award subgrants to local educational agencies within the State based on the degree of need set forth in their respective applications submitted under subsection (a).

**SEC. 5595. CAPITAL EXPENSES DEFINED.**

In this subpart, the term ‘‘capital expenses’’ means—

(1) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;

(2) insurance and maintenance costs;

(3) transportation; and

(4) other comparable goods and services.

**SEC. 5596. TERMINATION.**

The authority provided by this subpart terminates effective October 1, 2003.

**Subpart 20—Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition**

**SEC. 5601. RESERVATION.**

The Secretary is authorized to provide additional assistance to meet special circumstances relating to the provision of service in local educational agencies eligible to receive assistance under section 8002.

**SEC. 5602. ELIGIBILITY.**

A local educational agency is eligible to receive additional assistance under this subpart if such agency—

(1) received a payment under both section 8002 and section 8003(b) for fiscal year 1996 and...
is eligible to receive payments under those sections for the year of application;

“(2) provided a free public education to children described under subparagraphs (A), (B), or (D) of section 5401 of the Act; (3) had a military installation located within the geographic boundaries of the local educational agency that was closed as a result of a base closure or realignment and, at the time at which the agency is applying for a payment under this subpart, the agency does not have a military installation located within its geographic boundaries; (4) remains responsible for the free public education of children residing in housing located within the boundaries of the closed military installation but whose parents are on active duty in the uniformed services and assigned to a military activity located within the boundaries of an adjoining local educational agency; and

“(5) demonstrates to the satisfaction of the Secretary that such agency’s per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.

**SEC. 5603. MAXIMUM AMOUNT.**

(a) **MAXIMUM AMOUNT.**—The maximum amount that a local educational agency is eligible to receive under this subpart for any fiscal year, when combined with its payment under section 5402, shall not be more than 45 percent of the maximum amount determined under section 8002(b).

(b) **INSUFFICIENT FUNDS.**—If funds appropriated under section 5401 are insufficient to pay the amount determined under subsection (a), the Secretary shall ratably reduce the payment to each local education agency eligible under this subpart.

(c) **EXCESS FUNDS.**—If funds appropriated under section 5401 are in excess of the amount determined under subsection (a), the Secretary shall ratably distribute any excess funds to all local educational agencies eligible for payment under section 8002(b).

**Subpart 21—Women’s Educational Equity Act**

**SEC. 5611. SHORT TITLE AND FINDINGS.**

(a) **SHORT TITLE.**—This subpart may be cited as the “Women’s Educational Equity Act of 2001.”

(b) **FINDINGS.**—Congress finds that—

(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

(2) because of funding provided under the Women’s Educational Equity Act, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination;

(3) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, for example—

(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide safe and equitable learning or workplace environment;

(B) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or conceptions of women and, in most cases, are not written by women or persons of color;

(C) girls do not make as many mathematics and science courses, girls lose confidence in their mathematics and science ability as girls move through adolescence, and there are few women role models in these sciences; and

(D) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of these teenagers;

(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

(5) Federal support should address not only research and development of innovative model curricula, teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

(6) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

(7) excellence in education, high educational achievements and standards, and the full participation of girls in American society, cannot be achieved without educational equity for women and girls.

**SEC. 5612. STATEMENT OF PURPOSES.**

It is the purpose of this subpart—

(1) to promote gender equity in education in the United States;

(2) to provide financial assistance to educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

(3) to promote equity in education for women and girls and reduce instances of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age.

**SEC. 5613. PROGRAMS AUTHORIZED.**

(a) **IN GENERAL.**—The Secretary is authorized—

(1) to promote, coordinate, and evaluate gender equity policies, programs, activities, and initiatives in all Federal education programs and offices;

(2) to develop, maintain, and disseminate materials, resources, analyses, and research related to educational equity for women and girls;

(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

(4) to coordinate model equity programs and activities with other Federal agencies with jurisdiction over education and related programs;

(5) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and

(6) to perform any other activities consistent with achieving the purposes of this subpart.

(b) **GRANTS AUTHORIZED.**—

(1) **DEPARTMENT OF EDUCATION.**—The Secretary is authorized to award grants for the development, administration and improvement of research, evaluation, and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed 4 years, to—

(A) provide grants to develop model equity programs; and

(B) provide funds for the implementation of equity programs in schools throughout the Nation.

(2) **SUPPORT AND TECHNICAL ASSISTANCE.**—To achieve the purposes of this subpart, the Secretary is authorized to provide support and technical assistance—

(A) to implement effective gender-equity policies and programs at all educational levels, including—

(i) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

(ii) training for teachers, counselors, administrators, and other personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

(iii) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

(iv) school-to-work transition programs, guidance and counseling activities, and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented;

(v) enhancing educational and career opportunities for those women and girls who suffer multiple forms of discrimination, based on sex, race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age;

(vi) assisting pregnant students and students caring for children to remain in or return to secondary school, graduate, and prepare their pre-school children to start school;

(vii) evaluating exemplary model programs to assess the feasibility of such programs to advance educational equity for young women;

(viii) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls;

(ix) programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

(x) nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

(xi) programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including unemployed and unemployed women, and women receiving assistance under a State program funded under part A of title IV of the Social Security Act.

(xii) programs to improve representation of women in educational administration at all levels;

(xiii) planning, development, and initial implementation of—

(1) comprehensive institutional or district plans to assure compliance with title IX or the absence of gender equity in educational settings;

(2) comprehensive plans for implementation of equity programs in State educational agencies and local educational agencies and institutions of higher education, including community colleges; and

(xiv) innovative approaches to school-community partnerships for educational equity;

(B) for research and development, which shall be coordinated with each of the research institutes of the Office of Educational Research and Improvement to adjust and improve upon research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

(i) research and development of innovative strategies and model training programs for teachers and other education personnel;

(ii) the development of high-quality and challenging assessment instruments that are nondiscriminatory;

(iii) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and derogation;

(iv) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

(v) the development of instruments and strategies for evaluation, dissemination, and replication of promising or exemplary programs designed to assist local educational agencies in integrating gender equity in their educational policies and practices;

(vi) updating high-quality educational materials developed through awards made under this subpart;

(vii) the development of policies and programs to address and prevent sexual harassment and violence against women, and ensure that educational institutions are free from threats to safety of students and personnel;
“(viii) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for unemployed women, including underemployed and unemployed women, and women receiving assistance under the State program funded under part A of title IV of the Social Security Act; and

“(ix) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity.

SEC. 5614. APPLICATION.

“(A) An application under this subpart shall—

“(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this subpart, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

“(2) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

“(3) for applications for assistance under section 5613(b)(1), demonstrate how parental involvement in the project will be encouraged and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women, teacher, and student groups, businesses, or other recipients of Federal educational funding which may include State literacy resource centers;

“(4) for applications for assistance under section 5613(b)(1), demonstrate how parental involvement in the project will be encouraged and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women, teacher, and student groups, businesses, or other recipients of Federal educational funding which may include State literacy resource centers;

“(5) for applications for assistance under section 5613(b)(1), demonstrate how the applicant will fund, in whole or in part, the activities assisted under this subpart with funds made available to carry out this subpart, and

“(x) the resources of local educational agencies, community-based organizations, institutions of higher education, and private organizations;

“(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant under this subpart has terminated;

“(D) address issues of national significance that can be duplicated; and

“(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

“(B) SPECIAL RULE.—To the extent feasible, the Secretary shall ensure that grants awarded under this subpart for each fiscal year address—

“(1) all levels of pre-school, elementary and secondary education, higher education, vocational education, and adult education;

“(2) all regions of the United States; and

“(3) urban, rural, and suburban educational institutions.

“(d) COORDINATION.—Research activities supported under this subpart—

“(A) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with other research and development activities supported by the Office; and

“(B) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

“(e) LIMITATION.—Nothing in this subpart shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this subpart.

“SEC. 5616. REPORT.

“(a) REPORT TO CONGRESS.—Not later than January 1, 2006, the Secretary shall submit to the President and Congress a report on the status of the activities under this subpart.

“(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the activities assisted under this subpart are administered within the Department by a person who has demonstrated professional qualifications and experience in the field of gender equity.

“SEC. 5617. AMOUNT.

“(a) EVALUATION AND DISSEMINATION.—Not later than January 1, 2005, the Secretary shall evaluate and disseminate materials and programs developed under this subpart and shall report to Congress regarding such evaluation materials and programs.

“(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the activities assisted under this subpart are administered within the Department by a person who has demonstrated professional qualifications and experience in the field of gender equity.

“SEC. 5618. AMOUNT.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act or the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), in the case of any agency or consortium that was awarded a grant under section 5111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), prior to the date of enactment of this Act, the Secretary of Education shall continue to provide funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

“(b) SPECIAL RULE.—Notwithstanding any other provision of this Act, any person or agency that was awarded a grant under part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7231 et seq.), prior to the date of enactment of this Act, the Secretary of Education shall continue to provide funds in accordance with the terms of such grant, contract, or agreement until the date on which the grant, contract, or agreement period terminates under such terms.

“TITLE VI—FLEXIBILITY AND ACCOUNTABILITY.

“SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.

“(a) GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

“The Secretary shall make grants to States to enable the States—

“(1) to pay the costs of the development of the additional State assessments and standards required by section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State; and

“(2) if a State has developed the assessments and standards required by section 1111(b), to administer those assessments or to carry out other activities described in this subpart and other activities related to ensuring that the State’s schools and local educational agencies are held accountable for results, such as the following:

“(A) Developing challenging State academic content and student academic achievement standards and aligned assessments in academic subjects for which such assessments are not required by section 1111(b).

“(B) Developing or improving assessments of English language proficiency necessary to comply with section 1111(b).

“(C) Ensuring the continued validity and reliability of State assessments.

“(D) Refining State assessments to ensure their continued alignment with the State’s academic content standards and to improve the alignment of curricular and instructional materials.

“(E) Developing multiple measures to increase the reliability and validity of State assessment systems.

“(F) Strengthening the capacity of local educational agencies and schools to provide all students the opportunity to increase educational achievement, including carrying out professional development activities aligned with State academic achievement standards and assessments.

“(G) Expanding the range of accommodations available to students with disabilities to improve the rates of inclusion of such students, including professional development activities aligned with State academic achievement standards and assessments.

“(H) Improving the dissemination of information on student achievement and school performance to parents and the community, including the development of information and reporting systems designed to identify best educational practices based on scientifically based research or to aggregate in linked records of student achievement, length of enrollment, and graduation over time.

“SEC. 6112. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.

“(a) GRANT PROGRAM AUTHORIZED.—From funds made available to carry out this subpart, the Secretary shall award, on a competitive basis to States and State educational agencies that have submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrates to the satisfaction of the Secretary that the requirements of this section will be met, for the following:

“(1) To enable States (or consortia of States) to develop or to coordinate with institutional agencies that have submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrates to the satisfaction of the Secretary that the requirements of this section will be met, for the following:

“(1) To enable States (or consortia of States) to develop or to coordinate with institutional agencies that have submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrates to the satisfaction of the Secretary that the requirements of this section will be met, for the following:
reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(3).

(2) To measure student academic achievement using multiple measures of student academic achievement from multiple sources.

(3) To chart student progress over time.

(4) To evaluate student academic achievement through development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments.

(b) APPLICATION.—Each State wishing to apply for funds under this section shall include in its State plan under part A of title I such information as the Secretary may require.

(c) APPEARANCE.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities, and the result of those activities, under the grant.

SEC. 6133. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated $72,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

(2) STATE ASSESSMENTS AND RELATED ACTIVITIES.—For the purpose of carrying out this subpart, there are authorized to be appropriated $490,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) ALLOTMENT OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—From amounts made available for each fiscal year under subsection (a)(2) that are equal to or less than the amount described in section 1111(b)(3)(D) (hereinafter in this subsection referred to as the ‘‘trigge amount’’), the Secretary shall—

(A) reserve 1⁄2 of 1 percent for the Bureau of Indian Affairs;

(B) reserve ½ of 1 percent for the outlying areas; and

(C) from the remainder, allocate to each State an amount equal to—

(i) $3,000,000; and

(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available as follows:

(A) To award funds under section 6112 to States according to the quality, needs, and scope of the State application under that section.

(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be awarded to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(c) STATE DEFINED.—In this section, the term ‘‘State’’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subpart 2—Funding Transferability for State and Local Educational Agencies

SEC. 6131. SHORT TITLE.

‘‘This subpart may be cited as the ‘State and Local Transferability Act’.’’

SEC. 6132. PURPOSE.

The purpose of this subpart is to allow States and local educational agencies the flexibility—

(1) to target Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

(2) to transfer Federal funds allocated to other activities to allocations for certain activities authorized under title I.

SEC. 6133. TRANSFERABILITY OF FUNDS.

(a) TRANSFERS BY STATES.—

(1) IN GENERAL.—In accordance with this subpart, a State may transfer not more than 50 percent of the nonadministrative State funds (including funds transferred under paragraph (2)) allotted to the State for use for State-level activities under the following provisions for a fiscal year to one or more of its allocations under title I for that fiscal year:

(A) Subsections (a)(1), (2), (3), (4), and (5) of section 1116(a)

(B) Subsections (a)(1), (2), and (4) of section 1116(b)

(C) Section 5112(b).

(2) ADDITIONAL FUNDS FOR TITLE I.—In accordance with this subpart and subject to the 50 percent limitation described in paragraph (1), a State may transfer any funds allotted to the State under a provision listed in paragraph (1) to its allotment under title I.

(b) TRANSFERS BY LOCAL EDUCATIONAL AGENCIES.—

(1) AUTHORITY TO TRANSFER FUNDS.—

(A) IN GENERAL.—In accordance with this subpart, a local educational agency (except a local educational agency identified for improvement under section 1116(c) or subject to corrective action under section 1116(c)(9)) may transfer not more than 30 percent of the funds allocated to it (including funds transferred under subparagraph (C)) under each of the provisions listed in paragraph (2) for a fiscal year to any other allocation for such fiscal year under any other provision listed in paragraph (2).

(B) AGENCIES IDENTIFIED FOR IMPROVEMENT.—In accordance with this subpart, a local educational agency identified for improvement under section 1116(c) or subject to corrective action under section 1116(c)(9) may transfer not more than 30 percent of the funds allocated to it (including funds transferred under subparagraph (C)) under each of the provisions listed in paragraph (2) for a fiscal year to any other allocation for such fiscal year listed in paragraph (2).

(c) ADJUSTMENTS FOR FISCAL YEARS.—In determining the grant amount under subsection (a)(2) for a fiscal year to its allocation for school improvement for part A of title I for that fiscal year, each State educational agency receiving a grant under this section shall conduct a financial audit of each local educational agency identified for improvement for part A of title I.

(d) NOTIFICATION.—For the purpose of administering such provisions:

(1) APPLICABLE RULES.

(A) IN GENERAL.—Except as otherwise provided in this subpart, funds transferred under this section are subject to each of the rules and requirements applicable to the funds under the provision to which the transferred funds are transferred.

(B) CONSULTATION.—Each State educational agency or local educational agency that transfers funds under this section shall consult with such State educational agency or local educational agency and, as appropriate, the Secretary on the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments.

Subpart 3—State and Local Flexibility Demonstration

SEC. 6131. SHORT TITLE.

‘‘This subpart may be cited as the ‘State and Local Flexibility Demonstration Act’.’’

SEC. 6132. PURPOSE.

The purpose of this subpart is to create options for selected State educational agencies and local educational agencies—

(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 mastery, especially in mathematics, reading, and science;

(3) to better empower parents, educators, administrators, and schools to effectively address the needs of their children and students;

(4) to give participating State educational agencies and local educational agencies greater flexibility in determining how to increase their students’ academic achievement and implement education reforms in their schools;

(5) to eliminate barriers to implementing effective State and local education reform, while preserving the goals of opportunity for all students and accountability for student progress;

(6) to hold participating State educational agencies and local educational agencies accountable for increasing the academic achievement of all students, especially disadvantaged students; and

(7) to narrow achievement gaps between the lowest and highest achieving groups of students so that no child is left behind.

SEC. 6133. GENERAL PROVISION.

For purposes of this subpart, any State that is a local educational agency shall be considered a State educational agency and not a local educational agency.
SEC. 614. STATE FLEXIBILITY AUTHORITY.

(a) FLEXIBILITY AUTHORITY.—Except as otherwise provided in this chapter, the Secretary shall, from time to time, grant flexibility authority to not more than 7 eligible State educational agencies, under which the agencies may consolidate and use funds in accordance with section 6142.

(b) DEFINITIONS.—In this chapter:

(1) ELIGIBLE STATE EDUCATIONAL AGENCY.—The term ‘eligible State educational agency’ means a State educational agency that—

(A) submits an approvable application under subsection (c); and

(B) proposes performance agreements.

(ii) not fewer than half of which shall be entered into with high-poverty local educational agencies; and

(iii) that require the local educational agencies described in clause (i) to align their use of consolidated funds under section 6142 with the State educational agency’s use of consolidated funds under section 6142.

(ii) high-poverty local educational agency—

The term ‘high-poverty local educational agency’ means a local educational agency for which 20 percent or more of the children who are eligible to receive free or reduced price meals served by the local educational agency, are from families with incomes below the poverty line.

(c) STATE APPLICATIONS.—(1) APPLICATIONS.—To be eligible to receive flexibility authority under this chapter, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

(A) information demonstrating, to the satisfaction of the Secretary, that the grant of authority offers substantial promise of—

(i) assisting the State educational agency in making adequate yearly progress, as defined under section 1111(b)(2); and

(ii) aligning State and local reforms and assisting the local educational agencies that enter into performance agreements with the State educational agency under paragraph (2) in making such progress;

(B) the performance agreements that the State educational agency proposes to enter into with eligible local educational agencies under paragraph (2); and

(C) information demonstrating that the State educational agency has consulted with and involved parents, representatives of local educational agencies, other educators in the development of the terms of the grant of authority;

(D) a provision specifying that the grant of flexibility authority shall be for a term of not more than 5 years;

(E) a list of the programs described in section 6142(b) that are included in the scope of the grant of authority;

(F) a provision specifying that no requirements of any program described in section 6142(b) and included by a State educational agency in the scope of the grant of authority shall apply to that agency, except as otherwise provided in this chapter;

(G) a 5-year plan describing how the State educational agency proposes to consolidate and use the funds from programs included in the scope of the grant of authority, for any educational purpose authorized under this Act, in order to make adequate yearly progress and advance the education priorities of the State and the local educational agencies with which the State educational agency enters into performance agreements;

(H) an assurance that the State educational agency will provide parents, teachers, and representatives of local educational agencies and schools with notice and an opportunity to comment on the proposed terms of the grant of authority;

(I) an assurance that the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will use fiscal control and fund accountability that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the grant of authority;

(J) an assurance that the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will meet the requirements of paragraph (1)(A); and

(K) an assurance that, in consolidating and using funds under the grant of authority—

(i) the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will provide for the equitable participation of parents and professional staff in private schools; and

(ii) the proposed performance agreements with the local educational agencies that enter into performance agreements provided in accordance with section 9501:

(1) that the assurance the State educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students who are eligible to receive services provided under the consolidated funds, and not to supplant those funds.

(d) APPROVAL AND SELECTION.—The Secretary shall—

(1) establish a peer review process to assist in the review of proposed State applications under this section; and

(2) appoint individuals to participate in the peer review process who are—

(A) representative of parents, teachers, State educational agencies, and local educational agencies; and

(B) familiar with educational standards, assessments, accountability, curriculum, instructional, and staff development, and other diverse educational needs of students.

(e) AMENDMENT TO GRANT OF AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall amend the grant of flexibility authority made to a State educational agency under this chapter, in each of the following circumstances:

(A) REDUCTION IN SCOPE OF THE GRANT OF AUTHORITY.—Not later than 1 year after receiving a grant of flexibility authority, the State educational agency seeks to amend the grant of authority to include or remove performance agreements that the State educational agency proposes to enter into with eligible local educational agencies, except that in no case may the State educational agency enter into performance agreements that do not meet the requirements of clauses (i) and (ii) of subsection (b)(1)(B).

(B) EXPANSION OF SCOPE OF THE GRANT OF AUTHORITY.—Not later than 1 year after receiving a grant of flexibility authority, the State educational agency seeks to amend the grant of authority to include in the scope of the grant of authority any additional program described in section 6142(b) or any additional achievement indicators for which the State will be held accountable.

(f) CHANGES WITH RESPECT TO NUMBER OF PERFORMANCE AGREEMENTS.—The State educational agency seeks to amend the grant of authority to include or remove performance agreements that the State educational agency proposes to enter into with eligible local educational agencies, except that in no case may the State educational agency enter into performance agreements that do not meet the requirements of subsection (b)(1)(B).

(g) APPROVAL AND DISAPPROVAL.—

(1) DEEMED APPROVAL.—A proposed amendment to a grant of flexibility authority submitted by a State educational agency pursuant to paragraph (1)(B) shall be deemed approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the proposed amendment, that the proposed amendment is not in compliance with this chapter.

(B) DISAPPROVAL.—The Secretary shall not find that a proposed amendment is approved, except after giving the State educational agency notice and an opportunity for a hearing.

(C) NOTIFICATION.—If the Secretary finds that a proposed amendment is not approved, the Secretary shall—

(i) give the State educational agency notice and an opportunity for a hearing; and

(ii) notify the State educational agency of the finding of noncompliance and, in such notification, cite the specific provisions in the proposed amendment that are not in compliance; and

(iii) request additional information, only as to the noncompliant provisions, needed to make the proposed amendment compliant.

(D) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the
agency received the notification, and resubmits the proposed amendment with the requested information described in subparagraph (C)(ii)(I), the Secretary shall approve or disapprove such proposed amendment and the determination described in subparagraph (C)(ii)(II) that the proposals and amendments under this chapter shall be deemed to be disapproved.

(2) Failure to respond.—If the State educational agency does not respond to the Secretary’s notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, the proposed amendment shall be deemed to be disapproved.

(3) Treatment of program funds withdrawn from grant of authority.—Beginning on the effective date of an amendment executed under paragraph (1)(A), each program requirement of each program removed from the scope of a grant of authority shall apply to the use of funds made available under the program by the State educational agency and each local educational agency with which the State educational agency has a performance agreement.

SEC. 6142. CONSOLIDATION AND USE OF FUNDS.

(a) In general.—

(1) Authority.—Under a grant of flexibility authority made under this chapter, a State educational agency may carry out programs described in subsection (b) and made available to the agency, and use such funds for any educational purpose authorized under this Act.

(2) Requirements.—Except as otherwise provided in this chapter, a State educational agency may use funds under paragraph (1) notwithstanding the program requirements in effect on such date for each program that was included in the grant of authority.

(b) Eligible funds and programs.—

(1) Funds.—The funds described in this subsection are funds for State-level activities and State administration, that are described in the following provisions:

(A) Section 4112(a).

(B) Paragraphs (4) and (5) of section 1202(d).

(C) Section 2113(a)(3).

(D) Section 2412(a)(1).

(E) Subsections (a) (with the agreement of the Governor), (b)(2), and (c)(1) of section 4112.

(F) Paragraphs (2) and (3) of section 4202(c).

(G) Section 5121(b).

(H) Paragraphs—The programs described in this subsection are programs authorized to be carried out with funds described in paragraph (1).

(2) Special rule.—A State educational agency that receives a grant of flexibility authority under this chapter—

(I) shall ensure that the funds described in section 5121(a) are allocated to local educational agencies in the State in accordance with section 5121(a); but

(J) may specify how the local educational agencies shall use the allocated funds.

SEC. 6143. PERFORMANCE REVIEW AND PENALTIES.

(a)中期 review.—

(1) Failure to make adequate yearly progress.—If, during the term of a grant of flexibility authority under this chapter, a State educational agency fails to make adequate yearly progress for 2 consecutive years, the Secretary shall, after providing notice and an opportunity for a hearing, terminate the grant of authority provided under this chapter.

(2) Noncompliance.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide evidence as to the performance of the programs included in the grant of flexibility authority), terminate a grant of flexibility authority for a State if there is evidence that the State educational agency involved has failed to comply with the terms and conditions of such authority.

(3) Evidence.—If a State educational agency believes that a determination of the Secretary under this subsection is in error for statistical or other substantive reasons, the State educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence in making the determination under this subsection.

(b) Final review.—

(1) In general.—At the end of the 5-year term of flexibility authority under this chapter, the State educational agency has not met the requirements described in section 6141(c), the Secretary may not renew the grant of flexibility authority under section 6144.

(2) Compliance.—Beginning on the date on which such term ends, the State educational agency may continue to use such funds in accordance with any performance requirements in effect on such date for each program that was included in the grant of authority.

SEC. 6144. RENEWAL OF GRANT OF FLEXIBILITY AUTHORITY.

(a) In general.—Except as provided in section 6141 and in accordance with this section, if a State educational agency has met, by the end of the original 5-year term of a grant of flexibility authority under this chapter, the Secretary shall renew a grant of flexibility authority for one additional 5-year term.

(b) Renewal.—The Secretary may not renew a grant of flexibility authority under this chapter unless, not later than 6 months before the end of the original term of the grant of authority, the State educational agency seeking the renewal notifies the Secretary, and the local educational agencies with which the State educational agency has entered into performance agreements, shall be required to comply with each of the program requirements in effect on such date for each program that was included in the grant of authority.

(c) Effective date.—A renewal under this section shall begin on—

(1) the expiration of the original term of the grant of authority; or

(2) the date on which the State educational agency seeking the renewal provides to the Secretary all data required for the application described in section 6141(c).

CHAPTER B—LOCAL FLEXIBILITY DEMONSTRATION

SEC. 6151. LOCAL FLEXIBILITY DEMONSTRATION AGREEMENTS.

(a) Authority.—Except as otherwise provided in this chapter, the Secretary shall enter into competitive local flexibility demonstration agreements—

(1) with local educational agencies that submit an approved proposal under subsection (c) and that are selected under subsection (b); and

(2) under which those agencies may consolidate and use funds in accordance with section 6152.

(b) Selection of local educational agencies.—

(1) In general.—Subject to paragraph (2), the Secretary shall enter into local flexibility demonstration agreements under this chapter with not more than 80 local educational agencies. Each local flexibility demonstration agreement shall be entered into on a competitive basis, from among the local educational agencies that—

(A) submit a proposal local flexibility demonstration agreement under subsection (c) to the Secretary; and

(B) have consulted and involved parents and other representatives of the local educational agency in the development of the proposal.

(2) List of programs.—The local flexibility demonstration agreement shall list which of the programs described in section 6152 are included under such agreement.

(c) Required terms of local flexibility demonstration agreements.—

(1) Duration.—The local flexibility demonstration agreement shall be for a term of 5 years.

(2) Application of program requirements.—The local flexibility demonstration agreement shall provide for the application of any program described in section 6152 and included by a local educational agency in the scope of its agreement to apply for a grant of flexibility authority under this chapter.

(3) List of programs.—The local flexibility demonstration agreement shall list which of the programs described in section 6152 are included in the scope of the agreement.

(d) Use of funds to improve student achievement.—The local flexibility demonstration agreement shall contain a 5-year plan describing how the local educational agency intends to consolidate and use the funds from programs included in the scope of the agreement to improve student achievement.

(2) Local input.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will provide opportunities for teachers, and representatives of local educational agencies, to provide input at least once every five years in the development of the agreement.

(3) Review.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will review the program annually and make available for public comment the results of such review.

(4) Annual report.—The local flexibility demonstration agreement shall contain a plan to submit an annual report to the Secretary describing the progress made under the agreement.
"(7) CIVIL RIGHTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using the funds under the agreement.

(8) PRIVATE SCHOOL PARTICIPATION.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency agrees that in consolidating and using funds under the agreement—

(A) that a local educational agency, will provide for the equitable participation of students and professional staff in private schools consistent with the applicable Federal requirements; and

(B) that sections 9502, 9503, and 9504 shall apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 9501.

(9) SUPPLANTING.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds.

(10) ANNUAL REPORTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency shall, not later than 1 year after the date on which the Secretary enters into the agreement, and annually thereafter during the term of the agreement, disseminate widely to parents and the general public, transmit to the Secretary, and post on the Internet, a report that includes a description of the Federal funds under the agreement to a local flexibility demonstration agreement entered into under this chapter, the local educational agency may use for administrative purposes not more than 60 days after the Secretary receives a request for any educational purpose permitted under this Act.

(11) PERFORMANCE REVIEW AND PENALTIES.—Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this chapter may not use funds under paragraph (2) of section 6152 in any program included in the local flexibility demonstration agreement described in subparagraph (A) unless the agency agrees that in consolidating and using funds under the agreement the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in the absence of those Federal funds, be made available for the purpose described in subparagraph (A). The local educational agency shall give the local educational agency notice of such condition and the findings of noncompliance and, in such notification, shall—

(i) cite the specific provisions of the proposed amendment that are not in compliance; and

(ii) request additional information, only as to the proposed amendment.

(d) RESPONSE.—If the local educational agency does not respond to the Secretary’s notification described in subparagraph (c)(2), the Secretary shall deem the proposed amendment to be approved by the Secretary unless the Secretary receives a written response from the local educational agency that specifies the reason for the nonresponse within 90 days of the date the Secretary sends the notice described in subparagraph (c)(2).

(e) AMENDMENT TO PERFORMANCE AGREEMENT.—(A) MIDTERM REVIEW.—If, at the end of the 5-year term of a local flexibility demonstration agreement entered into under this chapter, the local educational agency has not met the requirements described in section 6155(c), the Secretary may not renew the agreement under section 6155 and, beginning on the date on which such term ends, the local educational agency shall be subject to all of the program requirements in effect on such date for each program included in the local flexibility demonstration agreement.

SEC. 6154. RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.

(a) IN GENERAL.—Except as provided in section 6134 and in accordance with this section, the Secretary shall renew for 1 additional 5-year term a local flexibility demonstration agreement entered into under this chapter if the local educational agency has, by the end of the original term of the agreement, met all of the requirements described in section 6155(c).

(b) NOTIFICATION.—The Secretary may not renew a local flexibility demonstration agreement under this chapter unless, not less than 6 months before the end of the original term of the agreement, the local educational agency seeking the renewal notifies the Secretary of its intention to renew.

(c) EFFECTIVE DATE.—A renewal under this section shall be effective at the end of the original term of the agreement or on the date on which the local educational agency enters into a new agreement to renew the Secretary all data required under the agreement, whichever is later.

SEC. 6156. REPORTS.

TRANSMITTED TO CONGRESS.—Not later than 60 days after the Secretary receives a report described in section 6151(b)(10), 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.

SEC. 6157. LIMITATION.—A State in which a local educational agency that has a local flexibility demonstration agreement is located may not require such local educational agency to provide any additional information information to the programs included within the scope of that agreement other than that information that is required to be included in the report described in section 6151(b)(10).

Subpart 4—State Accountability for Adequate Yearly Progress

SEC. 6161. ACCOUNTABILITY FOR ADEQUATE YEARLY PROGRESS.

In the case of a local educational agency that has a plan approved under subparagraph 1 of part A of title I after the date of enactment of the No Child Left Behind Act of 2001, and has a plan approved under part A of title III of such Act after such date of enactment, the Secretary shall annually, starting...
with the beginning of the first school year following the first 2 school years for which such plans were implemented, review whether the State has—

(1) made adequate yearly progress, as defined in section 1111(b)(2)(B), for each of the groups of students described in section 1111(b)(2)(C)(v); and

(2) met the annual measurable achievement objectives under section 3122(a).

SEC. 6162. PEER REVIEW.

The Secretary shall use a peer review process to review, based on data from the State assessments administered under section 1111(b)(3) and on data from the evaluations conducted under section 3121, whether the State has failed to make adequate progress for 2 consecutive years or whether the State has met its annual measurable achievement objectives.

SEC. 6163. TECHNICAL ASSISTANCE.

(a) Provision of assistance.—Based on the review described in section 6161(c), the Secretary shall provide technical assistance to a State that has failed to make adequate yearly progress, as defined in section 1111(b)(2), for 2 consecutive years. The Secretary shall provide such assistance not later than the beginning of the first school year that begins after such determination is made.

(b) Annual measurable achievement objectives.—Based on the review described in section 6161(c), the Secretary shall provide technical assistance to a State that has failed to make its annual measurable achievement objectives under section 3122(a) for 2 consecutive years. The Secretary shall provide such assistance not later than the beginning of the first school year that begins after such determination is made.

(c) Characteristics.—The technical assistance described in subsection (a) shall—

(1) be valid, reliable, and rigorous; and

(2) provide constructive feedback to help the State make adequate yearly progress, as defined in section 1111(b)(2), or meet the annual measurable achievement objectives under section 3122(a).

SEC. 6164. REPORT TO CONGRESS.

Beginning with the school year that begins in 2005, the Secretary shall submit an annual report 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 containing the following:

(1) A list of each State that has not made adequate yearly progress based on the review conducted under section 6161(1).

(2) A list of each State that has not met its annual measurable achievement objectives based on the review conducted under section 6161(2).

(3) The information reported by the State to the Secretary pursuant to section 1119.

(4) A description of any technical assistance provided pursuant to section 6163.

PART B—RURAL EDUCATION INITIATIVE

SEC. 6201. 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—

(1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and

(2) have a relative formula grant allocation in amounts too small to be effective in meeting their intended purposes.

Subpart 1—Small, Rural School Achievement Program

SEC. 6111. USE OF APPLICABLE FUNDING.

(a) Allocation.

(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 local activities authorized under any of the following provisions:

(A) Part A of title I.

(B) Part A or D of title II.

(C) Title IIIC.

(D) Part A or B of title IV.

(E) Part A of title V.

(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), by a date that is established by the State educational agency for the notification.

(b) Eligibility.—

(1) In general.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

(ii) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

(iii) all of the schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary; or

(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency’s request to waive the criteria described in subparagraph (A)(ii).

(2) Certification.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and in consultation with the educational agency that the local educational agency is located in an area defined as rural by a governmental agency of the State.

(c) Applicable Funding Defined.—In this section, the term ‘applicable funding’ means funds provided under any of the following provisions:

(1) Subpart 2 and section 2412(a)(2)(A) of title II.

(2) Section 4114.

(d) Disbursement.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies to carry out activities authorized under section (a) for which the local educational agencies do not intend to use the applicable funding for other uses.

(e) Applicable Rules.—Applicable funding under this subpart shall be available to carry out local activities authorized under subsection (a).

SEC. 6212. ACCOUNTABILITY.

(a) Academic Achievement Assessment.—Each local educational agency that uses or receives funds under this subpart for a fiscal year shall submit an assessment that is consistent with section 1111(b)(3).

(b) 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 third year that a local educational agency in the State participates in a program under this subpart for a fiscal year, the State educational agency shall submit a report to Congress on the results of the assessments described in subsection (a), determine whether the local educational agency participating in the program made adequate progress, as described in section 1111(b)(2), to continue to participate; and

(2) permit only those local educational agencies that met the required annual measurable progress as described in section 1111(b)(2), to continue to participate only if such local educational agencies use applicable funding under this subpart to carry out the requirements of section 1116.

Subpart 2—Rural and Low-Income School Program

SEC. 6221. PROGRAM AUTHORIZED.

(a) Grants to States.—

(1) in general.—From amounts appropriated under section 6234 for this subpart for a fiscal year that are not reserved under subsection (b), the Secretary shall award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that use applicable funds under this subpart for a fiscal year.

(2) formula grants.—For the purposes described in paragraph (1) for a fiscal year, the Secretary shall award grants to States to enable the local educational agencies to carry out activities authorized under this subpart.

(3) Disbursement.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies that do not intend to use the applicable funding for other uses.

(4) Alternative Uses.—Each State educational agency that receives applicable funding for a fiscal year shall carry out activities authorized under section (a) for which the local educational agencies do not intend to use the applicable funding for other uses.

(5) Allocation.—Each State educational agency that receives applicable funding for a fiscal year shall allocate the applicable funding to the local educational agencies in all States for that fiscal year.

(b) Priority.—Each State educational agency that receives applicable funding for a fiscal year shall meet the requirements of section 1116.

(c) Special Priorities.—If applicable funding is increased in the same basis as such payments were reduced.

(d) Disbursement.—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 fiscal year.

(e) Special Eligibility Rule.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 1.

SEC. 6231. ALLOCATION.

(a) General.—Each local educational agency that uses or receives funds under this subpart for a fiscal year shall submit an annual assessment that is consistent with section 1111(b)(3).

SEC. 6232. USE OF MARGINAL FUNDING.

(a) General.—From amounts appropriated under section 6234 for this subpart for a fiscal year that are not reserved under subsection (b), the Secretary shall award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have grants under this subpart for the fiscal year.

(b) Allocation.—Each State educational agency that receives applicable funding for a fiscal year shall allocate the applicable funding to the local educational agencies in all States for that fiscal year.
SUBPART 3—General Provisions

SEC. 6231. ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.

SEC. 6232. SUPPLEMENT, NOT SUPPLANT.

SEC. 6233. RULE OF CONSTRUCTION.

SEC. 6234. RULE OF CONSTRUCTION.

SEC. 6235. AUTHORIZATION OF APPROPRIATIONS.

SEC. 6236. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

SEC. 6237. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

SEC. 6238. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

SEC. 6239. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

SEC. 6240. AUTHORIZATION OF APPROPRIATIONS.

SEC. 6241. ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.

SEC. 6242. SUPPLEMENT, NOT SUPPLANT.

SEC. 6243. RULE OF CONSTRUCTION.

SEC. 6244. AUTHORIZATION OF APPROPRIATIONS.

SEC. 6245. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

SEC. 6246. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

SEC. 6247. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

SEC. 6248. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.
SEC. 411. NATIONAL ASSESSMENT OF EDUCATION PROGRESS.

(a) Establishment.—The Commissioner shall, with the advice of the National Assessment Governing Board established under section 412, and technical assistance from the Advisory Council established under section 407, carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, a National Assessment of Educational Progress, which collectively refers to a national assessment, State assessments, and a long-term trend assessment in reading and mathematics.

(b) Purpose; State Assessments.—

(1) Purpose.—The purpose of this section is to provide, in a timely manner, a fair and accurate measurement of student academic achievement and reporting trends in such achievement in reading, mathematics, and other subject matter as may be specified in this section.

(2) Measurement and Reporting.—The Commissioner, in carrying out the measurement and reporting described in paragraph (1), shall—

(A) use a random sampling process which is consistent with relevant, widely accepted professional assessment standards and that produces data that are representative on a national and regional basis;

(B) conduct a national assessment and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in public and private, elementary schools and secondary schools at least once every two years, in grades 4 and 8 in reading and mathematics, and in grade 12 in regularly scheduled intervals, at least as often as such assessments were conducted prior to the date of enactment of the No Child Left Behind Act of 2001;

(C) conduct a national assessment and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in grades 4, 8, and 12, and in grade 12 in regularly scheduled intervals in additional subject matter, including writing, science, history, geography, civics, economics, foreign languages, and arts, and the trend assessment described in subparagraph (F);

(E) conduct the reading and mathematics assessments described in subparagraph (B) in the same year, and one other year thereafter, to provide for one year in which no such assessments are conducted in between each administration of such assessments;

(F) conduct to detect the trend assessment of academic achievement at ages 9, 13, and 17 for the purpose of maintaining data on long-term trend data and mathematics in grades 4 and 8 as described in paragraphs (1)(B) and (1)(E);

(ii) may conduct the State academic assessments of student achievement in reading and mathematics in grade 12 as described in paragraph (1)(C);

(iii) may conduct State academic assessments of student achievement in grades 4, 8, and 12 as described in paragraph (1)(D); and

(iv) shall conduct each such State assessment, in each subject area and at each grade level, on a developmental basis until the Commissioner determines, as the result of an evaluation required by subsection (f), that such assessment produces high quality data that are valid and reliable.

(B) Agreement.—

(i) In general.—States participating in State assessments shall, in agreement with the Secretary pursuant to subsection (d)(3),

(ii) Content.—Such agreement shall contain information sufficient to give States full information under this section by an agent or agents of the Federal Government to rank, compare, or otherwise evaluate individual students or teachers, to provide rewards or sanctions for individual students, teachers, schools, or local educational agencies.

(iii) Special rule.—A State participating in the biennial national assessments of student achievement in reading and mathematics in grades 4 and 8 in public and private, elementary schools and secondary schools shall not be required to provide access to the data generated under this section (which shall include the consensus process used, on objectives to be tested, and the standards for random sampling, test administration, student security, data collection, validation, and reporting).

(C) Review and Release.—

(i) In General.—Except as provided in clause (ii), a participating State shall review and give permission for the release of results from any test of its students administered as a part of the assessment described in paragraph (1) to release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

(ii) Special Rule.—A State participating in the biennial national assessments of student achievement in reading and mathematics in grades 4 and 8, and in grade 12 as described in paragraph (1)(C); and

(iii) Content.—Such agreement shall contain information sufficient to give States full information under this section by an agent or agents of the Federal Government to rank, compare, or otherwise evaluate individual students or teachers, or to provide rewards or sanctions for individual students, teachers, schools, or local educational agencies.

(D) Special Rule.—Any assessment authorized under this section shall not be used by an agent or agents of the Federal Government to establish, require, or influence the standards, assessments, curriculum, including lesson plans, textbooks, or classroom materials, or instructional practices of States or local educational agencies.

(E) Accessibility.—

(A) In general.—The purpose of this section is to provide, in a timely manner, a fair and accurate measurement of student academic achievement and reporting trends in such achievement in reading, mathematics, and other subject matter as may be specified in this section.

(B) Use.—The Commissioner may not use any assessment authorized under this section for purposes of monitoring the performance of any Federal or State program.

(C) Federal Assessments.—Nothing in this section shall be construed to prescribe the use of any assessment authorized under this section for the promotion or graduation purposes.

(D) High School.—

(A) In general.—Nothing in this section shall be construed to affect high school schools, whether or not a home school is treated as a home school or a private school under subsection (a), nor shall any such high school student be required to participate in any assessment referenced or authorized under this section.

(B) Requirement.—In carrying out any assessment authorized under this section, the Commissioner, in a manner consistent with paragraphs (1) and (2), may—

(A) use widely accepted professional testing standards, objectively measure academic achievement, knowledge, and skills, and ensure that any cognitive questions used under this section be tests that do not evaluate or assess personal or family beliefs and attitudes or publicly disclose personally identifiable information;

(B) only collect information that is directly related to the appraisal of academic achievement, and to the fair and accurate presentation of such information; and

(C) collect information on race, ethnicity, socioeconomic status, disability, limited English proficiency, and other factors.

(2) Technical Assistance.—In carrying out any assessment authorized under this section, the Commissioner shall provide technical assistance to States, localities, and other parties.

(3) Access.—

(A) In general.—Except as provided in this section, the public shall have access to all assessment data, questions, and complete current assessment instruments of any assessment authorized under this section. The local and State educational agencies shall make reasonable efforts to inform parents and members of the public about the access required under this paragraph.

(B) Timeliness.—The access described in this paragraph shall be provided within 45 days of the date the request was made, in writing, and be made available in a secure setting that is convenient to both parties.

(3) Prohibition.—To protect the integrity of the assessment, no copy of the assessment items or assessment instruments shall be duplicated or taken from the secure setting.

(4) Complaints.—

(A) In general.—Parents and members of the public may submit written complaints to the National Assessment Governing Board.

(B) Forwarding of Complaints.—The National Assessment Governing Board shall forward such complaints to the Commissioner, the Secretary of Education, and the State and local educational agency from within which the complaint originated within 30 days of receipt of such complaint.

X. REVIEW.—The National Assessment Governing Board, in consultation with the Commissioner, shall review such complaint and determine whether revisions are necessary and appropriate. As determined by such review, the Board shall reserve, as necessary and appropriate, the procedures or assessment items that have generated the complaint and respond to the individual submitting the complaint, with a copy of such response provided to the Secretary, describing any action taken, not later than 30 days after so acting.

X. REPORT.—The Secretary shall submit a summary report of all complaints received pursuant to subparagraph (A) and responses by the National Assessment Governing Board pursuant to subparagraph (B) to the appropriate committee of the House Committee on Education and the Workforce, and the Chairman of the Senate Committee on Health, Education, Labor, and Pensions.

(E) Cognitive Questions.—

(i) In general.—The Commissioner may decline to make available through public means, such as posting on the Internet, all cognitive questions available as described in clause (i) for a period longer than 10 years if the Commissioner determines such additional period is necessary to protect the security and integrity of long-term trend data.

(2) Personally Identifiable Information.—

(A) In general.—The Commissioner shall ensure that all personally identifiable information about students, their academic achievement, and their families, and that information that is not personally identifiable, remains confidential, in accordance with section 522a of title 5, United States Code.
“(B) PROHIBITION.—The National Board, the Commissioner, and any contractor or subcontractor shall not maintain any system of records containing a student’s name, birth information, Social Security or other personally identifiable information.

“(4) PENALTIES.—Any unauthorized person who becomes a party to,000, publishes, or otherwise makes available any assessment questions, or complete and current assessment instruments of any assessment authorized under this section may be fined as specified in section 1111(b). United States Code or charged with a class E felony.

“(d) PARTICIPATION.—

“(1) VOLUNTARY PARTICIPATION.—Participation in any assessment authorized under this section shall be voluntary for students, schools, and local educational agencies.

“(2) STUDENT PARTICIPATION.—Parents of children selected to participate in any assessment authorized under this section shall be informed before the administration of any authorized assessment that their child may be excused from participation for any reason, is not required to finish any authorized assessment, and is not required to answer any test question.

“(3) REVIEW.—

“(A) GENERAL.—The National Assessment Governing Board shall provide for a review of any trial student achievement levels under development by representatives of State educational agencies for a period in a manner consistent with subsection (c), except the review described in subparagraph (2)(C) shall take place in consultation with the representatives described in this paragraph.

“(B) ISSUES ADDRESSED.—Such continuing review shall address—

“(i) whether any authorized assessment is properly administered, produces high quality data that are valid and reliable, is consistent with relevant widely accepted professional assessment standards, produces data on student achievement that are not otherwise available to the State (other than data comparing participating States to each other and the Nation);

“(ii) whether student achievement levels are reasonable, valid, reliable, and informative to the public;

“(iii) whether any authorized assessment is being administered as a random sample and is reporting the trends in academic achievement in a valid and reliable manner in the subject areas being assessed;

“(iv) whether any of the test questions are biased, as described in section 412(e)(4); and

“(v) whether authorized assessments are measuring, consistent with this section, reading ability and mathematical knowledge.

“(2) REVIEW.—The Secretary shall report 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, the President, and the Nation on the findings and recommendations of such reviews.

“(3) USE OF FINDINGS AND RECOMMENDATIONS.—The Commissioner and the National Assessment Governing Board shall consider the findings and recommendations of such reviews in designing the competition to select the organizations, through which the Commissioner carries out the National Assessment.

“(4) COVERAGE AGREEMENTS.—

“(A) DEPARTMENT OF DEFENSE SCHOOLS.—The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary schools and secondary schools operated by the Department of Defense.

“(B) NATIONAL ASSESSMENT GOVERNING BOARD.—

“(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (hereafter in this title referred to as the ‘Board’), which shall be policy guidelines for the National Assessment.

“(b) MEMBERSHIP.—

“(1) APPOINTMENT AND COMPOSITION.—The Board shall be appointed by the Secretary and be composed as follows:

“(A) Two Governors, or former Governors, who shall not be members of the same political party.

“(B) Two State legislators, who shall not be members of the same political party.

“(C) Two chief State school officers.

“(D) One superintendent of a local educational agency.

“(E) One member of a State board of education.

“(F) One member of a local board of education.

“(G) Three classroom teachers representing the grade levels at which the National Assessment is conducted.

“(H) One representative of business or industry.

“(I) Two curriculum specialists.

“(2) Terms of service of members of the Board may be staggered and may not exceed a period of 4 years, as determined by the Secretary.

“(2) SERVICE LIMITATION.—Members of the Board may serve not more than two terms.

“(3) CHANGE OF STATUS.—A member of the Board who changes status under section (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

“(4) CONFORMING PROVISION.—Members of the Board who were previously appointed whose terms are in effect on the date of enactment of the Department of Education Appropriations Act, 2001, shall have their terms extended by one year.

“(4) VACANCIES.—

“(1) IN GENERAL.—

“(A) ORGANIZATIONS.—The Secretary shall appoint new members to fill vacancies on the Board from among individuals who are nominated by organizations representing the type of individuals described in subsection (b)(1) with respect to which the vacancy exists.

“(B) NOMINATIONS.—Each organization submitting nominations to the Secretary with respect to a particular vacancy shall nominate for such vacancy six individuals who are qualified by experience or training to fill the particular Board vacancy.

“(C) MAINTENANCE OF BOARD.—The Secretary’s appointments shall maintain the composition, diversity, and balance of the Board required under subsection (b).

“(D) ADDITIONAL PROVISIONS.—The Secretary may request that each organization described in paragraph (1)(A) submit additional nominations if the Secretary determines that the type of individuals nominated by such organization have appropriate knowledge or expertise.

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"(e) Duties.—

(1) IN GENERAL.—In carrying out its functions under this section the Board shall—

(A) select the subject areas to be assessed (consistent with section 407); 

(B) develop appropriate student achievement levels as provided in section 411(e); 

(C) develop the assessment objectives consistent with the requirements of this section and test specifications that produce an assessment that is valid and reliable, and are based on relevant widely accepted professional standards; 

(D) develop a process for review of the assessment which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public; 

(E) design the methodology of the assessment to ensure that assessment items are valid and reliable, in consultation with appropriate technical experts in measurement and assessment, content and subject matter, sampling, and other technical, methodological, and non-ideological aspects who engage in large scale surveys, including the Advisory Council established under section 407; 

(F) consistent with section 411, measure student achievement in grades 4, 8, and 12 in the authorized academic subjects; and 

(G) develop guidelines for reporting and disseminating results; 

(H) develop standards and procedures for regional and national comparisons; and 

(I) take appropriate actions needed to improve assessment design and reporting of results of any assessment authorized by section 411 consistent with the provisions of this section and section 411.

(2) Delegation.—The Board may delegate any of the Board's procedural and administrative functions to its staff.

(3) ALL COGNITIVE AND NONCOGNITIVE ASSESSMENT PROGRAMS.—The Board shall have final authority on the appropriateness of all assessment items.

(4) PROHIBITION AGAINST BIAS.—The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias and are secular, neutral, and non-ideological.

(5) TECHNICAL.—In carrying out the duties required by paragraph (1), the Board may seek technical advice, as appropriate, from the Commissioner and the Advisor in Council on Education Statistics and other experts.

(6) REPORT.—Not later than 90 days after an evaluation of the student achievement levels under section 411, the Board shall make a report to the Secretary, the Committee on Education and the Workforce of the House of Representa-tives, and the Committee on Health, Education, and Labor of the Senate describing the steps the Board is taking to respond to each of the recommendations contained in such evaluation.

(7) PERSONNEL—

(1) IN GENERAL.—In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department.

(2) STAFF.—

(A) IN GENERAL.—The Secretary may appoint, under regulations prescribed by the Secretary, such staff as will enable the Board to carry on its responsibilities.

(B) TECHNICAL EMPLOYEES.—Such appointments may include, for terms not to exceed three years and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than six technical employees selected who may be paid with- out regard to the provisions of chapter 51 and subchapter III of chapter 33 of such title relating to classification and General Schedule pay rates.

(g) COORDINATION.—The Commissioner and the Board shall meet periodically—

(1) to review the implementation of their duties and activities relating to the National Assessment; and

(2) for the Commissioner to report to the Board on the Department's actions to implement the decisions of the Board.

(h) ADMINISTRATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board, other than sections 10, 11, and 12 of such Act.

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

SEC. 701. INDIANS.

Title VII (20 U.S.C. 7401 et seq.) is amended as read follows:

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

PART A—INDIAN EDUCATION

SEC. 7101. STATEMENT OF POLICY.

It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, and other entities toward the goal of ensuring that programs for Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

SEC. 7102. PURPOSE.

(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same academic standards that are used for all students; and

(b) Programs.—This part carries out the purpose described in (a) by authorizing programs of direct assistance for—

(1) meeting the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same academic standards that are used for all students; and

(2) the education of Indian children and adults;

(3) the training of Indian persons as educators and counselors, and in other professions serving Indian peoples; and

(4) research, evaluation, data collection, and technical assistance.

Subpart 1—Formula Grants to Local Educational Agencies

SEC. 7111. PURPOSE.

It is the purpose of this subpart to support local educational agencies in their efforts to improve elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

(1) are based on challenging State academic content and student academic achievement standards that are used for all students; and

(2) are designed to assist Indian students in meeting those standards.

SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 7113, to local educational agencies and Indian tribes, in accordance with this section and section 7113.

(b) LOCAL EDUCATIONAL AGENCIES.—

(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this part for any fiscal year if the number of Indian children eligible under section 7117 who were enrolled in the schools of the agency, and attending the agency provided free public education, during the preceding fiscal year—

(2) was at least 10; or

(3) consisted of 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 is otherwise eligible 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 is not subject to section 7114(c)(4), section 7116(c), or section 7119.

SEC. 7113. AMOUNT OF GRANTS.

(a) AMOUNT OF GRANT AWARDS.—

(1) IN GENERAL.—Local educational agencies as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to—

(A) the number of Indian children who are eligible under section 7117 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) 10 percent of the average per pupil expenditure of all the States.

(2) REDUCTION.—The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

(3) MINIMUM GRANT.—

(1) IN GENERAL.—Outstanding subsection (e), an entity that is eligible for a grant under section 7112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (a), 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 grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

(4) DEFINITION.—For the purpose of this section, the term 'average per pupil expenditure', with respect to 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 most recent 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 for whom such agencies provided free public education during such preceding fiscal year.

(c) GRANTS OPERATED BY THE BUREAU OF INDIAN AFFAIRS.—

(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the State or tribe 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 conceived to carry out the educational purposes of the Government, for the children of that tribe under a contract with, or grant from, the Department of
SEC. 7114. 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.

(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.

SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.—

(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the funds provided to the local educational agency under this subpart in meeting the goals of the program for which assistance is sought, in meeting the needs of Indian children and their families, and in providing an education, including culturally responsive teaching and learning strategies into the educational program of the local educational agency;

(b) P LANNING REQUIREMENTS.—(1) The local educational agency shall submit an application for a grant under this subpart, in meeting the goals of the program for which assistance is sought, in meeting the needs of Indian children and their families, and in providing an education, including culturally responsive teaching and learning strategies into the educational program of the local educational agency;

(c) SUBMISSION OF APPLICATION.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

(d) CONSOLIDATION OF ACTIVITIES.—(1) The services and activities described in subsection (a) may include the conduct of the activities of the committee established pursuant to section 7114(c)(4); and

(e) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart to support a schoolwide program under section 1114 shall be used for administrative costs.
"(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

(3) describe a comprehensive strategy that identifies the potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives stated in this part;

(4) describe the way in which 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 agency or agencies involved in the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

(8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and

(9) be approved by a committee formed in accordance with section 7114(c)(4), if such a committee exists.

(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with each Federal department or agency providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any requirements of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity and be the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those provisions of the statute from which the delegated derivative authority that are specifically applicable to Indian students.

(f) PLAN APPROVAL.—Within 90 days after the receipt of an eligible entity’s plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary’s approval or disapproval of the plan. If the plan is disapproved, the entity 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 No Child Left Behind Act of 2001, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency head for a demonstration project shall be—

(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

(2) the Secretary of Education, in the case of any other entity.

(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency 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 use 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.—A single report format shall be developed by the Secretary, consistent with the objectives of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements that have not been waived.

(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.—Program funds for the consolidated programs are authorized 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 and that the entity has determined and is in compliance with the proportion of the funds granted 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 combine all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under such program or agency’s regulations). The overage (defined as the difference between the amount of the combined funds and the actual administrative cost of the program) shall 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 lead agency or the lead agency’s authority to fulfill the responsibilities of the Secretary of Education for safeguarding Federal funds pursuant to chapter 75 of title 31, United States Code.

(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM IMPLEMENTATION.——(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001, 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) IN FINAL REPORT.—Not later than 5 years after the date of enactment of the No Child Left Behind Act of 2001, 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 the services integrated by participating entities to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

(p) DEFINITIONS.—For the purposes of this section, the term ‘Secretary’ means—

(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

(2) the Secretary of Education, in the case of any other entity.

SEC. 7117. 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.—The forms described in subsection (a) shall include—

(1) either—

(A) the name of the tribe or band of Indians (as defined in section 7151) with respect to which the child claims membership;

(B) the name, the enrollment number (if readily available), and the name and address of the enrollment responsibility agency providing updated and accurate membership data, or

(C) a statement of whether the tribe or band of Indians (as so defined) is a jurisdiction.

(2) any other information that the Secretary considers necessary to provide an accurate program profile.

(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 7151.

(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the burden of proof of good faith) 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 7113, 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 the tribe or band.

(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 responsibilities of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The samples conducted under this subparagraph shall take into account the size of and the geographic location of such local educational agencies.

"(B) Eligible 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, to the date of completion, or to the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Head Start and 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.

"(g) 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 under this subpart.

"(h) Tribal Grant and Contract Schools.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, the Secretary shall use only 1 of the following, as selected by the school:

"(1) A count of the number of students in the schools certified by the Bureau.

"(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

"(i) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (g)(1)), the local educational agency shall—

"(1) (A) if the number of students is in an application under section 7114; 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. 7119. STATE EDUCATIONAL AGENCY REVIEW.

"Before submitting an application to the Secretary under section 7114, a local educational agency shall submit the application to the State educational agency for the preceding fiscal year, or for 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 7114; and

"(d) Reallocation.—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 that the amounts available to such agencies to carry out approved programs under this subpart; or

"(2) otherwise become available for reallocation under this subpart.

"(j) Grant Requirements and Applications.—

"(1) In General.—The Secretary shall make the payment determined under section 7113 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, the combined fiscal effort of the local educational agency and the State, computed on either a per student or per pupil 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 to Maintain Effort.—If, for the preceding fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort for such agency and State as 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 agency and State expenditures for the preceding 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).

"(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 or inability of such agency to comply with the 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 agency's expenditures for the fiscal year preceding the fiscal year for which a 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.

"(d) Grants Authorized.—

"(1) In General.—The Secretary shall award grants to eligible entities to carry out activities that meet the purpose of this section, including—

"(A) innovative programs related to the educational needs of economically 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) 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 high 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 to postsecondary education;

"(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-scope 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;

"(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or

"(M) other services that meet the purpose described in this section.

"(2) Professional Development.—Professional development of teaching professionals and other professionals, or the preparation of any program assisted under this section.

"(3) Grant Requirements and Applications.—

"(A) In General.—The Secretary shall award grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 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 plan combining more than one activity.
paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities authorized under the section 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 (b) 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) demonstrates educational merit; and

(iii) can be replicated.

(c) 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 reasonably 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 children of Indian tribes and organizations have been 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) a statement demonstrating that the proposed program for the activities is a scientifically based research program, where applicable, 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.

(d) DISSEMINATION GRANTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

SEC. 7112. IN-SERVICE TRAINING FOR TEACHERS AND EDUCATION PROFESSIONALS.

(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 improve 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.—For the purpose of this section, the term ‘eligible entity’ means—

(1) an institution of higher education, including an Indian institution of higher education;

(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

(3) an Indian tribe or organization, in consortium with an institution of higher education; and

(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Grant funds under this section 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, and shall include programs designed to train tribal elders and seniors.

(2) SPECIAL RULE.—

(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

(B) PROGRAM.—For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

(3) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary in such manner, and accompanied by such information, as the Secretary may reasonably require.

(4) SPECIAL RULE.—In awarding grants under this section, the Secretary—

(a) shall consider the prior performance of the eligible entity; and

(b) may establish the eligibility to receive a grant under this section on the basis of—

(i) the number of previous grants the Secretary has awarded such entity; or

(ii) the number of years the entity has been adequately reviewed.

(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

(h) SERVICE OBLIGATION.—

(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

(i) perform work—

(I) related to the training received under this section; and

(ii) that benefits Indian people; or

(ii) repay all or a prorated part of the assistance received.

(2) REPORTING.—The Secretary shall estab-

(iii) toward a postbaccalaureate degree in lish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

SEC. 7113. IN-SERVICE TRAINING FOR INDIAN STUDENTS.

(a) FELLOWSHIPS.—

(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to pursue a course of study at an Indian tribe, Indian institution of higher education, or accredited postsecondary school.

(iii) to a student enrolled in an institution of higher education authorized to award fellowships under section 7122(c), the Secretary may award fellowships to Indian students enrolled in such schools.

(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study at—

(A) of not more than 4 academic years; and

(B) that leads to—

(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field.

(ii) toward an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

(3) TERMS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependent of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

(4) 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.

(4) Program authorized.—In addition to the grants authorized by subsection (a), 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—

(1) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

(2) a consortium of—

(A) a tribal college;

(B) an institution of higher education that awards a degree in education; and

(C) one or more public schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

(5) USE OF FUNDS.—

(1) IN-SERVICE TRAINING.—A consortium that receives a grant under subsection (a) shall use the grant funds only to provide high quality in-service training for Indian education personnel, and shall select personnel who are not Indians, in schools of local educational agencies with substantial numbers of Indian children in their schools, in order to better meet the needs of those children.

(2) COMPONENTS.—The training described in paragraph (1) shall include such activities as preparing teachers to use the best available scientifically based research practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the diverse needs of Indian children in their classrooms.

(3) PREFERENCE FOR INDIAN APPLICANTS.—In applying section 7143 to this section, the Secretary shall give a preference to any consortium that includes 1 or more of the entities described in section 7143.

(4) SEC. 7133. FELLOWSHIPS FOR INDIAN STUDENTS.

(a) FELLOWSHIPS.—

(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to pursue a course of study at—

(i) of not more than 4 academic years; and

(ii) that leads to—

(iii) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field.

(iv) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field.

(v) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field.

(vi) toward an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

(vii) toward an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study at—

(A) of not more than 4 academic years; and

(B) that leads to—

(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field.

(ii) toward an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

(3) TERMS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependent of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

(4) 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) from an academic term under notice that—

(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) SERVICES TO INDIVIDUALS.—

(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 requirements described in paragraph (1).

(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contractual agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

SEC. 1714. 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 contracts to, or with, any entity that—

(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 from accredited; or

(B) the American Indian Higher Education Consortium, if the Secretary does not receive applications that the Secretary determines to be appropriate from 2 colleges that meet the requirements of paragraph (1).

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds made available through the grants or contracts entered into, by the Secretary under subsection (b) shall be used for—

(A) establishment of centers described in subsection (a); and

(B) carrying out demonstration projects described in subsection (c).

(2) SPECIAL RULE.—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 psychological needs of such students; and

(ii) providing services to the families of such students as are needed to enable such students to benefit from the projects;

(B) the conduct of educational, psychosocial, and developmental activities described in this subsection.

(4) 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.

(5) 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.

(c) INFORMATION NETWORK.—The Secretary shall establish a national information network 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. 7115. 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 culturally relevant educational planning program 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 programs;

(B) coordinate the provision of any needed special services for conditions such as disabilities and English language needs; and

(C) provide technical assistance to the school.

(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 renewal of the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

(d) APPLICATION FOR GRANT.—

(1) IN GENERAL.—Each Indian tribe and tribal organization desiring to receive 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 require.

(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) 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 jurisdiction of the tribe or band that would 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 title I of the Education Amendments of 1978.

SEC. 7136. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

(a) In General.—The Secretary shall make grants to State educational agencies, local educational agencies, and Indian tribes, institutions, and organizations—

(1) for 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 participate in advanced research and development programs to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

(3) to make grants to adult Indians who are technically unemployed, for the purpose of attending a secondary school or a community college;

(4) to Indian adults.

(b) EDUCATIONAL SERVICES.—The Secretary may grant to Indian tribes, institutions, and organizations funds to develop and establish education 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 for adult Indians.

(d) 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) CONTENT.—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;

(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 organizations—

(A) that have demonstrated that there will be 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 provision of opportunities to all Indian children.

(5) 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 section for a fiscal year may be used for administrative costs.

Subpart 4—Federal Administration

SEC. 7141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to 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 organizations; and

(2) represent different geographic areas of the United States.

(b) DUTIES.—The Council shall—

(1) advise the Secretary concerning the fund- ing and administration (including the develop- ment of regulations and administrative policies and practices) of any program, including any program described in subparagraph (A), under subpart 2 or subpart 3 unless the Secretary determines that such program is not an appropriate tribal community;

(2) provide for the participation in the planning of Indian education whenever a vacancy occurs; and

(3) report 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 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. 7142. PEER REVIEW.

The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

SEC. 7143. PREFERENCE FOR INDIAN APPLICANTS.

In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to the jurisdictions, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

SEC. 7144. MINIMUM GRANT CRITERIA.

(a) The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 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 5—Definitions; Authorizations of Appropriations

SEC. 7151. DEFINITIONS.

(1) For the purposes of this part—

(A) the term ‘‘adult’’ means an individual who—

(i) has attained the age of 18 years; or

(ii) has attained an age that is greater than the age of compulsory school attendance under an applicable State law;

(2) the term ‘‘Indian’’ means an individual who—

(A) a member of an Indian tribe, as defined in section 3 of this title;

(B) provided that the Secretary determines that the term ‘‘Indian’’ includes—

(i) any tribe or band recognized by the State in which the tribe or band resides;

(ii) any tribe or band recognized by the State in which the tribe or band resides; and

(C) the Secretary may, in the first or second degree, of an individual described in subparagraph (A); or

(D) an Eskimo, Aleut, or other Alaska Native;

SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $156,000,000 for fiscal year 2002 and such sums may be necessary for each of the 5 succeeding fiscal years.

SEC. 7153. AUTHORIZATIONS OF APPROPRIATIONS.

(a) SUBPART 2.—For the purpose of carrying out subpart 2, there are authorized to be appropriated $220,000,000 for fiscal year 2002 and such sums may be necessary for each of the 5 succeeding fiscal years.

PART B—NATIVE HAWAIIAN EDUCATION

SEC. 7201. SHORT TITLE. ""This part may be cited as the ‘‘Native Hawaiian Education Act.’’"

SEC. 7202. FINDINGS. ""Congress finds the following:

(1) That the Hawaiian Islands were a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a communal land tenure system recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

(2) That the time of the arrival of the first non-Indian 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 recognized as a nation by the United States, Britain, France, and Japan; and that, in the 1832 Constitution of the Kingdom of Hawai‘i, the Hawaiian language was recognized as the sovereign and independent of
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the Kingdom of Hawa‘i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawa‘i, and entered into treaties and conventions of friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) The Hawaiian Islands, being a 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 of the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign land;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of the Hawaiian Islands; and

(C) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives.

(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. 396, 396a), a provision to lease lands within the Hawaiian Islands to the United States; and

(B) the Native American Indian Religious Freedom Act (42 U.S.C. 1996);

(C) The National Museum of the American Indian Act (20 U.S.C. 25, 2501 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. 4001 et seq.);

(H) the Workforce Investment Act of 1998 (29 U.S.C. 2901 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 6001 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 Education Report’’, was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, and that Native Hawaiian students 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. 139) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

(16) In 1993, the Kamehameha Schools Bishop Estate initiated a 9-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 exist for Native Hawaiians.

(17) The United States has recognized and reaffirmed the trust responsibility to the State of Hawa‘i, affirmed the trust relationship between the United States and the Hawaiian people by retaining the legal title of all lands held by the Republic of Hawa‘i, and to permit fishing in the area described by then Secretary of the Interior Frank L. 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.’’

(18) 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 Frank L. 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.’’

(19) Following the overthrow of the Kingdom of Hawa‘i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawa‘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 to express the uniqueness of the Hawaiian people and to perpetuate their culture and religious customs, beliefs, practices, and language;
“(A) 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 publicly funded schools; and

“(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise to carry out and essential means to further the program.

**SEC. 2703. PURPOSES.**

“The purposes of this part are to—

(1) authorize and develop innovative educational programs to assist Native Hawaiians;

(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus 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. 2704. 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 programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereinafter in this part referred to 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 serve for staggered terms of 3 years, except as provided in paragraph (4).

(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 shall be appointed by the Secretary on the recommendation of the Education Council and each island council.

“(d) Native Hawaiian Education Council Grant.—The Secretary shall make a direct grant to the Education Council to carry out the following activities:

(1) Coordinate the educational and related services provided by 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.

“(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 to the Secretary, 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 provide an annual report to the Secretary on the Education Council’s activities.

“(3) Island Council Support and Assistance.—(A) The Secretary shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (j) 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 island councils (hereafter in this part referred to 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 educators, including those who are interested in the education of Native Hawaiians, and shall be representatives of individuals concerned with the educational needs of all age groups, from preschool through adults. At least ¼ 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 either the Education Council or an island council, but in any event not less than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall 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 No Child Left Behind Act of 2001, 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.

**SEC. 2705. 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; and

(B) Native Hawaiian community-based organizations;

(2) 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

(3) Consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (B) to carry out programs that meet the purposes of this part.

“(b) 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—

(1) Beginning reading and literacy among students in kindergarten through third grade;

(2) The needs of at-risk children and youth; and

(3) The needs of at-risk children and youth in which Native Hawaiians are underrepresented; and

“(c) The use of the Hawaiian language in instruction.

“(d) Authorized Activities.—Activities provided through programs carried out under this part may include—

(1) 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;

(2) The operation of family-based early 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 5;

(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;

(3) 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 Hawaiian and English language literacy for Hawaiian speakers in fifth and sixth grade;

(4) 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;

(5) Activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

(i) educational, psychological, and developmental activities designed to maximize 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;

(6) The development of academic and vocational curricula to address the needs of Native Hawaiian children and youth, including core materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

(7) 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) recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

(8) The operation of trained 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; 
“(iii) educational and adult education programs; and 
“(iv) programs that recognize and support the unique educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors; 
“(v) activities, including program co-location, to enable Native Hawaiians to enter and complete programs of postsecondary education, including—
“(A) provision of full or partial scholorships 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; 
“(B) family literacy services; 
“(C) counseling and support services for students receiving scholarship assistance; and 
“(D) 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) monitoring, evaluation and validation 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 HAWAI’I.—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 scholarship pursuant to paragraph (3)(j).
“(B) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(j). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide educational services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.
“(5) NO TOYS.—No more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be used for administrative purposes.
“(c) AUTHORIZATION OF APPROPRIATIONS.—
“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section and section 7302 350,000,000 dollars as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.
“(2) RESERVATION.—Of the funds appropriated under subsection (c), the Secretary shall reserve 350,000,000 dollars for fiscal year 2002 and each of the 5 succeeding fiscal years to make a direct grant to the Education Council to carry out section 7304.
“(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.

**SEC. 7206. 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 a 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 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. 7207. DEFINITIONS.**

In this part—

(1) NATIVE HAWAIIAN.—The term ‘Native Hawaiians’ means any individual who—

(A) is a citizen of the United States; and

(B) is 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 ( oldest 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 non-profit 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 perspectives, 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 language of 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 organization; and

(C) is recognized by the Governor of Hawai’i for the purpose of planning, conducting, or administering (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. 7301. SHORT TITLE.**

This part may be cited as the ‘Alaska Native Educational Equity, Support, and Assistance Act’.

**SEC. 7302. FINDINGS.**

Congress finds and declares the following:

(1) The attainment of educational success is critical to the 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. Observed and recorded rates of high school dropouts are high, and Native students are frequently underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied educational opportunities.

(5) The programs authorized in this part, combined with expanded Head Start, infant development, 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) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers; Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunities for all students.

**SEC. 7303. PURPOSES.**

The purposes of this part are as follows:

(1) To recognize the unique educational needs of Alaska Native children.

(2) To authorizes the development of supplemental educational programs to benefit Alaska Natives.

(3) To supplement existing programs and authorities in the area of education to further the purposes of this part.

(4) To provide direction and guidance to appropriate Federal, State, municipal, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

**SEC. 7304. 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, suborganizations, or entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community- based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.

(b) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following:

(1) Development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

(2) Development of curricula and educational programs that address the educational needs of Alaska Native students, including the following:

(i) Curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives.

(ii) Instructional programs that make use of Native Alaskan languages.

(iii) Networks that introduce successful programs, materials, and techniques to urban and rural schools.

(3) Professional development activities for educators, including the following:

(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.

(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.

(4) The development and operation of home instruction programs for Alaska Native pre- school children, to ensure the active involvement of parents in their children’s education from the earliest ages.

(5) The programs authorized in this part, combined with expanded Head Start, infant development, 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) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers; Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunities for all students.

**SEC. 7303. PURPOSES.**

The purposes of this part are as follows:

(1) To recognize the unique educational needs of Alaska Native children.

(2) To authorize the development of supplemental educational programs to benefit Alaska Natives.

(3) To supplement existing programs and authorities in the area of education to further the purposes of this part.

(4) To provide direction and guidance to appropriate Federal, State, municipal, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

**SEC. 7304. 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, suborganizations, or entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.

(b) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following:

(1) Development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

(2) Development of curricula and educational programs that address the educational needs of Alaska Native students, including the following:

(i) Curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives.

(ii) Instructional programs that make use of Native Alaskan languages.

(iii) Networks that introduce successful programs, materials, and techniques to urban and rural schools.

(3) Professional development activities for educators, including the following:

(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.

(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.

(4) The development and operation of home instruction programs for Alaska Native pre-school children, 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—

(1) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math;

(2) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs described in section (a)(2), except for activities listed in subsection (d), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least 1 Alaska Native regional nonprofit organization.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated under this section such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

(2) AVAILABILITY OF FUNDS.—Of the funds appropriated under this section for a fiscal year, the Secretary shall make available—

(A) not less than $1,000,000 to support activities described in subsection (a)(2)(K);

(B) not less than $1,000,000 to support activities described in subsection (a)(2)(L);

(C) not less than $1,000,000 to support activities described in subsection (a)(2)(M);

(D) not less than $2,000,000 to support activities described in subsection (a)(2)(P); and

(E) not less than $2,000,000 to support activities described in subsection (a)(2)(Q).

SEC. 7305. 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 in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

(b) APPLICATIONS.—A State educational agency or local educational agency may apply for and receive 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 an award 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 an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.

SEC. 7306. DEFINITIONS.

(a) CONFORMING AMENDMENTS.

(1) HIGHER EDUCATION ACT OF 1965.—Section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1095e(b)) is amended—

(A) in paragraph (1), by striking “section 9308” and inserting “section 7306”;

(B) in paragraph (2), by striking “section 9212” and inserting “section 7207”.

(b) PUBLIC LAW 88–210.—Section 116 of Public Law 88–210 (20 U.S.C. 7602) is amended by striking “section 7114(c)(4)” and inserting “section 7114(c)(4)(A).”

(c) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (3), by striking “section 9121 of the Elementary and Secondary Education Act of 1965” and inserting “section 7207 of the Elementary and Secondary Education Act of 1965”;

(2) in paragraph (5), by striking “section 9121 of the Elementary and Secondary Education Act of 1965” and inserting “section 7207 of the Elementary and Secondary Education Act of 1965”; and

(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 7207 of the Native Hawaiian Education Act.”


(f) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (3), by striking “section 9121 of the Elementary and Secondary Education Act of 1965” and inserting “section 7207 of the Elementary and Secondary Education Act of 1965”; and

(2) in paragraph (5), by striking “section 9121 of the Elementary and Secondary Education Act of 1965” and inserting “section 7207 of the Elementary and Secondary Education Act of 1965”.

SEC. 703. SAVINGS PROVISIONS.

Funds appropriated for parts A, B, and C of title IX of the Elementary and Secondary Education Act of 1965 (as in effect before the date of enactment of this Act) shall be available for use under parts A, B, and C, respectively, of title VII of such Act, as added by this section.
amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies); and

(2) by striking `"`, except that for the purpose of calculating a local educational agency's assessed value of the Federal property" and inserting `"`, except that, for the purpose of calculating a local educational agency's assessed value of the Federal property, in addition to the Federal property's assessed value and minus the amount of Federal assistance received by the agency under section 8003(b)(2) for the fiscal year 2002, and shall proceed to make a minimum payment to a local educational agency equal to 90 percent of the amount received by the agency under this section for the fiscal year 2002.

SEC. 803. CONSTRUCTION.

(a) Eligibility for certain heavily impacted local educational agencies.—(1) Eligibility.—A local educational agency described in this subsection is eligible for a grant under this subsection if the agency is eligible to receive a grant under section 8003(a)(1) for the fiscal year 2002 and has submitted an application for a grant under section 8003(b)(2) for the fiscal year 2002 and has submitted an application for a grant under section 8003(b)(2) for the fiscal year 2002.

(2) Fund Available.—The Secretary shall make a minimum payment to a local educational agency described in paragraph (1), for each fiscal year ending on September 30th, in an amount equal to 90 percent of the amount received by the agency under this section for the preceding fiscal year.

(b) Applications for Eligible Federally Connected Children.—(1) Eligibility.—A qualified local educational agency described in this subsection is eligible for a grant under this section if the agency is eligible to receive a maximum payment under subsection (a) by the total of the maximum amounts for all such agencies; and

(2) Application.—The Secretary shall treat as timely filed an application under section 8002 (20 U.S.C. 7702) for a school district on or before the date of enactment of this Act.

SEC. 804. MODERNIZATION GRANTS.

(a) Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition.—Section 8002 (20 U.S.C. 7702) is amended by adding at the end the following:

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(3) Eligibility Requirement.

(A) For a grant under this subsection, the Secretary shall

(B) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (C) or (D) of paragraph (3) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(C) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (A) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(D) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (B) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(E) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (C) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(F) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (D) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(G) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (E) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(H) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (F) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(I) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (G) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(J) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (H) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(K) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (I) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(L) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (J) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(M) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (K) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(N) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (L) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(O) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (M) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(P) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (N) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(Q) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (O) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(R) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (P) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(S) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (Q) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(T) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (R) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(U) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (S) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(V) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (T) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(W) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (U) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(X) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (V) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(Y) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (W) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(Z) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (X) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(aa) The number of children determined under section 8003(a)(1)(C) for the agency for the fiscal year 2002 shall be counted at least 49 percent of the total student enrollment in the schools of the agency during the preceding school year.

(bb) The number of children determined under subparagraph (B) and (D) of section 8003(a) for the agency for the preceding school year constituted at least 49 percent of the total student enrollment in the schools of the agency during the preceding school year.

(cc) The agency has an assessed value of real property per student that is less than the average of the assessed value of real property per student that may be used for school purposes that is less than the average of the assessed value of real property per student that may be used for school purposes in the district in which the local educational agency is located.

(dd) A local educational agency is eligible to receive a modernization grant under this subsection if the agency is eligible to receive assistance under section 8002(b)(2) for the fiscal year and meets the requirements of subsection (a) for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year.

(ee) The agency is eligible to receive assistance under subsection (a) for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year.

(ff) The agency is eligible to receive assistance under subsection (a) for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year.

(gg) The agency is eligible to receive assistance under subsection (a) for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year.

(hh) The agency is eligible to receive assistance under subsection (a) for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year and has submitted an application for a grant under section 8003 for the fiscal year.

(iii) The Secretary shall give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (C) or (D) of paragraph (3) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(3) Special Rule.—(A) Emergency Grants.—A local educational agency is eligible to receive an emergency grant under paragraph (2)(A) if the agency is a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal year is (I) has no practical capacity to issue bonds; (II) has minimal capacity to issue bonds and is at not less than 75 percent of the agency's limit not bonded; and (III) does not meet the requirements of subparagraph (C)(ii) or (C)(ii) for a grant under this subsection.
“(D) The school meets at least one of the following requirements:

(aa) The number of children determined under section 8003(a)(1)(C) for the school for the preceding school year constituted at least 40 percent of the total student enrollment in the school during the preceding school year.

(bb) The number of children determined under subparagraph (A)(i) and (D)(i) of section 8003(a)(1) for the school for the preceding school year constituted at least 40 percent of the total student enrollment in the school during the preceding school year.

(iii) the agency

(c) FEDERAL PROPERTY ACQUISITION.

(i) a description of the project for which a grant will be located.

(d) A description of the project for which a grant under this subsection will be used, including a cost estimate for the project.

(E) A description of the interest in, or authority over, the school facility involved, such as an ownership interest or a lease arrangement.

(F) Such other information and assurances as the Secretary may reasonably require.

[iii]"
provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

(C) SPECIAL PUPIL.—If the local educational agency finding that such a child 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 the purpose of this Act—

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

(ii) consider the child to be in attendance at a school of the agency receiving the payment.

(D) CHILDREN WITH DISABILITIES.—If a local educational agency, 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 purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.

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

(i) the aggregate current expenditures, during the fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all State 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) the aggregate current expenditures of the divisions of a State used by the Secretary to calculate the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all educational agencies in the State or, in the case of the United States, for all States of all educational agencies within the age limits for which the State educational agency pursuant to section 9302.

(12) 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.

(13) FEDERAL PROGRAM.—The term ‘covered program’ means each of the programs authorized by—

(14) CURRENT EXPENDITURES.—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 current 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 part A of title V;

(15) DEPARTMENT.—The term ‘Department’ means the Department of Education.

(16) DISTANCE LEARNING.—The term ‘distance learning’ means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

(17) EDUCATIONAL SERVICE AGENCY.—The term ‘educational service agency’ means a regional public multiservice agency authorized by State statute and funded under title I and part A of title III; a regional public multiservice agency authorized by State statute and funded under part D of title II; or a regional public multiservice agency authorized by State statute and funded under part D of title I.

(18) ELEMENTARY SCHOOL.—The term ‘elementary school’ means a nonpublic institutional day or residential school, including a public elementary charter school, that provides elementary education as determined under State law; and—a highly qualified teacher such as a master teacher;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is recommended to be an exemplary teacher by administrators and other teachers who are knowledgeable about the individual’s performance;

(D) is currently teaching and based in a public school; and

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, mentors, teaches, develops curricula, and offers other professional development.

(19) EXEMPLARY TEACHER.—The term ‘exemplary teacher’ means a teacher who—

(A) has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches;

(B) has a bachelor’s degree and—

(i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or

(ii) has a special competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that is set by the State for both grade appropriate academic subject matter knowledge and teaching skills.

(20) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make substantial changes in a family, and that integrate all of the following activities:

(A) Interactive literacy activities between parents and the teacher;

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(21) 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 applicable under State law, except that the term does not include any education provided beyond grade 12.

(22) 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 ability in any area of intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

(23) HIGHLY QUALIFIED.—The term ‘highly qualified’ means a teacher who—

(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that—

(i) the teacher has that State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State’s public charter school law; and

(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

(B) when used with respect to—

(i) an elementary school teacher who is new to the profession, the teacher—

(I) holds at least a bachelor’s degree; and

(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

(ii) a middle or secondary school teacher who is new to the profession, the teacher—

(I) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic secondary school curriculum; or

(iii) a teacher teaching in a public charter school who is new to the profession, the teacher holds at least a bachelor’s degree and—

(i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or

(ii) has a special competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that is set by the State for both grade appropriate academic subject matter knowledge and teaching skills.

(24) HOMELAND SECURITY ACT OF 2002.—The term ‘Homeland Security Act of 2002’ means—

(A) a part of title I; and

(B) a part of title VI.

(25) HOUSE.—The term ‘House’ means the House of Representatives.
(22) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms ‘Native American’ and ‘Native American language’ have the same meaning given those terms in section 103 of the Native American and Native American Language Act of 1990.

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

(24) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Independent State of Palau.

(25) LIMITED ENGLISH PROFICIENT.—The term ‘limited English proficient’, when used with respect to an individual, means an individual—

(A) who scored 2 through 21 on the English language proficiency assessment instrument of a State or of a local educational agency;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C) who is not born in the United States, or a noncitizen in the United States, and whose native language other than English is recognized in a State as a local educational agency;

(i) who is enrolled in the public elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that the State or local educational agency is the in- stitutor of the compact of free association, including the Department of State, the Department of the Interior, and the Department of Labor; and

(ii) who is not enrolled in a public elementary school or secondary school funded by the Bureau of Indian Affairs;

(D) whose difficulties in speaking, reading, writing, or understanding the English language other than English has had a significant impact on the individual;

(E) whose difficulties in speaking, reading, writing, or understanding the English language other than English has had a significant impact on the local educational agency;

(F) whose performance in the classroom is substantially below the performance of the English proficient students in the classroom;

(G) whose difficulties in speaking, reading, writing, or understanding the English language are substantial;

(H) whose difficulties in speaking, reading, writing, or understanding the English language are substantial;

(I) whose difficulties in speaking, reading, writing, or understanding the English language are substantial.

(26) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ means a public board of education or other public authority legally constituted within a State for the purpose of administering educational programs in the State or of a combination of school districts or counties that is recognized in a State as an administrative agency for its local educational programs.

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

(28) BIA SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that including the school makes the school eligible for programs which specific eligibility is not provided to the school in another provision of law and the 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 smaller student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

(29) OTHER STAFF.—The term includes educational service agencies and consortia of those agencies.

(30) STATE EDUCATIONAL AGENCY.—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

(31) MENTORING.—The term means a process by which a responsible adult, postsecondary student, or secondary school student under the direction of a mentor and a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to cultures and examples of opportunity that enhance the ability of the child to become a responsible adult.

(32) PARENTAL INVOLVEMENT.—The term ‘parental involvement’ includes activities that—

(I) involve the forming of partnerships with parents and the principal or other school officials; and

(ii) advance teacher understanding of effective instructional strategies that are—

(A) based on scientifically based research (except that this subclause shall not apply to activities described in subparagraph (I) of section 1114(b) of the Elementary and Secondary Education Act of 1965); and

(B) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and

(iii) provide instruction in methods of teaching children with special needs.

(33) PARENTAL INVOLVEMENT.—The term ‘parental involvement’ includes activities that—

(I) involve the forming of partnerships with parents and the principal or other school officials; and

(ii) advance teacher understanding of effective instructional strategies that are—

(A) based on scientifically based research (except that this subclause shall not apply to activities described in subparagraph (I) of section 1114(b) of the Elementary and Secondary Education Act of 1965); and

(B) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and

(iii) provide instruction in methods of teaching children with special needs.

(34) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ includes activities that—

(I) involve the forming of partnerships with parents and the principal or other school officials; and

(ii) advance teacher understanding of effective instructional strategies that are—

(A) based on scientifically based research (except that this subclause shall not apply to activities described in subparagraph (I) of section 1114(b) of the Elementary and Secondary Education Act of 1965); and

(B) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and

(iii) provide instruction in methods of teaching children with special needs.

(35) PUBLIC TELECOMMUNICATIONS ENTITY.—The term ‘public telecommunications entity’ includes a public telecommunication service provider.

(36) PUPIL SERVICES PERSONNEL.—The term ‘pupil services personnel’ means school counselors, school social workers, school psychologists, school nurses, and other qualified professional personnel involved in providing assistance under part A of title I to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

(37) PROFESSIONAL EDUCATION.—The term ‘professional education’ means the services provided by pupil services personnel and other staff who—

(I) provide services to students with disabilities; and

(ii) assist in planning, implementing, and evaluating educational programs for students with disabilities.
“(i) employs systematic, empirical methods that draw on observation or experiment;  
“(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and jus-
ify the findings;  
“(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;  
“(iv) is evaluated using experimental or quasi-
experimental designs in which individuals, enti-
ties, programs or activities are assigned to differ-
ent conditions and with appropriate controls to evaluate the effects of the condition of inter-
est, usually in a random or other collaborative experiment, or other designs to the extent that 
those designs contain within-condition or across-condition controls.  

(2) Coordination.  The coordination of these experimental studies are pre-
sented in sufficient detail and clarity to allow for replication or, at a minimum, offer the op-
portunity to build systematically on their find-
ings;  

“(v) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific process.  

(38) SECONDARY SCHOOL.—The term ‘sec-
ondary school’ means a nonprofit institutional 
day or residential school, including a public sec-
ondary school; a school that provides secondary 
education, as determined under State law, ex-
cept that the term does not include any edu-
cation beyond grade 12.  

(39) Secretary.—The term ‘Secretary’ means the Secretary of Edu-
cation.  

STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, the Common-
wealth of Puerto Rico, and each of the outlying areas.  

(40) State Educational Agency.—The term ‘State educational agency’ means the State 
primarily responsible for the State supervision of public elementary schools and secondary 
schools.  

(41) Teacher Mentoring.—The term ‘teach-
er mentoring’ means activities that—  
“(A) consist of structured guidance and reg-
ular and ongoing support for teachers, espe-
cially beginning teachers;  
“(i) are designed to help the teachers continue 
to improve their practice of teaching and to de-
velop their instructional skills; and  
“(ii) are part of an ongoing developmental in-
duction process—  
“(I) involve the assistance of an exemplary teacher and other appropriate individuals from 
a school, local educational agency, or institu-
tion of higher education; and  
“(II) may include coaching, classroom obser-
vation, team teaching, and reduced teaching loads; and  

“(B) may include the establishment of a part-
nership by a local educational agency with an 
institution of higher education, another local 
educational agency, a teacher organization, 
or another organization.  

(42) Technology.—The term ‘technology’ 
means the state-of-the-art technology products 
and services.  

SEC. 9102. APPLICABILITY OF TITLE.  
Parts B, C, D, and E of this title do not apply to 
title VIII of this Act.  

SEC. 9103. APPLICABILITY TO BUREAU OF IN-
DIAN AFFAIRS OPERATED SCHOOLS.  
For the purpose 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 of Indian Affairs in con-
sortium with another contract or grant school or 
a tribal or community organization; or  
“(3) a Bureau of Indian Affairs school in con-
sortium with a school of higher education, 
a contract or grant school, or a tribal or commu-
nity organization,  

shall be given the same consideration as a local 
educational agency.  

PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS  
SEC. 9201. CONSOLIDATION OF STATE ADMINIS-
TRATIVE FUNDS FOR ELEMENTARY AND 
SECONDARY EDUCATION PRO-
GRAMS.  

(1) Consolidation of Administrative 
Funds.—  
“(1) In General.—A State educational agency 
may consolidate the amounts specifically made 
available to it for State administration under 
one or more programs under paragraph (2) if the State educational agency can 
demonstrate that the majority of its resources are 
derived from non-Federal sources.  

“(2) Application.  This provision applies to any 
program under this Act under which funds are 
authorized to be used for administration, 
and such other programs as the Secretary may 
determine.  

“(b) Use of Funds.—  
“(1) In General.—A State educational agency 
shall use the amount available under this sec-
tion for the administration of the programs in-
cluded in the consolidation under subsection (a).  

“(2) Additional Uses.—A State educational 
agency may also use funds available under this 
section for State administration to—  
“(I) provide greater flexibility to the State edu-
cational agency to consolidate funds under 
sections (a) and (b) for establishing limita-
tions on the amount of funds under those pro-
grams 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 admin-
istrative funds under this section shall not re-
quire that the consolidated funds for the admin-
istration of the programs and for uses, at the school district and school levels, 
be limited to those described in section 920(b)(3).  

“(e) Records.—A local educational agency 
that consolidates administrative funds under 
this section shall not be required to keep sepa-
rate records, by individual program, to account 
for costs relating to the administration of the 
programs included in the consolidation.  

SEC. 9204. CONSOLIDATED SET-ASIDE FOR DE-
PARTMENT OF THE INTERIOR FUNDS.  

(a) General Authority.—  
“(1) Transfer.—The Secretary shall transfer 
to the Department of the Interior, as a consoli-
dated amount for covered programs, the Indian 
education programs under part A of title VII, 
and the education for homeless children and 
youth programs under subtitle B of title VII of 
the McKinney-Vento Homeless Assistance Act, 
the amounts allotted to the Department of the 
Interior under those programs.  

“(b) Agreement.—  
“(A) In General.—The Secretary and the Sec-
retary of the Interior shall enter into an agree-
ment, consistent with the requirements of the 
programs specified in paragraph (1), for the dis-
tribution and use of those program funds under 
paragraph (2) to provide greater flexibility to State and 
local educational agencies through consolidated plans, applications, and reporting; and
“(3) to enhance the integration of programs under this Act with State and local programs.

SEC. 9302. 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 shall establish procedures and criteria under which, after consultation with the Governor, 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;

(B) such other programs as the Secretary may designate.

(2) CONSOLIDATED APPLICATIONS AND PLANS.—After consultation with the Governor, 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) CONTENTS.—(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, where 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 paragraph (1), the Secretary shall establish, for each program under this Act for which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

(c) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

SEC. 9303. CONSOLIDATED REPORTING.

(a) IN GENERAL.—In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report.

(b) RECIPIENT.—The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities.

(c) REPLACEMENT.—The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.

SEC. 9304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

(a) ASSURANCES.—A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 9302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

(1) each such program will be administered in accordance with all applicable statutes, regulations, plans, and applications;

(2) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(b) 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 those entities; and

(b) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(c) improves the quality of instruction for students.

(d) improves the academic achievement of students.

(e) improves the academic achievement of students.

SEC. 9305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

(a) GENERAL AUTHORITY.—

(1) CONSOLIDATED PLAN.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under those programs on a consolidated basis.

(2) AVAILABILITY TO GOVERNOR.—The State educational agency shall make any consolidated local plans or applications available to the Governor.

(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has an approved consolidated State plan or application under section 9302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated plan or consolidated State application to submit consolidated local plans or applications under those programs, but may not require those agencies to submit separate plans.

(c) COLLABORATION.—A State educational agency, in consultation with the Governor, 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 descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

SEC. 9306. 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 9305, 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, plans, and applications;

(2) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(3) to enhance the integration of programs under this Act with State and local programs.

(b) GENERAL AUTHORITY.—

(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary shall establish procedures and criteria under which, after consultation with the Governor, 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;

(B) such other programs as the Secretary may designate.

(2) CONSOLIDATED APPLICATIONS AND PLANS.—After consultation with the Governor, 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) CONTENTS.—(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, where 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 paragraph (1), the Secretary shall establish, for each program under this Act for which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

(c) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

SEC. 9303. CONSOLIDATED REPORTING.

(a) IN GENERAL.—In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report.

(b) RECIPIENT.—The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities.

(c) REPLACEMENT.—The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.

SEC. 9304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

(a) ASSURANCES.—A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 9302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

(1) each such program will be administered in accordance with all applicable statutes, regulations, plans, and applications;

(2) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(3) to enhance the integration of programs under this Act with State and local programs.

SEC. 9305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

(a) GENERAL AUTHORITY.—

(1) CONSOLIDATED PLAN.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under those programs on a consolidated basis.

(2) AVAILABILITY TO GOVERNOR.—The State educational agency shall make any consolidated local plans or applications available to the Governor.

(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has an approved consolidated State plan or application under section 9302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated plan or consolidated State application to submit consolidated local plans or applications under those programs, but may not require those agencies to submit separate plans.

(c) COLLABORATION.—A State educational agency, in consultation with the Governor, 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 descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

SEC. 9306. 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 9305, 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, plans, and applications;

(2) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(3) to enhance the integration of programs under this Act with State and local programs.
with section 111(b), for the State educational agency and for each local educational agency, Indian tribe, or school that would be affected by the waiver and the methods to be used to measure progress in meeting such goals and outcomes; and

"(D) describes how the waiver will assist the State educational agency and each affected local educational agency, Indian tribe, or school in reaching those goals; and

"(E) 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) by local educational agencies (on behalf of those agencies and schools) to State educational agencies; and

"(ii) by State educational agencies (on behalf of, and based on the requests of, local educational agencies) to the Secretary; or

"(C) upon behalf of schools operated by the tribes to the Secretary.

"(3) GENERAL REQUIREMENTS.—(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver requested by a State educational agency acting on its own behalf, the State educational agency shall—

"(i) provide all interested local educational agencies, and schools operated by the tribe in the manner in which that agency customarily provides similar notices and information to the public;

"(ii) provide notification of the waiver request in the manner in which the applying agency customarily provides similar notices and information to the public; and

"(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

"(i) the request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of the State educational agency; and

"(ii) notice and information regarding the waiver request shall be provided to the public by the tribe or the local educational agency in the manner in which that agency customarily provides similar notices and information to the public.

"(c) RESTRICTIONS.—The Secretary shall not waive any Federal, State, or local statutory or regulatory requirements related 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) provisions of that agency's rights requirements;

"(8) the requirement for a charter school under subpart I of part B of title V; and

"(9) Indian tribes in section 9505; 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 if the Indian tribe submitted 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 or school at issue is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of subsections (a) and (b) of section 1113.

"(d) DURATION AND EXTENSION OF WAIVER.—

"(1) Waiver approved under paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 4 years.

"(2) REAPPLICATION.—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 other affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and

"(B) the 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 the waiver by the agency or by schools;

"(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers were granted; and

"(C) evaluates the progress of the agency and of schools in achieving those instructional, education, or academic achievement of students.

"(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall submit a progress report to the Secretary that is based on those 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 the waiver by schools operated by the tribe; and

"(B) evaluates the progress of those schools in improving the quality of instruction or the academic achievement of students.

"(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other affected recipient is not being carried out by the tribe or the local educational agency in a manner that is necessary to achieve its original purposes.

"(g) PUBLICATION.—An Indian tribe or other affected recipient that has been in violation of the requirements of this section may be subject to disqualification from further participation under this section, including the denial of funds or other benefits, if the violation could not be corrected by the tribe or other affected recipient.

"(h) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

"(i) APPLICABILITY.—

"(1) IN GENERAL.—This section applies to programs under—

"(A) subparts 1 and 3 of part B of title I; and

"(B) part C of title I.

"(2) STATE AGENCY.—If a State educational agency, Indian tribe, or school in a State is granted a waiver under this section, theSecretary shall, after timely and meaningful consultation of appropriate private school officials, allow the State educational agency to choose which Indian tribe, school, or other educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

"(A) how the children’s needs will be identified;
"(B) what services will be offered;

"(C) how, where, and by whom the services will be provided;

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

"(E) the size and scope of the equitable services to those eligible private school children, teachers, and other educational personnel and the amount of funds available for those services; and

"(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials in the provision of services through potential third-party providers.

"(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

"(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and throughout the implementation and assessment of activities under this section.

"(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) PUBLIC CONTROL OF FUNDS.

"(1) In general.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

"(2) Provision of Services.

"(A) In general.—The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) by the contractor by the public agency with an individual, association, agency, organization, or other entity.

"(B) Independence, Public Agency.—In the provision of services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment contract shall be under the control and supervision of the public agency.

"(C) COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 9502. STANDARDS FOR BY-PASS.

"(a) In general.—If, by reason of any provision of State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary schools and secondary schools, on an equitable basis, or if the Secretary determines that the agency, consortium, or entity has substantially failed or is unwilling to provide for that participation, as required by section 9501, the Secretary shall—

"(1) impose the requirements of that section for the agency, consortium, or entity; and

"(2) arrange for the provision of equitable services to those children, teachers, or other educational personnel through arrangements with an individual, association, agency, organization, or other entity; and

"(3) how, where, and by whom the services will be provided; and

"(4) the size and scope of the equitable services to those children, teachers, and other educational personnel and the amount of funds available for those services; and

"(E) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials in the provision of services through potential third-party providers.

"(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

"(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and throughout the implementation and assessment of activities under this section.

"(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) PUBLIC CONTROL OF FUNDS.

"(1) In general.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

"(2) Provision of Services.

"(A) In general.—The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) by the contractor by the public agency with an individual, association, agency, organization, or other entity.

"(B) Independence, Public Agency.—In the provision of services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment contract shall be under the control and supervision of the public agency.

"(C) COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 9503. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

"(a) Procedures for Complaints.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of the obligations of States, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

"(b) Appeals to Secretary.—The resolution may be appealed by an interested party to the Secretary not later than 40 days after the State educational agency resolves the complaint or any appeals by the State to the Secretary. The appeal shall be accompanied by a copy of the State educational agency’s resolution, and a complete statement of the reasons for the appeal. The Secretary shall investigate and resolve the appeal not later than 120 days after receipt of the appeal.

"SEC. 9504. BY-PASS DETERMINATION PROCESS.

"(a) Review.

"(1) In General.

"(A) Written Objections.—The Secretary shall not take any final action under section 9502 unless the State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity affected by the action has had an opportunity, for not less than 45 days after receipt of written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Prior to Reduction.—Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State educational agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2) Petition for Review.

"(A) Petition.—If the affected agency, consortium, or entity is dissatisfied with the Secretary’s determination under paragraph (1), the agency, consortium, or entity may, within 60 days after notice of that action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action.

"(B) Transmission.—A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) Filing.—The Secretary, upon receipt of the copy of the petition, shall file in the court the record of the proceedings on which the Secretary based the determination in section 2121 of title 28, United States Code.

"(2) Findings of Fact.—

"(A) In General.—In making the determination under subsection (a), the Secretary shall consider one or more factors, including the quality, size, scope, and location of the program, and shall consider the extent to which the agency, consortium, or entity remains in effect until the Secretary determines, in consultation with that agency, consortium, or entity and representatives of the affected private school children, teachers, or other educational personnel, that there will no longer be any failure or inability on the part of the agency, consortium, or entity to meet the applicable requirements of section 9501 or any other provision of this Act.

"(B) 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 those services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

"(C) Prior Determination.—Any prior determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001 shall remain in effect to the extent the Secretary determines is consistent with the purpose of this section.

"SEC. 9505. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

"Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

"SEC. 9506. PRIVATE, RELIGIOUS, AND HOME SCHOOLS.

"(a) Applicability to Nonrecipient Private Schools.—Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, nor shall any student who attends a private school that does not receive funds or services under this Act be required to participate in any assessment referenced in this Act.

"(b) Applicability to Home Schools.—Nothing in this Act shall be construed to affect a home school, whether or not a home school is treated as a home school or a private school under State law, nor shall any student who attends a home school be required to participate in any assessment referenced in this Act.

"(C) Rule of Construction on Prohibition of Federal Control Over Nonpublic Schools.—Nothing in this Act shall be construed to permit, encourage, or authorize any Federal control over any aspect of any private, public, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

"(D) Rule of Construction on State and Local Educational Agency MANDATES.—Nothing in this Act shall be construed to require any State educational agency or local educational agency that receives funds under this Act to mandate, direct, or control the curriculum of a private or home school, regardless of whether or not a home school under State law, nor shall any funds under this Act be used for this purpose.

"Subpart 2—Other Provisions

"SEC. 9511. MAINTENANCE OF EFFORT.

"(a) In General.—Any State educational agency may receive funds under a covered program for any fiscal year only if the State educational agency funds that either the combined fiscal efforts of the agency and the State with respect to the provision of free public education by the agency...
for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(b) REDUCTION IN CASE OF FAILURE TO MEET.—

"(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement (a) of this subsection, if falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local educational agency).

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

(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to:

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

"(2) a precipitous decline in the financial resources of the local educational agency.

§ 9522. PROHIBITION REGARDING STATE AID.

"A State shall not take into consideration payment under this Act (other than under title VIII) in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free or reduced-price lunch under this Act, unless the State determines that the amount of funds under this Act of a student that become part of the education records of the student referred to in this Act of a student that become subject to the General Education Provisions Act and except as provided in paragraph (2), the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 to receive assistance under this Act shall provide, on a request made by an educational agency or private school, that the State educational agency or State educational agency receiving assistance under this Act shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students names, addresses, and telephone listings.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect requirements under title I or part A of title VI.

§ 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

"(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, control a State, local educational agency, or school's instructional content, curriculum, and related activities, or to prohibit the distribution of scientifically or medically true or accurate materials; or

"(2) to distribute or to aid in the distribution of materials; or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution of materials; or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution of materials; or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution of materials; or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution of materials; or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution of materials; or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution of materials; or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution of materials; or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution of materials; or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

(a) MANDATORY NATIONAL TESTING OR CERTIFICATION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 and administered to only a representative sample of pupils in the United States and in any countries, nations, or other international organizations from which data are needed to develop and implement a nationwide policy requiring schools and local educational agencies, or who becomes a victim of a sex discrimination in the provision of federally funded programs or activities.

SEC. 9534. CIVIL RIGHTS.

(a) IN GENERAL.—Nothing in this Act shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, or disability in any program funded under this Act.

(b) CERTIFICATION.—Nothing in this Act shall be construed to require the disruption of services to a child or the displacement of a child enrolled in or participating in a program administered by an eligible entity, as defined in section 1116 of title I and part B of title V of the Goals Act at the commencement of the entity’s participation in a grant under section 1116 of title I or part B of title V.

SEC. 9535. RULEMAKING.

The Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

SEC. 9536. SEVERABILITY.

If any provision of this Act is held invalid, the remainder of this Act shall not be affected thereby.

PART F—EVALUATIONS

SEC. 9601. EVALUATIONS.

(a) RESERVATION OF FUNDS.—Except as provided otherwise in the Secretary, the Secretary may reserve not more than 0.5 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this section for the evaluation of that program or project and its administrative impact on schools and local educational agencies;

(1) to conduct—

(A) comprehensive evaluations of the program or project; and

(B) studies of the effectiveness of the program or project and its administrative impact on schools and local educational agencies;

(2) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law; and

(3) to increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project or improve the quality, timeliness, efficiency, and use of information relating to performance under the program or project.

(b) TITLES I AND III EXCLUDED.—The Secretary may not reserve under subsection (a) funds appropriated to carry out any program authorized under title I or title III.

(c) EVALUATION AUTHORIZED ELSEWHERE.—If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with respect to that program or project, the Secretary may not reserve additional funds under this section for the evaluation of that program or project.


In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1994 shall apply.

SEC. 9603. CONFORMING CLERICAL AND TECHNICAL AMENDMENTS.

(a) IN GENERAL.—Part C of title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3001 et seq.) is transferred to and redesignated as part M of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 5801 et seq.) (as transferred and redesignated by this section) is amended by striking the items relating to the following provisions: (A) Parts A and C of title II (including the items relating to sections within those parts).

(b) DISPROPORTIONATELY HIGH NEEDS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 are transferred.

SEC. 9604. CIVIL RIGHTS.

In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9605. DEFINED TERMS.

In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9606. DEFINED TERMS.

In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9607. TECHNOLOGY-BASED TECHNICAL ASSISTANCE.


(b) Definitions.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

(c) CIVIL RIGHTS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9608. REPLACEMENT OF VARIOUS EDUCATIONAL ACTS.

(a) IN GENERAL.—The following provisions of law are repealed: (1) Part C of title IX, section 9103 of the Higher Education Amendments of 1992 (20 U.S.C. 1070a–11 note), relating to the Advanced Placement fee payment program;


(b) CIVIL RIGHTS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

(c) DEFINED TERMS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9609. REPLACEMENT OF VARIOUS EDUCATIONAL ACTS.


(b) Definitions.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

(c) CIVIL RIGHTS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9610. REPLACEMENT OF VARIOUS EDUCATIONAL ACTS.

(a) IN GENERAL.—Part C of title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3001 et seq.) is transferred to and redesignated as part M of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 5801 et seq.).

(b) Definitions.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

(c) CIVIL RIGHTS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9611. REPLACEMENT OF VARIOUS EDUCATIONAL ACTS.

(a) IN GENERAL.—Part C of title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3001 et seq.) is transferred to and redesignated as part M of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 5801 et seq.).

(b) Definitions.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

(c) CIVIL RIGHTS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9612. REPLACEMENT OF VARIOUS EDUCATIONAL ACTS.

(a) IN GENERAL.—Part C of title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3001 et seq.) is transferred to and redesignated as part M of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 5801 et seq.).

(b) Definitions.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

(c) CIVIL RIGHTS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9613. REPLACEMENT OF VARIOUS EDUCATIONAL ACTS.

(a) IN GENERAL.—Part C of title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3001 et seq.) is transferred to and redesignated as part M of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 5801 et seq.).

(b) Definitions.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

(c) CIVIL RIGHTS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

SEC. 9614. REPLACEMENT OF VARIOUS EDUCATIONAL ACTS.

(a) IN GENERAL.—Part C of title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3001 et seq.) is transferred to and redesignated as part M of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 5801 et seq.).

(b) Definitions.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

(c) CIVIL RIGHTS.—In this part, the definitions of terms defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall apply.

(b) DEFINITIONS.—Section 13401 of such part is redesignated as section 1031.

c) DEFINED TERMS.—Part N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as transferred and redesignated by sections 1021 through 1024 of this Act) are amended as follows:

(1) Insert "of such Act" in—

(A) section 1002(a)(1)(A), after "title I"; and

(B) section 1002(a)(1)(B), after "section 1114";

(2) Insert "of the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001)" in—

(A) sections 1001(a)(2)(A) and 1011(e)(1), after "title I";

(B) sections 1002(b) and section 1011(g)(3)(A), after "section 1114"; and

(C) in section 1011(e)(3), after "title III";

(3) In section 1011(a)(1), strike "(hereafter referred to in this Act as "DDV")";

(4) In section 1021 and section 1021(1)(B), strike ", and in section 1021(1)(F), strike ' of the Educational Research, Development, Dissemination, and Improvement Act of 1994";

(5) In subsections (a)(2)(A) and (d) of section 1011, strike "part A" and insert "part K";

(6) In sections 1002(a)(4) and 1011(e)(3), strike "part K" and insert "part M";

(7) In section 1002(a), strike "section 1310(a)" and insert "section 1010(a)";

(8) In section 1002(b)(1), strike "section 1302"," and insert "section 1002";

(9) In section 1002(b)(1), strike "section 1305" and insert "section 1005";

(10) In sections 1002(a)(7) and 1003(b)(2), strike "section 1303" and insert "section 1011";

(11) In section 1002(2) and (3), strike "section 1301(b)(1)" and insert "section 1021(a)(1)";

(12) In section 1002(a), strike "section 1301" and insert "section 1021";

(13) In subsections (a) and (b) of section 1025, strike "section 1303" and insert "section 1023";

(14) Applying paragraph (1) of section 1022, strike "section 1304" and insert "section 1024";

(15) In section 1021(a)(3), strike "section 1300" and insert "section 1028";

(16) In sections 1002(b)(2) and 1011(f), strike "section 1304" and insert "section 1031";

(17) Strike "This Act" and insert "the Elementary and Secondary Education Act of 1965 (as such Act was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001)" in—

(A) section 1001(a)(1) (the first occurrence only);

(B) paragraphs (1) through (3) of section 1001(e);

(C) paragraphs (1), (2), (6), and (8) of section 1002(a); and

(D) section 1011(e); and

(18) In paragraphs (1) and (2) of section 1004(b), strike "this Act" and insert "the Elementary and Secondary Education Act of 1965".

(19) In section 1004(i)(1), strike the second occurrence only and in section 1002(a)(1)(C), strike "this Act" and insert "such Act".

(20) Section 1011 is amended—

(A) by striking "for purposes of the purposes of this title, the " and inserting "The"; and

(B) in subsection (f)(5), by striking "to achieve the purposes of this title".

(21) In section 1021(1), strike "the Eisenhower National Clearinghouse for Science and Mathematics Education established under section 2102(b)";

(22) In section 1026(a), strike "section 14701" and insert "section 9601";

(b) TITLE 101.—The Elementary and Secondary Education Act of 1965 is amended by striking the heading of title XIII.

PART C—HOMELESS EDUCATION

SEC. 1001. SHORT TITLE.

This part may be cited as the "McKinney-Vento Homeless Assistance Act of 2001".

SEC. 1002. EDUCATION FOR HOMELESS CHILDREN AND YOUTHS.

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youths

SEC. 1. STATMENT OF THE CONGRESS:

"The following is the policy of the Congress:

(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

(2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

(3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.

(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

SEC. 1031. SHORT TITLE.

SEC. 1032. EDUCATION FOR HOMELESS CHILDREN AND YOUTHS.

Each State educational agency shall enter into an agreement with the Secretary of Education for Homeless Children and Youths in the State educational agency in accordance with subsection (f).

(4) To prepare and carry out the State plan described in subsection (a) and the activities described in subsections (b) through (g).

(5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youths.

SEC. 1033. STATE AND LOCAL SUBGRANTS.

(1) MINIMUM DISBURSEMENTS BY STATES.—From the sums made available each year to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 723.

(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use funds made available for State use under this subtitle to conduct activities under subsection (f) directly on behalf of homeless children and youths.

(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

(A) IN GENERAL.—Except as provided in paragraph (B), any State educational agency under section 1021(b)(1)(B), 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 from the school or educational program within a school, based on such child's or youth's status as homeless.
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functions of the Office of Coordinator. The Coordinator for Education of Homeless Children and Youths established in each State shall—

(1) be responsible for providing comprehensive, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to elementary and secondary schools, the difficulties in identifying the special needs of such children and youths, any progress made by the State educational agencies and local public agencies in the State in addressing such problems and difficulties, and the success of the programs under this subtitle in allowing homeless children and youths to enroll in, attend, and graduate from 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, a report containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youths within the State;

(4) facilitate coordination between the State educational agency, the State social services agencies, and other agencies or entities providing mental health services to provide services to homeless children, including pre-school-aged homeless children, and youths, and families of such children and youths;

(5) in order to improve the provision of comprehensive education and related services to homeless children and youths 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 youths and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths); and

(C) local educational agency liaisons designated under subsection (g)(1)(J)(I) for homeless children and youths; and

(D) community organizations and groups representing homeless children and youths and their families and

(6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(I), including any additional educational agencies complying with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

(g) State Plan.—

(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.

(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths.

(E) A description of procedures that ensure the privacy of such children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

(F) A description of procedures that ensure that—

(i) homeless children have equal access to the same public preschool programs, administered...
by the State agency, as provided to other children in the State; and
(ii) homeless youths and youths separated from the public schools are identified and ac-
corresponding, appropriate secondary education and support services; and
(iii) homeless children and youths who meet the relevant eligibility criteria are able to par-
ticipate in Peacekeepers; and (G) local before- and after-school care programs.

(G) Strategies to address problems identified in the report provided to the Secretary under subsection (N).

(H) Strategies to address other problems with respect to the education of homeless children and youth, including problems resulting from enrollment delays that are caused by
(i) immunization and medical records requirements;
(ii) transportation requirements;
(iii) lack of birth certificates, school records, or other documentation;
(iv) guardianship issues; or
(v) uniform or dress code requirements.

(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.

(J) Ensures that
(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless;
(ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A); and
(iii) the local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unac-
accompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

(I) If the homeless child or youth continues to live in the area served by the local edu-
cational agency in which the school of origin is located, the child’s or youth’s transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the homeless child’s or youth’s living arrangement is served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility for transportation to and from the school of origin. If the local educational agencies are unable to agree upon the responsibility, the costs for transportation shall be shared equally.

(2) COMPLIANCE. —
(A) IN GENERAL. — Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (1) and (3).

(B) COORDINATION. — Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance with the plan will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

(C) LOCAL EDUCATIONAL AGENCY REQUIRE-
MENTS.

(A) IN GENERAL. — The local educational agency serving each child or youth to be as-
sisted 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 in which the child resides; or
(ii) provide appropriate education services in another school, including services and programs funded under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 1271).

(B) DUTIES. — Each local educational agency, as provided to other students in the school selected under paragraph (3), including the following:

(1) Transportation services.

(2) Educational programs to prepare students for school success.

(3) Educational programs for students with disabilities.

(4) Educational programs for students with limited English proficiency.

(5) Educational programs for students with special needs.

(6) Educational programs for students with a history of being a homeless child or youth.

(7) Educational programs for students in interdistrict issues, such as transportation or transfer of school records.

(8) Housing assistance. — If applicable, each State educational agency 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 strategies described in section 106 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 5701 et seq.); and

(9) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

(C) COORDINATION PURPOSE. — The coordina-
tion required under paragraphs (A) and (B) shall be designed to
(1) ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and
(2) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

(D) LOCAL EDUCATIONAL AGENCY LIABILITY. —

(A) DUTIES. — Each local educational agency will provide child and youth to be assisted under paragraph (1)(J)(ii), shall ensure that

(1) homeless children and youths are identified by school personnel and through coordination with other local educational agencies;

(2) homeless children and youths enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agen-
cy;

(3) homeless families, children, and youths receive educational services for which such fam-
ciles, children, and youths are eligible, including Head Start and Early Start programs and pre-
school programs administered by the local edu-
cational agency, and referrals to health care
services, dental services, mental health services, and other appropriate services;

(iv) the parents or guardians of homeless children and youths are informed of the educational and related services available to their children and are provided with meaningful opportunities to participate in the education of their children;

(v) notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and social service agencies.

(2) (B) Each coordination area, for purposes of this section, shall be determined by the local educational agency to be the geographical area within which transportation services are available to homeless children and youths within the school district.

(3) (B) Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

(4) (B) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit to the State educational agency an application that is selected under paragraph (3)(A).

(5) (C) Local and State Coordination.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

(a) GENERAL AUTHORITY.—

(A) Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise its policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

SEC. 729. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

(a) GENERAL AUTHORITY.—

(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and funds made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youths.

(2) SERVICES.—

(A) (i) may be provided through programs on school grounds or at other facilities;

(ii) shall, to the maximum extent practicable, be integrated with programs and that integrate homeless children and youths with nonhomeless children and youths;

(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.

(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds,—

(1) may use funds under this subtitle to provide services to other children and youths who are determined by the local educational agency to be at risk of failing in, or dropping out of, school, subject to the requirements of section 1115 of the Elementary and Secondary Education Act of 1965 or similar State or local programs and services (such as educational programs and services for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs);

(2) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of runaways and homeless youths;

(3) the provision of referral services to homeless children and youths for medical, dental, mental, and other health services;

(4) the provision of funds to defray the excess cost of transportation for students under section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(4); and

(5) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged homeless children and youths;

(6) the provision of services and assistance to attract, engage, and retain homeless children and youths, and unaccompanied youths, in public school programs and services provided to nonhomeless children and youths;

(7) the provision of services for homeless children and youths of before- and after-school, mentoring, and other programs for other or qualified individual provides tutoring, homework assistance, and supervision of educational activities;

(8) the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.
Section 724. Secretarial Responsibilities.

(a) Review of State Plans.—In reviewing the plans submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in subsection (a)(2) are effective in adequately addressing the problems of homeless children and youths relating to access to education and placement as described in such plans.

(b) General Assistance.—The Secretary shall provide technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.

(c) Notice.—The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Assistance Improvement Act of 2001, and reassess periodically, disseminate nationwide a public notice of the educational rights of homeless children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.

(d) Evaluation and Dissemination.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and make use of funds appropriated under section 726 to conduct such activities.

(e) Submission and Distribution.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

(f) Determination by Secretary.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (b), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 726.

(g) Guidelines.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Assistance Improvement Act of 2001, school enrollment guidelines for States with respect to homeless children and youths.

(1) Successful ways in which a State may assist local educational agencies to immediately enroll homeless children and youths in school; and

(2) how a State can review the State’s requirements regarding immunization and medical evaluations, suspension and expulsion policies to refer homeless children and youths in school immediately.

(i) Information.—(1) In General.—From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

(A) the number and location of homeless children and youths;

(B) the education and related services such children and youths receive;

(C) the extent to which the needs of homeless children and youths are being met; and

(D) such other data and information as the Secretary determines to be 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.

(ii) Report.—Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Assistance Improvement Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pension of the Senate a report on the status of education of homeless children and youths, which shall include information—

(1) on the education of homeless children and youths; and

(2) on the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

SEC. 725. Definitions.

For purposes of this subtitle:

(1) The terms ‘enroll’ and ‘enrollment’ include attending classes and participating fully in school activities.

(2) The term ‘homeless children and youths’ includes—

(A) individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) homeless children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, carports, cars, bus or train stations, or similar settings; and

(C) children who are living in public or private institutions due to lack of alternative adequate accommodations; are running away from home; or are vagrants.

(3) ‘Homelessness’ means the meaning of section 103(a)(1).

(4) ‘Unaccompanied youth’ includes a youth not in the physical custody of a parent or guardian.

(5) ‘State’ means the State in which the youth is living.

(6) The term ‘unaccompanied youth’ includes a youth not in the physical custody of a parent or guardian.

SEC. 726. Authorization of Appropriations.

(1) In General.—For purposes of this subtitle, there are authorized to be appropriated $70,000,000 for fiscal year 2002 and such amounts as may be necessary for each of fiscal years 2003 and 2004.

SEC. 1033. Conforming Amendment.

The table of contents of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1301 note) is amended so that the items relating to subtitle B of title VII read as follows:

Subtitle B—Education for Homeless Children and Youths

Sec. 721. Statement of policy.

Sec. 722. Grants for State and local activities for the education of homeless children and youths.

Sec. 723. Federal assistance grants for the education of homeless children and youths.

Sec. 724. Secretarial responsibilities.

Sec. 725. Definitions.

Sec. 726. Authorization of appropriations.

SEC. 4. TECHNICAL AMENDMENT.

(a) In General.—Section 1 of Public Law 106–400 (42 U.S.C. 1301) is amended by striking “Section 1 of” and inserting “Section 101 of”.

(b) Effective Date.—The amendment made by subsection (a) shall be deemed to be effective on the date of enactment of Public Law 106–400.

PART D—NATIVE AMERICAN EDUCATION IMPROVEMENT

SEC. 1041. SHORT TITLE.

This part may be cited as the “Native American Education Improvement Act of 2001”.

SEC. 1042. AMENDMENTS TO THE EDUCATION AMENDMENT 1978.

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

SEC. 1120. DECLARATION OF POLICY.

Congress declares that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children. It is the policy of the United States to fulfill the Federal Government’s unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. It is the policy of the United States to fulfill the Federal Government’s unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children.

SEC. 1121. ACCREDITATION FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

(a) Purpose; Declarations of Purpose.—

(1) Purpose. The purpose of the accreditation required under this section shall be to ensure that Indian students being served by a school funded by the Bureau of Indian Affairs are provided with educational opportunities that equal or exceed those for all other students in the United States.

(2) Declarations of Purpose.—Local school boards for schools funded by the Bureau of Indian Affairs, in cooperation and consultation with the appropriate tribal governing bodies and their communities, are encouraged to develop perceptions of accreditation for their communities, taking into account the implications of such declarations on education in
their communities and for their schools. In adopting such declarations of purpose, the school boards shall consider the effect the declarations may have on the motivation of students and the quality of education they receive.

(b) Accreditation.—

(1) Deadline.—

(A) In general.—Not later than 24 months after the date of enactment of the Native American Education Improvement Act of 2001, each Bureau-funded school shall, to the extent that necessary funds are provided, be a candidate for accreditation by an accrediting agency.

(B) Separate applications shall be made for individual schools that fail to be accredited or to be candidates for accreditation within the period provided for in paragraph (1).

(2) With respect to each Bureau-funded school identified under subparagraph (A), identifies the reasons that such school is not accredited or a candidate for accreditation, as determined by the appropriate accrediting agency, and a description of any possible way in which to remedy such nonaccreditation; and

(3) (A) Each Bureau-funded school for which the reported reasons for the lack of accreditation under subparagraph (B) are a result of the school’s inadequate basic resources, technical assistance and funding requests for the full funding needed to provide such schools with accreditation, such funds if provided shall be applied to such unaccredited school under this paragraph.

(4) Opportunity to Review and Present Evidence.—

(A) In General.—Prior to including a Bureau-funded school on an annual report required under paragraph (5), the Secretary shall:

(i) ensure that the school has exhausted all administrative procedures provided by the accrediting agency; and

(ii) provide the school with an opportunity to review the data on which such inclusion is based.

(B) Provision of Additional Information.—If the school board of a school that has been included for inclusion in an annual report under paragraph (5) believes that such inclusion is in error, the school board may provide to the Secretary such information as the board deems necessary to support the determination of accreditation by the Secretary with respect to the inclusion of the school in such annual report. The Secretary shall consider such information provided by the school board before making a final determination concerning the inclusion of the school in any such report.

(C) Publication of Accreditation Status.—Not later than 30 days after making an initial determination to include a school in an annual report under paragraph (5), the Secretary shall make public the final determination on the accreditation status of the school.

(7) School Plan.—

(A) In general.—Not later than 120 days after the date on which a school is included in an annual report under paragraph (5), the school shall develop a school plan, in consultation with interested parties including parents, school staff, the school board, and other outside experts if appropriate, that shall be submitted to the Secretary for approval. The school plan shall cover a 3-year period and shall:

(i) incorporate strategies that address the specific issues identified in the school’s accreditation; and

(ii) contain an assurance that the school will reserve the necessary funds, from the funds described in paragraph (3), for each fiscal year for the purpose of obtaining accreditation.

(B) Waiver.—The Secretary shall grant a waiver which shall exempt a school from any or all of the requirements of this paragraph and paragraph (7) (though such school shall be required to comply with the standards contained in part 36 of title 25, Code of Federal Register, as in effect on the date of enactment of the Native American Education Improvement Act of 2001) if the school:

(i) is identified in the report described in paragraph (5)(C); and

(ii) fails to be accredited for reasons that are beyond the control of the school board, as determined by the Secretary, including, but not limited to:

(I) a significant decline in financial resources;

(II) the poor condition of facilities, vehicles, or other property; and

(III) a natural disaster.

(C) Duties of Secretary.—After providing assistance to a school under paragraph (3), the Secretary shall:

(i) annually review the progress of the school under the applicable school plan to determine whether the school is making adequate progress towards, achieving the goals described in paragraph (7)(A)(v) with respect to reaccreditation or becoming a candidate for accreditation;

(ii) except as provided in subparagraph (B), continue to provide assistance while implementing the school’s plan, and, if determined appropriate by the Secretary, take corrective action with respect to the school if it fails to be accredited at the end of the third full year immediately following the date that the school’s plan was first in effect under paragraph (7); and

(iii) provide all students enrolled in a school that is eligible for a corrective action determination by the Secretary under clause (ii) with the option to transfer to another public or Bureau-funded school, including a public charter school, that is accredited.

(D) Notice.—The Secretary shall promptly notify the parents of children enrolled in a school that is eligible for a corrective action determination by the Secretary under clause (ii) of the option to transfer their child to another public or Bureau-funded school.

(E) Provide, or pay for the provision of, transportation for each student described in clause (ii) to the school described in clause (iii) if the student elects to be transferred to such school. If the extent of funds are available, as determined by the tribal governing body.
“(D) FAILURE OF SCHOOL PLAN OF BUREAU-OPERATED SCHOOL.—With respect to a Bureau-operated school that fails to be accredited at the end of the third full year immediately following the date the school plan was first in effect under paragraph (7), the Secretary may take 1 or more of the following corrective actions:

(i) Institute and fully implement actions suggested by the accrediting agency. Such actions may include, at a minimum, any one or more of the following:

(1) Provide the tribe with a 60-day period during which to determine whether the tribe desires to operate the school as a contract or grant school, or to maintain the school as a Bureau-operated school. The provisions of this subparagraph shall limit a tribe to operate the school as a contract or grant school, or to maintain the school as a Bureau-operated school, for a period not to exceed 5 years from the date of the determination described in this paragraph.

(2) With the approval of the tribal governing body, the outside entity, receiver, or trustee to operate and administer the affairs of the school until the school is accredited, with continuing consultation with the tribal governing body. The outside entity, receiver, or trustee to operate and administer the affairs of the school until the school is accredited, with continuing consultation with the tribal governing body, may contract with an outside entity, receiver, or trustee to operate and administer the affairs of the school until the school is accredited.

(3) If the tribe declines to assume control of the school, the Secretary, in consultation with the outside entity, receiver, or trustee, may close the school, or the Secretary may close the school, if no agreement is reached among the outside entity, receiver, or trustee and the tribe.

(ii) The Secretary shall allow the tribe to continue to operate the school as a contract or grant school, or to maintain the school as a Bureau-operated school, if the tribe agrees to assume control of the school, in accordance with this section.

(iii) The Secretary shall allow the tribe to continue to operate the school as a contract or grant school, or to maintain the school as a Bureau-operated school, if the tribe agrees to assume control of the school, in accordance with this section.

(iv) The tribe shall prepare a plan, pursuant to paragraph (7), for approval by the Secretary in accordance with paragraph (7), to achieve accreditation.

(v) The tribe shall prepare a plan, pursuant to paragraph (7), for approval by the Secretary in accordance with paragraph (7), to achieve accreditation.

(vi) The tribe shall prepare a plan, pursuant to paragraph (7), for approval by the Secretary in accordance with paragraph (7), to achieve accreditation.

(vii) The tribe shall prepare a plan, pursuant to paragraph (7), for approval by the Secretary in accordance with paragraph (7), to achieve accreditation.

(viii) The tribe shall prepare a plan, pursuant to paragraph (7), for approval by the Secretary in accordance with paragraph (7), to achieve accreditation.
"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988.

(e) APPLICATION FOR CONTRACTS OR GRANTS FOR NON-FEDERAL FUNDED SCHOOLS OR EXPANSION OF BUREAU-FUNDED SCHOOLS.—

"(1) REVIEW BY SECRETARY.—

(A) CONSIDERATION OF FACTORS.—If the Secretary denies an application described in paragraph (1)(A), the Secretary shall consider only the factors described in subparagraph (B) in reviewing—

(i) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau-funded school; and

(ii) applications from any tribe or school board for the expansion of a Bureau-funded school that would increase the amount of funds received by the Indian tribe or school board under section 1127.

"(ii) NO DENIAL BASED ON GEOGRAPHIC PROXIMITY.—With respect to applications described in this subparagraph, the Secretary shall give consideration to all factors described in subparagraph (B), but no such application shall be denied based primarily upon the geographic proximity of comparable public education.

"(B) FACTORS.—With respect to applications described in subparagraph (A), the Secretary shall consider the following factors relating to the program and services that are the subject of the application:

(i) The adequacy of the facilities or the potential availability of adequate facilities.

(ii) Geographic and demographic factors in the affected areas.

(iii) The adequacy of the applicant's program plans or, in the case of a Bureau-funded school, of projected needs analysis done either by the tribe or the Bureau.

(iv) Geographic proximity of comparable public education.

(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.

(vi) Adequacy and comparability of programs already available.

(vii) Consistency of available programs with tribal educational codes or tribal legislation on education.

(viii) The history and success of those services for which the application is to be served as determined from all factors, including standardized examination performance.

(2) DETERMINATION ON APPLICATION.—

"(A) IN GENERAL.—Not later than 180 days after the date on which an application described in paragraph (1)(A) is submitted to the Secretary, the Secretary shall make a determination of whether to approve the application.

"(B) FAILURE TO MAKE DETERMINATION.—If the Secretary fails to make a determination with respect to an application by the date described in subparagraph (A), the application shall be deemed to have been approved by the Secretary.

(3) REQUIREMENTS FOR APPLICATIONS.—

"(A) CONTENTS.—A复制 described in paragraph (2)(B), an application described in paragraph (1)(A) may be approved by the Secretary only if—

(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application; and

(ii) upon evidence of such approval is submitted with the application.

"(B) INCLUDED INFORMATION.—Each application described in paragraph (1)(A) shall include information concerning each of the factors described in paragraph (1)(B).

(4) DENIAL OF APPLICATIONS.—If the Secretary denies an application described in paragraph (3), the Secretary shall state the reasons for the denial in writing to the applicant not later than 180 days after the date the application is submitted to the Secretary.

(5) EFFECTIVE DATE OF A SUBJECT APPLICATION.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, an action that is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective—

(i) at the beginning of the academic year following the fiscal year in which the application is approved; or

(ii) at an earlier date determined by the Secretary.

(B) APPLICATIONS DEEMED APPROVED.—If an application is deemed to have been approved by the Secretary under paragraph (5)(B), the action that is the subject of the application shall become effective—

(i) on the date that is 18 months after the date on which the application is submitted to the Secretary; or

(ii) at an earlier date determined by the Secretary.

(6) STATUTORY CONSTRUCTION.—Nothing in this section or any other provision of law shall be construed to preclude the expansion of grades and related facilities at a Bureau-funded school, if such expansion is paid for with non-Bureau funds. Subject to the availability of appropriated funds the Secretary is authorized to provide the necessary funds needed to support the cost of operations and maintenance of such expansion.

(7) JOINT ADMINISTRATION.—Administrative, transportation, and program cost funds received by Bureau-funded schools, and any program from the Department of Education or any other Federal agency for the purpose of providing education or related services, and other funds received for such education and related services from nonfederally funded programs, shall be apportioned and the funds shall be retained at the school.

(8) GENERAL USE OF FUNDS.—Funds received by Bureau-funded schools from the Bureau of Indian Affairs, and under any program from the Department of Education or any other Federal agency, for the purpose of providing education or related services may be used for schoolwide projects to improve the educational program for all Indian students.

(9) STUDY ON ADEQUACY OF FUNDS AND FORUMS.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau-funded schools, taking into account unique circumstances applicable to Bureau-funded schools. The study shall analyze existing information gathered and contained in grantees' studies that have been conducted or are currently being conducted with regard to Bureau-funded schools.

(B) ACTION.—Upon completion of the study, the Secretary of the Interior shall take such action as necessary to ensure distribution of the findings of the study to all affected Indian tribes, local school boards, and associations of Indian schools.

SEC. 1122. NATIONAL CRITERIA FOR HOME-LIVING SITUATIONS.

(1) REVISION OF STANDARDS.—

"(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, Indian organizations and tribes, and Bureau-funded schools, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, needs for counselors (including special educators related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy.

(2) IMPLEMENTATION.—Such standards shall be implemented in Bureau-funded schools, and shall serve as minimum standards for contract or grant schools.

(3) REVISION AFTER ESTABLISHMENT.—Once established, any revisions of such standards shall be developed according to the requirements established under section 1137.

(4) PLAN.—

(A) IN GENERAL.—The Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau-funded schools that provide home-living (dormitory) situations up to the standards established under this section.

(B) COMPONENTS OF PLAN.—The plan described in paragraph (1)(A) shall include—

(i) A statement of the relative needs of each Bureau-funded home-living (dormitory) school;

(ii) projected future needs of each Bureau-funded home-living (dormitory) school;

(iii) detailed information on the status of each school in relation to the standards established under this section;

(iv) specific cost estimates for meeting each standard for each such school;

(v) aggregate cost estimates for bringing all such schools into compliance with the criteria established by this section.

(F) specific timelines for bringing each school into compliance with such standards.

(4) WAIVER.

"(A) IN GENERAL.—A tribal governing body or local school board may, in accordance with this subsection, waive the standards established under this section for a school described in subsection (a).

"(B) APPLICABILITY.—A tribal governing body or school board involved shall, not later than 90 days after providing a waiver under paragraph (A) for a school, submit to the Director a proposal for alternative standards that take into account the specific needs of the tribe’s children. Such alternative standards shall be established by the Director for the school involved unless specifically rejected by the Director for good cause and in writing provided to the affected tribes or local school board.

"(C) CLOSURE FOR FAILURE TO MEET STANDARDS PROHIBITED.—No school in operation on or before July 1, 1999 (regardless of compliance or noncompliance with the standards established under this section), may be closed, transferred to another authority, or consolidated, and no program of such a school may be substantially curtailed, because the school failed to meet such standards.

"SEC. 1123. CODIFICATION OF REGULATIONS.

"(A) PART 32 OF TITLE 25, CODE OF FEDERAL REGULATIONS.—The provisions of part 32 of title 25, Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Such provisions are authorized only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory
provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.

(b) DEFINITION OF REGULATION.—In this section, the term "regulation" means a rule, regulation, guideline, interpretation, order, or requirement of general applicability prescribed by any officer or employee of the executive branch.

SEC. 1125. FACILITIES CONSTRUCTION.

(a) NATIONAL SURVEY OF FACILITIES CONDITIONS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of the Native American Education Improvement Act of 2001 the General Accounting Office shall compile, collect, and secure the data that are needed to prepare a national survey of the physical conditions of all Bureau-funded schools.

(2) DATA AND METHODOLOGIES.—In preparing the national survey required under paragraph (1), the General Accounting Office shall use the following methodologies:

(A) The existing Department of Defense formula for determining the condition and adequacy of Department of Defense facilities.

(B) Data related to conditions of Bureau-funded schools that has previously been compiled, collected, or secured from whatever source derived so long as the data are accurate, relevant, timely, and necessary to the survey.

(C) The methodologies of the American Institute of Architects, or other accredited and reputable architectural or engineering associations.

(2) REVISION PROCESS.—Any tribe may petition the Secretary for revision of existing attendance area boundaries.

(a) ESTABLISHMENT BY SECRETARY.—The Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau-funded school.

(b) ESTABLISHMENT BY TRIBAL BODY.—In any case where there is more than one Bureau-funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

(c) BOUNDARY REVISIONS.—

(1) NOTICE.—On or after July 1, 2001, no geographical attendance area shall be revised or established with respect to any Bureau-funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been advised—

(A) at least 6 months notice of the intention of the Bureau to revise or establish such attendance area;

(B) the opportunity to propose alternative boundaries.

(2) REVISION PROCESS.—Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs. The Secretary shall cause such revisions to be published in the Federal Register.

(3) TRIBAL RESOLUTION DETERMINATION.—Nothing in this section shall deny a tribal governing body the authority, on a continuing basis, to adopt a tribal resolution allowing parents the choice of the Bureau-funded school their children may attend, regardless of the attendance boundaries established under this section.

(d) FUNDING RESTRICTIONS.—

(1) IN GENERAL.—The Secretary shall not deny funding to a Bureau-funded school for any eligible Indian student attending the school solely because that student’s home or domicile is outside the geographical attendance area established for that school under this section.

(2) TRANSPORTATION.—No funding shall be made available without tribal authorization to enable a student to travel for transportation for any student to or from the school and a location outside the approved attendance area of the school.

(e) RESERVATION AS BOUNDARY.—When there is only 1 Bureau-funded program located on an Indian reservation—

(1) the attendance area for the program shall be that territory established by treaty agreements, legislation, court decisions, or executive decisions and as accepted by the tribe) of the reservation served; and

(2) the aid to boarding near the reservation shall also receive services from such program.

(1) OFF-RESERVATION HOME-LIVING (DOMMITORY) SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any geographical attendance areas, attendance at off-reservation home-living (dommitory) schools shall be determined by treaty agreements, legislation, court decisions, or executive decisions and as accepted by the tribe of the reservation served; and

(ii) the size of school;

(iii) school enrollment;

(iv) the condition of the school;

(v) environmental factors at the school; and

(vi) school isolation.

(3) A renovation repairs report that determines renovation need (major and minor), and a formula shall be used to determine an equitable distribution of funds, including the factors described in clause (ii).

(4) SUBMISSION OF REPORTS.—Not later than 24 months after the negotiated rulemaking committee is established under subparagraph (A), the reports described in clauses (ii) and (iii) of subparagraph (A) shall be submitted to the committee of Congress referred to in paragraph (4), the national and regional Indian education organizations, and to all school boards of Bureau-funded schools and their respective tribes.

(f) O FF-RESERVATION HOME-LIVING (DOMMITORY) SCHOOLS.—

(1) IN GENERAL.—The Secretary shall immediately begin to bring all schools, dormitories, and other Indian education-related facilities operated by the Bureau or under contract or grant with the Bureau, into compliance with—

(A) all applicable tribal, Federal, or State health and safety standards, whichever provides greater protection (except that the tribal standards at each school shall be no greater than any otherwise applicable Federal or State standards); and

(C) the Americans with Disabilities Act of 1990.

(2) NO TERMINATION REQUIRED.—Nothing in this subsection requires termination of the operations of any facility that—

(A) does not comply with the provisions and standards described in paragraph (1); and

(B) is in use on the date of enactment of the Native American Education Improvement Act of 2001.

(e) COMPLIANCE PLAN.—At the time that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all facilities covered under subsection (a) into compliance with the standards referred to in that subsection that includes—

(i) Detailed information on the status of each facility’s compliance with such standards;

(ii) specific cost estimates for meeting such standards at each school; and

(iii) specific timelines for bringing each school into compliance with such standards.

(d) CONSTRUCTION PRIORITIES.—

(1) SYSTEM TO ESTABLISH PRIORITIES.—On an annual basis, the Secretary shall submit to the appropriate committees of Congress and to the Bureau a list of priority school construction funding needs, and the Secretary shall not disburse funds to carry out any school construction project that is not included in the list of priority school construction funding needs.
used to establish priorities for replacement and construction projects for Bureau-funded schools and home-living schools, including boarding schools and dormitories. At the time any budget request for such construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all Bureau-funded school construction priorities.

(2) CONSTRUCTION AND REPLACEMENT LIST.—In addition to the plan submitted under subsection (c), the Secretary shall:

(A) not later than 18 months after the date of enactment of the Native American Education Improvement Act of 2001, establish a long-term construction and replacement list for all Bureau-funded schools;

(B) using the list prepared under subparagraph (A), propose a list for the orderly replacement of all Bureau-funded education-related facilities within 10 years to enable planning and scheduling of budget requests;

(C) cause the list prepared under subsection (B) to be published in the Federal Register and allow a period of not less than 120 days for public comment;

(D) make such revisions to the list prepared under subparagraph (B) as are appropriate based on the comments received;

(E) cause the final list to be published in the Federal Register.

(3) EFFECT ON OTHER LIST.—Nothing in this section shall interfere with or change in any way the construction priority list as it existed on the day before the date of enactment of the Native American Education Improvement Act of 2001.

(e) HAZARDOUS CONDITION AT BUREAU-FUNDED SCHOOL.—

(1) CLOSURE, CONSOLIDATION, OR CURTAILMENT.

(A) IN GENERAL.—A Bureau-funded school may be closed or consolidated, or the programs of a Bureau-funded school may be substantially curtailed, by reason of facility conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau and an individual designated at the beginning of the school year by the tribe involved under subparagraph (B) determine that conditions at the facility do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made under this paragraph shall immediately cease and any school closed by reason of conditions at the facility be reopened immediately.

(B) DESIGNATION OF INDIVIDUAL BY TRIBE.

To be designated by a tribe for purposes of subparagraph (A), an individual shall:

(i) have been licensed or certified facilities safety inspector;

(ii) have demonstrated experience in the inspection of facilities for health and safety purposes;

(iii) have a significant educational background in the health and safety of facilities with respect to occupancy.

(C) INSPECTION.

After making a determination described in subparagraph (A), the Bureau health and safety officer and the individual designated by the tribe shall conduct an inspection of the conditions of such facility in order to determine whether conditions at such facility constitute an immediate hazard to health and safety. Such inspection shall be completed as practicable, but not later than 20 days after the date on which the action described in subparagraph (A) is taken.

(D) FAILURE TO CONCUR.

If the Bureau health and safety officer, and the individual designated by the tribe, conducting the inspection of a facility required under subparagraph (C) do not concur that conditions at the facility constitute an immediate hazard to health and safety, such officer and individual shall immediately notify the tribal governing body and provide the tribe information related to their determinations.

(E) CONSIDERATION BY TRIBAL GOVERNING BODY.

Not later than 10 days after a tribal governing body receives notice under subparagraph (D), the tribal governing body shall consider all information relating to the determinations of the Bureau health and safety officer and the individual designated by the tribe and make a determination regarding the closure, consolidation, or curtailment involved.

(F) AGREEMENT TO CLOSE, CONSOLIDATE, OR CURTAIL.

(I) IN GENERAL.—If the Bureau health and safety officer and the individual designated by the tribe determine that conditions at the facility required under subparagraph (C) concur that conditions at the facility constitute an immediate hazard to health and safety, or if the tribal governing body makes such a determination under subparagraph (E), the facility involved shall be closed immediately.

(ii) REOPENING IF NO IMMEDIATE HAZARD FOUND TO EXIST.

If the Bureau health and safety officer or the individual designated by the tribe conducting the inspection of a facility described in subparagraph (C) determines that conditions at the facility do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made under this paragraph shall immediately cease and any school closed by reason of conditions at the facility be reopened immediately.

(G) GENERAL CLOSURE REPORT.

If a Bureau-funded school is closed or consolidated or the programs of a Bureau-funded school are temporarily substantially curtailed under this subsection and the Secretary determines that conditions at the facility will not be curtailed or consolidated for at least 1 year, the Secretary shall submit to the appropriate committees of Congress, the affected tribe, and the local school board, not later than 10 days after the date on which the closure, consolidation, or curtailment was initiated, a report that specifies—

(i) the reasons for such temporary action;

(ii) the actions to be taken to eliminate the conditions that constitute the hazard;

(iii) an estimated date by which the actions described in clause (ii) will be completed; and

(iv) a plan for providing alternate education services for students enrolled at the school that is to be closed.

(H) NONAPPLICATION OF CERTAIN STANDARDS FOR TEMPORARY FACILITY USE.

(A) CLASSROOM ACTIVITIES.

The Secretary shall permit the local school board to temporarily utilize facilities adjacent to the school, or satellite facilities, if such facilities are suitable for conducting classroom activities.

(B) ADMINISTRATIVE ACTIVITIES.

The provisions of subparagraph (A) shall apply with respect to administrative personnel if the facilities involved are suitable for activities performed by such personnel.

(C) TEMPORARY.

In this paragraph, the term "temporary" means—

(i) with respect to a school that is to be closed for not more than 1 year, 3 months or less; and

(ii) with respect to a school that is to be closed for not less than 1 year, a time period determined appropriate by the Bureau.

(D) TREATMENT OF CLOSURE.

Any closure of a Bureau-funded school under this subsection for a period that exceeds 30 days but is less than 1 year, shall be treated by the Bureau as an emergency facility improvement and repair project.

(4) USE OF FUNDS.

With respect to a Bureau-funded school that is closed under this subsection, the tribal governing body, or the development committee, of such Bureau-funded school, involved may authorize the use of funds allocated pursuant to section 1127, to abate the hazardous conditions without further action by Congress.

"(f) FUNDING REQUIREMENT.

(1) DISTRIBUTION OF FUNDS.—Beginning with the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, all funds appropriated for the budget accounts for the operations and maintenance of Bureau-funded schools shall be distributed by formula. Any funds from these accounts may be retained or segregated by the Bureau to pay for administrative or other costs of any facilities branch or office, and any other Bureau facilities branch or office.

(2) REQUIREMENTS FOR CERTAIN USES.—No funds shall be withheld from the distribution to the budget of any school operated under contract by the Bureau for maintenance or operation of any other facilities or road-related purpose, unless such school has consented, as a modification to the contract or in writing for grants for education programs, to the withholding of such funds, including the amount thereof, the purpose for which the funds will be used, and the timeline for the services to be provided. The school may, at the end of any fiscal year, cancel any agreement under this paragraph upon giving the Bureau 30 days notice of its intent to do so.

(g) NO REDUCTION IN FEDERAL FUNDING.

Nothing in this section shall affect the obligating of Federal funding due to the receipt of the school funding for facilities improvement or construction from a State or any other source.

"SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

(a) FORMULATION AND ESTABLISHMENT OF POLICY AND PROCEDURE; SUPERVISION OF PROGRAMS AND EXPENDITURES.—The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs.

(b) DIRECTION AND SUPERVISION OF PERSONNEL OPERATIONS.

(I) IN GENERAL.—Not later than 180 days after the date of enactment of the Native American Education Improvement Act of 2001, the Director of the Office shall direct and supervise the operations of all personnel directly and indirectly involved in the provision of education program services by the Bureau, including school or institution custodial or maintenance personnel, and personnel responsible for contracting, procurement, financial, and other functions connected with school operation programs.

(2) TRANSFERS.—The Assistant Secretary for Indian Affairs shall, not later than 180 days after the date of enactment of the Native American Education Improvement Act of 2001, coordinate the transfer of functions relating to procurements for, contracts of, operation of, and maintenance of schools and other support functions to the Director.

(c) INHERENT FEDERAL FUNCTION.—For purposes of this Act, all functions relating to education that are located at the Area or Agency level and performed by an education line officer shall be subject to contract under the Indian Self-Determination and Education Assistance Act, unless determined by the Secretary to be inherent Federal functions as defined in sections 1141(12).

(d) EVALUATION OF PROGRAMS; SERVICES AND SUPPORT FUNCTIONS; TECHNICAL AND COORDINATING ASSISTANCE.—Any individual or group who are under the direction and supervision of the Director of the Office of Indian Education Programs in accordance with subsection (b)(1) shall:

(I) monitor and evaluate Bureau education programs;
(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions; and

(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, curriculum, and operation and maintenance of facilities.

(e) CONSTRUCTION, IMPROVEMENT, OPERATION, AND MAINTENANCE OF FACILITIES.

(1) PLAN FOR CONSTRUCTION.—The Assistant Secretary shall submit as part of the annual budget a plan—

(A) for school facilities to be constructed under section 11250; and

(B) for establishing priorities among projects and for the improvement and repair of educational facilities, which together shall form the basis for the distribution of appropriated funds;

(2) PROGRAM FOR OPERATION AND MAINTENANCE.—

(A) Establishment.—The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of educational facilities. Such program shall include—

(i) a method of computing the amount necessary for each educational facility;

(ii) similar treatment of all Bureau-funded schools;

(iii) a notice of an allocation of appropriated funds from the Director of the Office of Indian Education Programs directly to the education line officer for education programs with respect to personnel matters involving staffing actions and functions, and for the maintenance of education facilities, which together shall form the basis for the distribution of appropriated funds; and

(iv) for capital improvements to be made over the 5 succeeding years.

(3) PROGRAM FOR OPERATION AND MAINTENANCE.—

(A) Establishment.—The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of educational facilities. Such program shall include—

(i) a method of computing the amount necessary for each educational facility;

(ii) similar treatment of all Bureau-funded schools;

(iii) a notice of an allocation of appropriated funds from the Director of the Office of Indian Education Programs directly to the education line officer for education programs with respect to personnel matters involving staffing actions and functions, and for the maintenance of education facilities, which together shall form the basis for the distribution of appropriated funds; and

(iv) for capital improvements to be made over the 5 succeeding years.

(3) PROGRAM FOR OPERATION AND MAINTENANCE.—

(A) Establishment.—The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of educational facilities. Such program shall include—

(i) a method of computing the amount necessary for each educational facility;

(ii) similar treatment of all Bureau-funded schools;

(iii) a notice of an allocation of appropriated funds from the Director of the Office of Indian Education Programs directly to the education line officer for education programs with respect to personnel matters involving staffing actions and functions, and for the maintenance of education facilities, which together shall form the basis for the distribution of appropriated funds; and

(iv) for capital improvements to be made over the 5 succeeding years.

(4) DEFINITION OF FUNCTIONS.—For the purpose of this section, the term ‘functions’ includes powers and duties.

SEC. 1127. ALLOTMENT FORMULA.

(a) FACTORS TO BE CONSIDERED; REVISION TO REFLECT STANDARDS.—

(1) FORMULA.—The Secretary shall establish, by regulation adopted in accordance with section 1123, the minimum annual amount of funds necessary to sustain each Bureau-funded school. In establishing such formula, the Secretary shall consider—

(A) the number of eligible Indian students served and total student population of the school;

(B) special cost factors, such as—

(i) the isolation of the regular curriculum of a school, in considering the number of eligible Indian students served by such school;

(ii) the need for special staffing, transportation, or educational programs;

(iii) food and housing costs.

(2) DISTRIBUTION OF AMOUNT FOR SCHOOL BOARD ACTIVITIES.—

(A) IN GENERAL.—Upon the establishment of the standards required under section 1122, the Secretary shall revise the formula established under subsection (a) to reflect the cost of funding such standards.

(B) REVIEW OF FORMULA.—Not later than January 1, 2003, the Secretary shall review the formula established under this section and shall take such steps as are necessary to ensure that the standards are at least equivalent to those provided under such formula.

(C) REVIEW OF STANDARDS.—Concurrent with such action, the Secretary shall review the standards established under section 1122 to be certain that adequate provision is made for parental notification, and consent for, such counseling and therapeutic programs.

(3) ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT FOR SCHOOL BOARD ACTIVITIES.—

(1) ANNUAL ADJUSTMENT.—For fiscal year 2003, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to ensure that the formula does the following:

(A) Uses a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school.

(B) Considers a school with an enrollment of less than 50 eligible Indian students as having the same proportional representation in the requirements of paragraph (2) as an enrollment of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools.
SEC. 1128. ADMINISTRATIVE COST GRANTS.

(a) Definitions.—In this section:

(A) Administrative cost.—

(i) in general.—The term ‘‘administrative cost’’ means the cost of necessary administrative functions which—

(I) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program;

(ii) are not customarily paid by comparable Bureau-operated programs out of direct program funds; and

(iii) are either—

(I) normally provided for comparable Bureau programs by Federal officials using resources other than those of such program funds; or

(II) otherwise required of tribal self-determination program operators by law or prudent management practice.

(B) increment.—The term ‘‘administrative cost’’ may include—

(i) contract or grant (or other agreement) administration;

(ii) executive, policy, and corporate leadership and decisionmaking;

(iii) program planning, development, and management;

(iv) fiscal, personnel, property, and procurement management;

(v) related office services and record keeping; and

(vi) costs of necessary insurance, auditing, legal, safety and security services.

(B) Bureau elementary and secondary functions.—The term ‘‘Bureau elementary and secondary functions’’ means—

(A) all functions funded at Bureau schools by the Office;

(B) all programs—

(i) for which are appropriated to other agencies of the Federal Government;

(ii) which are administered for the benefit of Indians through an Indian tribe or tribal organization;

(iii) program planning, development, and management;

(iv) fiscal, personnel, property, and procurement management;

(v) related office services and record keeping; and

(vi) costs of necessary insurance, auditing, legal, safety and security services.

(c) Determination of Grant Amount.—The term ‘‘Bureau elementary and secondary functions’’ means—

(1) in general.—Except as otherwise provided in subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all Bureau elementary or secondary educational programs operated by the tribe or tribal organization during—

(i) the second fiscal year preceding such fiscal year; or

(ii) if such programs have not been operated by the tribe or tribal organization during the two preceding fiscal years, the first fiscal year preceding such fiscal year.

(2) Functions not previously operated.—In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

(d) Standard Direct Cost Base.—The term ‘‘standard direct cost base’’ means

(1) the minimum base rate; plus

(2) the actual direct cost, if any, of any function, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau) funded through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and

un expended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

(e) Grants; Effect Upon Appropriated Amounts.—Subject to the availability of funds, the Secretary shall provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools, other than those of a stand-alone institution shall receive less than $200,000 per year for these purposes, in order to—

(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the programs, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice; and

(B) carry out other necessary support functions otherwise provided by the Secretary or other Federal officials or employees, from resources other than direct program funds, in support of comparable Bureau-operated programs.

(f) Effect Upon Appropriated Amounts.—Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

(g) Determination of Grant Amount.—In general.—The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization during such fiscal year.

(h) Funds Available Without Fiscal Year Limitation.—Notwithstanding any other provision of law, at the election of the school board of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take such steps as are necessary to implement this subsection.

(i) Students at Richfield Dormitory, Richfield, Utah.—In general.—For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

(A) the sum of—

(i) the amount equal to—

(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

(II) the basic rate; plus

(ii) the amount equal to—

(I) the standard direct cost base; multiplied by

(II) the maximum rate; by

(B) the sum of—

(i) the maximum base rate; and

(ii) the administrative cost percentage rate shall be determined by the 1⁄20 of a decimal point.

(j) Apportionment.—The administrative cost percentage rate determined under this subsection shall not apply to other programs operated by the tribe or tribal organization.
(e) Combining Funds.—

(1) IN GENERAL.—Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by a tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

(2) INDIRECT COST FUNDS.—Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in paragraph (1).

(g) Treatment of Funds.—Funds received as grants under this section with respect to tribal elementary or secondary educational programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

(j) Authorization of Appropriations.—(1) IN GENERAL.—There are authorized to be available funds appropriated to carry out this section such sums as may be necessary.

(2) Reductions.—If the total amount of funds necessary to provide grants to tribes and tribal organizations as determined under subsection (c) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (c) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grants determined under subsection (c) for such fiscal year bears to the total amount of funds grants determined under subsection (c) for all tribal and tribal organizations for such fiscal year.

(k) Applicability to Schools Operating Under Tribally Controlled Schools Act of 1988.—The provisions of this section shall apply to schools operating under the Tribally Controlled Schools Act of 1988.

(1) Administrative Cost Grant Budget Requests.—

(1) IN GENERAL.—Beginning with President's annual budget request section 1105 of title 31, United States Code for fiscal year 2002, and with respect to each succeeding budget request, at the discretion of the Secretary, the Secretary shall submit to the appropriate committees of Congress information and funding requests for the full funding of administrative costs grants required to be paid under this section.

(2) Requirements.—

(A) Funding for New Conversions to Contract or Grant School Operations.—With respect to a budget request under paragraph (1), the amount required to provide full funding for an administrative cost grant for each tribe or tribal organization expected to begin operation of a Bureau-funded school as contract or grant school in the academic year funded by such annual budget request, the amount so required shall not be less than 20 percent of the amount required for subparagraph (B).

(B) Funding for Continuing Contract and Grant School Operations.—With respect to a budget request under paragraph (1), the amount required to provide full funding for an administrative cost grant for each tribe or tribal organization operating a contract or grant school at the time the annual budget request is submitted, which amount shall be the amount of funds required to provide full funding for an administrative cost grant for each tribe or tribal organization which began operation of a contract or grant school with administrative cost grant funds supplied from the amount described in subparagraph (A).

(2) SEC. 1129. DIVISION OF BUDGET ANALYSIS.

(A) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (hereafter in this section referred to as the ‘‘Division’’). Such Division shall be under the direct supervision and control of the Director of the Office.

(B) FUNCTIONS.—In consultation with the tribal governing bodies and tribal school boards, the Director of the Office, through the Division, shall conduct studies, surveys, or other activities to gather demographic information necessary to provide funding for Bureau-funded schools and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

(c) Annual Reports.—Not later than the date on which the Assistant Secretary for Indian Affairs makes the annual budget submission under subsection (a) of section 1105 of title 31, United States Code for fiscal year 2002, and with respect to each succeeding fiscal year, the Secretary shall provide the Congress with a report on the findings of the analysis of the Division under section 1129.
shall submit to the appropriate committees of Congress (including the Appropriations committees), all Bureau-funded schools, and the tribal governing bodies of such schools, a report that contains—

"(1) projections, based upon the information gathered pursuant to subsection (b) and any other relevant information, of amounts necessary for school board consideration of Bureau-funded schools the educational program set forth in this part;

"(2) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (1); and

"(3) such other information as the Director of the Office considers appropriate.

"(d) USE OF REPORTS.—The Director of the Office and the Assistant Secretary for Indian Affairs shall use the annual report required by subsection (c) when preparing annual budget submissions.

'SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.—

(a) ESTABLISHMENT OF SYSTEM AND FORWARDING.—

"(1) IN GENERAL.—The Secretary shall establish, by regulation adopted in accordance with section 1136, a system for the direct funding and support of all Bureau-funded schools. Such system shall allot funds in accordance with section 1137. All amounts appropriated for distribution pursuant to this section shall be made available in accordance with paragraph (2).

"(2) TIMING FOR USE OF FUNDS.—

"(A) AVAILABILITY.—For the purposes of allowing the Secretary to make available funds pursuant to the allotments made under section 1127 and the allotments of funds for operation and maintenance of facilities, amounts appropriated in an appropriations Act for any fiscal year for such allotments—

"(i) shall become available for obligation by the affected schools on July 1 of the fiscal year for which such funds shall be obligated without further action by the Secretary; and

"(ii) shall become available for obligation through the succeeding fiscal year.

"(B) PUBLICATION.—The Secretary shall, on the basis of the amounts appropriated as described in this paragraph—

"(i) publish, not later than July 1 of the fiscal year for which the amounts are appropriated, information indicating the amount of the allotments to be made to each affected school under section 1137, 80 percent of such appropriated amounts; and

"(ii) publish, not later than September 30 of such fiscal year, information indicating the amount of the allotments to be made to each affected school under section 1127, from the remaining 20 percent of such appropriated amounts, adjusted to reflect the actual student attendance.

"(C) Overpayments.—Any overpayments made to tribal schools shall be returned to the Secretary not later than 30 days after the final determination that the school was overpaid pursuant to this section.

"(3) LIMITATION.—

"(A) EXPENDITURES.—Notwithstanding any other provision of law (including a regulation), the surplus of funds available in accordance with this section shall be made available in accordance with paragraph (2).

"(B) PROHIBITION.—In no case shall funds appropriated pursuant to paragraph (1) be used to fund allotments under section 1127 for a fiscal year after the fiscal year for which such funds were appropriated.

"(C) AUDIT.—The Secretary shall require the audit of each Bureau-funded school to be conducted in accordance with section 1127(b).

"(D) LIMITATION.—Any funds appropriated for a fiscal year under this section shall be made available in accordance with paragraphs (1) and (2), and shall be subject to the conditions described in paragraphs (3) and (4).

"(4) EFFECT OF SEQUESTRATION ORDER.—If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1127 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year, the Secretary may allocate such amount to the extent practicable, provide such funds to those schools that are to receive funds as part of the budget of the Office for the provision of those services.

'B. LOCAL FINANCIAL PLANS FOR EXPENDITURE OF FUNDS.—

"(1) PLAN REQUIRED.—Each Bureau-operated school that receives an allotment under section 1127 shall prepare a local financial plan that specifies the manner in which the school will expend such funds. The plan shall include the following:

"(A) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (1);

"(B) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (2); and

"(C) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (3).

"(2) APPROVAL.—The local financial plan under paragraph (1) shall comply with all applicable Federal and tribal laws.

"(3) PREPARATION AND REVISION.—

"(A) IN GENERAL.—The local financial plan for a school under subparagraph (A) shall be prepared by the local education agency of the school in accordance with the local school board for the school.

"(B) AUTHORITY OF SCHOOL BOARD.—The local school board for each school shall have the authority to revise, reject, or amend such financial plan and, at the initiative of the local school board or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan.

"(4) ROLE OF SUPERVISOR.—The supervisor of the school—

"(A) shall implement the decisions of the local school board relating to the financial plan under paragraph (1); and

"(B) shall provide the appropriate local education agency with copies of proposed financial plans relating to the school and all modifications and proposed modifications to the plans, and at the same time submit such copies to the local school board; and

"(C) may appeal any such action of the local school board to the appropriate line officer of the Bureau of Education, as the supervisor believes such action should be overturned.

"(5) STATEMENTS.—

"(A) IN GENERAL.—A copy of each statement filed under paragraph (4)(C) shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal.

"(B) OVERTURNED ACTIONS.—After reviewing such written appeal and response, the appropriate line officer may, for good cause, overturn the action of the local school board.

"(C) TRANSMISSION OF DETERMINATION.—The appropriate line officer shall transmit the determination of such appeal in the form of a written opinion to such board and such supervisor identifying the reasons for overturning such action.

"(D) TRIBAL DIVISION OF EDUCATION, SELF-DETERMINATION GRANT AND CONTRACT FUNDS.—The Secretary may approve applications for funding tribal divisions of education and developing tribal codes of education, from funds appropriated pursuant to this Act, for projects that are consistent with the requirements of section 103(a) of the Indian Self-Determination and Education Assistance Act.

"(E) TECHNICAL ASSISTANCE AND TRAINING.—In addition to the section on the school board, the Secretary may make technical assistance and training available to schools and tribes, and to the extent practicable, provide such assistance and make appropriate provisions in the budget of the Office for the provision of those services.

'C. SUMMER PROGRAM OF ACADEMIC AND SUPPORT SERVICES.—

"(1) PLAN.—

"(A) IN GENERAL.—A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school.

"(B) PREVENTION ACTIVITIES.—Any such program may include activities related to the prevention of alcohol and substance abuse.

"(2) SUMMER USE.—The Secretary for Indian Affairs shall provide for the use of any such school facility during any summer in which such use is requested.

"(3) STATEMENTS.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934, and this Act may be used to augment the services provided in each summer program at the option, and under the control of the tribe or Indian controlled school receiving such funds.

"(3) TECHNICAL ASSISTANCE AND PROGRAM COORDINATION.—The Secretary for Indian Affairs, acting through the Director of the Office, shall—

"(A) provide technical assistance and coordination for any program described in paragraph (1); and

"(B) to the extent practicable, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

"(4) IMPLEMENTATION.—

"(A) IN GENERAL.—Funds allotted to a Bureau school under section 1127, the Secretary shall enter into a cooperative agreement that is entered into between the tribe, the Bureau, the local school board, and the local public school district that meets the requirements of paragraph (2) and involves the

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be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned.

(ii) ACTION BY BOARD.—A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal.

(iii) OVERTURNING OF DETERMINATION.—After reviewing such written appeal and response, the education line officer may, for good cause, overturn the determination of the local school board.

(iv) TRANSMISSION OF DETERMINATION.—The education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

(2) BY EDUCATION LINE OFFICER.—

(i) IN GENERAL.—The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual was employed, or not employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned.

(ii) ACTION BY BOARD.—A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal.

(iii) OVERTURNING OF DETERMINATION.—After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board.

(iv) TRANSMISSION OF DETERMINATION.—The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

(5) OTHER APPEALS.—

(A) IN GENERAL.—The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual was employed, or not employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned.

(B) ACTION BY BOARD.—A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal.

(C) OVERTURNING OF DETERMINATION.—After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board.

(D) TRANSMISSION OF DETERMINATION.—The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

(e) DISCHARGE AND CONDITIONS OF EMPLOYMENT OF EDUCATORS

(1) REQUIR E MENTS.—In promulgating regulations to govern the discharge and conditions of employment of educators, the Secretary shall require;

(A) that procedures shall be established for the rapid and equitable resolution of grievances of educators;

(B) that no educator may be discharged without notice of the reasons for the discharge and an opportunity for a hearing under procedures that comport with the requirements of due process; and

(C) that each educator employed in a Bureau school shall be notified 30 days prior to the end of an academic year whether the employment of the individual will be renewed for the following year.

(2) PROCEDURES FOR DISCHARGE.—

(4) COMMISSION OR SALARY FOR TEACHERS AND COUNSELORS.—

(i) IN GENERAL.—The Secretary shall establish the rate of compensation, or annual salary, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rate of compensation applicable (on the date of enactment of the Native American Education Improvement Act of 2001 and thereafter) for comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act.

(ii) ESSENTIAL PROVISIONS.—The Secretary shall prescribe the terms and conditions of employment, the administrative and personnel practices, and appropriate provisions to assure the implementation of the entire Act.

(iii) RATES FOR NEW HIRINGS.—

(A) IN GENERAL.—Beginning with the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, each local school board of a Bureau school may establish a rate of compensation for an educator who is employed after the date of the enactment of this section.

(B) EFFECT OF PREVIOUS AGREEMENTS.—Notwithstanding any provision of this section, the Secretary may establish the compensation or annual salary rate for the positions of teachers and counselors (including academic counselors) at the rate of compensation applicable (on the date of enactment of the Native American Education Improvement Act of 2001 and thereafter) for comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act.

(4) COMPENSATION FOR EDUCATORS AND EDUCATION POSITIONS.—Except as otherwise provided in this section, the Secretary shall establish the compensation or annual salary rate for education line officers and employees for the positions of teachers and counselors (including academic counselors) at the rate of compensation applicable (on the date of enactment of the Native American Education Improvement Act of 2001 and thereafter) for comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act.

(i) AT RATES IN EFFECT UNDER GENERAL.—The Secretary shall allow the local school boards involved authority to implement only the aspects of the Department of Education, Office of the Secretary, and Personnel Practices Act pay provisions that are considered essential for recruitment and retention of teachers and counselors. Implementation of such provisions shall not require the implementation of that entire Act.

(C) RATES FOR NEW HIRINGS.—

(A) IN GENERAL.—Beginning with the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, each local school board of a Bureau school may establish a rate of compensation for an educator who was employed after the date of the enactment of this section.

(B) EFFECT OF PREVIOUS AGREEMENTS.—Notwithstanding any provision of this section, the Secretary may establish the compensation or annual salary rate for the positions of teachers and counselors (including academic counselors) at the rate of compensation applicable (on the date of enactment of the Native American Education Improvement Act of 2001 and thereafter) for comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act.

(4) USE OF RULES; CONTINUED EMPLOYMENT OF CERTAIN EDUCATORS.—The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not—

(i) preclude the use of regulations and procedures of the Bureau prior to April 28, 1988, in making determinations regarding promotions and advancements through levels of pay that...
are based on the merit, education, experience, or tenure of the educator; or

(ii) affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make an election under subsection (p) as in effect on January 1, 1990.

(2) EXCEPTIONS.—(A) IN GENERAL.—The Secretary may pay a post differential rate, not to exceed 25 percent of the rate of compensation, for educators or education positions on the basis of conditions of environment or work that warrant additional pay, as a recruitment and retention incentive.

(B) AUTHORITY.—(i) IN GENERAL.—Except as provided in clause (ii), on the request of the supervisor and the local school board of a Bureau school, the Secretary may, subject to the approval of the Bureau, authorize to provide a post differential rate under subparagraph (A).

(ii) EXCEPTION.—The Secretary shall disapprove, or approve with a modification, a request for authorization to provide a post differential rate unless before that time the request is approved at the end of the 60th day after the request is received, is disapproved, or is disapproved with a modification, or disapproved by the Secretary.

(3) DISCONTINUATION OR DECREASE IN RATES.—The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential rate provided for under this paragraph at the beginning of an academic year if—

(I) the local school board requests that such differential be discontinued or decreased; or

(II) the Secretary or the supervisor, respectively, determines for clear and convincing reasons (and advises the board in writing of those reasons) that the rate should be disapproved or decreased because the disparity of compensation between the appropriate educators or positions in the Bureau school and comparable educators or positions at the nearest public school is—

([I](a)(i) at least 5 percent; or

([II] (ii) does not affect the recruitment or retention of employees at the school.

(4) REQUESTS.—A request made under clause (i) shall be considered to be approved at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with a modification, or disapproved by the Secretary.

(5) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual covered by the provisions in accordance with sections 5531(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations promulgated pursuant to section (b)(10) shall not be so liquidated.

(6) TRANSFER OF REMAINING SICK LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—Any educator who is transferred, promoted, or reemployed, without break in service, to a position in the Federal Government under a different leave system, any remaining annual leave to the credit of such person earned or credited under the regulations promulgated pursuant to subsection (b)(10) shall be transferred to such person’s credit in the employing Bureau school, and any unused earned or accrued leave shall be liquidated in accordance with regulations which shall be promulgated by the Office of Personnel Management.

(7) INELIGIBILITY FOR EMPLOYMENT OF VOLUNTARILY TERMINATED EDUCATORS.—An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment term, or an educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

(8) DUAL COMPENSATION.—In the case of any educator employed in an education position described in subsection (l)(1)(A) who—

(1) is employed for the close of a school year; and

(2) is employed in a position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5352 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any receipt of additional compensation.

(9) VOLUNTARY SERVICES.—

(I) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the local school board concerned, accept voluntary services on behalf of Bureau schools.

(II) FEDERAL EMPLOYEE PROTECTION.—Nothing in this part requires Federal employees to work without compensation or allows the use of volunteer services to displace or replace Federal employees.

(10) FEDERAL STATUS.—An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 75, United States Code.

(11) PRORATION OF PAY.—

(I) ELECTION OF EMPLOYEE.—(A) IN GENERAL.—Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period.

(B) ELECTION.—Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session.

(3) APPLICABILITY OF SUBSECTION.—Notwithstanding any other provision of law, the term ‘education position’ means a position in the Bureau that the duties and responsibilities of which—

(A)(i) are performed on a school year basis principally in a Bureau school; and

(ii) involve—

(1) classroom or other instruction or the supervision or direction of classroom or other instruction;

(2) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor’s degree in education from an accredited institution of higher education;

(III) any activity in or related to the field of education notwithstanding that academic credits required in that activity are not a formal requirement for the conduct of such activity;

(iii) support services at, or associated with, the Bureau school; or

(iv) volunteer services to displace or replace Federal employees.

(12) FEDERAL EMPLOYEE PROTECTION.—Nothing in this section requires Federal employees to provide services under this section to substitute for services provided by State, local, or Indian tribe governments.

(13) FEDERAL STATUS.—An individual providing services under this section is a Federal employee only for purposes of title 28, United States Code.

(14) PROHIBITION.—An individual providing services under this section shall not be compensated in addition to compensation for services provided by another Federal employee under this section.

(m) EXTRACURRICULAR ACTIVITIES.—(A) IN GENERAL.—Any Federal employee only for purposes of title 31, United States Code, the Secretary may, subject to the approval of the local school board, place any educator employed in an education position on October 31, 1979, and who was eligible to make an election under subsection (l)(1)(A) who—

(1) is employed in a Bureau school; and

(2) agrees in writing to serve in such position for the next school year; and

(3) is employed in a position during the recess period immediately preceding such next school year or during such recess period receives additional compensation referred to in section 5352 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any receipt of additional compensation.

(A)(i) at least 5 percent; or

(ii) that is employed in a Bureau school; and

(iii) agrees in writing to serve in such position for the next school year; and

(iv) is employed in a position during the recess period immediately preceding such next school year or during such recess period receives additional compensation referred to in section 5352 of title 5, United States Code, relating to dual compensation.

(B) ELECTION.—Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session.

(1) NO LOSS OF PAY OR BENEFITS.—No educator employed in an education position may be paid on a 12-month basis or for those months while school is in session.

(B) ELECTION.—Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session.

(2) CHANGE OF ELECTION.—Each educator employed for the academic school year may be paid in a lump sum at the election of the employee.

(B) ELECTION.—Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session.

(2) CHANGE OF ELECTION.—Each educator employed for the academic school year may be paid in a lump sum at the election of the employee.

(3) APPLICABILITY OF SUBSECTION.—Notwithstanding any other provision of law, the term ‘education position’ means a position in the Bureau that the duties and responsibilities of which—

(A)(i) are performed on a school year basis principally in a Bureau school; and

(ii) involve—

(1) classroom or other instruction or the supervision or direction of classroom or other instruction;

(2) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor’s degree in education from an accredited institution of higher education;

(iii) any activity in or related to the field of education notwithstanding that academic credits required in that activity are not a formal requirement for the conduct of such activity;

(iv) support services at, or associated with, the Bureau school; or

(v) volunteer services to displace or replace Federal employees.

(12) FEDERAL EMPLOYEE PROTECTION.—Nothing in this section requires Federal employees to provide services under this section to substitute for services provided by State, local, or Indian tribe governments.

(13) FEDERAL STATUS.—An individual providing services under this section is a Federal employee only for purposes of title 28, United States Code.

(14) PROHIBITION.—An individual providing services under this section shall not be compensated in addition to compensation for services provided by another Federal employee under this section.

(n) COVERED INDIVIDUALS.—This section shall apply with respect to any educator hired after November 1, 1979 (and to any educator who elected for coverage under that provision before November 1, 1979) and to the position in which such individual is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979, in an education position, or such person’s right to receive the compensation attached to such position.

(1) FURLough without CONSENT.—(A) IN GENERAL.—Any educator who was employed in an education position on October 31, 1979, who was eligible to make an election under subsection (p) at that time, and who did not make an election under such subsection (p), may not be placed on furlough (within the meaning of section 751a(g) of title 5, United States Code, without the consent of such educator for an aggregate of more than 26 weeks within the same calendar year, unless—

(A) the supervisor, with the approval of the local school board (or of the education line officer upon appeal under paragraph (3)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to an insufficient number of funds available to provide compensation at such school, as determined under the financial plan process as determined under section 1129(b); and

(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length, except that the supervisor, with the approval of the local school board (or of the education line officer upon appeal under paragraph (3)), may continue 1 or more educators in pay status if—

(i) such educators are needed to operate summer programs, attend summer training sessions, or participate in special activities including curriculum development committees; and

(ii) such educators may be placed on furlough and return to active status upon such educator’s qualifications after public notice of the minimum qualifications reasonably
necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply.

(2) APPEALS.—The supervisor of a Bureau school, the local school board, and to the appropriate agency education line officer any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A), by writing, to such appeal. After reviewing such written appeal, the education line officer may, for good cause, approve the determination or the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, approve the determination of the supervisor. The educational line officer shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.

(1) STIPENDS.—The Secretary is authorized to provide annual stipends to teachers who become certified by the National Board of Professional Teaching Standards, the National Council on Teacher Quality, or other nationally recognized certifying agencies for educators teaching at Bureau-funded schools.

**SEC. 1133. COMPUTERIZED MANAGEMENT INFORMATION SYSTEM.**

(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary shall update the computerized management information system within the Office. The information to be updated shall include information regarding—

1. student enrollment;
2. curricula;
3. staffing;
4. facilities;
5. community demographics;
6. student assessment information;
7. information on the administrative and program costs attributable to each Bureau program, divided into discrete elements;
8. relevant reports;
9. personnel records;
10. finance and payroll; and
11. such other items as the Secretary determines to be appropriate.

(b) IMPLEMENTATION OF SYSTEM.—Not later than July 1, 2003, the Secretary shall complete the implementation of the updated computerized management information system at each Bureau field office and Bureau-funded school.

**SEC. 1134. RECRUITMENT OF INDIAN EDUCATORS.**

The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

**SEC. 1135. ANNUAL REPORT; AUDITS.**

(a) ANNUAL REPORT.—The Secretary shall submit to each appropriate committee of Congress, the Tribal governments, and the tribal governing bodies of such schools, a detailed annual report on the status of education within the Bureau, and any problems encountered in Indian education during the period covered by the report, that includes—

1. suggestions for the improvement of the Bureau educational system and for increasing tribal or local Indian control of such system; and
2. information on the status of tribally controlled community colleges.

(b) BUDGET REQUEST.—The annual budget request for the education programs of the Bureau, as submitted as part of the President’s next annual budget request under section 1105 of title 5, United States Code, shall include the plans required by sections 1121(c), 1122(c), and 1124(c).

(1) FINANCIAL AND COMPLIANCE AUDITS.—The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits, based on the extent to which a school described in subsection (a) has complied with the local financial plan under section 1119, are conducted of each Bureau-operated school at least once every 3 years.

(2) DETERMINATION OF AUDIT.—The Director shall, at least once every 3 to 5 years, conduct a comprehensive evaluation of Bureau-operated schools. Such evaluation shall include an additional to any other program review or evaluation that may be required under Federal law.

**SEC. 1136. RIGHTS OF INDIAN STUDENTS.**

The Secretary shall—describe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau-funded schools, including such students’ rights to—

1. privacy under the laws of the United States;
2. freedom of religion and expression; and
3. to due process in connection with disciplinary actions, suspensions, and expulsions.

**SEC. 1137. REGULATIONS.**

(a) PROMULGATION.—

(1) IN GENERAL.—The Secretary may promulgate only such regulations as are necessary to ensure compliance with the specific provisions of this part; and

(2) PUBLICATION.—In promulgating the regulations, the Secretary shall—

1. publish proposed regulations in the Federal Register; and
2. provide a period of not less than 120 days for public comment and consultation on the regulations.

(b) MISCELLANEOUS.—The provisions of this Act that are consistent with the provisions of this part shall be included in the regulations promulgated under this part, and the Secretary is authorized to regulate any regulation inconsistent with the provisions of this Act.

**SEC. 1138. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.**

(a) REGIONAL INSTITUTE.—The Secretary shall have the authority to convene a regional meeting on any matter that the Secretary determines to be appropriate.

(b) NEGOTIATED RULEMAKING.—

(1) IN GENERAL.—The Secretary shall establish a negotiated rulemaking committee to carry out this subsection. In establishing such committee, the Secretary shall—

1. apply the procedures provided for under subchapter III of chapter 5 of title 5, United States Code, in a manner that reflects the government-to-government relationship between Indian tribes and the United States;
2. ensure that the membership of the committee includes only representatives of the Federal Government and of tribes served by Bureau-funded schools;
3. select the tribal representatives of the committee from among individuals nominated by the representatives of the tribal and tribally operated schools;
4. ensure, to the maximum extent possible, that the tribal representative membership on the committee reflects the proportionate share of students from tribes served by the Bureau-funded school system; and
5. comply with the Federal Advisory Committee Act (5 U.S.C. App.).

(2) SPECIAL RULE.—The Secretary shall establish a negotiated rulemaking committee under this subsection, for the purpose of negotiating regulations implementing this part and the Tribally Controlled Schools Act of 1988, only in accordance with this section.

**SEC. 1139. EARLY CHILDHOOD DEVELOPMENT PROGRAM.**

(a) IN GENERAL.—The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (a) for such fiscal year (less amounts provided under subsection (f)) as—

1. the total number of children under 6 years of age who are members of—
   (i) such tribe;
   (ii) the tribe that authorized such tribal organization; or
   (iii) any tribe that—
      (I) is a member of such consortium; or
      (II) authorizes any tribal organization that is a member of such consortium; or
2. the total number of all children under 6 years of age who are members of any tribe that—
   (i) is eligible to receive funds under subsection (a); or
   (ii) is a member of a consortium that is eligible to receive such funds; or
   (iii) authorizes a tribal organization that is eligible to receive such funds.

(2) LIMITATION.—No grant may be provided under subsection (a) to any tribe that has less than 500 mem-
“(B) to any tribal organization which is authorized—
(i) by only one tribe that has less than 500 members;
or
(ii) by two or more tribes that have a combined total membership of less than 500 members;
or
(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

(4) APPLICATION.—
(I) In general.—A grant may be provided under subsection (a) to a tribe, tribal organization, or consortium of tribes and tribal organizations authorized by tribes, or a consortium submitted to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

(II) Submissions submitted under paragraph (I) shall set forth the early childhood development program that the applicant desires to operate.

(d) Requirement of programs funded.—The early childhood development programs that are funded by grants provided under subsection (a)—
(I) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age who are not being met by existing programs, including—
(A) prenatal care;
(B) nutrition and prenutrition education;
(C) health education and screening;
(D) family literacy services;
(E) educational testing; and
(F) educational services;
(II) may include instruction in the language, art, and culture of the tribe; and
(III) shall provide for periodic assessment of the program.

(e) Coordination of family literacy programs.—Family literacy programs operated under this section and other family literacy programs operated by the Bureau of Indian Affairs shall be coordinated with family literacy programs for Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving Indians.

(f) Administrative costs.—The Secretary shall, out of funds appropriated under this section and other funds provided under subsection (a) amounts for administrative costs incurred by the tribe, tribal organization, or consortium of tribes in establishing and maintaining the early childhood development program.

(g) Authorization of appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 1140. TRIBAL DEPARTMENTS OR DIVISIONS OF EDUCATION.

(a) In general.—Subject to the availability of appropriations, the Secretary shall make grants and provide technical assistance to tribes for the development and operation of tribal departments or divisions of education for the purpose of coordinating all educational programs of the tribe.

(b) Applications.—For a tribe to be eligible to receive a grant under this section, the governing body of the tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) Diversity.—The Secretary shall award grants under this section in a manner that fosters geographic and population diversity.

(d) Administration.—The Secretary may make grants under this section that shall use the funds made available through the grants—
(1) to facilitate tribal control in all matters relating to education of Indian children on reservations (and on former Indian reservations in Oklahoma);

(2) to provide for the development of coordinated educational programs (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribally controlled agencies) on reservations (and on former Indian reservations in Oklahoma) by encouraging tribal administrative support of all Bureau-funded educational programs as well as encouraging tribal cooperation and coordination with entities carrying out all educational programs receiving financial support from other Federal agencies, state agencies, or private entities; and

(3) to provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to tribal prekindergarten, students, facilities, and support programs.

(e) Priorities.—In making grants under this section, the Secretary shall give priority to any application that—
(I) includes—
(A) assurances that the applicant serves 3 or more separate Bureau-funded schools; and
(B) assurances from the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools;

(II) includes assurances that all education programs for which funds are provided by such a contract or grant will be monitored and audited, by the tribe, department of education, to ensure that the programs meet the requirements of law; and

(II) provides for—
(A) the assumption, by the tribal department of education, of all assets and functions of the Bureau agency office associated with the tribe, to the extent the assets and functions relate to education; and

(B) the termination by the Bureau of such functions and office at the time of such assumption; and

(3) provides that the assumption shall occur over the term of the grant made under this section, except that, when mutually agreeable to the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

(f) Time period of grant.—Subject to the availability of appropriated funds, a grant provided under this section shall be provided for a period of 3 years. If the performance of a grant recipient is satisfactory to the Secretary, the grant may be renewed for additional 3-year terms.

(g) Terms, Conditions, or Requirements.—A tribe that receives a grant under this section shall comply with regulations relating to grants made under section 103(a) of the Indian Self-Determination and Education Assistance Act that are in effect on the date that the tribal governing body submits the application for the grant under subsection (b). The Secretary shall not impose amendments, or requirements on the provision of grants under this section that are not specified in this section.

(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $2,000,000.

SEC. 1141. DEFINITIONS.

For the purposes of this part, unless otherwise specified—

(1) Agency school board.—The term ‘agency school board’ means a body—

(A) the members of which are appointed by all of the school boards of the schools located within an agency that includes schools operated under contract or grant; and

(B) the number of such members is determined by the Secretary, in consultation with the affected tribes, or the tribal council, the Bureau’s Regional Administrator, or the Secretary’s Designee or the Secretary’s Designee’s Designee, except that, in agencies serving a single school, the school board of such school shall fulfill the nondelegable statutory duties of the Secretary relating to Indian education.

(2) BUREAU.—The term ‘Bureau’ means the Bureau of Indian Affairs of the Department of the Interior.

(3) BUREAU-FUNDED SCHOOL.—The term ‘Bureau-funded school’ means a Bureau-funded elementary or secondary school or boarding school or a Bureau-operated dormitory for students attending a school other than a Bureau school.

(4) COMPLEMENTARY EDUCATIONAL FACILITIES.—The term ‘complementary educational facilities’ means educational program functional spaces such as libraries, gymnasia, and cafeterias.

(5) CONTRACT OR GRANT SCHOOL.—The term ‘contract or grant school’ means an elementary school, secondary school, or dormitory that receives financial assistance for its operating under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, or under the Tribally Controlled Schools Act of 1988.

(6) DIRECTOR.—The term ‘Director’ means the Director of the Office of Indian Education Programs.

(7) EDUCATION LINE OFFICER.—The term ‘education line officer’ means a member of the education personnel under the supervision of the Director of the Office, whether located in a central, area, or agency office.

(8) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means literacy services as defined in section 801 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) FINANCIAL PLAN.—The term ‘financial plan’ means a plan of services provided by each Bureau school.

(10) INDIAN ORGANIZATION.—The term ‘Indian organization’ means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes.

(11) INHERENTLY FEDERAL FUNCTIONS.—The term ‘inherently federal functions’ means functions and responsibilities required by law or regulation, section 112(c), are noncontractable, including—

(A) the allocation and obligation of Federal funds and determinations as to the amounts of expenditures;

(B) the administration of Federal personnel laws for Federal employees;

(C) the administration of Federal contracting and purchasing laws, including the monitoring and auditing of contracts and grants in order to maintain the continuing trust, programmatic, and fiscal responsibilities of the Secretary;

(D) the conducting of administrative hearings and deciding of administrative appeals;

(E) the determination of the Secretary’s views and recommendations concerning administrative appeals or litigation and the representation of the Secretary in administrative appeals and litigation;

(F) the issuance of Federal regulations and policies as well as any documents published in the Federal Register;

(G) reporting to Congress and the President; and

(H) the Secretary’s views and recommendations concerning the President’s policies and their budgetary and legislative recommendations and views; and

(I) the nondelegable statutory duties of the Secretary relating to Indian education.

(12) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ means a board of...
education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, or independent or other school district located in the State, and includes any State agency that directly operates and maintains facilities for providing free public education.

16. LOCAL SCHOOL BOARD.—The term ‘local school board’, when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that, for a school serving a substantial number of students from different tribes, the election may be conducted by the tribal governing bodies of the tribes affected; and

17. Members of the body shall be appointed by the tribal governing bodies of the tribes affected; and

18. The number of such members shall be determined by the Secretary in consultation with the affected tribes.

19. OFFICE.—The term ‘Office’ means the Office of Indian Education Programs within the Bureau.

20. RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or any other provision of this title shall be construed to prohibit the Secretary from exercising his or her internal direction or other documents similar to the documents found in the Indian Affairs Manual of the Bureau of Indian Affairs.

21. SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

22. TRIBAL GOVERNMENT.—The term ‘tribal governing body’ means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

23. TRIBE.—The term ‘tribe’ means any Indian tribe, band, nation, or other organized group or community, including an Alaska Native Regional Corporation or Village Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.


The Tribally Controlled Schools Act of 1988 (25 U.S.C. § 2501 et seq.) is amended by striking sections 5202 through 5212 and inserting the following new sections:

§ 5202. DECLARATION OF POLICY.

(a) RECOGNITION.—Congress recognizes that the Indian Self-Determination and Educational Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial step toward tribal and community control of education in the United States. The United States has an obligation to assure maximum Indian participation in the direction of educational services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities.

(b) COMMITMENT.—Congress declares its commitment to the maintenance of the Federal Government’s unique and continuing trust relationship with and responsibility to the Indian people for the educational and economic development of Indian children through the establishment of a meaningful Indian self-determination policy for education that will further perpetuation of Federal bureaus of programs.

(c) NATIONAL GOAL.—Congress declares that a national goal of the United States is to provide the resources, processes, and structure that will enable tribes and local communities to obtain the quantity and quality of educational services and opportunities that will permit Indian children to compete and excel in areas of their choice; and

(d) EDUCATIONAL NEEDS.—Congress affirms—

(1) self-determination in any society of people is dependent upon an educational process that will ensure the development of qualified people to fill leadership roles;

(2) that Indian people have special and unique educational needs, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities; and

(3) that those needs must best be met through a grant process.

(e) FEDERAL RELATIONS.—Congress declares a commitment to the policies described in this section and support, to the full extent of congressional responsibility, for Federal relations with the Indian nations.

(f) TERMINATION.—Congress repudiates and rejects House Concurrent Resolution 106 of the 96th Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

§ 5203. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary shall provide grants to Indian tribes, and tribal organizations that—

(1) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than through an educational agency contract; or

(2) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

(3) elect to operate a Bureau-funded school with the assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

(b) DEPOSIT OF FUNDS.—Grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is made.

(c) USE OF FUNDS.—Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is made, all costs that are reasonable and necessary for the operation of the Indian school, including expenditures for—

(i) school operations, academic, educational, residential, guidance, and counseling, and administrative services;

(ii) support services for the school, including transportation.

(d) EXCEPTION.—Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5204(a), including expenditures for—

(i) school operations, academic, educational, residential, guidance, and counseling, and administrative services;

(ii) support services for the school, including transportation.

(e) LIMITATIONS.—

(1) one grant per tribe or organization per fiscal year.—Not more than 1 grant may be approved for each tribe or organization for any fiscal year.

(2) NONSECRETARY USE.—Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

(3) ADMINISTRATIVE COSTS LIMITATION.—Funds provided under any grant under this part may not be expended for administrative costs (as defined in section 1128(h)(1) of the Education and Human Services Appropriations Act for fiscal year 1979) in an amount greater than 15 percent of the amount generated for such costs under section 1128 of such Act.

(4) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOL SITES.—

(1) IN GENERAL.—In the case of a grantee that operates schools at more than 1 school site, the Secretary may expend any grant provided under this part to operate a school site other than the entity to which the grant is provided.

(2) DEFINITION OF SCHOOL SITE.—For purposes of this subsection, the term ‘school site’ means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau, or with any school serving a substantial number of students from different tribes, or the school operated under contract or grant with a Bureau-funded school under title XI of the Education Amendments of 1978.

(5) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed to require a tribe or tribal organization to apply for an Indian tribe or tribal organization to apply for, accept, or administer a grant under this part to plan, conduct, and administer all or any portion of, or any program of, any Bureau program. Such applications and the timing of such applications shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the Secretary to be made.

(6) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

(7) RETROCESSION.—Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary that is not more than 120 days after the date on which the tribal governing body requests the retrocession. A later date may be specified if mutually agreed upon by the Secretary and the tribal governing body.

§ 5204. TRANSFER OF EQUIPMENT AND MATERIALS.

(a) IN GENERAL.—Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is made, all costs that are reasonable and necessary for the operation of the Indian school, including expenditures for—

(i) school operations, academic, educational, residential, guidance, and counseling, and administrative services;

(ii) support services for the school, including transportation.

(b) EXCEPTION.—Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5203(a), including expenditures for—

(i) school operations, academic, educational, residential, guidance, and counseling, and administrative services;

(ii) support services for the school, including transportation.

(c) LIMITATIONS.—

(1) one grant per tribe or organization per fiscal year.—Not more than 1 grant may be approved for each tribe or organization for any fiscal year.

(2) NONSECRETARY USE.—Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

(3) ADMINISTRATIVE COSTS LIMITATION.—Funds provided under any grant under this part may not be expended for administrative costs (as defined in section 1128(h)(1) of the Education and Human Services Appropriations Act for fiscal year 1979) in an amount greater than 15 percent of the amount generated for such costs under section 1128 of such Act.

(4) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOL SITES.—

(1) IN GENERAL.—In the case of a grantee that operates schools at more than 1 school site, the Secretary may expend any grant provided under this part to operate a school site other than the entity to which the grant is provided.

(2) DEFINITION OF SCHOOL SITE.—For purposes of this subsection, the term ‘school site’ means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau, or with any school serving a substantial number of students from different tribes, or the school operated under contract or grant with a Bureau-funded school under title XI of the Education Amendments of 1978.

(3) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed to require a tribe or tribal organization to apply for an Indian tribe or tribal organization to apply for, accept, or administer a grant under this part to plan, conduct, and administer all or any portion of, or any program of, any Bureau program. Such applications and the timing of such applications shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the Secretary to be made.

(4) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

(5) RETROCESSION.—Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary that is not more than 120 days after the date on which the tribal governing body requests the retrocession. A later date may be specified if mutually agreed upon by the Secretary and the tribal governing body.

§ 5205. USE OF DEFINITION OF 'TRIBAL GOVERNMENT'.

(a) IN GENERAL.—The term ‘tribal government’ includes the legal title which shall be used to defray, at the discretion of the Indian tribe or tribal organization, any costs that the Indian tribe or tribal organization for any fiscal year.

(b) NO PROHIBITION OF TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided
under this part may not be terminated, modi-
fi ed, suspended, or reduced solely for the con-
vvenience of the administering agency.

**SEC. 5204. COMPOSITION OF GRANTS.**

(a) In GENERAL.—The grant provided
under this part to a tribe or tribal orga-
nization for any fiscal year shall consist of—

(1) the total amount of funds allocated
for such fiscal year under sections 1127 and 1128 of
the Education Amendments of 1978 with respect
to the tribally controlled schools eligible for as-
sistance under this part which are operated by
such Indian tribe or tribal organization, includ-
ing, but not limited to those referenced under
section 1126(d) of the Education Amendments of 1978 or
any other law; and

(2) the extent requested by such Indian
tribe or tribal organization, the total amount
of funds provided from operations and main-
tenance accounts and, notwithstanding section
105 of the Indian Self-Determination Act, or any
other provision of law, other facilities accounts
for such schools for such fiscal year (including
but not limited to those referenced under
section 1126(d) of the Education Amendments of 1978 or
any other law); and

(3) the total amount of funds that are allo-
cated to such schools for such fiscal year under

(A) title I of the Elementary and Secondary
Education Act of 1965;

(B) the Individuals with Disabilities Edu-
cation Act; and

(C) any other Federal education law,
that are allocated to such schools for such fiscal
year.

(b) SPECIAL RULES.—

(1) In GENERAL—

(A) APPLICABILITY OF CERTAIN LAWS.—Funds
allocated to a tribally controlled school by
reason of—

(i) paragraph (1) or (2) of subsection (a);
shall be subject to the provisions of this part
and shall not be subject to any additional restric-
tion, priority, or limitation that is imposed by
the Bureau with respect to funds provided under

(ii) title I of the Elementary and Secondary
Education Act of 1965;

(iii) the Individuals with Disabilities Edu-
cation Act; or

(iv) any Federal education law other than
title XI of the Education Amendments of 1978.

(B) REQUIREMENTS FOR PROJECTS.—With
respect to a grant to a tribally controlled school
under this part for new construction or facili-
ties improvement and repair in excess of $100,000,
such grant shall be subject to the Administrative
and Audit Requirements and Cost Principles for
Assistance Programs contained in part 12 of title

(ii) EXCEPTION.—With respect to a grant
described in clause (i), the Secretary and the
Secretary shall negotiate and determine a schedule of pay-
ments for the work to be performed.

(iii) APPLICATIONS.—In considering appli-
cations for a grant described in clause (i), the Sec-
tary shall consider whether the Indian tribe or
tribal organization involved would be deficient
in ensuring that the construction projects under
the proposed grant conform to applicable build-
ing standards and Federal, tribal, State and
health and safety standards as required under
section 1124 of the Education Amend-
ments of 1978 (25 U.S.C. 2805(a)) with respect to
organizational and financial management capa-
cibilities.

(iv) DISPUTES.—Any disputes between the
Secretary and any grantee concerning a grant
described in clause (i) shall be subject to the dis-
pute provisions contained in section 5206(e).

(C) NEW CONSTRUCTION.—Notwithstanding
subsection (A), a school receiving a grant
under this part for facilities improvement and
repair may use such grant funds for new con-
struction if the tribal governing body or tribal
organization involved determined, upon appli-
cation for the grant, that the funds the Secretary
provides for the new construction equal to at least 25 percent of the total
cost of such new construction.

(D) PERIOD OF TIME.—Notwithstanding the
appropriations measure under which the funds de-
scribed in subparagraph (A) are made available
or the application submitted for the funds does
not stipulate a period for the work covered by
the funds, the Secretary and the grant recipient
shall consult and determine such a period prior
to the transfer of the funds. A period so deter-
mined may be subject to mutual agreement of
the Secretary and the grant recipient.

(5) ENFORCEMENT OF REQUEST TO INCLUDE
FUNDING.

(A) IN GENERAL.—If the Secretary fails to
carry out a request filed by an Indian tribe or
tribal organization to include in such tribe or
tribal organization’s grant under this part funds
described in subsection (a) within 180 days
after the filing of the request, the Secretary
shall—

(i) be deemed to have approved such request;

and

(ii) immediately upon the expiration of such
180-day period amend the grant accordingly.

(B) RULES, WITH RESPECT TO FUNDING
allocated under section 5204(a), with respect to funds from facilities
improvement and repair, alteration and renova-
tion (including improvements to health and safety), or new
construction accounts included in the grant pro-
vided under section 5204(a), the grant recipient
shall maintain a separate account for such
funds.

(ii) SUBMISSION OF ACCOUNTING.—At the end
of the period designated for the work covered by
the funds requested the grant recipient shall sub-
mit to the Secretary a separate accounting of the
work done and the funds expended.

(iii) USE OF FUNDS.—Funds received from
such accounts may only be used for the purpose
for which the funds were appropriated and for
the work encompassed by the application or
submission for which the funds were received.

(iv) COMPLETION OF PROJECT.—Upon com-
pletion of a project for which a separate account is
established under this paragraph, the portion of
the grant related to such project may be closed
out upon agreement by the grantee and the Sec-
tary.

(6) REQUIREMENTS FOR PROJECTS.

(A) SEPARATE ACCOUNT.

(i) GRANTS.—Notwithstanding subsection
(iii) any Federal education law other than

(ii) immediately upon the expiration of such
180-day period amend the grant accordingly.

(B) REQUIREMENTS FOR PROJECTS.

(A) SEPARATE ACCOUNT.

(i) GRANTS.—Notwithstanding subsection

(ii) immediately upon the expiration of such
180-day period amend the grant accordingly.

(B) REQUIREMENTS FOR PROJECTS.

(A) SEPARATE ACCOUNT.

(i) GRANTS.—Notwithstanding subsection

(ii) immediately upon the expiration of such
180-day period amend the grant accordingly.
tribe or tribal organization would be deficient in operating the school with respect to—

"(i) equipment;

"(ii) bookkeeping and accounting procedures;

"(iii) ability to adequately manage a school; or

"(iv) adequately trained personnel.

(c) ADDITIONAL REQUIREMENTS FOR A SCHOOL WHICH IS NOT A BUREAUFUNDED SCHOOL.—

"(1) IN GENERAL.—A school which is not a Bureau-funded school under title XI of the Education Amendments of 1978 meets the requirements of subsection (a) if—

(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary as to whether the school is eligible for assistance under this part;

(B) the Secretary makes a determination that a school is eligible for assistance under this part.

"(2) DEADLINE FOR DETERMINATION BY SECRETARY.—

"(A) IN GENERAL.—By not later than the date that is 180 days after the date on which an application is submitted under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

"(B) REVIEW OF DETERMINATIONS.—In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following:

(i) With respect to the applicant's proposal—

"(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(II) geographic and demographic factors in the affected areas;

"(III) adequacy of the applicant's program plans;

"(IV) geographic proximity of comparable public education; and

"(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations.

(ii) With respect to all education services already available—

"(I) geographic and demographic factors in the affected areas;

"(II) adequacy and comparability of programs already available;

"(III) the adequacy of available programs with tribal education codes or tribal legislation on education; and

"(IV) the history and success of these services for the affected parties to be served, as determined from all factors including, if relevant, standardized examination performance.

(c) GEOGRAPHIC PROXIMITY.—The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

(d) OTHER INFORMATION.—Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.

(e) DEADLINE.—If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months from the date on which the Secretary received the application, or on an earlier date, at the Secretary's discretion.

(f) FILING OF APPLICATIONS AND REPORTS.—Applications submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the education line officer designated by the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs. The date on which such filing occurs shall be the date on which the application or amendment was submitted to the Secretary.

"(2) SUPPORTING DOCUMENTATION.—Any application submitted under this chapter that is a tribal governing body in the Secretary as to whether the school is eligible for assistance under this part, the Secretary shall—

(A) state the objects in writing to the tribe or tribal organization within the allotted time;

(B) provide assistance to the tribe or tribal organization hearing on the tribe or tribal organization's objections;

(C) at the request of the tribe or tribal organization, provide the tribe or tribal organization with a copy of any relevant written rule and regulations that apply under the Indian Self-Determination and Education Assistance Act; and

(D) provide an opportunity to appeal the objection raised.

"(2) TIMELINE FOR RECONSIDERATION OF AMENDED APPLICATIONS.—The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.

"(g) REPORT.—The Bureau shall submit an annual report to the Congress on all applications received, and actions taken (including the costs associated with such actions), under this section at the same time that the President is required to submit to Congress the budget under section 1105 of title 31, United States Code. SEC. 5206. DURATION OF ELIGIBILITY DETERMINATION.

"(a) IN GENERAL.—The Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the termination that a school is eligible for assistance under this part if—

"(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application under this chapter that is primarily based upon the geographic proximity of comparable public education;

"(B) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application under this chapter that is primarily based upon the geographic proximity of comparable public education;

"(C) the Secretary determines that there is a reasonable expectation that the certification or accreditation described in clause (i), or candidacy in good standing for such certification or accreditation, will be achieved by the school within 3 years. The school seeking accreditation shall remain under the standards of the Bureau of Indian Education in effect on the date of enactment of the Native American Education Improvement Act of 2001 until such time as the school is accredited, except that if the Bureau standards are in conflict with the standards of such agency, the standards of such agency shall apply in such case.

"(ii) The Secretary determines that there is a reasonable expectation that the certification or accreditation described in clause (i), or candidacy in good standing for such certification or accreditation, will be achieved by the school within 3 years. The school seeking accreditation shall remain under the standards of the Bureau of Indian Education in effect on the date of enactment of the Native American Education Improvement Act of 2001 until such time as the school is accredited, except that if the Bureau standards are in conflict with the standards of such agency, the standards of such agency shall apply in such case.

"(iii) The school is accredited by a tribal determination that a school is eligible for assistance under this part if—

"(A) the school is accredited by a tribal determination that a school is eligible for assistance under this part if—

"(B) the Secretary and the grant recipient conducts evaluations of the school, and the school receives a positive assessment under such evaluations. The reports are conducted under standards adopted by a contractor under a contract for the school entered into under the Indian Self-Determination and Education Assistance Act (or revisions of such standards agreed to by the Secretary and the grant recipient) prior to the date of enactment of the Native American Education Improvement Act of 2002.

"(B) an annual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

"(C) a biennial compliance audit of the procurement of personal property during the period for which the report is being prepared shall be in compliance with applicable procurement standards that are developed by the local school board;

"(D) an annual submission to the Secretary of the report of students served and a brief description of programs offered under the grant;

"(E) an evaluation report conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).
the Secretary where such revocation is based on circumstances that were within the control of the school board.

(2) NOTICE REQUIREMENTS FOR REVOCATION.—The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application made on or after October 1, 1978, unless the Secretary provides the school and governing body to carry out such remedial actions.

(3) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance to enable the school and governing body to carry out such remedial actions.

(4) HEARING AND APPEAL.—In addition to notice and technical assistance under this subsection, the Secretary shall provide to the school and governing body—

(A) at the request of the school or governing body, a hearing on the record regarding the revocation or resumption of determination, to be conducted under the rules and regulations described in section 5206(f)(1)(C); and

(B) an opportunity to appeal the decision resulting from the hearing under subparagraph (A) to an appropriate authority.

(5) APPLICABILITY OF CERTAIN TITLE 31 PROVISIONS.—The provisions of chapter 39 of title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (3), and (4).

(6) RESTRICTIONS.—Paragraphs (1), (3), and (4) shall apply to all and any restrictions on the amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.

(II) INVESTMENT OF FUNDS.

(1) PAYMENTS.—Funds provided under this part may be invested by the Indian tribe or tribal organization through a financial institution of the United States, or in obligations or securities that are guaranteed or insured by the United States, or in obligations or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an insured depository institution of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

(II) PERMISSIBLE INVESTMENTS.—For the purposes of under-recovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.

(III) APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(1) DEFINITIONS.—Any school with assistance under this part shall be entitled to the use of buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act.

(2) FUNDS.—Any tribe or tribal organization with assistance under this part shall be entitled to the use of buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act.

(3) FUNDING FOR SCHOOL IMPROVEMENT.—Any tribe or tribal organization that assumes operation of a Bureau school or a contract school with assistance under this part shall be entitled to the use or transfer of such improvements, alteration, replacement, and repair of facilities to the same extent as a Bureau school.

(4) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any tribe or tribal organization in an audit conducted pursuant to section 5206(b)(1), any dispute regarding a grant authorized to be made pursuant to this part or any amendment to such grant, and any dispute involving an administrative cost grant under section 1128 of the Education Amendments of 1978 shall be administered under the provisions governing such exceptions, problems, or disputes, under the Indian Self-Determination and Education Assistance Act. The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, regarding a grant under this part, including an administrative cost grant.

(II) IN GENERAL.—Contracts for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect on the date of enactment of the Native American Education Improvement Act of 2001 may, by giving notice to the Secretary, elect to have the provisions of this part apply to such activity in lieu of such contract.

(II) EFFECTIVE DATE OF ELECTION.—Any election made under paragraph (1) shall take effect on the first day of July immediately following the first day of such election.

(II) EXCEPTION.—In any case in which the first day of July immediately following the date of an election under paragraph (1) is less than 30 days after the final determination that no such election shall not take effect until the first day of July following the year in which the election is made.

(II) NO DUPLICATION.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or services if a grant has been made under this part to pay such expenses.

(II) TRANSFERS AND CARRYOVERS.—

(1) BUILDINGS, EQUIPMENT, SUPPLIES, MATERIALS.—Any tribe or tribal organization assuming the operation of—

(A) a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act.

(B) FUNDS.—Any tribe or tribal organization with assistance under this part shall be entitled to the use of buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act.

(II) FUNDING FOR SCHOOL IMPROVEMENT.—Any tribe or tribal organization that assumes operation of a Bureau school or a contract school with assistance under this part shall be entitled to the use or transfer of such improvements, alteration, replacement, and repair of facilities to the same extent as a Bureau school.

(II) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any tribe or tribal organization in an audit conducted pursuant to section 5206(b)(1), any dispute regarding a grant authorized to be made pursuant to this part or any amendment to such grant, and any dispute involving an administrative cost grant under section 1128 of the Education Amendments of 1978 shall be administered under the provisions governing such exceptions, problems, or disputes, under the Indian Self-Determination and Education Assistance Act. The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, regarding a grant under this part, including an administrative cost grant.

(II) ROLE OF THE DIRECTOR.

(II) APPLICATIONS FOR FUNDS.—Applications for funds pursuant to this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

(II) REGULATIONS.
all other matters relating to the details of planning, developing, implementing, and evaluating grants under this part, the Secretary shall not issue regulations.

SEC. 5211. TRIBALLY CONTROLLED GRANT SCHOOL ENDOWMENT PROGRAM.

‘‘(a) IN GENERAL.—

‘‘(1) ESTABLISHMENT.—Each school receiving a grant under this part may establish, at a federally insured financial institution, a trust fund for the purposes of this section.

‘‘(2) DEPOSITS AND USE.—The school may provide—

‘‘(A) for deposit into the trust fund, only funds from non-Federal sources, except that the interest earned from funds granted under this part may be used for that purpose;

‘‘(B) for deposit into the trust fund, any earnings on deposits in the fund; and

‘‘(C) for the sole use of the school any noncash, in-kind contributions of real or personal property, which may at any time be used, sold, or otherwise disposed of.

‘‘(b) INTEREST.—Interest from the fund established under subsection (a) may periodically be withdrawn and used, at the discretion of the school, to defray any expenses associated with the operation of the school consistent with the purposes of this Act.

SEC. 5212. DEFINITIONS.

‘‘In this part—

‘‘(1) BUREAU.—The term ‘Bureau’ means the Bureau of Indian Affairs of the Department of the Interior.

‘‘(2) ELIGIBLE INDIAN STUDENT.—The term ‘eligible Indian student’ has the meaning given such term in section 1127(i) of the Education Amendments 1972.

‘‘(3) INDIAN.—The term ‘Indian’ means a member of an Indian tribe, and includes individuals who are eligible for membership in a tribe, and the child or grandchild of such an individual.

‘‘(4) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including an Alaska Native Village Corporation or Regional Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

‘‘(5) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ means a public board of education or other public authority legally constituted within a State for either administrative or management purposes, 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. A combination of school districts or counties as are recognized in a State as an administrative agency for the State’s public elementary schools or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

‘‘(6) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

‘‘(7) TRIBAL GOVERNING BODY.—The term ‘tribal governing body’ means, with respect to any school that receives assistance under this Act, the recognized governing body of the Indian tribe involved.

‘‘(8) TRIBAL ORGANIZATION.—

‘‘(A) IN GENERAL.—The term ‘tribal organization’ means—

‘‘(i) the recognized governing body of any Indian tribe; or

‘‘(ii) any legally established organization of Indians that—

‘‘(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and

‘‘(II) is the maximum participation of Indians in all phases of the organization’s activities.

‘‘(B) AUTHORIZATION.—In any case in which a grant is provided under this part to an organization to provide services through a tribally controlled school benefiting more than 1 Indian tribe, the number of the governing bodies of Indian tribes representing 80 percent of the students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

‘‘(9) TRIBALLY CONTROLLED SCHOOL.—The term ‘tribally controlled school’ means a school that—

‘‘(A) is operated by an Indian tribe or a tribal organization, enrolling students in kindergarten through grade 12, including a preschool;

‘‘(B) is not a local educational agency; and

‘‘(C) is not directly administered by the Bureau of Indian Affairs.

SEC. 1044. LEASE PAYMENTS BY THE OJIBWA INDIAN SCHOOL.

(a) IN GENERAL.—Notwithstanding the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), or the regulations promulgated under such Act, the Ojibwa Indian School located in Belcourt, North Dakota, may use amounts received under such Act to enter into, and make payments under, a lease described in subsection (b).

(b) LEASE.—A lease described in this subsection is a lease that—

‘‘(1) is entered into by the Ojibwa Indian School for the use of facilities owned by St. Ann’s Catholic Church located in Belcourt, North Dakota;

‘‘(2) is entered into in the 2001–2002 school year, or any other school year in which the Ojibwa Indian School will use such facilities for school purposes;

‘‘(3) requires lease payments in an amount determined appropriate by an independent lease appraiser selected by the parties to the lease, except that such amount may not exceed the maximum amount per square foot that is being paid by the Bureau of Indian Affairs for other similar Indian schools owned by the Indian Self-Determination and Education Assistance Act (Public Law 93–638); and

‘‘(4) contains a waiver of the right of St. Ann’s Catholic Church to bring an action against the Ojibwa Indian School, the Turtle Mountain Band of CHIPPEWA, or the Federal Government for the recovery of any amounts remaining unpaid under lease payments prior to the date of enactment of this Act.

(c) METHOD OF FUNDING.—Amounts shall be made available by the Bureau of Indian Affairs to make lease payments under such a lease in the same manner as amounts are made available to make payments under leases entered into by Indian schools under the Indian Self-Determination and Education Assistance Act (Public Law 93–638).

(d) OPERATION AND MAINTENANCE FUNDING.—The Bureau of Indian Affairs shall provide funding for the operation and maintenance of the facilities and property used by the Ojibwa Indian School under the lease entered into under subsection (a) so long as such facilities and property are being used by the School for educational purposes.

SEC. 1045. ENROLLMENT AND GENERAL ASSISTANCE PAYMENTS.


(a) by striking the matter preceding paragraph (1) and inserting the following:

‘‘(a) IN GENERAL.—The Secretary of the Interior shall not disqualify from continued receipt of general assistance payments from the Bureau of Indian Affairs an otherwise eligible Indian for whom the Bureau is making or may make general assistance payments (or exclude such an Indian from participating in determining the amount of general assistance payments for a household) because the individual is enrolled (and is making satisfactory progress toward completion of a program or training that can reasonably be expected to lead to gainful employment) for at least half-time study or training in—’’; and

(b) by striking paragraph (4), and inserting the following:

‘‘(e) Application Requirements.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

TITLE II—TEACHER QUALITY ENHANCEMENT

‘‘PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS’’

Sec. 1051. PREPARING TOMORROW’S TEACHERS TO USE TECHNOLOGY

(a) PURPOSE.—It is the purpose of this part to assist consortia of public and private entities—

‘‘(1) to carry out programs that prepare prospective teachers to use advanced technology to provide all students to at least one State and local academic content and student academic achievement standards; and

‘‘(2) to improve the ability of institutions of higher education to carry out such programs.

(b) PROGRAM AUTHORITY.—

‘‘(1) IN GENERAL.—The Secretary shall award grants to eligible applicants for programs to prepare prospective teachers to use advanced technology effectively in their classrooms.

‘‘(2) PERIOD OF AWARDS.—The Secretary shall award grants, or enter into contracts or cooperative agreements, under this part for periods that are not more than 5 years in duration.

SEC. 222. ELIGIBILITY: ELIGIBLE APPLICANTS.

(a) IN GENERAL.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an eligible applicant shall be an education entity that includes the following:

‘‘(1) at least one institution of higher education that offers baccalaureate degrees and prepares teachers for their initial entry into teaching;

‘‘(2) at least one State educational agency or local educational agency;

‘‘(3) one or more of the following entities:

‘‘(A) an institution of higher education (other than the institution described in paragraph (1));

‘‘(B) a school or department of education at an accredited institution of higher education;

‘‘(C) a school or college of arts and sciences (as defined in section 301(b)) at an institution of higher education;

‘‘(D) a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity with the capacity to contribute to the technology-related reform of teacher preparation programs.

(b) APPLICATION REQUIREMENTS.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:
(1) A description of the proposed project, including how the project would—

(2) Improve the ability of at least one participating institution of higher education described in section 222(a)(4) to ensure such preparation.

(3) A description of how each member of the consortium will participate in project activities.

(4) A description of how the proposed project will be continued after Federal funds are no longer awarded under this part for the project.

(5) A plan for the evaluation of the project, which shall include: an ongoing evaluation of the project; a description of the evaluation methodology; and a plan to monitor progress toward specific project objectives.

(c) Matching Requirements.

(1) In General. The Federal share of the cost of any project funded under this part shall not exceed 10 percent of the funds awarded for a project under this part may be provided in cash or in kind, fairly evaluated, including services.

(2) Equipment. — Not more than 10 percent of the funds awarded for a project under this part may be provided to acquire equipment, including software, infrastructure, and the non-Federal share of the cost of any such acquisition shall be provided in cash.

§ 223. Use of Funds.

(a) Required Uses. A consortium that receives a grant or enters into a contract or cooperative agreement under this part shall use funds made available under this part for—

(1) a project creating one or more programs that prepare prospective teachers to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

(2) the active support of the leadership of each organization that is a member of the consortium for the proposed project.

(b) Permissible Uses. — The consortium may use funds made available under this part for a project, described in the application submitted by the consortium under this part, that carries out the purpose of this part, such as the following:

(1) Developing and implementing high-quality teacher preparation programs that enable educators to—

(A) Learn the full range of resources that can be accessed through the use of technology;

(B) Integrate a variety of technologies into curricula and instruction in order to expand students’ knowledge;

(C) Evaluate educational technologies and their potential for use in instruction;

(D) Help students develop their technical skills; and

(E) Use technology to collect, manage, and analyze data to improve teaching and decision-making.

(2) Developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-oriented teachers.

(3) Developing achievement-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms.

(4) Providing technical assistance to entities carrying out other teacher preparation programs.

(5) Developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms.

(6) Subject to section 222(c)(2), acquiring technology equipment, networking capabilities, infrastructure, software, and digital curricula to carry out the project.


There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2002 and 2003.

§ 1052. Continuation of Awards.

Notwithstanding any other provision of this Act or the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), in the case of a person or entity that was awarded a grant, relating to preparing tomorrow’s teachers to use technology, that was made pursuant to section 3122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6832) prior to the date of enactment of this Act, the Secretary of Education shall continue to provide funds in accordance with the terms of such award until the date on which such grant is terminated.

PART F—GENERAL EDUCATION PROVISIONS ACT

§ 1061. Student Privacy, Parental Access to Educational Records, and Administration of Certain Physical Examinations to Minors.

SEC. 1061. STUDENT PRIVACY, PARENTAL ACCESS TO EDUCATIONAL RECORDS, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS.

Section 445(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) is amended—

(b) Permissible Uses. — The consortium may use funds made available under this part for a project, described in the application submitted by the consortium under this part, that carries out the purpose of this part, that carries out the purpose of this part, such as the following:

(1) Developing and implementing high-quality teacher preparation programs that enable educators to—

(A) Learn the full range of resources that can be accessed through the use of technology;

(B) Integrate a variety of technologies into curricula and instruction in order to expand students’ knowledge;

(C) Evaluate educational technologies and their potential for use in instruction;

(D) Help students develop their technical skills; and

(E) Use technology to collect, manage, and analyze data to improve teaching and decision-making.

(2) Developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-oriented teachers.

(3) Developing achievement-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms.

(4) Providing technical assistance to entities carrying out other teacher preparation programs.

(5) Developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms.

(6) Subject to section 222(c)(2), acquiring technology equipment, networking capabilities, infrastructure, software, and digital curricula to carry out the project.


There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2002 and 2003.

§ 1052. Continuation of Awards.

Notwithstanding any other provision of this Act or the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), in the case of a person or entity that was awarded a grant, relating to preparing tomorrow’s teachers to use technology, that was made pursuant to section 3122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6832) prior to the date of enactment of this Act, the Secretary of Education shall continue to provide funds in accordance with the terms of such award until the date on which such grant is terminated.

(D) The administration of physical examinations or screenings that the school or agency made available to a student;

(E) The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure, or use.

(F) The right of a parent of a student to inspect, upon the request of the parent, any informational material with an identifiable period of time after the request is received.

(G) The consortium for the proposed project;

(h) a project creating one or more programs that prepare prospective teachers to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

(i) any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after any substantive change in such policies; and

(ii) any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after any substantive change in such policies; and

(iii) the right of a parent of a student to inspect, upon the request of the parent, any informational material used as part of the educational curriculum for the student; and

(iv) any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after any substantive change in such policies; and

(v) the right of a parent of a student to inspect, upon the request of the parent, any informational material with an identifiable period of time after the request is received.


There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2002 and 2003.

§ 1052. Continuation of Awards.

Notwithstanding any other provision of this Act or the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), in the case of a person or entity that was awarded a grant, relating to preparing tomorrow’s teachers to use technology, that was made pursuant to section 3122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6832) prior to the date of enactment of this Act, the Secretary of Education shall continue to provide funds in accordance with the terms of such award until the date on which such grant is terminated.

(D) The administration of physical examinations or screenings that the school or agency made available to a student;

(E) The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure, or use.

(F) The right of a parent of a student to inspect, upon the request of the parent, any informational material with an identifiable period of time after the request is received.

(G) The consortium for the proposed project;
(iii) Any nonemergency, invasive physical examination or screening that is—

(1) required as a condition of attendance;

(2) administered by the school and scheduled in advance; and

(3) not necessary to protect the immediate health and safety of the student, or of other students.

(2) EXISTING POLICIES.—A local educational agency need not develop and adopt new policies if the State educational agency or local educational agency has in place, on the date of enactment of the No Child Left Behind Act of 2001, policies covering the requirements of paragraph (1). The agency shall provide reasonable notice of such existing policies to parents and guardians of students, in accordance with paragraph (2).

(4) EXCEPTIONS.

(A) EXEMPTED PRODUCTS OR SERVICES.—Paragraph (1)(E) does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

(i) College or other postsecondary education recruitment, or military recruitment.

(ii) Book clubs, magazines, and programs providing access to low-cost literary products.

(III) Not necessary to protect the immediate health and safety of the student, or of other students.

(B) RULES OF CONSTRUCTION.

(i) shall not be construed to preempt applicable State law or local law;

(ii) do not apply to any physical examination or screening that is permitted or required by an applicable State or local law;

(iii) includes an elementary school or secondary school student.

(G) SURVEY.—The term ‘survey’ includes an evaluation.

SEC. 1062. TECHNICAL CORRECTIONS.

The General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended by striking—

(1) SEC. 422 (the second place it appears (20 U.S.C. 1231h)), relating to collection and dissemination of information, is redesignated as section 411.

(2) SECTION 450(c) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 357) is amended by striking “through such Act” and inserting “through Act of 1965” as of the date of enactment of that law.

(3) SEC. 444—SEC. 444 (20 U.S.C. 1232g) is amended—

(A) in subsection (a)(1), by moving subparagraph (B) four ems to the left;

(B) in subsection (b)(1)(J), by moving subparagraph (J)(i) and clause (ii) of subparagraph (J) each two ems to the left;

(C) in the designated text following subsection (b)(1)(J), by striking “clause (E)” and inserting “subparagraph (D)”;

(D) in subsection (b), by moving paragraph (7)(A) and subparagraph (B) of paragraph (7) each two ems to the left;

(E) SEC. 445—SEC. 445 (20 U.S.C. 1232b) is amended by striking “et seq.”.

(F) SEC. 445—SEC. 445 (20 U.S.C. 1235d) is amended by striking “section 4701(c)” and inserting “section 473(c)”.

(G) SEC. 447—SEC. 447 (20 U.S.C. 1235) is amended by striking “section 4702” and inserting “472”.

PART G—MISCELLANEOUS OTHER STATUTES

SEC. 1071. TITLE 5 OF THE UNITED STATES CODE.

(a) COMPENSATION.—Section 5334 of title 5, United States Code, is amended by adding at the end the following:

“Under Secretary of Education.”

(b) EFFECTIVE DATE.—This section shall take effect on the first day of the fiscal year beginning after the date of enactment of this Act.

SEC. 1072. DEPARTMENT OF EDUCATION ORGANIZATION,

COORDINATION, AND ACQUISITION.

(A) COORDINATOR FOR THE OUTLYING AREAS.—

(1) TITLE II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

“SEC. 220. (a) ESTABLISHMENT.—The Secretary shall designate an office of the Department to coordinate the activities of the Department as they relate to the outlying areas.

(b) APPOINTMENT.—Not later than 90 days after the date of enactment of the No Child Left Behind Act of 2001, the head of the office designated under subsection (a) shall appoint a coordinator for the outlying areas, who shall be a person with substantial experience in the operation of Federal programs in the outlying areas.

(c) DUTIES.—The coordinator for the outlying areas shall—

(i) serve as the principal advisor to the Department on Federal matters affecting the outlying areas;

(ii) evaluate, on a periodic basis, the needs of education programs in the outlying areas;

(iii) assist with the coordination of programs that serve the outlying areas; and

(iv) provide guidance to programs within the Department that serve the outlying areas.

(B) OUTLYING AREAS DEFINED.—As used in this section, the term ‘outlying areas’ includes Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Marianas Islands, but does not include the Freely Associated States of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.


(c) CLERICAL AMENDMENTS.—The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended as follows:

(1) TABLE OF CONTENTS.—The table of contents in section 1 (20 U.S.C. 3401 note) is amended—

(A) by amending the item relating to section 209 to read as follows:

“Sec. 209. Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.”;

(B) by amending the item relating to section 216 to read as follows:

“Sec. 216. Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.”;

(C) by inserting after the following:

“Sec. 217. Coordinator for the Outlying Areas.”

(2) SECTION HEADINGS.—

(A) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act (20 U.S.C. 3401) is amended to read as follows:

“OFFICE OF ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT FOR LIMITED ENGLISH PROFICIENT STUDENTS.”

(B) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act (20 U.S.C. 3423d) is amended to read as follows:

“OFFICE OF ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT FOR LIMITED ENGLISH PROFICIENT STUDENTS.”

(C) CONFORMING AMENDMENTS.—Sections 209 and 216 of the Department of Education Organization Act (20 U.S.C. 3420, 3423d) are amended by striking “Director of Bilingual Education
and Minority Languages Affairs’ each place such term appears and inserting ‘‘Director of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students’’.

(e) TECHNICAL CORRECTIONS.—

(2) SECTION 202.—Paragraph (3) of section 202(b) (20 U.S.C. 3412(b)(3)), relating to the Assistant Secretary for Educational Research and Improvement (as added by section 913(2) of the Goals 2000: Educate America Act (108 Stat. 223)), is redesignated as paragraph (4)."
The managers of the House and the Senate at the conference on the dis-agreeing votes of the two Houses on the amendment of the Senate to the bill, (H.R. 1), to close the achievement gap with ac-countability, flexibility, and choice, so that no child is left behind, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and rec-ommended in the accompanying conference report: The Senate amendment struck all of the text of the House bill after the enacting clause and inserted a substitute text. The House amendment made necessary by agreements reached by the conference, and minor drafting and cler-ical changes.

Title I, Part A, Subpart 2 (Formula)

**Note:** The side-by-sides were numbered wrong, so these notes have been re-num-bered. To correlate these notes with your side-by-side, add 15 to the side-by-side note number to get these re-numbered notes.

HR

Both the House bill and the Senate amend-ment are substantially the same except the Senate amendment clarifies that grants are specifically to local educational agencies.

HR

Both the House bill and the Senate amend-ment authorize a competition for grants. The House bill authorizes the com-petition for FY2003, while the Senate amendment authorizes the com-petition for FY2002 and each of the 6 succeeding fiscal years. The House bill and the Senate amendment have different ways of refer-ring to the $5 million reserved for the Freely Associated States. The Senate amendment authorizes the Secretary to reserve $5 mil-lion for the competitions grants from funds under subsection (a)(1), for the Freely Asso-ciated States. The House bill, but not the Senate amendment, caps the reservation at the level reserved for the Freely Associated States in FY1999, which was $5 million. The House bill directs the Secretary to make competitive grant awards pursuant to the recommendations of the Pacific Region Edu-ca-tional Laboratory while the Senate amendment allows the Secretary to award

grants “taking into consideration” the rec-o-mendations of the Pacific Region Edu-ca-tional Laboratory. The House bill provides for competitive grants to outlying areas and Freely Associated States while the Senate amendment includes only the Freely Associated States.

HR with amendment to strike “For fiscal years 2002 and each of the fiscal years” and insert “Until an agreement for the extension of United States education assistance under the Compact of Free Association for each appropriate States enters into effect after the date of enactment of this Act.”

56. The Senate amendment, but not the House bill, provides that funds may only be used for specified purposes under this para-graph.

HR with an amendment to insert “that as-sist all students with meeting challenging State academic content standards” after “to provide direct educational services” in (ii).

56. The House bill and the Senate amend-ment both permit the Secretary to provide 5 percent of the amount reserved for grants under this paragraph to the Pacific Region Educational Laboratory for pay for administra-tive costs. There are minor technical dif-fences in wording.

SR

The House bill, but not the Senate amend-ment, includes definitions of “Freely Associated States” and “Outlying Area” for purposes of subsection (a) and (b), see also note 29 in Title VIII with definitions of these words. See also note 57 following.

LC—conform and put in Title VIII

56. The House bill and Senate amend-ment are identical, except the House bill uses the word “allotted” while the Senate amendment uses the word “reserved.”

SR

The House bill and Senate amend-ment are identical, except the House bill uses the word “allotted” while the Senate amendment uses the word “reserved.”

SR

The House bill and Senate amend-ment are substantially the same, except the House bill refers to FY2002-FY2006 while the Senate amendment refers to FY2002-FY2008. The House bill refers to amounts “equal to” the amount appropriated to carry out sec-tion 1124 while the Senate amendment refers to amounts “less than or equal to” the amount appropriated to carry out section 1124. In effect, the House bill and Senate amend-ment are the same, as long as appro-priations are at or above the FY2001 level.

SR with an amendment to strike “2006” and insert “2007”.

56. The Senate amendment refers to amounts appropriated that are not used under paragraph (1) while the House bill does not have a similar clause.

SR

The House bill allocates funds under section 1125 according to the extent to which the amount appropriated under 102(a) for the current fiscal year exceeds the amount appropriated for fiscal year 2001. The Senate amendment allocates funds in accordance with section 1125 for which a determination is made that funds are not used to carry out paragraphs (1) and (2). In effect, the House bill and Senate amendment are the same.

SR

The House bill and Senate amendment have identical provisions on ratable reduc-tions.
The House bill and Senate amendment have substantially similar provisions on allocations to counties with minor technical differences.

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December 12, 2001

CONGRESSIONAL RECORD — HOUSE

LC 516. The House bill, but not the Senate amendment provides for an 85 percent hold harmless for sections 1124(a)(4) and 1125 as one provision. The House bill provides for basic, concentration, and targeted grants, a hold harmless based on the greater of 100 percent of what a district received for 2001 or the amount the district would have received under the statutory formula without applying hold harmless. Under the House bill, the hold harmless provisions apply separately to each formula, as opposed to being applied to total grants under all three formulas. The Senate amendment applies to the FY2001 grant amount for each year, not to the previous year’s grant amount, as in the House bill.

SR 516. The House bill, but not the Senate amendment includes a hold harmless provision for sections 1124, 1124A and 1125 as one provision. The House bill provides for basic and targeted grants a hold harmless of 95 percent and 85 percent, respectively, based on ranges of percentages of poor children in LEAs, while the Senate amendment provides, for basic, concentration, and targeted grants, a hold harmless based on the greater of 100 percent of what a district received for 2001 or the amount the district would have received under the statutory formula without applying hold harmless. Under the House bill, the hold harmless provisions apply separately to each formula, as opposed to being applied to total grants under all three formulas. The Senate amendment applies to the FY2001 grant amount for each year, not to the previous year’s grant amount, as in the House bill.

SR 516. The House bill, but not the Senate amendment includes provisions relating to the minimum number of children to qualify for a basic grant.

LC 516. The House bill and Senate amendment on categories of children to be counted are identical except the Senate amendment references both paragraphs (2) and (3) for the determination, while the House bill only references paragraph (2).

HR 530. Paragraph (B) of the Senate amendment is identical to Paragraph (C) of the House bill.

LC 530. Paragraph (B) of the House bill is identical to Paragraph (C) of the Senate amendment with minor technical differences in the placement of parentheticals.

LC 530. Paragraph (C) of the House bill and Paragraph (B) of the Senate amendment are identical.

LC 530. The House bill and Senate amendment are identical with the exception of minor technical differences in drafting.

SR 540. The House bill and the Senate amendment are identical with minor technical differences in drafting. See also note 505 above for section (c)(1)(C)(i) of the Senate amendment which provides population updates every year rather than every second year as under the House bill, and under (c)(3) of the Senate amendment.

LC—conform with note 520.

HR 541. The House bill and the Senate amendment are identical with the exception of technical differences in punctuation.

LC 542. The House bill and Senate amendment are identical with minor technical differences.

HR 543. The House bill and Senate amendment have substantially similar provisions on eligibility for concentration grants, except Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands are not eligible for such grants under the House bill. See also section 1223 of the Senate amendment which defines “State” as the 50 states, the District of Columbia and Puerto Rico for purposes of subpart 2. Accordingly, the effect of the House bill and Senate amendment herein is the same.

HR with an amendment to increase small state minimum for funds above FY 2001 level to .35 percent with current law per pupil grant cap adjusted accordingly.

The House bill and Senate amendment have substantially similar provisions on eligibility for concentration grants, except Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands are not eligible for such grants under the House bill. See also section 1223 of the Senate amendment which defines “State” as the 50 states, the District of Columbia and Puerto Rico for purposes of subpart 2. Accordingly, the effect of the House bill and Senate amendment herein is the same.

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The House bill and Senate amendment have substantially similar provisions on eligibility for concentration grants, except Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands are not eligible for such grants under the House bill. See also section 1223 of the Senate amendment which defines “State” as the 50 states, the District of Columbia and Puerto Rico for purposes of subpart 2. Accordingly, the effect of the House bill and Senate amendment herein is the same.

LC 546. The House bill and Senate amendment are identical.

LC 547. The House bill and Senate amendment are identical except in paragraph (B)
the House bill refers to “allocation” to the State while the Senate amendment refers to “amount made available to the State.”

SR 548. The Senate amendment, but not the House bill, includes a ratable reduction rule.

SR 549. The House bill and the Senate amendment have substantially similar provisions regarding minimum grants with technical differences in wording. The Senate amendment refers to States receiving .25 percent or less while the House bill refers to minimum grants.

SR with an amendment to strike “In States that provide for minimum grants (other than the Common-wealth of Puerto Rico)” and to insert “In any State for which on the date of enactment of The No Child Left Behind Act of 2001 the number of children counted under section 1124(c) is less than 0.25 percent of the number of those children counted for all States.”

530. The House bill and Senate amendment on targeted grants are substantially the same with technical differences, including differences in formatting.

HR 531. The House bill and Senate amendment are substantially the same. However, the House bill refers to a State and the District of Columbia while the Senate amendment refers to a State (other than the Commonwealth of Puerto Rico).

LC 552. The House bill and the Senate amendment are substantially the same.

LC 553. The House bill and the Senate amendment on weighted child counts are identical with technical differences.

HR with an amendment to update quintiles as per latest available Census poverty data and to insert “1.0” in subparagraph (B) of paragraphs (1) and (2).

554. The House bill and the Senate amendment are substantially the same.

LC 555. The House bill and the Senate amendment have substantially different provisions for the state minimum. The House bill guarantees .25% of appropriations or the average of .25% of the amount available to carry out the concentration grants section and 150% of the national average. The Senate amendment refers to States receiving .25 percent or less.

SR with an amendment to strike “.25” and insert “.35” in its place; and strike “one quar- ter of” and insert “.35”.

556. The Senate amendment, but not the House bill, includes findings relative to the funding of targeted grants, and a statement on funding such grants. The Senate amendment effectively re-emphasizes the text in section 1122(a).

HR with an amendment to strike all lan- guage in subsection (b) and insert the fol- lowing:

“(b) LIMITATION ON ALLOCATION OF TITLE I FUNDS CONTINGENT ON ADEQUATE FUNDING OF TARGETED PROGRAMS— Pursuant to section 1122, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under Part A of Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) shall not exceed the amount allocated in fiscal year 2001 for such programs and activities unless the amount available for targeted grants to local educational agencies under section 1125 of that Act (20 U.S.C. 6355) in the applicable fiscal year meets the requirements of section 1122(c).

557. The Senate amendment, but not the House bill, includes an education finance incentive program. The Senate amendment, but not the House bill, also provides for school finance equity study in subsection (f).

HR with an amendment:

(1) funds distributed to states based on multiplication of each state’s effort factor, equity factor, total number of children counted under section 1124 (c), and “cost of education” as defined in section 1124 (a)(1)(B), except that the amount determined under that subparagraph shall not be less than 34 percent or more than 46 percent of the average per pupil expenditure in the United States;

(2) funds distributed within state via section 1125 in states with an equity factor that is greater than 1.2, via section 1125 with a maximum weight of 6 in states with an equity factor greater than 1.1 and less than 1.2, and via section 1125 with a maximum weight of 8 in states with an equity factor greater than 1.0 and less than 1.1;

(3) strike “.5” and insert “.35” in subparagraph (B) of paragraph (1) of subsection (b).

(4) strike “$200,000,000” and insert “such sums” and strike “6” and insert “5” in subsection (e).

558. The House bill and the Senate amendment have identical special allocation proce- dures except the House bill refers to “neg- lected children” while the Senate amend- ment refers to “neglected or delinquent chil- dren.”

559. The House bill and Senate amendment are identical.

LC 560. The House bill, but not the Senate amendment, includes a provision relating to secular, neutral, and nonideological educa- tional services and benefits.

HR Title I, Part A

1. The House bill and the Senate amend- ment have different titles.

SR 2. The House bill and the Senate amend- ment are substantially the same.

LC 3. Legislative Counsel, only minor and technical changes were made.

3. The Senate amendment, but not the House bill, amends current law by moving the “SHORT TITLE” and “TABLE OF CON- TENTS” to different sections and adds a “PURPOSE” section for the entire Act.

HR 4. The House bill, but not the Senate amendment, continues for one year after the enactment of the bill those grants entered into before enactment. The Senate amend- ment, but not the House bill, contains spec- ific transitional provisions within the vari- ous titles of the Senate amendment. Also, see note for each title, General Provisions.

SR with an amendment to strike “date that is one year after the effective date of this Act” and replace with “the end of fiscal year 2002, unless such grant is awarded after the date of enactment of this Act but prior to January 1, 2002, in which case such grant funds shall be available for one year after such enactment.”

5. The House bill and the Senate amend- ment vary significantly as to organization of each piece of legislation. The differences be- tween the two bills are fully explained in the notes for each title, which are organized ac- cording to the House bill.

HR/SR with an amendment—(see organiza- tional handout).

6. The Senate amendment does not contain a similar provision.

SR with amendment to strike “on October 1, 2001” and insert “two years after the”

7. The House bill and the Senate amend- ment have different headings for Title I.

SR with amendment to strike “PERFORM- ANCE” and insert “ACHIEVEMENT”

8. The House bill and the Senate amend- ment have different section headings.
11. The House bill, but not the Senate amendment, contains a subsection that describes the recognition of need by Congress. However, see notes 12 and 13.

HR/SR to strike all language

12. The Senate amendment contains a generally similar provision to the House bill regarding accountability in paragraph (8) of section 101 of the Senate amendment.

HR (see note 10)

13. The Senate amendment contains a generally similar provision to the House bill regarding the quality and alignment of standards, assessments, and other efforts of states and LEAs in paragraph (1) of section 101 of the Senate amendment.

HR (see note 10)

14. The Senate amendment, but not the House bill, provides a short title for the LEA grants subsection.

HR

15. The House bill and the Senate amendment are substantially different. The Senate amendment authorizes greater annual appropriations than the House bill and extends the authorization schedule through 2011, while the House bill provides authorization levels through 2009.

HR/ SR with amendment to strike all and insert the following:

"(A) $13,500,000,000 for fiscal year 2002;
(B) $16,000,000,000 for fiscal year 2003;
(C) $15,000,000,000 for fiscal year 2004;
(D) $20,500,000,000 for fiscal year 2005;
(E) $24,500,000,000 for fiscal year 2006;
(F) $25,000,000,000 for fiscal year 2007.""

Report Language:
The Conferences recognize that Title I grants to local educational agencies are essential to provide low-income students with the resources they need to meet challenging State academic achievement standards. The Conferences determined that to implement the reforms incorporated in the conference agreement, the local educational agencies will require increased Title I resources, for which reason the Conferences have agreed to significant and annual increases in Title I authorizations.

According to the Congressional Research Service, one common interpretation of the “full funding” theory for Title I, part A is based on the maximum payment calculations under the Basic Grant allocation formula, which is described in Title I, part A formulas. The Basic Grant formula establishes a maximum payment based on the number of low-income children (and other children that qualify for services under other Title I programs) multiplied by a State expenditure factor. The State expenditure factor for the Basic Grant formula is the State average expenditure per pupil in average daily attendance for public elementary and secondary education, within the range of 80% to 120% of the national average. The 80%-120% range means that if the State average expenditure per pupil is less than 80% of the national average, it is raised to 80%, and if it is above 120%, it is lowered to 120%. Under the standard, for fiscal year 2001, Congress provided local educational agencies with roughly 1/3 of “full funding.”

The Conferences also note there are other theories that might be used to determine “full funding” of Title I, part A, to ensure that the maximum number of low-income, low-achieving children receive direct educational assistance.

The Conferences wish to emphasize that the conference agreement provides for significantly targeted funding for Title I, part A, and strongly encourage Congress to continue to significantly increase funding for Title I, part A. Such funding, in conjunction with significant state and local efforts under the conference agreement, is critical to helping schools close the achievement gap and low-income students achieve and succeed academically.”

Conferences agree that the purpose of carrying out part out of part H, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and for each of the 5 succeeding fiscal years.

30. The Senate amendment retains the State administration reservation of 1% of programs through a redesignation of Part F of current law, with significant differences between the House bill and the Senate amendment. The House bill limits State administration to 1% of the State’s allocation for FY 02, while the Senate amendment limits it to 1% of each fiscal year’s allocation. In addition, the House bill refers to “administrative duties assigned”, while the Senate bill refers to “meeting its efficient performance of its duties”.

However, see notes 12 and 13.

12. The Senate amendment authorizes greater annual authorization levels for FY 02, but otherwise are substantially the same with the differences indicated in note 16 regarding cross-references and the number of years.

The Senate amendment provides for significantly targeted funding for Title I, part A, and recommends the State to allocate 95% of the funds reserved to those schools identified pursuant to section 1116(b)
that have the greatest need and in sufficient amounts. The Senate amendment requires the State to allocate 50% of the funds received to those schools identified pursuant to section 1116(c). The Senate amendment differs technically in the cross-references.

**SR with amendment to insert “for activities” or “restructuring” and strike all after “1116(b)” and insert “or may, with the approval of the local educational agency, directly provide for these activities or arrange for through other entities such as school support teams or educational service agencies.”**

34. The Senate amendment does not contain a similar provision.

**SR**

35. The Senate amendment does not contain a similar provision.

36. The Senate amendment does not contain a similar provision.

**SR with amendment to add a new subsection:**

“(1) **REPORTING**—Upon request, the State education agency shall provide a list of those schools that have received funds or services pursuant to subsection (b) and the poverty percentage of such schools.”

37. The House bill does not contain a similar provision.

**HR with an amendment move language to the State plan and appear as section 1116(c), then renumber current 1116(c)(3) as (c)(4) and specify subsection sections in like manner. (Cross reference with note 113)**

“(3) The State educational agency, in consultation with the Governor, will include, as a component of the State plan, a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency’s statewide system of technical assistance and support for local educational agencies.”

38. The House bill and the Senate amendment are similar with the following exceptions: (1) The House bill, but not the Senate amendment, requires consultation with entities listed, while the Senate amendment, but not the House bill, specifically refers to the chief State school official who prepares the plan and that the Governor is consulted; and (2) The House bill requires coordination with the acts listed, including the Homeless Education Act, which the Senate amendment does not, while the Senate amendment requires coordination with the acts listed, including the Adult Education and Family Literacy Act, which the House bill does not.

**SR with an amendment to insert “Adult Education and Family Literacy Act” before “and the McKinney-Vento”**

39. The House bill and the Senate amendment are substantially similar with a technical difference in cross-references.

**LC**

40. The House bill and the Senate amendment are substantially similar with the exception that the Senate bill, but not the Senate amendment, requires the State to allocate funds “to academic content standards” and “academic achievement standards”. This difference in references is consistent throughout the remainder of Title I, part A, of each piece of legislation.

41. The House bill and the Senate amendment are similar with technical differences.

42. The House bill, but not the Senate amendment, specifically refers to students served under this part and emphasizes that all children are held to the same expectations. The Senate amendment, but not the House bill, specifically refers to students as a subject for which standards are required. In addition, the House bill refers to the date by which science standards are required, which the Senate amendment also does, but in subparagraph (C)(ii) following of the Senate amendment. See note 44.

43. The House bill does not contain a similar provision.

44. See note 42 regarding the date by which science standards are required.

45. The House bill and the Senate amendment are substantially similar in subparagraph (D) of each piece of legislation, with the exception indicated in note 46 and the reference to standards indicated in note 40.

46. The Senate amendment does not contain a similar provision.

47. The House bill and the Senate amendment are similar with minor wording differences.

48. The Senate amendment does not contain a similar provision.

49. With an amendment to insert the following language:

“(1) **Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before or after the date of enactment of the No Child Left Behind Act of 2001.”

50. The House bill and the Senate amendment are substantially the same with the following exceptions: (1) The Senate amendment, but not the House bill, refers to a single statewide system; (2) The Senate amendment, but not the House bill, refers to two subparagraphs regarding adequate yearly progress; and (3) The Senate bill, but not the Senate amendment, refers to all “public” elementary and secondary schools.

**HR with an amendment to insert “public” before “elementary schools”**

51. The House bill and the Senate amendment are similar with the following exceptions: (1) A technical difference in cross-references; and (2) The House bill, but not the Senate amendment, refers to “public” school students.

**SR with an amendment to insert “and other academic indicators” and strike (D)” before “and other academic indicators”**

52. The House bill does not contain a similar provision.

53. The House bill and the Senate amendment are substantially similar with the following exceptions: (1) The Senate amendment, but not the House bill, references “bonuses or recognition”; (2) The House bill, but not the Senate amendment, refers to “public” schools; and (3) The Senate amendment, but not the House bill, includes schools accountable for student achievement and performance.

54. **SR with an amendment to strike “[and other” and insert “(v)” at the State’s discretion, may also include other academic indicators such as achievement on additional State or local assessments, including end-of-course assessments, additional indicators such as high school graduation rates, and other indicators that the State uses to identify schools in need of improvement.”**

55. The Senate amendment references a subpart indicated in note 50 regarding public school students.

56. **SR with amendment to strike “performance” and insert “achievement”**

57. The House bill does not contain a similar provision.

58. **HR**

59. The House bill does not contain a similar provision.

60. The Senate bill and the Senate amendment are similar with the exceptions indicated in note 50 regarding assessments and in note 50 regarding school districts.

61. **SR**

62. The Senate amendment does not contain a similar provision. However, see the Senate amendment provision in subparagraph (B)(vii) regarding the similar issue of high school completion. See note 65.

63. **HR**

64. The House bill and the Senate amendment are similar with the exceptions that the Senate bill provides an exception to the required disaggregation of data which the Senate amendment also does in clause (v)(II) (see note 63), and the House bill refers to “measurable objectives”, while the Senate amendment refers to “measurable objectives”.

**SR**

65. With amendment to strike “annual numerical” and insert “measurable”.

66. See note 50 regarding public school students.

67. **SR**

68. The Senate amendment contains two more groups than the House bill: “migrant students” and “students by gender.” However, see note 72 regarding the Senate amendment provision in subparagraph (B)(vii) requiring high school completion and the exception regarding the inclusion of such factors not affecting school identification for school improvement or corrective action (under section 1116 of each piece of legislation). In addition, the House allows for these additional indicators to be discretionary, while the Senate amendment requires high school completion / graduation and one other factor as mandatory.

69. **SR with amendment to strike clause (v) and insert:**

“(v) at the State’s discretion, may also include other academic indicators such as achievement on additional State or local assessments, including end-of-course assessments, additional indicators such as high school graduation rates, and other indicators that the State uses to identify schools in need of improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may be used to identify schools with high school graduation rates, and other indicators that the State uses to identify schools in need of improvement.”
And with amendment to add a special rule that these indicators and those referenced at note 67 shall be consistent with nationally recognized professional standards.

66. Both the House bill and the Senate amendment require the State to establish a timeline by which the groups of students identified by each piece of legislation (see note 67) must exceed the State’s proficient level on the State assessments used under this section and section 1116 of each piece of legislation. However, there are several major differences: (1) The House bill, but not the Senate amendment, requires a target year to get all groups of students to proficiency that is not to exceed 12 years after the baseline year is established; (2) The Senate amendment, but not the House bill, requires all groups of students to obtain proficiency in 10 years or less after enactment; and (4) See note 50 regarding academic assessments.

SR

67. See notes 68 and 69.

68. The bill contains a new provision to strike “school completion” or to strike “except that . . . included” and replace with: “except the use of such indicators may not be used to reduce the number of students who otherwise subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used in the identification of additional schools for school improvement or in need of corrective action or restructuring.”

Report Language:

The need underlined that adequate yearly progress shall not be met or exceeded based solely on increased dropouts.

69. The Senate amendment does not contain a similar provision.

SR with amendment to insert that a State shall establish a statutory minimum starting point and a bar that may not be exceeded for any subgroup or the bottom quintile of the total student population in the State, whichever is higher, and that States must raise the “bar” at least once every three years in equal increments to reach 100% proficiency in 12 years, except the bar may remain the same for the first 2 years.

70. The House bill does not contain a similar provision.

SR with amendment to insert that a significant progress exemption where the subgroup not meeting the State’s lowest achieving subgroup that is otherwise subject to school improvement, corrective action, or restructuring under section 1116 that is a 10% reduction in the percentage of students in that subgroup who are not proficient and progress on one other indicator would allow a school to avoid being identified to have met AYP.

71. The House bill and the Senate amendment are similar with minor wording differences and the following exceptions: (1) See note 68 regarding the differences in groups of students between each piece of legislation; (2) Text varies in cross-references regarding accommodations for students with disabilities; and (3) The Senate amendment, but not the House bill, contains an exception that this provision shall not abrogate the requirement to assess all students.

SR with amendment to insert: “with paragraph [(4)(H)(ii)) [House reference]/(3(I)(ii)] [Senate reference] and with accommodations, guidelines, and alternate assessments provided in the same manner as they are provided under” after “consistent” and to strike “with” after “812(a)(1)(A)” and to insert at the end after “based the following” the following: “except that the 95 percent requirement described in this subparagraph shall not be required to exceed the State’s proficient level on the State assessments used under this section and section 1116 of each piece of legislation. The House bill and the Senate amendment are similar with following exceptions:’

72. The House bill and the Senate amendment are similar with following exceptions: (1) The House bill, but not the Senate amendment, requires that the accountability provisions under this Act shall be met by each charter school on a longitudinal basis. The Senate amendment, but not the House bill, lists specific groups the Senate amendment requires as- consistent with the requirements of this section.”

73. The House bill and the Senate amendment are the same with the exception indicated in note 50 regarding references to standards and assessments.

LC

74. The House bill and the Senate amendment are similar with the exception that the Senate bill, but not the House amendment, establishes a similar provision.

75. The House bill and the Senate amendment are similar with the exception indicated in notes 49 and 50 regarding references to standards and assessments, and with the exception indicated in note 76.

76. The House bill and the Senate amendment are similar with the exception that the House bill, but not the Senate amendment, references regulations published by the Secretary relating to the standards and assessments required under Title I, part A.

SR

77. The House bill does not contain a similar provision.

HR with an amendment to strike subpara-

78. The House bill and the Senate amend-

79. The House bill and the Senate amend-

80. The House bill and the Senate amendment are similar with the following exception: The Senate amendment, but not the House bill, refers to “nationally” recognized standards of testing that are developed and used by “national experts on educational testing.”

HR with an amendment to strike “develop-

81. The Senate amendment does not contain a similar provision.

HR

82. The House bill and the Senate amendment are similar with the following exception: “The Senate amendment, but not the House bill, refers to science education should prepare students to distinguish the data and testable theories of science from religious or philosophical claims that are made in the name of science. Where topics are taught that may generate controversy (such as evolution vs. creationism), the curriculum should help students to understand the full range of scientific views that exist, why such topics may generate contro-

83. The House bill requires assessments in at least mathematics and reading or language arts at least once in the grade spans listed in the Senate amendment. The House bill requires assessments to commence not later than the 01–02 school year for students served under...
Title I, part A in mathematics and reading or language arts at least once in the grade spans listed. 

SR with an amendment: 

"(2) The interim response, or short answer test items, which are required by the Senate amendment, in the House bill, contains a similar requirement."

90. The House bill does not contain a similar provision.

91. The House bill and the Senate amendment are similar with the following exceptions: (1) The House bill allows LEAs to determine if students should be assessed in the appropriate language (as opposed to English) and then assess such students in the appropriate language for one additional year; (2) The Senate amendment allows LEAs to demonstrate to the SEA if students should be assessed in the appropriate language (as opposed to English) for 3 or more consecutive school years, except if the local educational agency determines, on a case-by-case individual basis, that academic assessments in another language or form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may make a determination to assess such students in the appropriate language other than English for a period that does not exceed 2 additional consecutive school years. If students have not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such students know and can do on tests (written in English) of reading or language arts.

92. The House bill and the Senate amendment are the same.

LC

93. The House bill and the Senate amendment are similar with the following exceptions: (1) The House bill, but not the Senate bill, refers to "interpretive and descriptive reports"; (2) The Senate amendment, but not the House bill, refers to the parents of all students; (3) The House bill allows LEAs to determine if students should be assessed in the appropriate language (as opposed to English) and then assess such students in the appropriate language for one additional year; (4) The Senate amendment, but not the House bill, includes a list of other measures that can be included on the reports. 

HC

94. The House bill and the Senate amendment are substantially similar with the exception that the Senate amendment, but not the House bill, provides for an exception to the disaggregation.

95. The Senate amendment does not contain a similar provision.

SR with amendment to strike (L) and insert as a new subparagraph (L): 

"(N) enable itemized score analysis to be produced and reported, consistent with 1111(b)(3)(C)—(nationally recognized professional standards references), to local educational agencies and schools, so that parents, teachers, and principals can interpret and address the specific academic needs of students as indicated by the students' achievement on assessment items."
99. The House bill and the Senate amendment are substantially the same with the exception indicated in note 50 regarding references to assessments.

100. The Senate amendment, but not the House bill, refers to the development of English proficiency as appropriate to the factors listed. The Senate amendment, but not the House bill, refers to students served under this part or Title III of the Senate amendment with the stated exception. The House bill, but not the Senate amendment, refers to all LEP students in the State’s schools.

SR

LC

SR with amendment to strike paragraph (7) and replace with:

“(7) Academic Assessments of English Language Proficiency. — Each State plan shall demonstrate that local educational agencies in the State will, beginning no later than school year 2002–2003, provide for an annual assessment of English proficiency (measuring students’ oral language, reading, and writing skills in English) for all students with limited English proficiency in their schools. The Secretary may provide the State an additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of this paragraph by that deadline and that it will complete implementation within the additional 1-year period.”

Report language:

“This Act requires each State to provide for annual assessments of proficiency in English (covering speaking, listening, reading and writing skills) by the beginning of the 2002–2003 school year. The Conferences believe that scientifically based assessments are needed to develop and research efforts must be made to develop better assessments to measure the progress of limited English proficient children in developing their English language proficiency, including speaking, listening, reading and writing skills. The Conferences encourage the Secretary to provide technical assistance to States, if requested, on the development and implementation of such assessments.”

101. The House bill and the Senate amendment are the same with technical differences in cross-references.

102. The Senate amendment does not contain a similar provision.

SR

HR

103. The House bill does not contain a similar provision.

HR with amendment to strike “how the . . . will develop or identify” and insert “an assurance that the SEA will assist LEAs in developing or identifying”.

104. The House bill and the Senate amendment are substantially the same with the exception indicated in note 40 regarding references to standards.

LC

105. The House bill does not contain a similar provision.

SR

106. The House bill does not contain a similar provision.

HR with amendment:

“(8) Factors Impacting Student Achievement. — Each State plan shall include an assurance that the State will coordinate and collaborate, to the extent feasible and necessary as determined by the State, with agencies providing services to children, youth, and families, with respect to local educational agencies within the State that are identified for improvement under section 1116 and that request assistance with addressing major factors that have significantly impacted student achievement at the local educational agency or at schools in such agency.”

108. The Senate amendment does not contain a similar provision. However, see the provision in Section 2002(f) of section 1111 regarding the provision of information.

SR with amendment to strike “the end” and insert “before the beginning” and insert “next” before “school year” and to strike “consistent with 1116.”

109. The Senate amendment does not contain a similar provision.

SR

110. The Senate amendment does not contain a similar provision. However, see the Senate amendment provision in subsection (l) of section 1111. See note 172.

HR

111. The House bill and the Senate amendment are similar with the exception that the House bill refers to 2003–04 school year, while the Senate amendment refers to the 2002–03 school year, and with technical differences in cross-references.

HR with amendment

“(c) Other Provisions to Support Teaching and Learning. — Each State plan shall contain assurances that—

“(1) the State will meet the requirements of subsection (j)(1) and, beginning with the 2002–03 school year, will produce the annual State report cards described in such subsection, except that the Secretary may provide the State an additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of this paragraph by that deadline and that it will complete implementation within the additional 1-year period.”

112. The House bill refers to “academic” assessments, while the Senate amendment refers to “State” assessments. The Senate amendment, but not the House bill, refers to the Secretary paying the costs of administration of these assessments and provides for an exception for states with fewer than .20% of the total number of poor, school-aged children in the U.S. The House bill, but not the Senate amendment, provides for an alternative assessment to NAEP.

HR with amendment to strike “annual” and insert “biennial” before “State assessments of 4th and 8th” and to insert “academic” after “State” and before “assessments” and to strike “except that . . . basis.”

113. The House bill and the Senate amendment are substantially the same with the exception that the Senate amendment, but not the House bill, refers to the Secretary involving the Federal government under section 1118. In addition, there is a technical difference in cross-references regarding section 1119.

HR

114. The House bill and the Senate amendment are the same with minor wording differences.

LC

115. The House bill and the Senate amendment are the same with minor wording differences.

SR

116. The House bill and the Senate amendment are the same with the exceptions indicated in notes 40 and 50 regarding references to standards and assessments.

LC

117. The House bill and the Senate amendment are the same with minor wording differences.

LC

118. The House bill and the Senate amendment are the same with minor wording differences.

LC

119. The House bill and the Senate amendment are the same.

LC

120. The House bill and the Senate amendment are the same with a minor wording difference.

LC

121. The House bill and the Senate amendment are the same with a technical difference in cross-references.

LC

122. The House bill and the Senate amendment are substantially the same with the following exceptions: 1) The House bill, but not the Senate amendment, refers to transfer authorities under Title VII of the House bill; and 2) There is a technical difference in cross-references regarding waivers.

SR

—check cites for included programs.

123. The House bill does not contain a similar provision.

HR

124. The Senate amendment does not contain a similar provision.

SR

125. The House bill does not contain a similar provision.

The House bill and the Senate amendment are substantially the same through subparagraph (B) of the Senate amendment following. See the next note.

HR with an amendment to insert in (d)(1) “meeting the highest professional and technical standards after “current research.”

126. The House bill does not contain a similar provision.

HR with an amendment to insert “the needs of low-performing schools” after “accountability.”

127. The House bill and the Senate amendment are the same in the following provisions with the exception indicated in note 128 and those indicated in notes 40 and 50 regarding references to standards and assessments.

128. The House bill does not contain a similar provision.

HR

129. The House bill does not contain a similar provision. However, see the House bill provision in subsection (b)(9) of section 1111 regarding the provision of information (note 108).

The House bill and the Senate amendment are the same through paragraph (1). See the next note.

SR

130. The Senate amendment does not contain a similar provision.

HR

131. The House bill and the Senate amendment are substantially the same with the exceptions indicated in notes 40 and 50 regarding references to standards and assessments.

LC

132. The House bill and the Senate amendment are similar with the exceptions that the House bill refers to a prohibition of Federal control, while the Senate amendment says that nothing in this part shall be construed to authorize Federal control, and with the differences indicated in notes 40 and 50 regarding references to standards and assessments and other minor wording differences.

HR with amendment (use same language applies upon for Title I).

133. The House bill refers to those deadlines established by IASA of 1994 or those established under any waivers or compliance with Secretary. The Senate amendment refers to “statutory deadlines. The Senate amendment, but not the House
bill, refers to standards aligned with assessments. The House bill, but not the Senate amendment, requires the Secretary to withhold 25% of the funds available to the State for administration and activities each year. The Senate amendment, but not the House bill, requires the Secretary to withhold an undefined amount of funds for State administration and activities under section 1114 and take such needed steps to assist State to reach compliance.

SR with an amendment to insert "under this part" after "administration and activities".

134. The Senate amendment does not contain a similar provision.

SR with amendment to insert "90 days after enactment of this Act," after "The Secretary shall not".

135. The Senate amendment does not contain a similar provision. However, the Senate amendment does refer generally to "statutory deadlines" in subsection (i) previously. See note 183.

SR with an amendment to insert "under this part" after "administration".

136. The House bill and the Senate amendment are similar through subparagraph (D) of each piece of legislation with the exception that the House bill requires the reports not later than the start of the 02-03 school year, while the Senate amendment requires the reports not later than the start of the 02-03 school year.

HR with an amendment to insert the following:

"(i) REPORTS.—

(1) ANNUAL STATE REPORT CARD.—

(A) IN GENERAL.—Not later than the beginning of the 2002-2003 school year, unless the State has received a one-year waiver pursuant to subsection (c)(1), a State that receives this Act shall prepare and disseminate an annual State report card.

(B) IMPLEMENTATION.—The State report card shall be—

(1) concise; and

(2) presented in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand."

137. The House bill and the Senate amendment are similar with the following exceptions: (1) The House bill and the Senate amendment have different cross-references; and (2) The House bill, but not the Senate amendment, have exception to the required disaggregation; however, the Senate amendment contains a similar exception in paragraph (2)(D). See note 196.

(D) REQUIRED INFORMATION.—The Senate bill shall include its annual State report card—

(i) information, in the aggregate, on student achievement at each proficiency level on the State academic assessments described in subsection (b)(4) (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

(ii) information that provides a comparison between the actual achievement levels of each group of students described in subclauses (I) and (II) of subsection (b)(2)(C) to the State's annual numerical objectives for each such group of students on each of the assessments used in this part.

(iii) the percentage of students not tested (disaggregated by the same categories and subject to the same exception described in clause (i));

(iv) the most recent 2-year trend in student performance in each subject area, and for each grade and subgroup.

(v) aggregate information on any other indicators used by the State to determine whether students are meeting standards and achieving State academic achievement standards;

(vi) graduation rates for secondary school students graduated before the title (the title I(b)(2)(V)(ii)

(vii) information on the performance of local educational agencies in the State regarding making adequate yearly progress, including the performance of each school identified for school improvement, including schools identified under section 1116;

(viii) the professional qualifications of teachers in the aggregate, the percentage of teachers teaching with emergency or provisional credentials, and the percentage of classes not taught by highly qualified teachers (disaggregated by high poverty and low poverty schools which for purposes of this clause means schools in the top quartile of poverty and the bottom quartile of poverty) in the State;

(E) PERMISSIVE INFORMATION.—The State may include in its annual State report card such other information as the State decides is important, such as graduation rates, the status of dropsouts, graduation rates for secondary school students graduated before the title I(b)(2)(V)(ii)

138. The Senate amendment does not contain a similar provision. However, see also the House bill provision in section 1116(b)(6).

HR/SR with an amendment; (See note 137).

139. The House bill and the Senate amendment contain a provision requiring 4-year graduation rates, although the House bill includes the percentage of students who graduate, while the Senate amendment requires graduation rates. In addition, the Senate amendment, but not the House bill, requires the average 4-year school dropout rates disaggregated by the categories listed with an exception to the required disaggregation. See also note 147.

HR/SR with an amendment; (See note 137).

140. The House bill does not contain a similar provision.

HR/SR with an amendment; (See note 137).

141. The House bill and the Senate amendment both require the percentage of students teaching with emergency or provisional credentials, although the Senate amendment requires this information to be disaggregated by poverty. The Senate amendment refers to classes not taught by "highly" qualified teachers, while the House bill refers to classes not taught by "fully" qualified teachers.

HR/SR with an amendment; (See note 137).

142. The House bill, but not the Senate amendment, requires the State aggregate of the qualifications of teachers. The House bill and the Senate amendment both require the percentage of teachers teaching with emergency or provisional credentials, although the Senate amendment requires this information to be disaggregated by poverty. The Senate amendment refers to classes not taught by "highly" qualified teachers, while the House bill refers to classes not taught by "fully" qualified teachers.

HR/SR with an amendment; (See note 137).

143. The House bill does not contain a similar provision.

HR/SR with an amendment; (See note 137).

144. The House bill and the Senate amendment allow for additional information. However, the House bill lists other possible categories of information, while the Senate bill lists (c)(1) through (x) following in the Senate amendment. Also, the House bill allows dropout rates as an optional category, while the Senate amendment requires dropout rates in subparagraph (D)(v).

145. The Senate amendment provisions in clauses (i) and (ii) are similar to those listed in the House bill in clause (vi).

HR/SR with an amendment; (See note 137).

146. The House bill and the Senate amendment provisions listed in clauses (i) through (x) following in the Senate amendment. Also, the House bill allows dropout rates as an optional category, while the Senate amendment requires dropout rates in subparagraph (D)(v).

147. The House bill does not contain the provisions listed in clauses (i) through (x) of the Senate amendment following.

HR/SR with an amendment; (See note 137).

148. The House bill, but not the Senate amendment, contains a provision requiring the State to annually report a description of its accountability system.

HR/SR with an amendment; (See note 137).

149. The House does not contain a similar provision. However, see note 133 of the House bill's Title VIII, General Provisions.

150. The House bill does not contain a similar provision.

HR with an amendment to insert the following:

(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

(A) (I) IN GENERAL.—Not later than the beginning of the 2002-2003 school year, a local educational agency that receives assistance under this Act shall prepare and disseminate

\[\text{placed on the transition point between eighth and ninth grade.}\]

138. The Senate amendment does not contain a similar provision.

HR with an amendment; (See note 137).

139. The House bill and the Senate amendment are the same with the exception to disaggregation indicated in note 147.

HR/SR with an amendment; (Note 137).

140. The House bill does not contain a similar provision.

HR/SR with an amendment; (See note 137).

141. The House bill does not contain a similar provision.
an annual local educational agency report card, except that the State may provide the local educational agency 1 additional year if the local educational agency demonstrates that it made a good faith effort to implement the requirements of this paragraph by that deadline and that it will complete implementation within the additional 1-year period.

(2) A NNUAL STATE REPORT TO THE SECRETARY.—Each State shall prescribe the use of the assessments described in this section, including the disaggregated results for the categories of students identified in subsection (b)(4), in the State, LEA, and school consistent with paragraph (D). Beginning not later than the start of the 2002-2003 school year, information on the acquisition of English proficiency by children with limited English proficiency;

(3) A NNUAL REPORT TO THE SECRETARY, AND PUBLICLY DISSEMINATE WITHIN THE STATE.—Each State shall, by the beginning not later than the start of the 2002-2003 school year, publicly disseminate the information described in this section, including the disaggregated results for the categories of students identified in subsection (b)(4), in the State, LEA, and school consistent with paragraph (D).

(4) ANNUAL STATE REPORT TO THE SECRETARY.—Each State receiving assistance under this Act shall report annually to the Secretary, and publicly disseminate within the State

(A) beginning with school year 2001-2002, information on the State’s progress in developing and implementing the assessments described in this paragraph by that deadline and that it will complete implementation within the additional 1-year period.

(2) A Technical difference in cross-referencing

HR/SR with amendment to strike paragraph (4) and insert as new (4):

‘‘(4) ANNUAL STATE REPORT TO THE SECRETARY.—Each State receiving assistance under this Act shall report annually to the Secretary, and publicly disseminate within the State

(A) beginning with school year 2001-2002, information on the State’s progress in developing and implementing the assessments described in this paragraph by that deadline and that it will complete implementation within the additional 1-year period.

(B) beginning not later than school year 2002-2003, information on the achievement of students on the assessments required by that section, including the disaggregated results for the categories of students identified in subsection 1111(b)—COMMENT: The reference will be to the 6 categories agreed upon in advance: economically disadvantaged, racial/ethnic minority, disabled, LEP, gender, and migrant.

(C) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student assessments (including disaggregated results) required under this section.

(D) beginning not later than school year 2002-2003, unless the State has received a waiver pursuant to section 1111(c)(1), information on the acquisition of English proficiency by children with limited English proficiency;

(E) the number and names of each school identified for school improvement, including schools identified under section 1111(c), the reason why each school was so identified, and the measures taken to address the performance problems of such schools;

(2) The Senate amendment, but not the House bill, provides for an exception for LEAs already issuing a report card for all students.

HR with an amendment to insert as new (E):

‘‘(E) PUBLIC DISSEMINATION.—The local educational agency shall not later than the beginning of the 2002-2003 school year, unless the local educational agency has received a one-year waiver pursuant to section 1111(c), publicly disseminate the information described in this paragraph to all schools in the school district and to all parents of students attending those schools in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information broadly available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that it may make the individual agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

HR/SR with an amendment; (See note 159).

164. The Senate amendment does not contain a similar provision.

HR/SR with an amendment; (See note 159).

165. The Senate amendment refers to “its schools students”, while the Senate amendment refers to “students served by the local educational agency”.

154. The House bill does not contain a similar provision, however, see note 137.

HR.

155. The House bill and the Senate amendment are similar with the following exceptions: (1) The House bill requires the LEA report card to be publicly disseminated not later than the start of the 03-04 school year, while the Senate amendment requires the LEA report card to be publicly disseminated not later than the start of the 02-03 school year; and (2) The Senate amendment, but not the House bill, provides for an exception for LEAs already issuing a report card for all students.

HR with an amendment to move the following language to after note 163 and before paragraph (5) and redesignate sections accordingly:

(4) A NNUAL STATE REPORT TO THE SECRETARY, AND PUBLICLY DISSEMINATE WITHIN THE STATE.—Each State shall, by the beginning not later than the start of the 2002-2003 school year, publicly disseminate the information described in this section, including the disaggregated results for the categories of students identified in subsection (b)(4), in the State, LEA, and school consistent with paragraph (D). Beginning not later than the start of the 2002-2003 school year, information on the quality of teachers and the percentage of classes being taught by highly qualified teachers as defined in [section], in the State, LEA, and school consistent with subparagraph (D).

169. The House bill and the Senate amendment are substantially the same with the following exceptions: (1) See note 50 regarding references to assessments; and (2) The categories of students referenced in each bill are different. See note 63.

HR/SR with an amendment; (See note 159).

165. The Senate amendment does not contain a similar provision.

HR/SR with an amendment; (See note 159).

162. See note 300. The House bill refers to a report not less than once a year, while the Senate amendment refers to each State receiving assistance under this Act, while the House bill refers to each SEA. The House bill and the Senate amendment refer to the names of schools identified for school improvement, although the Senate amendment contains a specific cross-reference to section 1116. The Senate amendment refers to the number of schools identified for school improvement, the reason for such identification, and the measures taken to address the school’s performance problems.

HR/SR with an amendment; (See note 159).

163. The House bill and the Senate amendment are substantially the same, except for differences indicated in note 50 regarding references to assessments.

HR/SR with an amendment; (See note 159).

164. The Senate amendment refers to each State receiving assistance under this Act, while the House bill, but not the Senate bill, requires that parents be provided with the beginning of the school year; and (2) The House bill, but not the Senate amendment, requires LEAs to provide information to requesting parents in a timely manner.

SR.

165. The House bill and the Senate amendment provisions are the same in clauses (i) through (iv) following each piece of legislation, with a minor wording difference in clause (iv).

LC.

166. The House bill and the Senate amendment are substantially the same with the exception that the House bill, but not the Senate amendment, refers to additional information beyond that described in subparagraph (A).

167. The Senate amendment does not contain a similar provision.

SR.

168. The House bill, but not the Senate amendment, requires the information be provided to parents in an understandable language to the extent practicable, provided in a language that the parents can understand.

169. The Senate amendment does not contain a similar provision.

SR.

170. The House bill does not contain a similar provision.

HR with an amendment to move the following language to after note 163 and before paragraph (5) and redesignate sections accordingly:

(5) REPORT TO CONGRESS.—The Secretary shall transmit annually to [Standard name for House and Senate education committees] the report that provides national and state level data on the information collected under this section.

162. The House bill, but not the Senate amendment, requires a waiver pursuant to section 1111(c)(1), in order for each LEA to provide information to requesting parents in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

169. The Senate amendment does not contain a similar provision.

SR with amendment to add a new subsection at end of section 1111 and before section 1112:

(4) THE SECRETARY.”“IN GENERAL.—Nothing in this part shall prescribe the use of the assessments described under this subsection for student promotion or graduation purposes.”

175. The House bill and the Senate amendment are substantially the same with the exception that the House bill, but not the Senate amendment, refers to the Homeless Act.

SR.

176. The House bill and the Senate amendment are substantially the same with the exception of a technical difference in cross-references.

HR.

177. The House bill, but not the Senate amendment, makes a number of changes to current law. The Senate amendment retains current law unchanged through subparagraph (C).

SR with an amendment to strike (b)(1) and insert the following:

‘‘(1) a description of high-quality student academic assessments, if any, that are in addition to the academic assessments described in the State plan under section 1111(b)(3), that the local educational agency and schools served under this part will use—’’.

178. The Senate amendment, but not the House bill, contains this subparagraph regarding first grade student literacy and related interventions and assessments.
HR with an amendment to insert as new (D):

“(D) effectively identify students who may be at risk for reading failure or who are having difficulty to improve reading through the use of screening, diagnostic, and classroom-based instructional reading assessments, as defined under section 1209 of this title.”

179. The Senate amendment makes a number of changes to current law. The Senate amendment retains current law unchanged through subparagraph (B). 

SR with an amendment to strike paragraph (2) and insert:

“(2) at the local educational agency’s discretion, to other academic indicators, if any, that will be used in addition to the academic assessments described in paragraph (1) for the uses described in such paragraph.”

180. The Senate amendment does not contain a similar provision.

SR

181. The House bill and the Senate amendment are similar with the exception that the Senate amendment refers to coordination with Title II of the Senate bill if a LEA receives funds under such title.

SR with an amendment on coordination with (a) strike “and principals” after “teachers.”

182. The Senate amendment makes a technical change to current law regarding the wording of “vocational programs.” Both the House bill and the Senate amendment strike “school-to-work transition programs.”

SR with an amendment to insert “vocational.”

183. The House bill and the Senate amendment strike the same language with the exception that the Senate bill contains a similar informal change.

SR with and amendment inserting “children with disabilities after “proficiency”;

strike “or with disabilities”; and

strike “served under part C.”

184. The Senate amendment, which retains current law to paragraph (9), does not contain this provision regarding LEA participation in NAEP or an alternative assessment if selected.

SR with amendment to strike “or in another . . . section 7101(b)(1);(2)(iii)” in paragraph.

185. The House bill and the Senate amendment are generally similar. However, the House bill refers to “preschool programs for children” instead of “a number of preschool programs and services,” while the Senate amendment refers to “early childhood education programs under section 1120B.”

SR

186. The House bill refers to LEA actions to assist schools in school improvement, while the Senate amendment refers to LEA determinations of factors impacting student achievement at schools in school improvement or corrective action.

SR

187. The Senate amendment does not contain paragraphs (13) through (15) of the House bill.

SR with an amendment to insert as new (13), (14), and (15):

“(13) a description of the actions the local educational agency will take to implement public school choice and supplemental services, consistent with the requirements of section 1122;

“(14) a description how the local educational agency will meet the requirements of section 1119; and

“(15) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1112(b)(3)(A).”

188. The House bill does not contain paragraphs (10) and (12) of the Senate amendment.

HR with an amendment to insert “after school (including before school and summer school) and” after “this part” support” and with amendment to insert new paragraph:

“(14) assist each school served by the agency and assisted under this part in developing or identifying models of high quality, effective curriculum models consistent with section 1111(b)(3)(C).

201. The House bill, but not the Senate amendment, makes a number of changes to current law in paragraphs (4) and (9). The Senate amendment retains current law unchanged to subsection (e).

SR with an amendment to strike “academic achievement standards” and insert “Performance Standards” after “Head Start” in subparagraph (B).

202. The House bill and the Senate provision are the same.

LC

203. The House bill and the Senate amendment are similar in retaining current law with the exception that the House bill, but not the Senate amendment, modifies the organization of section (2) and adds a new subparagraph (B).

SR

204. The House bill does not retain paragraph (3) of current law and the Senate amendment retains and modifies.

HR

205. The House bill and the Senate amendment retain current law with no changes.

SR

206. The Senate amendment does not contain this provision requiring notification and consent for English language instruction of the House bill.

SR with amendment to strike subsection (g) and insert the following as new subsection (g):

“(g) PARENTAL NOTIFICATION. —

“(1) IN GENERAL.—(1) Each eligible entity using funds under this title to provide high-quality language instruction educational programs shall inform a parent or parents of a child participating in such a program of—

“(A) the reasons for the identification of their child as limited English proficient and being in need of placement in a language instruction educational program;

“(B) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;

“(C) the program and methods of instruction available, including how such programs are implemented, instructional goals, and use of English and a native language in instruction;

“(D) how the language instruction educational program will meet the educational strengths and needs of their child;

“(E) how such language instruction program will specifically help the child acquire English, and meet state’s or local curriculum achievement standards for grade promotion and graduation;

“(F) the specific exit requirements for the program, including the transition from the program into classrooms that are not tailored for limited English proficient students, and the expected rate of graduation from high school for the program if funds under this title are used for children in secondary schools;

“(G) in the case of a student with a disability, who participates in an English language instruction educational program, how the program meets the objectives of the individualized education program of the student; and

“(H) any other entity that participates in the Head Start program on the annual measurable achievement objectives in section 3232(a), if applicable. Such notice shall be sent in addition to the parent or parents of a child served in a language instruction educational program.
VerDate 10-Dec-2001 02:35 Dec 14, 2001 Jkt 099060 PO 00000 Frm 00185 Fmt 7634 Sfmt 0634 E:\CR\FM\A12DE7.645 pfrm04 PsN: H12PT2

(1) information pertaining to parental rights, that includes written guidance—
(2) detailing the options that parents have to remove their child in a language instruction educational program for the purpose of ensuring that parents are provided adequate and uniform information, and that the parents can understand.
(c) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as limited English proficient prior to the beginning of the school year and the eligible entity shall notify parents within the first two weeks of the child being placed in a language instruction educational program consistent with subsections (a) and (b).
(d) PARENTAL PARTICIPATION.—Each eligible entity using funds under this title shall implement means of outreach to parents of limited English proficient students to inform parents of how they can be involved in the education of their children, and be active participants in assisting their children to attain English and achieve at high levels in core academic subjects and meet challenging state academic achievement standards, including holding and sending notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this title.
(e) RULES FOR ADMISSION OR ENROLLMENT.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language minority status.
207. The House bill and the Senate amendment retain current law with no substantive changes.
LC
208. The House bill and the Senate amendment retain current law with no substantive changes.
LC
209. The House bill and the Senate amendment are substantially similar with minor differences in wording and a difference in the cross-reference (the House bill refers to the subsection regarding Ranking Order and the Senate amendment refers to Eligible School Attendance Areas).
LC
210. The House bill and the Senate amendment retain current law with no substantive changes.
LC
211. The House bill, but not the Senate amendment, makes a number of changes to current law in subsection (b) regarding the rank order of funds and by adding a new paragraph (3) regarding elementary schools. Otherwise, it retains current law with minor changes through paragraph (c)(1). The Senate amendment retains current law unchanged through paragraph (c)(1).
HR
212. The House bill adds a paragraph (2) regarding equitable service to private school students. The Senate amendment contains the same provision in section 1120A. See note 488.
213. The House bill, but not the Senate amendment, makes a change to current law regarding the full enrollment. The Senate amendment retains current law unchanged through subsection (e).
214. The House bill, but not the Senate amendment, makes a number of minor, technical changes to current law. The Senate amendment retains current law unchanged through subparagraph (f)(3)(C).
LC
215. The Senate amendment does not contain the provisions in paragraphs (4) and (5) of the House bill concerning school improvement reservation and financial incentives and rewards reservation.
SR with an amendment to insert “from the amount (if any) by which the funds received by the LEA under this part for a fiscal year exceed the amount received by the LEA under this part for the preceding fiscal year,” after “necessary” in paragraph (4) and to insert “from those funds received by the LEA under Title II and up to 5% of those funds received by the LEA” after “necessary” in paragraph (5).
216. The Senate amendment does not contain similar provisions.
HC
217. The House bill and the Senate amendment are similar with the following exceptions: 1) The House bill refers to a LEA that “may consolidate” funds, while the Senate amendment retains current law that “may use” funds; and 2) The Senate amendment, but not the House bill, refers to the “initial year of the schoolwide program.”
SR with an amendment to insert “and use” after “consolidate.”
218. The House bill and the Senate amendment retain current law with no substantive changes.
LC
219. The House bill and the Senate amendment are the same.
LC
220. The House bill, but not the Senate amendment, makes a number of changes to current law regarding an exception to IDEA in subparagraph (A) and the list of requirements in subparagraph (B). The Senate amendment retains current law unchanged through subparagraph (B).
SR with an amendment to add “comparability of services” after “maintenance of effort” in subparagraph (B).
221. The House bill and the Senate amendment are substantially similar with the following exceptions: 1) The House bill refers to “consolidate” funds, while the Senate amendment refers to “use” funds; and 2) Minor wording differences.
SR with an amendment to insert “and uses” after “consolidates.”
222. The House bill and the Senate amendment retain current law with no substantive changes.
LC
223. The House bill, but not the Senate amendment, makes a number of changes to current law regarding the addition of migratory children in subparagraph (A), omitting current law clause (ii) in schoolwide reform strategies, referring to “scientifically based research” in clause (ii), adding subclause (I), referencing standards and low-achieving in subparagraph (I) of clause (ii), and omitting specific examples contained in current law subparagraph (I) of clause (ii). The Senate amendment retains current law unchanged.
SR with an amendment to insert the following (rewrite of whole subsection):
(a) COMPONENTS OF A SCHOOLWIDE PROGRAM—
(1) IN GENERAL.—A schoolwide program shall include the following components:
(1) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in section 1309(b)(2)) that is based on information which includes the performance of children in relation to the State academic content standards and the State student academic achievement standards described in section 1111(b)(1).
(2) Schoolwide reform strategies that—
(i) provide opportunities for all children to meet the State’s proficient and advanced levels of student achievement described in section 1111(b)(1)(D);
(ii) use effective methods and instructional strategies that are based upon scientifically based research, and
(iii) strengthen the core academic program in the school;
(II) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and
(III) include strategies for meeting the educational needs of historically underserved populations;
(2) include strategies to address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program, which may include transportation, pupil services, and mentoring services;
(3) include strategies to address the differences in wording and a difference in the following exceptions: 1) The House bill refers to a list of activities beyond family literacy services.
SR with an amendment to insert “principals,” after “teachers,” in (D); and strike “such as . . . pay” in (E).
Report language:
“The Congress believes that teacher recruitment strategies will be most effective if they succeed in attracting highly qualified teachers and subsequently retaining those teachers. Such strategies can include differential pay and merit based pay, as well as professional development initiatives that promote professional growth and multiple career paths, pre-service internships, high quality professional development, effective mentoring and comprehensive evaluations of teachers’ knowledge and abilities.”
225. The Senate amendment, but not the House amendment, makes a number of changes to current law regarding teachers in subparagraph (C), professional development in subparagraph (D), and by adding subparagraph (E). The Senate amendment retains current law unchanged through subparagraph (E).
SR with an amendment to insert “principals,” after “teachers,” in (D); and strike “such as . . . pay” in (E).
Report language:
“The Congress believes that teacher recruitment strategies will be most effective if they succeed in attracting highly qualified teachers and subsequently retaining those teachers. Such strategies can include differential pay and merit based pay, as well as professional development initiatives that promote professional growth and multiple career paths, pre-service internships, high quality professional development, effective mentoring and comprehensive evaluations of teachers’ knowledge and abilities.”
226. The Senate amendment, but not the House amendment, refers to a list of activities beyond family literacy services.
SR with an amendment, but not the Senate amendment, makes a number of changes to current law regarding the listed programs in subparagraph (G), cross-references in subparagraph (B), referring to proficiency in subparagraph (J), and omitting clauses (ii) and (iii) of subparagraph (H) of current law.
The Senate amendment retains current law unchanged through subparagraph (H).  
SR 228. The House bill does not contain a similar provision.  
HR with an amendment to insert “vocational and technical education” before “job training”.  
229. The House bill and the Senate amendment refer to the title of each piece of legislation. In addition, the House bill, but not the Senate amendment, makes changes to current law by omitting consultation requirements in paragraph (2), omitting clause (iv) through subparagraph (2)(B) of current law. The Senate amendment retains current law unchanged through subparagraph (C). SR with an amendment to insert “in consultation with the local educational agency and in such team of other technical assistance provider under section 1117,” in paragraph (2) before “, a comprehensive plan and” and to strike in (2)(A) “incorporates” and insert “describes how the school will implement”.  
230. The House bill does not contain this provision.  
HR with an amendment to retain current law clause (iv) as subparagraph (D) and to conform parentinal information in that subparagraph with note #168.  
231. The House bill does not contain this provision.  
SR 232. The House bill, but not the Senate amendment, makes changes to current law by omitting the requirement to consider recommendations of technical assistance providers in clause (i). The Senate amendment retains current law.  
HR 233. The House bill and the Senate amendment refer to the title of each piece of legislation. In addition, the House bill, but not the Senate amendment, makes a number of changes to current law by changing the plan requirements in clause (ii), adding to the involvement requirements in subparagraph (B), and by changing the availability requirements in subparagraph (D). The Senate amendment retains current law through subparagraph (D). SR with an amendment to conform parentinal information with note #168.  
234. The House bill and the Senate amendment strike the reference to the School-to-Work Act. In addition, the House bill, but not the Senate amendment, makes a change by which the list of programs to coordinate with. The Senate amendment retains current law.  
SR 235. The House bill and the Senate amendment retain current law with no substantive changes regarding the Accountability provision.  
LC 236. The Senate amendment does not contain similar provisions.  
SR 237. The House bill and the Senate amendment retain current law with no substantive changes.  
LC 238. The House bill and the Senate amendment are substantially the same.  
LC 239. The House bill, but not the Senate amendment, makes a number of changes to current law by changing references to standards and assessments in subparagraph (B) and changing the list of included children in clause (i) of subparagraph (A). The Senate amendment retains current law unchanged through paragraph (2).  
HR with an amendment to retain current law: 240. The Senate amendment refers to early childhood education services under this title, while the House bill refers to preschool services under this title and adds a reference to Early Reading First.  
SR 241. The House bill and the Senate amendment strike the reference to part D (of Title I) and its predecessor authority. The House bill, but not the Senate amendment, changes the paragraph language from (Delinquent education) to part (C) (Migrant education). The House bill, but not the Senate amendment, changes to current law. The Senate amendment retains current law.  
SR 242. The House bill clarifies that these 2 subsections do not apply to the State. The Senate amendment retains current law through subparagraph (D).  
243. The House bill, but not the Senate amendment, makes a number of changes to current law by changing references to standards in paragraph (1) and subparagraph (A), omitting subparagraph (B) of current law, changing subparagraph (3), replacing current law subparagraph (E) with subparagraph (D) of the House bill, and changing the teacher references in subparagraph (E). The Senate amendment retains current law unchanged through subparagraph (G).  
SR/LC conform “highly qualified teacher” in this note.  
244. The House bill, but not the Senate amendment, references subsection (e)(3) and section 1118A. The Senate amendment, but not the House bill, refers to “parents”, “families”, and “parents”. The House bill, but not the Senate amendment, conditions the provision of opportunities for professional development for parents under section 210. The Senate amendment, but not the House bill, references to enabling students to meet the State standards.  
SR with amendment to strike paragraph (1) and insert the following new subparagraphs:  
245. The House bill and the Senate amendment retain current law with no substantive changes.  
SR (Note 181)  
246. The Senate amendment contains a generally similar provision in subparagraph (1) following. See note 246. The House bill, but not the Senate amendment, makes a change to current law by omitting the reference to standards in current law. The Senate amendment retains current law.  
SR 247. The House bill, but not the Senate amendment, makes a number of changes to current law by changing the reference to standards in subparagraph (B), changing the section heading in subsection (d), omitting the reference to children served under this part in subsection (d), omitting paragraphs (1) and (3) of subsection (d) of current law, changing subparagraph (2) list of services, and omitting subparagraph (B) of paragraph (3) of current law. The Senate amendment retains current law.  
SR with an amendment to retain current law 1116(d)(1); to strike “medical” and insert “psychological” in paragraph (2) and to substitute current law subparagraph (e)(2)(B) as subparagraph (e)(2)(C). This part of the House bill contains an academic indicator in subsection (c)(2)(A), but not the Senate bill. The Senate amendment requires the use of State assessments and additional measures described in their plan to determine if adequate yearly progress is being made. The House bill, but not the Senate amendment, requires the use of State assessments to determine if adequate yearly progress is being met; and (3) The Senate amendment, but not the House bill, refers to enabling students to meet the State standards.  
SR with amendment to strike paragraph (1) and insert the following new subparagraphs accordingly:  
248. The House bill and the Senate amendment are similar with the following exceptions: (1) There is a difference in cross-references to the adequate yearly progress provisions in each piece of legislation; (2) The Senate amendment, but not the House bill, requires LEAs to use State assessments and additional measures described in their plan to determine if adequate yearly progress is being made. The House bill, but not the Senate amendment, requires the use of State assessments to determine if adequate yearly progress is being met; and (3) The Senate amendment, but not the House bill, refers to enabling students to meet the State standards.  
HR with an amendment to insert “vocational and technical education” before “job training”.  
249. The House bill and the Senate amendment are similar, with the following exceptions: (1) The House bill contains a general reference to parental involvement under the title; and (2) the Senate bill refers to specific parental involvement under section 1118; and (2) The Senate amendment, but not
the House bill, refers to professional development under section 1119 and “other activities” under the Act. 
SR with an amendment to insert “professional development, and other activities” after “parental involvement,” in (3). 
256. The House bill does not contain a similar provision. 

SR 
257. The House bill and the Senate amendment are similar with the following exceptions: (1) The Senate amendment, but not the House bill, conditions the LEA requirements on subparagraph (B) following, although subsection (b)(1)(C) of the House bill is similar and (2) There is a difference in cross-references to the adequate yearly progress provisions in each piece of legislation. 

HR 
258. The Senate amendment contains an amendment that provides a school with the opportunity to review school level data; and (2) The Senate amendment, but not the House bill, refers to an LEA making an initial determination under the paragraphs listed. 
SR 
259. The Senate amendment does not contain a similar provision. 

SR with amendment to strike “first day” and insert “beginning” and to insert “next” before “school year” following. 
260. The House bill and the Senate amendment are similar with the following exceptions: (1) The Senate amendment, but not the House bill, conditions the LEA requirements on subparagraph (B) following, although subsection (b)(1)(C) of the House bill is similar and (2) There is a difference in cross-references to the adequate yearly progress provisions in each piece of legislation. 

HR/SR with amendment to strike “10 years” and insert “12 years” and to strike “after the date . . . 2001” and insert “of the end of the 2001—2002 school year”. 

SR 
261. The House bill and the Senate amendment are the same. 

LC 
262. The Senate amendment contains a similar provision in subsection (b)(6). See notes 290, 291 and 292 for differences. 

SR with amendment to add at the end: “In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest-achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).” 
263. The Senate amendment does not contain a similar provision. 

SR 
264. The House bill and the Senate amendment are the same with the exception that the House bill refers to “restructuring” while the Senate amendment refers to “re-constitution”. 

SR 
265. The House bill and the Senate amendment are substantially the same with the exception that the House bill, but not the Senate amendment, allows for supporting evidence to be provided when contest an identification if a majority of parents believe the identification was in error. 

SR 
266. The House bill and the Senate amendment are the same with the following exceptions: (1) The House bill, but not the Senate amendment, refers to an LEA providing a teacher mentorship program. 

Report Language: 
Successful mentoring programs pair beginning and veteran teachers with an exemplary teacher who has expertise in the same subject matter, as the teachers who are mentored. Mentoring programs are usually school-based and include activities such as observing and coaching the teachers who are mentored. 

269. The House bill and the Senate amendment are the same. 

HC 
270. The House bill and the Senate amendment are the same. 

LC 
271. The House bill and the Senate amendment are the same. 

LC 
272. The House bill and the Senate amendment are the same with a technical difference in cross-references. 

LC 
273. The Senate amendment does not contain a similar provision. 

SR 
274. The House bill and the Senate amendment are the same. 

LC 
275. The House bill and the Senate amendment reference different categories of students (see note 63); (2) There is a technical difference in cross-references to assessment provisions; and (3) The House bill and the Senate amendment differ in the title of each piece of legislation. 

HR/SR with amendment to strike “10 years” and insert “12 years” and to strike “after the date . . . 2001” and insert “of the end of the 2001—2002 school year”. 

LC 
276. The House bill and the Senate amendment are the same. 

LC 
277. The House bill and the Senate amendment are the same. 

LC and after “(4)” insert “and the local educational agency’s responsibilities under section 1118), professional development (under section 2003(b)) to perform the peer review process.” 

278. The House bill and the Senate amendment are substantially the same with the exception that the House bill, but not the Senate amendment, directs the LEA to provide technical assistance to the school “throughout the duration of the school plan.” 

SR 
279. The House bill and the Senate amendment differ technically in the cross-reference to the Senate amendment, but not the House bill, refers to problems in implementing parental involvement (under section 1118), professional development (under section 1119), and other school and LEA responsibilities. 

HR 
280. The House bill and the Senate amendment are the same with the exception of the House bill reference to professional development. 

SR 
281. The House bill and the Senate amendment are the same with subparagraph (C) following of each piece of legislation. 

LC 
282. The House bill contains a similar provision which is located in subsection (b)(1)(E) (see note 362). The House bill requires intra-district public school children to be identified later than the first day of the school year following identification, while the Senate amendment requires intra-district public school children at the end of the first day after the school year for which the school was identified. In addition, there is a difference in cross-ref- erences to the adequate yearly progress provisions in each piece of legislation. 

HR 
283. The Senate amendment does not contain a similar provision. 

SR 
284. The House bill and the Senate amendment are the same with the exception that the House bill, but not the Senate amendment, provides for an exception to the requirement described in subparagraph (D) of the House bill following; and (2) The Senate amendment, but not the House bill, contains a provision for two consecutive years. 

LC 
285. The House bill and the Senate amendment differ in the title of each piece of legislation. 

LC 
286. The House bill and the Senate amendment are the same through subparagraph (C) following of section 1118), professional development (under section 1119), and other school and LEA responsibilities.
HR with amendment to strike “full school” after “one”.

SR with amendment to insert “continue to” before “provide”.

The Senate amendment, but not the House bill, refers to those children who remain in the schools.

HR with amendment to insert “continue to” before “make” and for LC to move same language to corrective action (at note 304) and to move same language but without “continue to” 2nd year of school improvement (at note 290).

The Senate bill and the Senate amendment are the same through clause (i) of the House bill and subclause (I) following the Senate amendment.

LC

The Senate bill, but not the Senate amendment, includes principals. Otherwise, see note 308.

HR with an amendment to strike “the principal” and insert “which may include the principal” after “that are relevant,”.

The House bill refers to “entering into a contract”, while the Senate amendment refers to “turning the operation” over.

SR with an amendment to insert “with a demonstrated record of effectiveness” after “public school” in (ii).

The House bill and the Senate amendment, refers to State law permitting such action.

SR

The House bill does not contain these Senate provisions.

HR with an amendment to strike subclause (V) and clause (ii) and replace with a new subclause (V) and report language: “(V) Any other major restructuring of the school’s governance arrangement that makes fundamental reforms, such as significant changes in the school’s staffing and governance, to improve student academic achievement in the school and which has substantial promise of enabling the school to make adequate yearly progress in the State plan under section 1111(b)(2). In the case of a rural local educational agency with less than 600 students in average daily attendance at the schools served by the school shall, at such agency’s request, provide technical assistance to such agency for the purpose of implementing this subclause.”

Report Language: The Conferences recognize that rural schools and communities face unique challenges, including geographic isolation, in implementing the alternative governance arrangement under subclause (V). Therefore, the Conferences intend for the Secretary to provide technical assistance and otherwise make every effort to assist these schools in restructuring, while not lessening the accountability requirements under this subparagraph.

The Senate amendment does not contain a similar provision.

SR with amendment to strike “the end” and insert “not later than the beginning” and to insert “academic achievement” before “which the academic assessments are administered”.

The House bill, but not the Senate amendment, refers to the participation of the students in the extent to the development of the plan required by this paragraph. The House bill, but not the Senate amendment, also requires for schools to be identified in restructuring to fail to make statistically significant adequate yearly progress for the economically disadvantaged students in the subjects included in the State’s definition of adequate yearly progress after one year.

HR with amendment to insert “full school” after “one”.

The Senate amendment does not contain a similar provision.

HR

See note 304.

SR with amendment to insert “continue to” before “provid[e]”.

The amendment to strike the House bill “exemption” from the existing curriculum in a manner aimed to have the school attain adequate yearly progress.

The Conferences intend that such action be consistent with the promise of enabling the school to make adequate yearly progress in the State plan under section 1111(b)(2). In the case of a rural local educational agency with less than 600 students in average daily attendance at this school’s service area and have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency’s request, provide technical assistance to such agency for the purpose of implementing this subclause.”

LC

The Conferences recognize that rural schools and communities face unique challenges, including geographic isolation, in implementing the alternative governance arrangement under subclause (V). Therefore, the Conferences intend for the Secretary to provide technical assistance and otherwise make every effort to assist these schools in restructuring, while not lessening the accountability requirements under this subparagraph.

The Senate amendment does not contain a similar provision.

HR with amendment to strike “the principal and” and insert “which may include the principal” after “that are relevant,”.

The House bill refers to “entering into a contract”, while the Senate amendment refers to “turning the operation” over.

SR with an amendment to insert “with a demonstrated record of effectiveness” after “public school” in (ii).

The House bill and the Senate amendment, refers to State law permitting such action.

SR

The House bill does not contain these Senate provisions.

HR with an amendment to strike subclause (V) and clause (ii) and replace with a new subclause (V) and report language: “(V) Any other major restructuring of the school’s governance arrangement that makes fundamental reforms, such as significant changes in the school’s staffing and governance, to improve student academic achievement in the school and which has substantial promise of enabling the school to make adequate yearly progress in the State plan under section 1111(b)(2). In the case of a rural local educational agency with less than 600 students in average daily attendance at the schools served by the school shall, at such agency’s request, provide technical assistance to such agency for the purpose of implementing this subclause.”

Report Language: The Conferences recognize that rural schools and communities face unique challenges, including geographic isolation, in implementing the alternative governance arrangement under subclause (V). Therefore, the Conferences intend for the Secretary to provide technical assistance and otherwise make every effort to assist these schools in restructuring, while not lessening the accountability requirements under this subparagraph.

The Senate amendment does not contain a similar provision.

SR with amendment to strike “the end” and insert “not later than the beginning” and to insert “academic achievement” before “which the academic assessments are administered”.

The House bill, but not the Senate amendment, refers to the participation of the students in the extent to the development of the plan required by this paragraph. The House bill, but not the Senate amendment, also requires for schools to be identified in restructuring to fail to make statistically significant adequate yearly progress for the economically disadvantaged students in the subjects included in the State’s definition of adequate yearly progress after one year.

HR with amendment to insert “full school” after “one”.

The Senate amendment does not contain a similar provision.

HR

See note 304.

SR with amendment to insert “continue to” before “provid[e]”.

The amendment to strike the House bill “exemption” from the existing curriculum in a manner aimed to have the school attain adequate yearly progress.

The Conferences intend that such action be consistent with the promise of enabling the school to make adequate yearly progress in the State plan under section 1111(b)(2). In the case of a rural local educational agency with less than 600 students in average daily attendance at this school’s service area and have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency’s request, provide technical assistance to such agency for the purpose of implementing this subclause.”

LC

The Conferences recognize that rural schools and communities face unique challenges, including geographic isolation, in implementing the alternative governance arrangement under subclause (V). Therefore, the Conferences intend for the Secretary to provide technical assistance and otherwise make every effort to assist these schools in restructuring, while not lessening the accountability requirements under this subparagraph.

The Senate amendment does not contain a similar provision.

HR with amendment to strike subclause (V) and clause (ii) and replace with a new subclause (V) and report language: “(V) Any other major restructuring of the school’s governance arrangement that makes fundamental reforms, such as significant changes in the school’s staffing and governance, to improve student academic achievement in the school and which has substantial promise of enabling the school to make adequate yearly progress in the State plan under section 1111(b)(2). In the case of a rural local educational agency with less than 600 students in average daily attendance at this school’s service area and have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency’s request, provide technical assistance to such agency for the purpose of implementing this subclause.”

Report Language: The Conferences recognize that rural schools and communities face unique challenges, including geographic isolation, in implementing the alternative governance arrangement under subclause (V). Therefore, the Conferences intend for the Secretary to provide technical assistance and otherwise make every effort to assist these schools in restructuring, while not lessening the accountability requirements under this subparagraph.

The Senate amendment does not contain a similar provision.

SR with amendment to strike “the end” and insert “not later than the beginning” and to insert “academic achievement” before “which the academic assessments are administered”.

The House bill, but not the Senate amendment, refers to the participation of the students in the extent to the development of the plan required by this paragraph. The House bill, but not the Senate amendment, also requires for schools to be identified in restructuring to fail to make statistically significant adequate yearly progress for the economically disadvantaged students in the subjects included in the State’s definition of adequate yearly progress after one year.

HR with amendment to insert “full school” after “one”.

The Senate amendment does not contain a similar provision.

HR

See note 304.

SR with amendment to insert “continue to” before “provid[e]”.

The amendment to strike the House bill “exemption” from the existing curriculum in a manner aimed to have the school attain adequate yearly progress.

The Conferences intend that such action be consistent with the promise of enabling the school to make adequate yearly progress in the State plan under section 1111(b)(2). In the case of a rural local educational agency with less than 600 students in average daily attendance at this school’s service area and have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency’s request, provide technical assistance to such agency for the purpose of implementing this subclause.”

LC

The Conferences recognize that rural schools and communities face unique challenges, including geographic isolation, in implementing the alternative governance arrangement under subclause (V). Therefore, the Conferences intend for the Secretary to provide technical assistance and otherwise make every effort to assist these schools in restructuring, while not lessening the accountability requirements under this subparagraph.

The Senate amendment does not contain a similar provision.

HR with amendment to strike subclause (V) and clause (ii) and replace with a new subclause (V) and report language: “(V) Any other major restructuring of the school’s governance arrangement that makes fundamental reforms, such as significant changes in the school’s staffing and governance, to improve student academic achievement in the school and which has substantial promise of enabling the school to make adequate yearly progress in the State plan under section 1111(b)(2). In the case of a rural local educational agency with less than 600 students in average daily attendance at this school’s service area and have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency’s request, provide technical assistance to such agency for the purpose of implementing this subclause.”

Report Language: The Conferences recognize that rural schools and communities face unique challenges, including geographic isolation, in implementing the alternative governance arrangement under subclause (V). Therefore, the Conferences intend for the Secretary to provide technical assistance and otherwise make every effort to assist these schools in restructuring, while not lessening the accountability requirements under this subparagraph.

The Senate amendment does not contain a similar provision.

SR with amendment to strike “the end” and insert “not later than the beginning” and to insert “academic achievement” before “which the academic assessments are administered”.

The House bill, but not the Senate amendment, refers to the participation of the students in the extent to the development of the plan required by this paragraph. The House bill, but not the Senate amendment, also requires for schools to be identified in restructuring to fail to make statistically significant adequate yearly progress for the economically disadvantaged students in the subjects included in the State’s definition of adequate yearly progress after one year.
amendment, also requires parents to be given an explanation of the plan under this paragraph.

SR with an amendment to strike “to the extent practicable.”

324. The House bill refers by cross-reference to those schools in school improvement, corrective action, or restructuring. The Senate amendment refers to those schools in corrective action.

SR with amendment for LC to add a reference to 2nd year of school improvement (at note 290) and to insert “corrective action, or restructuring” after “school improvement”.

326. The House bill and the Senate amendment cap the amount the LEA can use for transportation costs at 15% of the LEA allocation under this part. The Senate amendment, but not the House bill, also includes the costs of providing supplementary services and transportation costs.

SR 327. See note 340.

SR with amendment for LC to add a reference to 2nd year of school improvement (at note 290) and to insert “corrective action, or restructuring” after “school improvement”.

328. The House bill, but not the Senate amendment, refers to schools in corrective action and restructuring. Otherwise, the House bill and Senate amendment are substantially the same.

HR with amendment to insert “school improvement, corrective action, or restructuring” and to strike “reconstitution” in both places.

329. The Senate amendment does not contain a similar provision.

SR 330. The House bill does not contain a similar provision.

HR with amendment to strike paragraph (1) and insert new paragraph (1):

“11. A local educational agency shall permit a child who transferred to another school under this subsection to remain in that school until the child has completed the highest grade in that school. The obligation of the local educational agency to provide, or to provide for, transportation for the child ends, except that the obligation of the educational agency to provide, or provide for, transportation remains until the end of the school year, if the school from which the child transferred is no longer required for school improvement or subject to corrective action or restructuring.”

331. See notes 258 and 305.

HR with amendment to strike in subparagraph (A) (i) and (ii) “at the beginning of the next school year following such day” and to strike in subparagraph (B) “and that fails . . . subject to . . . next school year” and insert “treated by the local educational agency as a school described in paragraph (7)” and to strike in subparagraph (B)(ii) and subparagraph (B)(iii) and add a special rule that public school choice and supplemental services must be implemented no later than the beginning of the 2002-2003 school year for the appropriate schools identified before enactment pursuant to paragraphs (A)(i) and (ii) and (B)(ii), and the Department of Education must issue regulations on the new provisions relating to sections 1111 and 1116 within 6 months of enactment.

332. The House bill refers to State responsibilities while the Senate amendment refers to SEA responsibilities.

HR 333. The Senate amendment, but not the House bill, refers to schools in corrective action. The House bill, but not the Senate amendment, refers to “restructuring”.

334. The Senate amendment, but not the House bill, directs the SEA to use funds reserved under section 1116(b)(2) to carry out, if possible.

SR with an amendment to insert “corrective action” after “school improvement,” in (A).

335. The House bill and the Senate amendment are the same with minor wording differences.

LC 336. The Senate amendment does not contain this provision.

SR with amendment to strike “within the same . . . was given” and insert “before any school identified for school improvement under this section takes place.”

337. The House bill does not contain these provisions.

HR with amendment to strike subparagraphs (C) and (D) and insert new subparagraph (C): “C) for local educational agencies or schools identified for improvement under section 1116, notify the Secretary of major factors that were brought to the attention of the State educational agency under section 1116(b)(b) that have significantly impacted student achievement.”

338. There is a difference in cross-references between the House bill and Senate amendment regarding the performance of the responsibilities contained in the listed sections.

SR with an amendment “and to determine if each LEA is carrying out its responsibilities under 1116, 1117, 1118, and 1119” after “achievement standards” and before the semicolon.

339. The Senate amendment does not contain this provision.

SR 340. The House bill does not contain these provisions.

SR with amendment to strike subparagraph (B) and strike paragraph (2) and insert:

“(2)Rewards.—In the case of a local educational agency that for 2 consecutive years has exceeded the State’s definition of adequate yearly progress as defined in the State plan under section 1111(b)(2), the State may make rewards of the kinds described under section 1117.”

341. The Senate amendment, but not the House bill, refers to schools served under this part and their progress toward meeting the State’s performance standards. The Senate amendment also provides for an exception for targeted assistance programs, which the House does as well in paragraph (4), although the House bill refers to targeted assistance schools and there are other minor wording differences.

HR 342. The Senate amendment does not contain this provision.

SR with amendment for LC to move language to note 331 as subparagraph (D) and to parallel school improvement and corrective action language for schools.

343. See note 340.

SR 344. The House bill and the Senate amendment are similar with the following exceptions:

(1) There is a difference in the paragraph references; (2) The House bill refers to “school-level” data; and (3) There are minor wording differences between the House bill and Senate amendment regarding the provision of evidence for alleged identification error and the timeline for the final determination of LEA status.

345. The Senate amendment does not contain a similar provision.

SR 346. The House bill and the Senate amendment are similar with a technical difference in cross-references regarding LEA identification. In addition, the House bill, but not the Senate amendment, requires consultation with the groups listed.

SR 347. The House bill and the Senate amendment are the same.

LC 348. The Senate amendment, but not the House bill, refers to consistency with State standards.

HR 349. The Senate amendment does not contain a similar provision.

SR 350. The Senate amendment, but not the House bill, contains numerous requiremets, including specifying where the funds are to be taken from, how they are to be treated, and what they are to be used for.

HR with amendment to strike clause (iv) and replace with new clause (iv): “(iv)address the professional development needs of the instructional staff by committing to spending less than 10 percent of the funds received by the local educational agency under this part during 1 fiscal year for professional development (including funds reserved for professional development under section (c)(3)(A)(iii)), but excluding funds reserved for professional development under subsection (j) of section 1119a.”

Report language: “The Senate amendment would not the House bill, contains numerous requirements, including specifying where the funds are to be taken from, how they are to be treated, and what they are to be used for.”

351. The House bill and the Senate amendment are generally similar with the exception that the Senate amendment refers to “school-level” data; “continuous and significant progress” toward proficiency over 10 years.
SR with an amendment to insert “consistent with adequate yearly progress as described under section 1111(b)”
SR 352. The House bill does not contain a similar provision.

HR with an amendment to strike “and performance” and insert “academic” before “achievement”
HR 353. The Senate amendment does not contain a similar provision.

SR with an amendment to strike clause (iii) and insert as new clause (iii):
“(iii) a reasonable criteria that it shall adopt.

HR with an amendment to strike clause (i) and insert in its place:
“(i) the approved providers of those services that are within the school district served by the agency or whose services are reasonably available in neighboring school districts; and (ii) a brief description of the services, qualifications, and demonstrated effectiveness of such each such provider; or

LC with amendment to insert “based on scientifically based research” in (B).
LC 361. The Senate amendment does not contain this provision.

SR 362. The House bill and the Senate amendment are similar with minor differences in wording, technical differences in cross-references, and the Senate amendment refers to consistency with State and local law, while the House bill in subparagraph (B) following refers to consistency with State law. See note 365.

SR 363. The House bill and the Senate amendment are the same with the exception that the House bill specifically references clauses regarding corrective action.

LC 364. The Senate amendment does not contain this provision.

SR 365. The House bill and the Senate amendment are similar with minor wording differences, and the Senate amendment, but not the House bill, refers to consistency with State and local law. See note 362 and subparagraph (B) in the House bill.

SR 366. The House bill and the Senate amendment are similar. HR with an amendment to strike “deferring, reducing, or withholding funds.” and insert “discretion to defer reducing or withholding administrative funds” in (vi).

SR 367. The House bill does not contain this provision.

HR with an amendment to insert Report Language:
Report Language:
If an SEA chooses to implement a new curriculum as a means of corrective action, such
new curriculum shall significantly depart from the existing curriculum in a manner
aimed to have the LEA attain adequate yearly progress. The conferees intend that such
new curriculum shall constitute a substantial structural change to the LEA’s curriculum
that is consistent with State academic content and academic achievement standards
and specifically address issues identified by the plan developed by the local educational
agency upon being identified as in need of improvement.

SR 368. The House bill refers to replacing personnel relevant to the failure to make adequate yearly progress. The Senate amendment refers to reconstituting personnel.

LC 369. The Senate amendment does not contain a similar provision.

SR with amendment to require LEA to use the 5% LEA reservation and 10% flex reservation for transportation. (See note 326)

HR 370. The Senate amendment, but not the House bill, refers to the “State’s” responsibility while the Senate amendment refers to the SEA responsibility, a difference which is consistent throughout the remainder of each piece of legislation.

HR with an amendment to insert “if requested” after “or other assistance”
HR 371. The Senate amendment, but not the House bill, refers to the provision of SEA technical assistance for programs implementing those activities listed in the Senate amendment.

HR with an amendment to strike “tied to scientifically based research” and insert “based on scientifically based research” in (B).
HR 372. The House bill and the Senate amendment are substantially the same with the exception that the House bill refers to specific dissemination outlets, while the Senate amendment refers to a generally available medium.

LC 373. The House bill and the Senate amendment are substantially the same with minor wording differences, and the House bill, but not the Senate amendment, refers to the financial resources of LEAs and schools.

LC with amendment to conform with note 311.

LC 374. The House bill does not contain a similar provision.

SR 375. The House bill and the Senate amendment are similar with the exceptions of minor wording differences and that the House bill allows for an LEA to make adequate yearly progress for two of the three years following identification, while the Senate amendment requires an LEA to make adequate yearly progress for two consecutive years.

HR 376. The House bill does not contain this provision.

HR 377. The House bill and the Senate amendment have different headings and are located in different subsections of section 1116 of each piece of legislation.

HR 378. The House bill and the Senate amendment provide the option of supplemental services, an additional 3 years to make adequate yearly progress, as defined in each piece of legislation in Title I, part A, with a technical difference in cross-references. The House bill refers to “each eligible child that is able to obtain supplemental services, while the Senate amendment refers to “eligible children in the school district.” The House bill defines “eligible child” in subsection (d)(10)(A) (See note 414). Both the House bill and the Senate amendment require the SEA to approve supplemental service providers and allow parents to choose from the approved providers. However, the House bill, but not the Senate amendment, references the minimum length of each “reasonable criteria” the SEAs shall use to approve supplemental service providers.

HSR with amendment to insert the following and strike all language (380—395 & 406):

(3) Local Educational Agency Responsibilities—Each local educational agency subject to this subsection shall—

(A) provide, at a minimum, annual notice to parents (in a format and, to the extent practicable, in a language the parents can understand) of—
(i) the availability of services under this subsection;
(ii) the approved providers of those services that are within the school district served by the agency or whose services are reasonably available in neighboring school districts; and (iii) a brief description of the services, qualifications, and demonstrated effectiveness of each such provider;

(B) if requested, assist parents to choose a provider from the list of approved providers maintained by the State;

(C) apply fair and equitable procedures for serving students if spaces at approved providers are not sufficient to serve all students;

(D) not disclose to the public the identity of any student eligible for, or receiving, supplemental services without the written permission of the parents of the student.
(E) AGREEMENT.—In the case of the selection of a provider by a parent, the local educational agency shall enter into an agreement with such provider. Such agreement shall:

(i) require the local educational agency to develop, with parents (and the provider they have chosen), a statement of specific performance goals for the student, how the student’s progress will be measured, and a timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student’s individualized education program under section 614(d) of the Individuals with Disabilities Education Act;

(ii) describe how the student’s parents and the student’s teachers will periodically inform the student of his or her progress; and

(iii) provide for the termination of such agreement with a provider that is unable to meet such goals and timetables; and

(iv) contain provisions with respect to the making of payments to the provider by the local educational agency;

(v) prohibit the provider from disclosing to the public the identity of any student eligible for, or receiving, supplemental services under this section without the written permission of the parents of such student.

(4) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—Each State educational agency shall:

(A) promote maximum participation by providers, in consultation with local educational agencies, parents, teachers, and other concerned persons of the public, as practicable, to the extent practicable, that parents have as many choices of those providers as possible;

(B) develop and apply objective criteria, consistent with paragraph (6), to potential providers that are based on a demonstrated record of effectiveness in increasing the academic achievement of students in subjects relevant to meeting the State academic content and student achievement standards adopted under section 1111(b)(1);

(C) maintain an updated list of approved providers across the State, by school district, from which parents may select; and

(D) ensure supplemental services are provided the school year following the date of enactment of the [NCLB Act].

Report Language:

The House bill and Senate amendment for State educational agencies to actively consider the inclusion of providers who can deliver high-quality distance learning in order to meet the purposes of this section.

381. The House bill and Senate amendment require the LEA, the provider, and the child’s parents to agree on the goals and progress for the supplemental services provided, although the Senate provision is in subsection (f)(2)(E) of the Senate amendment. Also see the following notes for cross-references.

HR/SR with amendment to strike language (see note 380)

382. The Senate amendment does not contain a similar provision.

HR/SR with amendment to strike language (see note 380)

383. The Senate amendment does not contain a similar provision, although the Senate amendment does generally reference the requirements of the Individuals with Disabilities Education Act; and

HR/SR with amendment to strike language (see note 380)

384. The House bill and the Senate amendment require each LEA required to provide supplemental services (see note 378) to notify parents of the availability of supplemental services, with the exception of some minor wording differences.

HR/SR with amendment to strike language (see note 380)

385. The House bill and the Senate amendment require the LEA to notify parents of the eligible supplemental service providers, with the exception that the Senate amendment eliminates notice to parents if in the LEA’s judgment the notification to parents of those providers within the district or in neighboring districts.

HR/SR with amendment to strike language (see note 390)

386. The House bill does not contain a similar provision.

HR/SR with amendment to strike language (see note 380)

387. The Senate amendment requires LEAs to inform providers in that school district of any opportunities for supplemental services and of the procedures for getting SEA approval to provide those services. The House bill contains a similar provision, but requires the SEA to notify all providers of the opportunity to provide services, not just those within a district, in subsection (d)(6)(E) of the House bill.

HR/SR with amendment to strike language (see note 380)

388. See note 379.

HR/SR with amendment to strike language (see note 380)

389. The House bill does not contain a similar provision.

HR/SR with amendment to strike language (see note 380)

390. The Senate amendment, but not the House bill, requires the child’s parents to be informed of the child’s progress on a regular basis. See House bill, paragraph (6)(A) regarding parental information required (see note 390) and the supplemental services are consistent with a child’s IEP under IDEA. Otherwise see note 381.

HR/SR with amendment to strike language (see note 380)

391. The House bill does not contain a similar provision.

HR/SR with amendment to strike language (see note 380)

392. The House bill and the Senate amendment require consultation carrying out the responsibilities detailed in the following subparagraphs, although the Senate amendment, but not the House bill, contains more entities that shall be consulted.

HR/SR with amendment to strike language (see note 380)

393. The House bill and the Senate amendment are similar with the exceptions that the House bill, but not the Senate amendment, requires consultation with LEAs and with the SEA to develop, implement, and publicly report on performance goals for the student, how the student’s progress will be measured, and a timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student’s individualized education program under section 614(d) of the Individuals with Disabilities Education Act; and

HR/SR with amendment to strike language (see note 380)

394. The House bill and Senate amendment are generally similar in terms of requiring the SEA to develop criteria by which to judge the eligibility of supplemental service providers to participate. However, the Senate amendment, but not the House bill, adds the word “objective” before “criteria”. In addition, the Senate amendment, but not the House bill, requires the House bill, requires the SEA to develop standards developed pursuant to section 1111 of Title I, while the House bill references these standards in paragraph (d)(1) and generally in subparagraph (d)(6)(B).

HR/SR with amendment to strike language (see note 380)

395. The Senate amendment, but not the House bill, requires the SEA to maintain a list of supplemental service providers in the LEAs that must make supplemental services available.

HR/SR with amendment to strike language (see note 380)

396. The House bill and Senate amendment require the SEA to develop standards developed pursuant to section 1111 of Title I, part A, subpart 2 allocation for supplemental services to 40 percent of the Title I, part A, subpart 2 per child allocation for each school district as either the LEA’s Title I, part A, subpart 2 allocation divided by the number of low-income students in the district, or the actual cost of the services received, whichever is less.

HR with amendment to insert after “low-income families” the following: “which, for the purposes of this subparagraph shall mean poverty as used by the Census”

400. The House bill does not contain a similar provision.

HR

401. See note 398.

HR/SR with amendment to strike language (see note 380)

402. The Senate amendment, but not the House bill, establishes the maximum amount a LEA shall pay for supplemental services for each child receiving services as either the LEA’s Title I, part A, subpart 2 allocation divided by the number of low-income students in the district, or the actual cost of the services received, whichever is less.

HR with amendment to insert after “low-income families” the following: “which, for the purposes of this subparagraph shall mean poverty as used by the Census”

403. The House bill does not contain a similar provision.

HR

404. The House bill, but not the Senate amendment, sets a limit on the administration and cost of providing supplemental services to 40 percent of the Title I, part A, subpart 2 per child allocation for each school district as either the LEA’s Title I, part A, subpart 2 allocation divided by the number of low-income students in the district, but not being met by the providers. The Senate amendment, but not the House bill, requires the SEA to publicly report on the nature of the services offered by supplemental service providers and the extent to which the SEA follows the SEA to notify all providers of the opportunity to provide services, not just those within a district, in subsection (d)(6)(E) of the House bill.

HR/SR with amendment to strike language (see note 380)

388. See note 379.

HR/SR with amendment to strike language (see note 380)

389. The House bill does not contain a similar provision. However, supplement services are generally similar in terms of requiring the SEA to publicly report on the nature of the services offered by supplemental service providers and the extent to which the SEA follows the SEA to notify all providers of the opportunity to provide services, not just those within a district, in subsection (d)(6)(E) of the House bill.

HR/SR with amendment to strike language (see note 380)

390. The Senate amendment, but not the House bill, requires the child’s parents to be informed of the child’s progress on a regular basis. See House bill, paragraph (6)(A) regarding parental information required (see note 390) and the supplemental services are consistent with a child’s IEP under IDEA. Otherwise see note 381.

HR/SR with amendment to strike language (see note 380)

391. The House bill does not contain a similar provision.

HR/SR with amendment to strike language (see note 380)

392. The House bill and the Senate amendment require consultation carrying out the responsibilities detailed in the following subparagraphs, although the Senate amendment, but not the House bill, contains more entities that shall be consulted.

HR/SR with amendment to strike language (see note 380)

393. The House bill and the Senate amendment are similar with the exceptions that the House bill, but not the Senate amendment, requires consultation with LEAs and with the SEA to develop, implement, and publicly report on performance goals for the student, how the student’s progress will be measured, and a timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student’s individualized education program under section 614(d) of the Individuals with Disabilities Education Act; and

HR/SR with amendment to strike language (see note 380)

394. The House bill and Senate amendment are generally similar in terms of requiring the SEA to develop criteria by which to judge the eligibility of supplemental service providers to participate. However, the Senate amendment, but not the House bill, adds the word “objective” before “criteria”. In addition, the Senate amendment, but not the House bill, requires the House bill, requires the SEA to develop standards developed pursuant to section 1111 of Title I, while the House bill references these standards in paragraph (d)(1) and generally in subparagraph (d)(6)(B).

HR/SR with amendment to strike language (see note 380)

395. The Senate amendment, but not the House bill, requires the House bill, requires the SEA to maintain a list of supplemental service providers in the LEAs that must make supplemental services available.

HR/SR with amendment to strike language (see note 380)

396. The House bill and Senate amendment require the SEA to develop standards developed pursuant to section 1111 of Title I, part A, subpart 2 allocation to pay for transportation costs associated with providing supplemental services. The Senate amendment, but not the House bill, requires an LEA to use not more than 15% of its Title I, part A, subpart 2 allocation to pay for transportation costs referenced in subsection (c)(9) of the Senate amendment. See note 326.

HR with amendment to strike “15 percent” and insert “4 percent” and to strike “or to provide . . . (c)(9)” and for LC to add a reference to the “flex pot” at note 326.

HR with amendment to strike “2 percent” and insert “4 percent” and to strike “or to provide . . . (c)(9)” and for LC to add a reference to the “flex pot” at note 326.
(4) Waiver.—(A) At the request of a local educational agency, a State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.

414. The Senate amendment does not contain a similar provision.

415. The House bill and the Senate amendment are generally similar in the definition of supplemental services. However, the Senate amendment, which is operative if the House bill, includes in the definition the words “high quality, research-based, focused on academic content.” In addition, the House bill defines the services as designed to help the student increase achievement on the assessments required under section 1111 of Title I, while the Senate amendment defines the services as directed at raising the student proficiency on the State’s academic achievement standards.

416. The Senate amendment does not contain a similar provision.

417. The Senate amendment does not contain a similar provision regarding fiscal management.

418. The Senate amendment does not contain a similar provision. However, also see note 407.

HR 419. The Senate amendment does not contain a similar provision.

420. The House bill does not contain a similar provision.

HR with amendment to strike paragraph (4) and insert the following:

“(4) Waiver.—(A) At the request of a local educational agency, a State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

421. The House bill does not contain a similar provision.

HR with amendment to strike paragraph (5) and insert the following:

“(5) Special rule.—If State law prohibits a State educational agency from providing supplementary educational services to a child, the State educational agency shall require the State educational agency or entity providing those services to provide evidence that it is not able to provide those services.

422. The Senate amendment does not contain a similar provision.

SR 423. The Senate amendment does not contain a similar provision.

SR with amendment:

“(9) Duration.—The local educational agency shall continue to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

424. The Senate amendment does not contain a similar provision.

425. The Senate amendment, which is operative if the House bill, in paragraph (2)(C) and insert the following:

“(C) means a non-profit entity, a for-profit entity, or a local educational agency that best meets the circumstances and needs of such school or schools and the students served.”

426. The Senate amendment does not contain a similar provision.

SR with amendment to strike subparagraph (C) and insert the following:

“(C) ‘provider’ means a non-profit entity, a for-profit entity, or a local educational agency which has a demonstrated record of effectiveness in increasing student academic achievement, and is capable of providing supplemental instructional services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111, and is financially sound.”

427. The Senate amendment does not contain a similar provision regarding fiscal management.

SR 428. The Senate amendment does not contain a similar provision. However, also see note 407.

HR 429. The Senate amendment does not contain a similar provision.

430. The House bill does not contain a similar provision.

HR with amendment to strike paragraph (4) and insert the following:

“(4) Waiver.—(A) At the request of a local educational agency, a State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

431. The Senate amendment does not contain a similar provision.

HR 432. The Senate amendment does not contain a similar provision.

SR 433. The Senate amendment does not contain a similar provision.

SR with amendment:

“(9) Duration.—The local educational agency shall continue to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

434. The Senate amendment does not contain a similar provision.

435. The Senate amendment, which is operative if the House bill, in paragraph (2)(C) and insert the following:

“(C) means a non-profit entity, a for-profit entity, or a local educational agency which has a demonstrated record of effectiveness in increasing student academic achievement, and is capable of providing supplemental instructional services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111, and is financially sound.”

436. The Senate amendment does not contain a similar provision.

SR with amendment to strike subparagraph (C) and insert the following:

“(C) ‘provider’ means a non-profit entity, a for-profit entity, or a local educational agency which has a demonstrated record of effectiveness in increasing student academic achievement, and is capable of providing supplemental instructional services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111, and is financially sound.”

437. The Senate amendment does not contain a similar provision regarding fiscal management.

SR 438. The Senate amendment does not contain a similar provision. However, also see note 407.

HR 439. The Senate amendment does not contain a similar provision.

440. The House bill does not contain a similar provision.

HR with amendment to strike paragraph (4) and insert the following:

“(4) Waiver.—(A) At the request of a local educational agency, a State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

441. The Senate amendment does not contain a similar provision.

HR 442. The Senate amendment does not contain a similar provision.

SR 443. The Senate amendment does not contain a similar provision.

SR with amendment:

“(9) Duration.—The local educational agency shall continue to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

444. The Senate amendment does not contain a similar provision.

445. The Senate amendment, which is operative if the House bill, in paragraph (2)(C) and insert the following:

“(C) means a non-profit entity, a for-profit entity, or a local educational agency which has a demonstrated record of effectiveness in increasing student academic achievement, and is capable of providing supplemental instructional services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111, and is financially sound.”

446. The Senate amendment does not contain a similar provision.

SR with amendment to strike subparagraph (C) and insert the following:

“(C) ‘provider’ means a non-profit entity, a for-profit entity, or a local educational agency which has a demonstrated record of effectiveness in increasing student academic achievement, and is capable of providing supplemental instructional services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111, and is financially sound.”

447. The Senate amendment does not contain a similar provision regarding fiscal management.

SR 448. The Senate amendment does not contain a similar provision. However, also see note 407.

HR 449. The Senate amendment does not contain a similar provision.

450. The House bill does not contain a similar provision.

HR with amendment to strike paragraph (4) and insert the following:

“(4) Waiver.—(A) At the request of a local educational agency, a State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

451. The Senate amendment does not contain a similar provision.

HR 452. The Senate amendment does not contain a similar provision.

SR 453. The Senate amendment does not contain a similar provision.

SR with amendment:

“(9) Duration.—The local educational agency shall continue to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

454. The Senate amendment does not contain a similar provision.

455. The Senate amendment, which is operative if the House bill, in paragraph (2)(C) and insert the following:

“(C) means a non-profit entity, a for-profit entity, or a local educational agency which has a demonstrated record of effectiveness in increasing student academic achievement, and is capable of providing supplemental instructional services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111, and is financially sound.”

456. The Senate amendment does not contain a similar provision.

SR with amendment to strike subparagraph (C) and insert the following:

“(C) ‘provider’ means a non-profit entity, a for-profit entity, or a local educational agency which has a demonstrated record of effectiveness in increasing student academic achievement, and is capable of providing supplemental instructional services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111, and is financially sound.”

457. The Senate amendment does not contain a similar provision regarding fiscal management.

SR 458. The Senate amendment does not contain a similar provision. However, also see note 407.

HR 459. The Senate amendment does not contain a similar provision.

460. The House bill does not contain a similar provision.

HR with amendment to strike paragraph (4) and insert the following:

“(4) Waiver.—(A) At the request of a local educational agency, a State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

461. The Senate amendment does not contain a similar provision.

HR 462. The Senate amendment does not contain a similar provision.

SR 463. The Senate amendment does not contain a similar provision.

SR with amendment:

“(9) Duration.—The local educational agency shall continue to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were received.”

464. The Senate amendment does not contain a similar provision.

465. The Senate amendment, which is operative if the House bill, in paragraph (2)(C) and insert the following:

“(C) means a non-profit entity, a for-profit entity, or a local educational agency which has a demonstrated record of effectiveness in increasing student academic achievement, and is capable of providing supplemental instructional services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111, and is financially sound.”

466. The Senate amendment does not contain a similar provision.

SR with amendment to strike subparagraph (C) and insert the following:

“(C) ‘provider’ means a non-profit entity, a for-profit entity, or a local educational agency which has a demonstrated record of effectiveness in increasing student academic achievement, and is capable of providing supplemental instructional services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111, and is financially sound.”

467. The Senate amendment does not contain a similar provision regarding fiscal management.

SR 468. The Senate amendment does not contain a similar provision. However, also see note 407.
and Senate Committees) regarding any schools funded by the Bureau of Indian Affairs which have been identified for school improvement. Such report shall include—
(A) an assignment to each school support team;
(B) a statement from each affected school board regarding the factors that lead to such identification; and
(C) a paragraph by the Secretary of the Interior, in consultation with the Secretary of Education if the Secretary of Interior requests it, as to whether sufficient resources were available to enable such school to achieve adequate yearly progress.
423. The House bill does not contain a similar provision.

HR/SR with amendment to strike subsection (g) and insert new subsection (g):

"(g) OTHER AGENCIES.—Pursuant to the notification described in subsection (c)(15)(C), the Secretary may notify, to the extent feasible and necessary as determined by the Secretary, other relevant Federal agencies regarding the major factors determined by the State educational agency that have significantly impacted student achievement."

424. The House bill, but not the Senate amendment, makes a number of changes to current law. The Senate amendment, however, makes a number of changes to the State educational agency that have significant impact on the State's educational system.

The Senate amendment retains current law.

HR/SR with amendment to strike all and insert the following:

SEC. 107. SCHOOL SUPPORT AND RECOGNITION.
Section 1117 is amended to read as follows:

"SEC. 1117. SCHOOL SUPPORT AND RECOGNITION.

"(a) SYSTEM FOR SUPPORT.—Each State shall establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools receiving funds under this part, in order to increase the opportunity for all students in those schools to meet the State's academic content standards and student academic achievement standards.

"(1) Priorities.—In carrying out this subsection, a State shall—

"(A) first, provide support and assistance to local educational agencies subject to corrective action under section 1116 and assist schools described in subparagraph (B) of section 1116(b)(1), for which a local educational agency has failed to carry out its responsibilities under paragraphs (7) and (8) of section 1116(b),

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

"(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) REGIONAL CENTERS.—Such a statewide system shall, to the extent practicable, work with and provide support and assistance with the comprehensive regional technical assistance centers and the regional educational laboratories under section 916(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994, or other providers of technical assistance.

"(3) PROVISIONS.—The system shall include at a minimum the following:

"(A) APPROACHES.—

"(i) IN GENERAL.—In order to achieve the purpose described in subsection (a), each such approach shall give priority to using funds made available to carry out this section.

"(ii) To establish school support teams for assessing and supporting local educational agencies and schools that are described in subsection (a)(1)(A) which shall be composed of persons knowledgeable about scientifically based research and practice on teaching and learning and about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students, including—

"(aa) highly qualified or distinguished teachers and principals;

"(bb) the school support team personnel;

"(cc) parents;

"(dd) representatives of institutions of higher education;

"(ee) regional educational laboratories or comprehensive regional technical assistance centers;

"(ff) outside consultant groups; or

"(gg) others chosen by the State educational agency, in consultation with the local educational agency, may determine appropriate.

"(B) Functions.—Each school support team assigned to a school under this section shall—

"(aa) review and analyze all facets of the school's operation and the design and the development of the instructional program, and

"(bb) provide such support as the State educational agency determines to be necessary and available to assure the effectiveness of such teams.

"(II) Priorities.—In carrying out this subsection, a State—

"(I) provide support and assistance to local educational agencies and schools serving students eligible under part B of title I and those that have made the greatest gains in closing the achievement gap as described in subsection (c) or (d).

"(II) provide such assistance to the school in the design and implementation of a plan described in section 1111(b), as appropriate, take alternative actions with regard to the school, including identifying outstanding teachers and principals, and make findings and recommendations to the school, the local educational agency, and, where appropriate, the State educational agency regarding the factors that lead to such identification.

"(III) Functions.—A school support team assigned to a school under this section shall—

"(I) review and analyze all facets of the school's operation, including the design and the development of the instructional program, and

"(II) provide such support as the State educational agency determines to be necessary and available to assure the effectiveness of such teams.

"(III) Priorities.—In carrying out this subsection, a State shall—

"(I) first, provide support and assistance to local educational agencies subject to corrective action under section 1116 and assist schools described in subparagraph (B) of section 1116(b)(1), for which a local educational agency has failed to carry out its responsibilities under paragraphs (7) and (8) of section 1116(b),

"(II) second, provide support and assistance to other local educational agencies identified as in need of improvement under section 1116(b),

"(III) 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.

"(4) GRANTS.—In order to achieve the purpose of this part, a State educational agency may make grants under section 1111(b) to assist schools in meeting the State's academic content standards and student academic achievement standards.

"(5) IN HIGH-POVERTY AREAS.—The system for support and assistance described in subsection (a) shall be provided to local educational agencies and schools serving students eligible under part B of title I and those that have made the greatest gains in closing the gap between the groups of students defined in section 1111(b)(2); or

"(i) exceeded their adequate yearly progress goals, and

"(ii) exceeded their adequate yearly progress goals for 2 or more consecutive years.

"(6) DISTINGUISHED SCHOOLS.—Of those schools meeting the criteria described in subparagraph (A), each State shall designate as distinguished schools those schools that have made the greatest gains in closing the achievement gap as described in clause (i) or (ii) and that exceed their adequate yearly progress goals, as described in clause (ii). Such designated schools may serve as models and provide support and assistance to other schools identified for improvement under section 1116, to assist such schools in meeting the State's academic content standards and student academic achievement standards.

"(C) AWARDS TO TEACHERS.—A State program under paragraph (A) may also recognize and provide financial awards to teachers teaching in schools described in subsection (a) and (b), pursuant to the no-cost provisions of section 1002(j).

"(7) USE WITHIN 3 YEARS.—Notwithstanding any other provision of law, the amount reserved under paragraph (A) by a State for each fiscal year shall remain available to the State until used for a period not exceeding 3 years.

"(8) SPECIAL ALLOCATION RULE FOR SCHOOLS IN HIGH-POVERTY AREAS.—

"(C) IN GENERAL.—Each State shall distribute at least 75 percent of the amount reserved under paragraph (A) for each fiscal year to schools described in subparagraph (A) or to teachers described in subsection (b)(1)(C).

"(ii) SchooL described.—A school described in subparagraph (A) is a school whose student population in the highest 1/4 of schools statewide in terms of the percentage of children from low income families.

"425. The House bill and the Senate amendment are similar except the House bill refers to LEAs, while the Senate amendment refers to both LEAs and schools.

HR/SR with amendment (see note 424)

426. The House bill does not contain this provision.
HSR with amendment (see note 424) 429. The House bill refers to technical assistance to support the approaches listed while the Senate amendment refers to giving priority to those with available funds for the approaches listed.

HR with amendment (see note 424) 430. The House bill and the Senate amendment refer to school support teams. However, there are major differences: (1) The Senate amendment, but not the House bill, refers to the assignment and working of such teams in schools described in subsection (a)(3)(A); (2) The House bill, but not the Senate amendment, refers to scientifically based research on teaching and learning; (3) The Senate amendment, but not the House bill, refers to schoolwide projects and school reform; (4) The House bill refers to “educational researchers” while the Senate amendment refers to “educational opportunities”; and (5) The Senate amendment, but not the House bill, contains a specific list of required individuals.

HSR with amendment (see note 424) 431. The House bill does not contain a similar provision.

HR with amendment (see note 424) 432. The House bill does not contain similar provisions. The Senate amendment, but not the House bill, makes a number of changes to current law. Clauses (i) and (ii) of the Senate amendment are in current law. The Senate amendment adds the functions in clauses (iii) and (iv).

HSR with amendment (see note 424) 433. The House bill does not contain similar provisions. The Senate amendment, but not the House bill, makes a number of changes to current law. The Senate amendment allows States to identify any school served under the part as a distinguished school. The Senate amendment retains current law. The Senate amendment adds the functions in clauses (i) and (ii).

HSR with amendment (see note 424) 434. The House bill, but not the Senate amendment, refers to “Distinguished Educators” chosen from schools served under this part and the Senate amendment are similar as to the criteria of academic achievement. The Senate amendment, but not the House bill, refers to State recognition and presentation of financial awards to teachers and principals.

HSR with amendment (see note 424) 435. The House bill does not contain these provisions.

HSR with amendment (see note 424) 436. The House bill, but not the Senate amendment, makes a number of changes to current law by changing the wording, uses and cross-references in subsection (d) and by changing cross-references in subsection (e). The Senate amendment and the Senate amendment are similar as to the criteria of academic achievement. The Senate amendment, but not the House bill, refers to State recognition and presentation of financial awards to teachers and principals.

HR with amendment (see note 424) 437. The Senate amendment does not contain a similar section.

HR with amendment to move language to Title VI, part A with amendments to language (See note 45 of Title VII). 438. The House bill and the Senate amendment both contain a number of changes to current law by adding a reference to Early Reading First in subparagraph (D), replacing subparagraphs (E) and (F) of current law with subparagraphs (E) and (F) of the House bill. The Senate amendment retains current law unchanged through subparagraph (F).

SR with amendment to strike subparagraph (E) and insert: “(E) conducts with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of services served under this part, including identifying barriers to greater participation by parents in activities authorized by this section, including giving particular attention to the needs of economically disadvantaged, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background, and use findings of such evaluation to design strategies for more effective parental involvement, and to revise, if necessary, the parental involvement policies described in this section; and”.

439. The House bill and the Senate amendment retain current law with no substantive changes to current law. The Senate amendment retains current law with no changes in subparagraphs (A) and (B). The House bill, but not the Senate amendment, contains the new subparagraph (C) regarding the requirement that 95 percent of funds must be distributed to schools served under this part.

SR 440. The House bill, but not the Senate amendment, conditions the provision of notice to parents in a language they can understand “to the extent practicable” and includes the format parents can understand.

SR with an amendment to conform parental involvement with note #168 441. The House bill does not contain this provision.

HR 442. The House bill and the Senate amendment retain current law with no substantive changes through paragraph (c)(3).

LC 443. The House bill, but not the Senate amendment, makes a number of changes to current law through subsection (e). The Senate amendment retains current law. The House bill strikes paragraphs (D) and (E) from current law in paragraph (4). In addition, the House bill eliminates school-parent compacts in current law in subsection (d), changes assessment and changes cross-references in paragraph (5).

SR with amendment to strike paragraph (4) and insert the following: “(4) provide parents of participating children—

(A) timely information about programs under this part and the extent practicable;
(B) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and competency levels students are expected to meet, and
(C) if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and

And with amendment to strike subsection (d) and to replace with current law subsection (d).

445. Both the Senate amendment and the House bill state that States must meet National Education Goals. The House bill refers to “participating parents”, while the Senate amendment refers to the parents of children served under this part, but not the House bill, conditions the provision “as appropriate”.

SR 446. The House bill and the Senate amendment refer to “parents of migratory children”. Otherwise, the House bill, but not the Senate amendment, makes a number of changes to current law. The Senate amendment retains current law.

HR 447. The House bill, but not the Senate amendment, makes a change to current law. The Senate amendment retains current law.

SR 448. The House bill does not contain similar provisions.

HR with an amendment to strike “which may . . . technologies in (16) 449. The House bill and the Senate amendment refer to “parents of migratory children”. Otherwise, the House bill, but not the Senate amendment, makes a number of changes to current law. The Senate amendment retains current law. In addition, see also Senate provisions regarding teacher quality programs in Title II.

SR 450. The House bill does not contain a similar provision.

HR with amendment to strike all after “except . . . subpart (g)” and to retain subpart (b). 451. The House bill, but not the Senate amendment, makes a number of changes to current law. The Senate amendment retains current law. In addition, see also Senate provisions regarding teacher quality programs in Title II.

SR 452. The Senate amendment does not contain a similar provision.

HR with amendment to strike “fully” before “qualified” and insert “highly” in (a)(1) and to strike “1 year or more” in (b)(1), insert “State or local” after “local” in (b)(1)(C), strike “on or before the date that is 1 year” and strike “3” and replace with “$4” after “not later than” in (c), strike “only” in (f)(2), strike
(“fully qualified” before “teacher” and insert “consistent with 1119” after “teacher” in (f)(3)(A), strike (f)(3)(B) and strike (g)(2).
Insert as new subsection (f)(3)(B) the following:

“(B) may assume limited duties that are assigned to qualified personnel who are not so paid, and conducting beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.”

Insert as new subsections (a) and (b) and redesignate subsequent subsections accordingly. As indicated above first, strike subsection (a), and then add the following new language:

SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.
(a) TEACHERS QUALIFICATIONS AND MEASURABLE OBJECTIVES.
(1) IN GENERAL.—Beginning with the first school year after the effective date of this Act, each local educational agency receiving assistance under this part shall ensure that all teachers hired and teaching in a program supported with funds under this part are highly qualified.
(2) STATE PLAN.—As part of the plan described in subsection (b), each State educational agency receiving assistance under this part shall develop and submit to the Secretary a plan to ensure that all teachers teaching in the State are highly qualified not later than the end of the 2005-2006 school year. Such plan shall establish annual measurable objectives for each local educational agency and school, that, at a minimum—
(A) shall include an annual increase in the percentage of highly qualified teachers at each school, locality, and school system, to ensure that all teachers teaching in core academic subjects in each public elementary and secondary school are highly qualified not later than the end of the 2005-2006 school year;
(B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and
(C) may include such other measures as the State educational agency deems appropriate to increase teacher qualifications.
(3) LOCAL PLAN.—As part of the plan described in section 1112, each local educational agency receiving assistance under this part shall develop and submit to the State educational agency a plan to ensure that all teachers teaching within the local educational agency and each school are highly qualified not later than the end of the 2005-2006 school year.
(b) REPORTS.
(1) ANNUAL STATE AND LOCAL REPORTS.—
(A) Each State educational agency described under subsection (a) shall require each local educational agency receiving funds under this part to publicly report, each year, beginning in the 2002-2003 school year, the annual progress of the local educational agency and each of its schools, in meeting the measurable objectives described in subsection (a)(2).
(B) Each State educational agency receiving assistance under this part shall require and submit each year, beginning in the 2002-2003 school year, a report to the Secretary, describing the State educational agency’s program for ensuring the measurable objectives described in subsection (a)(2).
(C) A State or local educational agency may submit information from the reports described in subparagraphs (b)(1) and (b)(2) to provide information for the purposes of this subsection, if such report is modified, or as may be necessary, to contain the information required by this subsection, and may submit such information as a part of the reports required under section 1111(h)(LC).
(2) ANNUAL REPORTS BY THE SECRETARY.—
(A) Each year, beginning in the 2002-2003 school year, the Secretary shall publicly report the annual progress of State educational agencies, local educational agencies, and schools in meeting the measurable objectives described in subsection (a)(2), including the information submitted pursuant to paragraph (1)(B).

458. The House bill, but not the Senate amendment, includes this provision, which the Senate amendment does not. The Senate amendment retains current law.

(HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

459. The Senate amendment, but not the House bill, refers to supporting professional development activities and includes paraprofessionals, pupil services personnel, and parents. See note 40 regarding references to standards.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

460. The Senate amendment does not contain this provision.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

461. The House bill and the Senate amendment are similar regarding the exception that the House bill, but not the Senate amendment, refers to “scientifically based” research.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

462. The Senate amendment does not contain similar provisions and instead retains current law.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

463. The Senate amendment, but not the House bill, contains an exception to the prohibition.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

464. Both the House bill and the Senate amendment strike the reference to Title III of the Goals Act, which the House bill does by striking the entire subparagraph referenced by the Senate amendment.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

465. The Senate amendment does not contain similar provisions.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

466. The House bill and the Senate amendment are the same with minor wording differences.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

467. The House bill and the Senate amendment are substantially the same regarding the LEA determination.

HR 478. The House bill, but not the Senate amendment, makes a change to current law by replacing “shall” with “may”. The Senate amendment retains current law.

HR 479. The House bill and the Senate amendment are the same regarding the LEA determination.

LC 478. The House bill and the Senate amendment retain current law with no changes.

LC 479. The House bill and the Senate amendment retain current law.

HR 480. The House bill does not contain a similar provision.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

481. The House bill, but not the Senate amendment, makes changes to current law by redesignating current law paragraph (2) as subsection (c), omitting current law paragraphs (G), (H), and (I), changing references to an end of assessment assessments in paragraph (1), and by changing a change in subsection (d). The Senate amendment retains current law.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

482. Both the House bill and the Senate amendment strike the reference to Goals 2000. Otherwise, the House bill, but not the Senate amendment, makes changes to current law by referring to similar personnel who are not so paid, and conducting beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.”

(HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

470. Both the House bill and the Senate amendment strike the reference to Goals 2000. Otherwise, the House bill, but not the Senate amendment, makes changes to current law by referring to similar personnel who are not so paid, and conducting beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.”

(HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

471. Both the House bill and the Senate amendment strike the reference to Goals 2000. Otherwise, the House bill, but not the Senate amendment, makes changes to current law by referring to similar personnel who are not so paid, and conducting beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.”

(HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

472. The House bill does not contain a similar provision.

HR with amendment to strike subsection (j) and insert as new subsection (j):

(j) Each local educational agency that receives funds under this part shall annually report to not less than 5 percent or more than 10 percent of such funds for each of fiscal years 2002 and 2003, and not less than 5 percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified not later than the end of the 2005-2006 school year.

473. The Senate amendment and the Senate amendment are substantially the same regarding the LEA determination.

HR 478. The House bill and the Senate amendment, makes a change to current law by replacing “shall” with “may”. The Senate amendment retains current law.

LC 479. The House bill and the Senate amendment retain current law with no changes.

LC 479. The House bill and the Senate amendment retain current law.

HR 480. The House bill does not contain a similar provision.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

481. The House bill, but not the Senate amendment, makes changes to current law by referring to “funds generated ...”. The Senate amendment retains current law.

HR 482. The Senate amendment does not contain this provision.

HR/SR with an agreement to move redefined definition of “Professional Development” to General Provisions. (See Teacher Offer notes 174-193).

481. The House bill, but not the Senate amendment, makes changes to current law by referring to “funds generated ...”. The Senate amendment retains current law.
The House bill, but not the Senate amendment, makes a number of changes to current law by including and describing “meetings.” The Senate amendment retains current law.

The House bill and the Senate amendment retain current law with no substantive changes.

The House bill and the Senate amendment are similar, except the Senate amendment, but not the House bill, contains a description of what the LEA shall do if a private school declines to participate and the requirement of the LEA to notify the private school each year of the opportunity to participate.

SR with amendment to insert new paragraph (4) and insert new paragraph (4):

“(4) DOCUMENTATION.—Each local educational agency shall maintain in its records and provide to the State educational agency a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has taken place to the State educational agency. Such officials who do not provide such affirmation may appeal to the State educational agency, consistent with subsection (6) of this title, regarding any failure of the local educational agency to provide the consultation required by this section.”

The House bill and the Senate amendment are similar, except the House bill refers to the “State” throughout and the Senate amendment refers to the SEA throughout. In addition, there are other minor wording differences.

The House bill and the Senate amendment retain current law with no substantive changes.

The House bill and the Senate amendment contain similar provisions.

The House bill and the Senate amendment retain current law with no substantive changes.

The House bill and the Senate amendment refer to the same provisions in section 1115(c)(2). See note 212.

HR with amendment to insert new subparagraph (D):

“(D) using an equated measure of low-income correlated with the measure of low-income used to count public school children...”

The House bill and the Senate amendment are similar, except the House bill refers to the “State” throughout and the Senate amendment refers to the SEA throughout. In addition, there are other minor wording differences.

The House bill and the Senate amendment retain current law with no substantive changes.

The House bill and the Senate amendment refer to the same provisions in the references but the cross-references differ.

The House bill and the Senate amendment are substantially the same with minor differences in wording.

The House bill and the Senate amendment retain current law with no substantive changes.

HR/SR to move language to FIE.

The House bill does not contain this provision.

The House bill and the Senate amendment retain current law with no substantive changes.

LC

3. The House bill authorizes $275 million for FY 2002 and such sums for 4 succeeding fiscal years and the Senate Amendment authorizes such sums for 5 succeeding fiscal years.

SR with amendment to strike all language and add a new subsection (d):

“(d) EARLY CHILDHOOD SERVICES.—A local educational agency may use funds received under this part to provide high quality pre-school services.”

HR—Limitation on funds

The House bill does not contain this section.

HR with amendment to strike all language and add a new subsection (e):

“(e) A local educational agency may use funds received under this part to extend the length of the school year.”

Title I, Part B—Reading First

1. The House bill and the Senate amendment both authorize $900 million for FY 2002. In the succeeding years, the House bill authorizes such sums for 4 succeeding fiscal years and the Senate amendment authorizes such sums for 6 succeeding fiscal years.

HR with amendment to go to 5 succeeding years.

2. The House bill and the Senate amendment authorize $75 million in FY 2002. The House amendment authorizes such sums for 4 succeeding fiscal years and the Senate Amendment authorizes such sums for 6 succeeding fiscal years.

SR with amendment to go to 5 succeeding years.

3. The House bill authorizes $275 million for FY 2002 and such sums for 4 succeeding fiscal years and the Senate Amendment authorizes such sums for 5 succeeding fiscal years.

HR with amendment to authorize $260 million for FY 2002 and such sums for 5 succeeding years.

4. The House bill authorizes such sums for FY 2002 and for the 4 succeeding fiscal years.

The Senate amendment appropriates $25 million for FY 2002 and such sums for 6 succeeding fiscal years.

SR with amendment to go to 6 succeeding fiscal years.

5. The Senate amendment authorizes $500 million for a school library program, the House bill does not.

HR with an agreement to authorize program at $250 million (with a trigger for a formula grant at $100 million).

6. The House bill includes findings, the Senate amendment does not.

HR with an amendment to authorize program at $250 million (with a trigger for a formula grant at $100 million).

7. The House bill and the Senate amendment contain similar provisions.

LC

8. Identical

9. The House bill includes reference to special education teachers.

SR

10. The House bill references “classroom instruction.”

HR (see note 11)

11. The Senate amendment references “classroom-based instructional assessments.”

HR with amendment to strike “screening . . . assessments” and insert “screening, diagnostic, and classroom-based instructional reading assessments.”

LC make three terms uniform throughout Title I, part B.

HR

D. “Learning systems,” after “effective,” in (4).

Insert “including classroom-based materials to assist teachers in implementing the essential components of reading instruction,” after “instructional materials” in (4).

12. The Senate amendment includes “famil

istical literacy programs”.

HR

13. The House bill requires states to show progress after the third year of funding, or phasing future funding under Reading First. The Senate amendment does not include this provision.

SR with an amendment to conform list of groups in (B)(ii)(II) to list of groups for accountability purposes under Title I (A).

14. The House bill reserves 1 percent for national activities. The Senate amendment authorizes 1 percent ($9 million) for all national activities, including the external evaluation and technical assistance. In addition the House bill reserves $30 million or 3 percent, whichever is less, for the external evaluation.

HR with an amendment to cap Reservation from Appropriations for FY 2003 to previous year at 2.5% or $25 million, whichever is less.

15. Identical provision.

HR with an amendment to insert the following language as new Senate (3):

“(3) beginning with 2004, shall reserve annually not more than 10 percent or $90 million, whichever is less, from funds appropriated for this part in excess of the amount appropriated for FY 2003 to carry out 1207(d)(1).

(Legislative language to be finalized after ratification).

16. The House bill provides 80 percent of funds to States via formula with the remainder for the Secretary to distribute via competitive grants. The Senate amendment provides 100 percent of funds to State via formula for the first two years, after which 25 percent is for competitive grants from the Secretary.

HR with an amendment to strike (A) and (B).

17. The House bill has a formula based on school age population below the poverty line. The Senate amendment uses a Title I formula.

SR

18. The House bill includes an allotment for Puerto Rico. The Senate has no comparable provision.

SR

19. The Senate amendment has no similar provisions.

SR with an amendment to insert special rule.

“SPECIAL RULE.—In allocating funds to school districts which successfully compete for and win grants under Reading First, state educational agencies would allocate, at a minimum, to each district the same percentage such district receives of Title I dollars as compared to the title I amount received by all school districts. In awarding grants, SEA’s shall give priority to school districts with 15 percent or greater poverty or 6,500 poor children.”

(Legislative language to be finalized after ratification).

LC—place appropriately.

20. Identical provision.

LC


HR

22. Identical provisions.

HR

23. Identical provisions.

HR

24. Similar language with different head-
HR
25. The House bill refers to eligible LEAs who have the “highest percentages”; The Senate amendment refers to a “high number” of children.

HR with an amendment to strike “a high” and insert “the highest” before “numbers or percentages” in (4)(A).

26. The Senate amendment requires LEAs to have a “significant number” of schools identified for school improvement and the Senate amendment requires LEAs to have at least one school in school improvement.

SR with an amendment to strike “significant number” and insert “significant number or percentage” after “educational achievement and implement the required list of groups (ee) to list of groups referred to in subsection (b)(2) (B)(i)(II) (See note 13).

27. The Senate amendment has no similar provision.

SR with an amendment to strike “a high percentage” and insert “the highest”.

28. Similar provision.

SR with an amendment striking last clause, “as determined . . . tools.”

29. The House bill does not include “and”.

30. The House bill states LEAs “may” provide funds to schools meeting (A) and (B) and the Senate amendment states they “shall” provide funds to schools meeting (A), (B) or (C).

LC
31. The House bill uses “highest percent-ages of students” and the Senate amendment uses “a high percentage of students.”

SR with an amendment to insert “or numbers” after “percentages” in (a).

32. Identical provisions except for different references.

LC
33. The House bill uses the “greatest numbers or percentages of children from low-income families”, and the Senate amendment uses “a high percentage of children counted under Sec. 1124.”

HR with an amendment to strike “a high percentage” and insert “has the highest percentage or number”.

34. The House bill allows for “selecting and administering assessments, and adds “screening”, and “tools” to the diagnostic assessments early. The Senate amendment allows for “selecting, developing and administering assessments.”

SR with an amendment to strike “rigorous diagnostic reading and screening assessment tools” and insert “screening, diagnostic, and classroom-based instructional reading assessments”.

35. The House bill refers to “screening, diagnostic and classroom-based instructional reading assessments”. The Senate amendment refers to “education technology such as software and other digital curricula.” The House bill does not.

36. The House bill refers to “special educa-tion teachers” of grades K-12. The Senate amendment does not.

SR
37. The House bill uses “essential” the Senate amendment uses “major” components.

SR
38. The House bill uses the term “based”.

The Senate amendment uses the term “grounded.”

39. Identical provision.

LC
40. The Senate amendment refers to “screening, diagnostic and classroom-based instructional reading assessment”.

41. The House bill adds “(ee)” are deficient in their phonemic awareness, phonics skills, vocabulary development, oral reading fluency, or comprehension strategies; or”. The Senate amendment has no similar provision.

SR with an amendment to strike “their” and “comprehension strategies,” insert “the essential components of reading instruction,” and “identical provision.”

42. The Senate amendment refers to “educ-ation technology such as software and other digital curricula.” The House bill does not.

43. The House bill refers to “special educa-tion teachers” of grades K-12. The Senate amendment does not.

SR
44. The House bill refers to “special educa-tion teachers” of grades K-12. The Senate amendment does not.

SR
45. The House bill uses “essential” the Senate amendment uses “major” components.

SR
46. The House bill states LEAs “may” provide funds to schools meeting (A), (B) or (C).

SR
47. The House bill adds “screening” and “tools” to classroom assessments.

SR with an amendment to insert “rigorous diagnostic reading and assessment” and insert “screening, diagnostic, and classroom-based instructional reading assessments.”

48. Identical provision.

LC
49. The Senate amendment has no similar provision.

SR with an amendment to insert “reading in” before “accompany with”.

50. The House bill refers to library services.

HR with an amendment to insert Prime Time Family Reading Time.

51. The House bill and the Senate amend-ment include provisions related to providing training to volunteers. The House bill includes parents and is optional. The Senate amendment requires these activities.

SR with an amendment to strike House (i) and insert the following language: “An LEA may use funds to provide training to parents and other individuals in the Essential Components of reading instruction who are asked to be reading tutors” and “to enable such volunteers to support instructional practices that are based on scientifically-based reading research and being used by the student’s teacher.”

Report Language:
“The Committee recognizes the value of re-search-based learning systems that incorporate community and parental in-volvement in reading, targeted to low-performing K–12 student populations, that are aligned to state standards and create a high level of accountability. Recently implemented programs, including the HOSTS Language Arts program, in Texas, Ohio, Florida, Dela-ware, Vermont, and Michigan have impacted a critical mass of students, and assisted schools in sig-nificantly improving student reading levels, raising student achievement and test results, and overall school performance. It has been proven that these programs significantly reduce academic failure, pro-mote school safety, and decrease dropout, substance abuse, teen pregnancy, crime, and unemployment rates. Specifically, the Committee believes these intensive, research-based learning systems that utilize teacher over-sight, student achievement and implement the rec-ommendations of the National Reading Panel.”

52. The House bill and Senate amendment include provisions related to family literacy services and parental involvement. The House bill provision is optional. The Senate bill requires this activity.

SR with an amendment to strike House (ii) and insert the following language:
“An LEA may use funds to provide training to parents, the use of materials and reading programs, strategies and approaches, including family literacy services, that are based on scientifically-based research to encourage reading and support their child’s reading development.”

The House bill contains no similar provision. The Senate amendment makes collecting and summarizing data a use of funds. HR (move to “required list”).

54. The House bill has a similar provision.

HR with an amendment to conform list of groups in (Bi)(ii) to list of groups referred to in Section 1203 (b)(2)(B)(i)(II). 

55. The Senate amendment has 5 percent.

56. The Senate bill and the House amendment have no similar provisions.

57. The House bill requires this activity.

House bill provision is optional. The Senate bill requires this activity.

[Note.—The following language coordinates with notes 56-75]

(4) OTHER USES OF FUNDS.—
(1) IN GENERAL.—A State educational agen-cy that receives a grant under this section may expend not more than a total of 20 per-cent of the grant funds to carry out the activities described in paragraphs (3), (4), and (5).

(2) PRIORITY.—A State shall give priority to carrying out the activities described in paragraphs (3), (4), and (5) for schools described in subsection (c)(6). 

(3) PROFESSIONAL DEVELOPMENT.—A State may expend not less than 55 percent of the amount of the funds made available under paragraph (1) to develop and implement a program of professional development for teachers, including special education teachers, of grades kindergarten through 3 that—
(A) will prepare these teachers in all the essential components of reading instruction; 
(B) shall include—
(i) information on instructional materials, programs, strategies, and approaches based on scientifically-based reading research, in- cluding early intervention and reading remedia-tion materials, programs, and approaches; and—
(ii) instruction in the use of rigorous diag-nostic reading and screening assessment tools and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading; and screening, diagnostic, and class-room-based instructional reading assessments; and—
(C) shall be provided by eligible profes-sional development providers.

(4) TECHNICAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES AND SCHOOLS.—A State may expend not more than 25 percent of the amount of the funds made available under paragraph (1) for one or more of the following authorized State activities—
(A) Assisting local educational agencies in acquiring the skills, materials, and equipment to design and implement a program under this subpart, including—
(i) selecting and implementing a program or programs of classroom reading instruction based on scientifically-based reading re-search; and—
(ii) selecting, rigorous diagnostic reading and screening assessment tools and screen- ing, diagnostic, and classroom-based instruc-tional reading assessments; and...
(iii) identifying eligible professional development providers to help prepare reading teachers to teach students using the programs and assessments described in subparagraph (A) or (B) of this paragraph.

(b) Providing expanded opportunities to students in grades kindergarten through 3 within eligible local educational agencies for receiving assistance from alternative providers that includes—

(i) a rigorous diagnostic reading assessment and screening, diagnostic, and classroom-based instructional reading assessment; and

(ii) as need is indicated by such assessments, instruction based on scientifically based research that includes the essential components of reading instruction.

(5) PLANNING, ADMINISTRATION, AND REPORTING.—A State shall—

(A) IN GENERAL.—A State may expend not more than 10 percent of the amount of funds made available under paragraph (1) for the activities described in this paragraph.

(B) PLANNING AND ADMINISTRATION.—A State that . . .

(C) ANNUAL REPORTING.—. . .

(6) FUNDS NOT USED FOR STATE-LEVEL ACTIVITIES.—The portion of the funds described in paragraph (1) that a State does not expend to carry out the activities described in paragraphs (3), (4), and (5) shall be expended for the purpose of making subgrants in accordance with subsection (c).

57. The Senate amendment prioritizes eligible entities.

HR—See note 56

58. The House bill includes “special education teachers.”

HR with an amendment inserting “special education teachers” after “teachers”. See note 56

59. The Senate amendment allows “100 percent of the state reservation to be used for professional development.”

HR—See note 56

60. The House bill refers to the term “essential” components; The Senate amendment refers to “major” components.

SR—See note 56

61. Identical language.

HR with an amendment to strike “grounded” and insert “based”. See note 56

62. The House bill includes “screening assessment tools.”

HR with the three terms (see note 11). See note 56

63. Identical provision.

LC—See note 56

64. The House bill includes a section to strengthen and enhance professional development courses in reading, and to insure that such courses in reading instruction ensure that the courses meet the highest standards, prepare a report on the findings and make the information available to the public.

SR with an amendment to strike “professional development” and insert “pre-service education and training” after “enhance” in (ii). See note 56

65. The House bill requires certain unused funds to be allocated for reading grants. The Senate amendment has no comparable provision.

SR with an amendment to insert “not used for State level activities” after “funds” and strike “paragraph (A)” and insert “(d)(1)”. See note 56

66. The Senate amendment allows for up to 25 percent of the State reservation to be used for technical assistance. This would equal 5 percent of the total state allotment. The House bill allows for up to 3 percent of the state allotment to be used for such purposes.

HR with an amendment to insert:

15 for PD
3 for TA—Up to 5 for TA
2 for admin
(See note 56 for language (4))

67. The Senate bill directs to the implementation of a “classroom reading program.” The Senate amendment does not refer to “classroom instruction.”

HR—See note 56

68. The House bill uses “based” the Senate amendment uses “grounded.”

SR with an amendment to strike “classroom”. See note 56

69. The House bill adds “screening” and “tools” to diagnostic assessments.

SR with an amendment to use three words (see note 11). See note 56

70. Identical provision.

LC—See note 56

71. Identical provision.

HR—See note 56

72. The House bill includes “screening” and “tools.”

HR with amendment to strike “rigorous . . . and tools” and insert three terms (see notes 11 and 56).

73. The House bill refers to “essential” components; The Senate amendment refers to “major” components.

SR—See note 56

74. The Senate amendment allows for up to 25 percent of the state reservation to be used for planning, administration and reporting. The House bill allows for up to 2 percent for similar activities.

HR with an amendment (see note 56 for language (5)).

75. The Senate provision for “collecting and summarizing data to document the effectiveness of this subpart and to stimulate improvement by identifying LEAs that produce significant gains in reading achievement. The House bill requires evaluation on a ‘regular basis’ to determine if more children are reading at or above grade level. SR—See note 56

76. The Senate amendment requires additional data. The House bill does not.

SR with an amendment to insert House language from Sec. 1203 (B)(ii)(I).

(ii) INFORMATION INCLUDED.—The progress report shall include information on the progress the State, and local educational agencies within the State, are making in reading instruction for students served up to this subpart in the first and second grades who are reading below grade level, as documented by such information as teacher reports and school records of mastery and the essential components of reading instruction. The report shall also include evidence from the State and its local educational agencies that they have significantly increased the number of students reading at grade level or above, significantly increased the percentages of students in ethnic, racial, and low-income populations who are reading at grade level or above, and successfully implemented this subpart.”

77. Identical provision.

LC see note 76

78. The House bill and the Senate amendment require the state to annually report on the implementation of this program.

SR with an amendment to conform list of groups in (d)(C)(ii) to list of groups referenced in Section 1203 (b)(2)(B)(ii)—(See note 15).

See note 76

79. The House bill refers to “set forth” the Senate amendment refers to “reported.”

HR

80. Identical provision.

HR

81. The House bill has no comparable language “Prime Time Family Reading Time (paragraph (6)).

HR with an amendment to move to Note 50.

Report Language: The conferees intend that funding for this activity be used for a library humanities-based program consisting of reading, discussion, and storytelling that helps low-literacy families bond around the act of reading and learning together and fosters high academic expectations and achievement for children and their parents.

82. The Senate amendment does not have a comparable “Recommendations Section.”

HR

83. Identical provision.

LC

84. The House bill does not have any comparable provision.

HR

85. Identical provision.

HR/LC

86. Identical provision.

HR/LC

87. Identical provision.

HR with an amendment to insert the following language; “including participation, if requested of States and local education agencies in all national evaluations under this subpart.” after “activities under this subpart” in (1)(B).

88. The House bill has no comparable provision.

HR/SR with an amendment to insert the following language (correlates to notes 88-94):

“2. A State plan containing a description of the following:

‘A. How the State will assist local educational agencies in identifying rigorous diagnostic reading assessments.

‘B. How the State will assist local educational agencies in identifying instructional materials, programs, strategies, and approaches, grounded on scientifically based reading research, including early interventions and reading remediation materials, programs, and approaches.

‘C. How the State educational agency will ensure that professional development activities related to reading instruction and provided under this subpart are—

‘1. Coordinated with other Federal, State and local level funds and used effectively to improve instructional practices for reading; and

‘2. Based on scientifically based reading research.

‘D. How the activities assisted under this subpart will address the needs of teachers and other instructional staff in implement the essential components of reading instruction.

‘E. How subgrants made by the State educational agency under this subpart will meet the requirements of this subpart, including how the State educational agency will ensure that local educational agencies receiving subgrants under this subpart will use practices based on scientifically based reading research.

‘F. How the State educational agency will, to the extent practicable, make grants to subgrantees in both rural and urban areas.

‘G. How the State educational agency will build on, and promote coordination among literacy programs in the State (including federally funded programs such as the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and Early Reading First), in order to increase the effectiveness of the programs in improving reading for adults and children and to avoid duplication of the efforts of the program; and

‘H. How the State will assess and evaluate, on a regular basis, local educational agency activities assisted under this subpart, with respect to whether they have been effective in improving the purposes of this subpart.

‘I. Any other information that the Secretary may reasonable require.”
HR/SR with an amendment (see note 88).
HR/SR with an amendment (see note 88).
HR with an amendment (see note 88).
HR with an amendment (see note 88).
HR/SR with an amendment (see note 88).
HR with an amendment (see note 88).
HR with an amendment (see note 88).
The Senate amendment has no comparable provision on participation in the national external evaluation.
HR/SR with an amendment (see note 88).
HR with an amendment (see note 88).
HR with an amendment (see note 88).
The House bill has no comparable sections (C) through (H).
HR with an amendment (see note 88).
HR with an amendment to insert “including an individual who has expertise in student diagnostic, and classroom assessment components of reading instruction,” before “based on scientific literacy research” in (B).

HR/SR with an amendment to insert

(a) may provide technical assistance in achieving the purposes of this subpart to States, local educational agencies, and schools requesting such assistance.

(b) shall, at a minimum, evaluate the impact of services provided to children under this subpart with respect to their referral to and eligibility for special education services under IDEA (based on their difficulties learning to read).

(c) shall carry out the External Evaluation as described in section 1260.

(d) From funds reserved under Sec. 1220(e)(I), the Secretary:

(i) may provide technical assistance in

(1) To support local efforts to enhance the availability of language and literacy-rich environments, so that children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.

(2) To provide preschool age children with cognitive learning opportunities in high-quality language and literacy-rich environments, so that the children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.

(3) To demonstrate language and literacy activities based on scientifically based research that supports the age-appropriate development of:

(A) Recognition, leading to automatic word identification, of letters of the alphabet, phonemes and letters each representing one or more speech sounds in combination make up syllables, words and sentences.

(B) An understanding that written language is composed of phonemes and letters each representing one or more speech sounds that in combination make up syllables, words and sentences.

(C) Spoken language, including vocabulary, oral comprehension abilities; and

(D) Knowledge of the purposes and conventions of print.
“(4) To use screening assessments to effectively identify preschool children who may be at risk for reading failure.

“(5) To integrate such scientific reading research-based instructional materials and literacy activities with existing programs of preschools, child care agencies and programs, and Head Start centers, and with family involvement, by July 2002.

“126. The House bill purposes limit development of pre-reading skills to children ages 3-5 and the Senate amendment uses broader terminology of ‘preschool age children.’ This difference repeats throughout Early Reading first subpart.

“HR/See note 125

“127. The Senate bill purposes include assessment/screening of children and the Senate amendment does not.

“HR/See note 125

“128. Similar provisions. The items in the Senate amendment are re-ordered to compare with similar items in the House bill.

“HR with an amendment to strike “understanding . . . language” and insert “knowledge of letter sounds, blending of sounds, and use of increasingly complex vocabulary,” and insert “Recognition, leading to” before “automatic recognition”—See note 125

“129. Similar provision.

“HR/SR/See note 125

“130. Identical provision.

“HR with an amendment to insert “including vocabulary” after “spoken language”—See note 125

“131. The House bill requires knowledge of “semiotic concepts.” The Senate amendment specifies knowledge of “purposes and conventions of print.”

“HR/See note 125

“132. The Senate amendment does not have this provision for screening tools.

“SR with an amendment to insert “reading” after the 2000 rate and strike “tools” and insert “assessments” in (3)—See note 125

“133. Similar provision.

“SR/See note 125

“134. Identical provision.

“SR with an amendment to insert “reading” after “scientific”—See note 125

“135. Similar provision.

“HR

“136. The Senate amendment allows multiple LEA’s to apply as a single applicant and the House bill does not.

“HR

“137. The House bill requires demographic information on communities served by programs and the Senate amendment requires demographic information on the children served by programs.

“HR

“138. The House bill specifies oral language environments and the Senate amendment does not.

“SR with an amendment to strike “aged 3 through 5” and inserting “preschool age before “children” in House (2), take the Senate (2) inserting “reading” after “scientifically based”; drop both (3); take the House (4); take the Senate (4); take House (5); drop Senator (5); drop House (6), (8) (9); take House (7); take Senate (6); take Senate (7) and (8); drop House (10).

“139. Similar provision.

“LC

“140. Similar provision.

“LC

“141. Similar provision.

“LC

“142. This provision is not in the House bill LC

“143. This provision is not in the Senate amendment.

“LC

“144. The Senate amendment (7) is similar to the House bill (9) but the Senate amendment evaluates the success in enhancing ‘early language, literacy, and pre-reading development’ and the House bill states ‘early language and reading development.’”

“LC

“145. The House bill uses the same peer review panel convened for the Reading First grants and the Senate amendment has a separate peer review provision.

“SR with an amendment to insert after “under section 1204(c)(2),” the following language: “except such panel shall include, at a minimum, three individuals, selected from the entities described in (ii), (iii), and (iv), who are experts in early reading development and early childhood development.”

“146. The House bill includes “oral” language skills.

“HR

“147. The Senate amendment requires 5 activities.

“HR with an amendment (notes 147–153); take Senate (B); take Senate (iii) (amended like note 128); take Senate (i); take Senate (iv).

“148. Similar provision.

“LC—see note 147

“149. The Senate amendment (B) is similar to the House bill (B) but the Senate amendment describes professional development being for “staff” and the House bill describes professional development as being for “teachers.”

“LC—see note 147

“150. Similar provision.

“HR/See note 128

“151. The Senate bill notes in (ii) that “words are made up of small segments of speech sounds.”

“HR/SR with an amendment to insert the following language as new (ii): “Understanding that written language is composed of phonemes and letters each representing one or more speech sounds that when combination make up syllables, words and sentences.”

“152. Similar provision.

“HR/See note 147

“153. The Senate amendment refers to knowledge of “purposes and conventions of print.” The House bill refers to understanding of “semiotic concepts.”

“HR/See note 147

“154. The Senate amendment refers to subparagraph (B) in the House bill which lists the skills to be taught to children.

“HR

“155. Similar provision.

“HR

“156. Similar provision.

“HR with an amendment to insert the following language: “SEC. 1247. MINIMUM GRANTS:

“(a) General. The Secretary shall assure that the U.S. Postal Service and the U.S. Postal Service Corporation shall deliver their services. It is hereby declared to be the policy of the United States, in accordance with the purposes and conventions of print, that the U.S. Postal Service and the U.S. Postal Service Corporation provide for the early language, literacy, and pre-reading development of early childhood children.”

“HR/SR with an amendment to move to Subpart 5 of Title V, Part D (FIE).

“Report Language:

“1. This subpart to apply as a single applicant and the House bill does not.

“LC

“160. The House bill transfers the program to a different Title, makes minor changes, and continues current law. The Senate amendment rewrites the program.

“HR/SR with an agreement to move to Subpart 5 of Title V, Part D (FIE).

“Report Language:

“1. The U.S. Postal Service levied an 18% increase on mail sent under Bound Printed Matter (BPM), the class of mail under which books are sent to our nation's schools, libraries, literacy, and early childhood programs. This increase, the highest of any category, has had a direct impact on the ability of several literacy and free book programs to deliver their services. It has come to the attention of the Conference that the U.S. Postal Service intends to again increase the rates charged for bound printed matter, including books. Given the educational importance of the 100 million books shipped to children annually under this rate, the Conference urges the U.S. Postal Service and Congress to take action to ensure the continued affordability of books for all of America's children.


“LC

“161. The Senate amendment requires no less than $5 million for evaluation.

“LC—see note 160.

“162. The House bill has no comparable provision.

“HR

“163. The House bill makes technical changes to Even Start. The Senate amendment does not.

“SR

“164. The House bill transfers the program to a different Title, makes minor changes, and continues current law. The Senate amendment rewrites the program.

“HR/SR with an agreement to move to Subpart 5 of Title V, Part D (FIE).

“Report Language:

“1. This subpart to apply as a single applicant and the House bill does not.

“LC

“165. Virtually identical provisions.

“LC

“166. Virtually identical provisions.

“LC

“167. Virtually identical provisions for requirements of contract.

“LC


“LC

“169. Identical provisions.

“LC

“170. Identical provisions.

“LC


“LC

“172. The Senate amendment contains no similar provision.

“SR

“173. The House bill authorizes such sums as may be necessary for fiscal years 2002 and each of the 4 succeeding fiscal years. The Senate amendment authorizes $25 million for FY 02 and such sums as may be necessary for each of the 6 succeeding fiscal years.

“HR/SR (no authorization because moved to FIE).
Title I, Part C—Education of Migratory Children

1. The Senate amendment, but not the House bill, amends the program purpose by adding two paragraphs that state that: (1) Migrant children could not be penalized because of differences between states in curriculum, graduation requirements and standards; and (2) Migrant students have the same opportunities as all students to meet academic achievement and content standards.

HR

2. The House bill, but not the Senate amendment, modifies the formula for distributing funds to the States by basing a State’s child count on the number of eligible children, aged 3 through 21, residing in the State during the previous year, plus the number of children who received services in summer or intersession programs provided by the State. Only funding above the amount appropriated for fiscal year 2002 will be distributed via the new formula.

SR with an amendment to require the Secretary to take into account the amount of time children spend in a particular program.

“In changing the formula which allocates funds to the States for migrant education programs, the Conferences are concerned that some children could be double counted, thereby inaccurately inflating allocations to some States. To address this situation, the Conferences have amended section 1308 (e) to require the Secretary to develop a procedure to take into account the amount of time a child may spend in a particular program. The Conferences strongly encourage the Secretary to develop such a procedure and utilize it when making allocations to the States.”

3. The House bill, but not the Senate amendment, sets and annually increases the minimum allocation amounts for Puerto Rico.

SR with an amendment to retain subsection (d).

4. The House bill and the Senate amendment eliminate the reference to a comprehensive plan and replace it with language to ensure migrant children are provided with the full range of services from all applicable government programs and that coordination will take place between the various levels of government programs, including the federal ESEA Title III program.

SR

5. The House bill, but not the Senate amendment, modifies the integration of services under the Migrant education program with other programs, and adds a requirement for measurable program goals and outcomes.

SR

6. The House bill, but not the Senate amendment, modifies the manner in which subgrants to LEAs must be allocated.

SR

7. The House bill and the Senate amendment changes to the Assurances subsection of current law are the same with exceptions indicated in notes 8 and 9.

LC

8. The Senate amendment does not have this provision, which is technical.

SR

9. The House bill does not have this provision.

HR

10. The House bill, but not the Senate amendment, eliminates the requirement that States develop both a comprehensive service delivery plan and a program application.

HR

11. The Senate amendment, but not the House bill, places conditions on whether States may submit consolidated applications.

HR

12. The House bill does not have the Senate provision regarding special education needs of migrant students.

HR

13. The House bill, but not the Senate amendment, changes current law to clarify State flexibility in determining the activities to be provided as long as funds are first used to meet the qualified educational needs of migrant children.

SR with an amendment to add “where applicable” in (a) (1) in first sentence after “agency”.

14. The House bill, but not the Senate amendment, requires the Secretary of Education to develop effective methods to transfer student records and in determining the number of migrant children in each State. Under the House bill, the Secretary is also required to work with States to determine the minimum data elements for records to be maintained and transferred and to assist States in linking changing, aging, and other systems for electronic maintenance and transfer.

HR/SR with an amendment to Sec. 124, Coordination of Migrant Education Activities:

(a) Dedicating “1308 (a) (2) (20 U.S.C. 6398 (a) (2)) is amended by striking “subpart” and inserting “subsection”.”

(b) Section “1308 (b) (20 U.S.C. 6398 (b)) is amended as read as follows:

(ii) ‘‘(b) STUDENT RECORDS.’’—

(i) The Secretary shall assist States in developing effective methods for the electronic transfer of student records and in determining the number of migrant students in each State.

(ii) Not later than 180 days after the date of enactment of [this Act], and shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain.

Such elements may include:

(i) Immunization 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 information essential to ensuring that migrant students achieve to high standards; and

(iv) Eligibility for services under the Individual with Disabilities Education Act. Ensuring the timely exchange of important education and health information for migrant students is critically important. Although some States have developed and implemented their own student records systems, current failures and interruptions in records transfer result in delays in school enrollment and in determining the number of migrant students. (See note 13.) However, the Senate amendment retains the current law provisions regarding the Secretary’s authority to ensure the timely exchange of records. The Senate amendment language in this subparagraph is similar to the House bill language in subsection (b)(i) regarding assistance to States in transferring records determining the number of migrant students. (See note 13.) However, the Senate amendment retains the current law provisions regarding the Secretary’s authority to establish minimum systems for records transfer and will facilitate the timely exchange of health and educational information for migrant students by the States, and shall include in this report—

(a) A review of the progress of States in developing and linking electronic record transfer systems;

(b) Recommendations for the development and use of such systems for ensuring the continuity of services provided for migrant students.

(c) Recommendations for measures that may be taken to ensure the continuity of services provided for migrant students.

14. The Senate amendment, but not the House bill, requires the Secretary to establish a system for electronically transferring student records and lists possible data elements.

HR/SR with an amendment:

(2) “(A) The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging student data and in determining the number of migrant students in each State.”

15. The Senate amendment, but not the House bill, requires the Secretary to establish a system for electronically transferring student records and lists possible data elements.

HR/SR with an amendment:

(2) “(A) The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging student data and in determining the number of migrant students in each State.”

16. The House bill, but not the Senate amendment, requires SEAs and LEAs to develop a student record transfer system.

HR/SR with an amendment:

(2) “(A) The Secretary shall require States to develop an electronic student record transfer system. Such elements may include—

(i) Immunization 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 information essential to ensuring that migrant students achieve to high standards; and

(iv) Eligibility for services under the Individuals with Disabilities Education Act. Ensuring the timely exchange of important education and health information for migrant students is critically important. Although some States have developed and implemented their own student records systems, current failures and interruptions in records transfer result in delays in school enrollment and in determining the number of migrant students. (See note 13.) However, the Senate amendment retains the current law provisions regarding the Secretary’s authority to ensure the timely exchange of records. The Senate amendment language in this subparagraph is similar to the House bill language in subsection (b)(i) regarding assistance to States in transferring records determining the number of migrant students. (See note 13.) However, the Senate amendment retains the current law provisions regarding the Secretary’s authority to establish minimum systems for records transfer and will facilitate the timely exchange of health and educational information for migrant students by the States, and shall include in this report—

(a) A review of the progress of States in developing and linking electronic record transfer systems;

(b) Recommendations for the development and use of such systems for ensuring the continuity of services provided for migrant students.

(c) Recommendations for measures that may be taken to ensure the continuity of services provided for migrant students.

17. The House bill does not contain the Senate provision in subsections (B), (C), and (D) regarding the solicitation of comments on the migrant student record transfer system, deadline for operation of the system, and the preservation of funds for the Secretary in establishing the system.

HR/SR with an amendment:

“HR/SR with an amendment:

18. The House bill does not contain the Senate amendment provision requiring a report be submitted to Congress by the Secretary regarding the findings and recommendations pertaining to the migrant student record transfer system.

HR/SR with an amendment:

19. The report shall take place not later than 120 days after the date of enactment of [this Act].

20. The House bill and the Senate amendment are the same.

LEA

21. The House bill and the Senate amendment are the same regarding the maximum amount the Secretary may award to SEAs and LEAs to make migrant student records available at no cost to another SEA or LEA requesting such records.
Title I, Part D—Neglected or Delinquent Youth

1. The House bill and Senate amendment have different headings.

2. The House bill, but not the Senate amendment, contains two findings regarding youth returning from correctional facilities and pregnant and parenting teenagers.

3. The Senate amendment, but not the House bill, moves the PURPOSE AND PROGRAM AUTHORIZED section under Subpart 1 of the Senate amendment.

4. HR with an amendment to strike “of Dropping out” in the title of Subpart 1, so that it states: “Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or at Risk.”

5. LC should conform language throughout this provision so that it conforms with neglected, delinquent, or at risk kids—while striking reference to “drop-outs” unless indicated otherwise.

6. The Senate amendment, but not the House bill, makes minor wording changes to the Purpose and Program Authorized section.

7. The Senate amendment, but not the House bill, makes minor conforming, technical wording changes, related to the organizational structure of the Senate amendment.

8. The House bill and Senate amendment provisions in subsection (b) regarding Subgrants to State Agencies in Puerto Rico are the same.

9. The House bill, but not the Senate amendment, sets the minimum allocation amounts Puerto Rico will receive.

10. The House bill, but not the Senate amendment, provides for a minimum amount that shall be appropriated to Puerto Rico contingent upon all 50 States and the District of Columbia receiving the same amount as they did the previous year. If not, then Puerto Rico would receive funds based on the greater percentage provided for in paragraph (1)(A) or the percentage of the previous fiscal year.

11. The Senate amendment, but not the House bill, contains this provision regarding ratable reductions.

12. The Senate amendment, but not the House bill, makes minor conforming, technical wording changes, related to the organizational structure of the Senate amendment.

13. The House bill, but not the Senate amendment, changes the wording of paragraph (1) by revising the language to focus on the provision of services to youth returning from correctional institutions instead of youth at risk of dropping out. In addition, it references another section in both the House bill (8306) and the Senate amendment (5506) are to the same general policy regarding General Assurances (see Title VIII of the House bill). SR with an amendment to include “at risk” after “delinquent”.

14. The House bill, but not the Senate amendment, adds the word “technical” after “vocational”.

15. The House bill refers to evaluations associated with Institution-Wide Projects (Section 1416), while the Senate amendment refers to general program evaluations under section 1431.

16. The House bill and Senate amendment provisions in paragraph (3) and in subsection (b) following are the same, with the exception indicated in note 17.

17. The House bill heading for paragraph (1) is different than the Senate amendment heading for paragraph (1); otherwise, see note 16.

18. Both the House bill and the Senate amendment reference the State Plan under Title I, part A.

19. The House amendment refers to the specific section in Title VIII of the House bill regarding evaluations, while the Senate amendment refers to evaluations generally.

20. The House bill, but not the Senate amendment, changes the reservation percentage range between 5 and 30 percent, as well as adds two new paragraphs pertaining to the kinds of transition services that may be supported.

21. The Senate amendment, but not the House bill, adds the word “youth” after “children”.

22. The House bill, but not the Senate amendment, refers to job training programs in general, while the Senate amendment refers specifically to the Workforce Investment Act of 1998. In addition, the House bill, but not the Senate amendment, adds the word “technical” after “vocational”.

23. The Senate amendment, but not the House bill, adds the word “children” before “youth”.

24. The House bill, but not the Senate amendment, contains this additional element for State applications to focus on the provision of services to youth returning from correctional institutions.

25. The Senate amendment, but not the House bill, adds the word “incarceration” in the place of the word “youth” after “term of”.

26. The Senate amendment, but not the House bill, adds the word “children” before “youth”. The House bill, but not the Senate amendment, adds the words “distance learning” before “and assistance”.

27. The House bill, but not the Senate amendment, strikes clause (iii).

28. HR with amendment to change language in (iii) to strike “learn to such” and replace with “achieve”.

29. LC for similar references in remainder of this part.

30. The House amendment refers to the specific section in Title VIII of the House bill regarding evaluations, while the Senate amendment refers to evaluations generally.

31. The Senate amendment, but not the House bill, contains this provision regarding supplement, not supplant provision in section 1120A of Title I, part A.

32. Both the Senate amendment, but not the House bill, makes minor conforming, technical wording changes related to the organizational structure of the Senate amendment.

33. The House bill, but not the Senate amendment, changes the reservation percentage from 20% to 25%.

34. The Senate amendment, but not the House bill, adds a new section allowing the Secretary of Education to reserve up to 5 percent of part D funds each year for national activities involving evaluation, technical assistance and model programs.

35. The House bill, but not the Senate bill, makes minor conforming, technical wording changes related to the organizational structure of the Senate amendment.

36. The House bill, but not the Senate amendment, reorders this paragraph to focus on the provision of services to youth returning from correctional institutions.

37. The House bill and Senate amendment strike the word “retrained”, which is a technical change.

38. The House bill, but not the Senate amendment, revises subsection (b) to focus on the provision of services to youth returning from correctional institutions instead of youth at risk of dropping out.

39. The Senate amendment, but not the House bill, makes minor conforming, technical wording changes related to the organizational structure of the Senate amendment.

40. The House bill, but not the Senate amendment, adds subsection (d), TRANSITIONAL AND ACADEMIC SERVICES, with language to focus on the provision of services to
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youth returning from correctional institutions and by stipulating that services to youth at risk of dropping out shall not negatively impact the transitional and academic needs of youth returning from correctional facilities.

SR 41. The Senate amendment, but not the House bill, makes minor conforming, technical wording changes related to the organizational structure of the Senate amendment.

LC 42. The House bill, but not the Senate amendment, revises paragraphs (4), (5) and (6) following to focus on the provision of services to youth returning from correctional institutions instead of youth at risk of dropping out and removes the conditional statement “as appropriate” preceding each LEA's priority requirement. See notes 43 and 44 for exceptions.

SR with an amendment to add to (4) “as appropriate” between “and” and “the”.

43. The House bill, but not the Senate amendment, requires specific characteristics of the youth to be served to be described, as well as adding a secondary requirement to describe the other youth expected to be served. Otherwise, see note 43.

SR 44. The House bill, but not the Senate amendment, adds the word “other” to the list of existing services LEAs can use funds to coordinate. The Senate amendment, but not the House bill, refers to “drug and alcohol counseling.”

LC 45. The House bill, but not the Senate amendment, adds the word “technical” after “vocational”.

SR with an amendment to replace “Workforce Investment Act of 1998” with “PL 105–220”.

LR on House bill adding “technical” after “vocational”.

46. The House bill and Senate amendment have the same meaning in paragraph (8), but are worded slightly different.

LC 47. The House bill refers to job training programs in general, while the Senate amendment refers specifically to the Workforce Investment Act of 1998. In addition, the House bill, but not the Senate amendment, adds the word “technical” after “vocational”.

SR with an amendment to replace “Workforce Investment Act of 1998” with “PL 105–220”.

SR on House bill adding “technical” after “vocational”.

48. The House bill and Senate amendment are the same as current law in paragraphs (10)–(13).

LC 49. The House bill, but not the Senate amendment, contains a provision regarding LEA uses of funds to focus on the provision of services to youth returning from correctional institutions.

SR 50. The House bill, but not the Senate amendment, has no reference to youth “at educational risk” and has no reference to specific groups of youth who may be at risk of dropping out.

HR 51. The House bill, but not the Senate amendment, adds the word “other” to the list of existing services LEAs can use funds to coordinate. The Senate amendment, but not the House bill, refers to “drug and alcohol counseling.”

HR with an amendment to add “and mental health services” after “counseling”.

52. The House bill, but not the Senate amendment, adds the word “technical” after “vocational” and adds “curriculum-based entrepreneurship education”.

SR 53. The House bill, but not the Senate amendment, adds another paragraph regarding mentoring and peer mediation to the LEA uses of funds.

SR 54. The House bill and Senate amendment headings for this section are different.

HR 55. The House bill and Senate amendment have different internal organizational structures which accounts for this and the immediately following technical changes.

LC 56. The House bill, but not the Senate amendment, changes “where feasible” to “to the extent practicable” in all the following paragraphs, thereby eliminating (8) in which the former phrase appears.

HR 57. The House bill, but not the Senate amendment, makes a number of changes to this paragraph. See notes 52 and 55.

HR with an amendment to replace “Workforce Investment Act of 1998” with “PL 105–220”.

58. The House bill, but not the Senate amendment, adds a citation to the U.S. Code for the Act referenced.

LC 59. See note 45.

SR 60. The Senate amendment, but not the House bill, makes minor conforming, technical wording changes, related to the organizational structure of the Senate amendment.

LC 61. The House bill, but not the Senate amendment, changes the reference to “sex” to “gender” and eliminates the conditional statement “as feasible”. Otherwise, this House bill and the Senate amendment are the same in paragraphs (1)–(4) and in subsections (b) and (c) that follow. See exception in note 62.

SR with an amendment to reference Title I A exceptions for “statistically significant and personally identifiable data”.

62. The Senate amendment, but not the House bill, adds a new paragraph to the evaluation of program’s impact on participants.

HR with an amendment to add “as appropriate” before participate.

63. The Senate amendment, but not the House bill, adds paragraph headings before each term is defined in paragraphs (1)–(4).

HR 64. The Senate amendment, but not the House bill, reorganizes this paragraph. Neither the Senate amendment nor the House bill change the meaning of this definition.

LC Authorization levels—LC (identical authorization amounts of $50 million in FY 02 and such sums in subsequent years).

Title I, Part E—Evaluations and Demonstrations

1. The House bill amends section 1501, while the Senate amendment strikes the entire section and replaces it.

LC 2. The Senate amendment, but not the House bill, includes the words “of Title I” after “National Assessment”.

HR 3. The House bill requires the Secretary of Education to assess the programs assisted under Title I, while the Senate amendment requires the Secretary to assess the impact of policies of Title I on States, LEAs, schools and students.

HR with an amendment to insert “the programs assisted and” before “the impact of the policies” and strike “Title I of, Teachers Act” and insert “this title” in (a).

4. The Senate amendment requires the participation of an independent review panel composed of the groups listed at all stages of the assessment. The House bill also requires the participation of an “independent” review panel, but stipulates a number of conditions that must be met in regards to the review panel, which the Senate does not, in subsection (d) of the House bill. See note 49.

SR 5. The House bill and the Senate amendment are substantially the same with minor wording differences.

HR 6. The House bill, but not the Senate amendment, contains a general requirement to examine the implementation and impact of Title I programs in regards to increasing academic achievement, especially in high-poverty schools. See the next note.

SR with an amendment to insert as new (A): “the implementation of programs assisted under this title and the likelihood of helping students reach the academic achievement standards for proficient and advanced;”

7. The Senate amendment, but not the House bill, contains a specific requirement concerning the student proficiency in at least reading and math based on State standards and assessments required under section 1111 of Title I (including NAEIP).

SR 8. The House bill does not contain a similar provision.

SR 9. The House bill contains a general requirement to examine the implementation and impact of State standards, assessments and accountability systems. The Senate amendment is more specific as to what must be examined in regards to assessments and calls for examination of implementation of requirements for development and administration of 3–8 annual assessments and how well they meet Title I requirements (see next note), but does not reference standards as the House does.

HR/ SR with an amendment to insert as new language: “the implementation of State standards, assessments, and accountability systems developed under this title, including the time and cost required for the development of assessments for students in grades 3–8 and how well they meet the requirements described in section 1111, and the impact of such standards, assessments, and accountability systems on educational programs and instruction at the local level.”

10. The Senate amendment requires a specific examination of the “adequate yearly progress” requirement in Title I, part A. The House does not contain a similar provision, although it does require an examination of accountability in general in subparagraph (a)(2)(B). See previous note.

HR with an amendment to define adequate yearly progress and what has been the impact of applying this standard to schools, local educational agencies, and the state, including the number of schools and local educational agencies not meeting the standard and the changes in such identification.

11. The House bill and the Senate amendment require an examination of schoolwide programs and targeted assistance, but the Senate amendment has a similar requirement in subparagraph (a)(2)(G) of the Senate amendment. See note.

SR with an amendment: “the implementation and impact of schoolwide programs and targeted assistance programs under this title and to what extent such schools meet the requirements for such programs.”
22. See note 24. In addition, the Senate amendment requires that parents or other representatives of migrant children, homeless children, and limited English proficient...
children be included among “parents,” and that
civil rights groups, test publishers, par-
ticipating private schools, and faith-based or-
ganizations with educational expertise, be in-
cluded as part of the “other organizations in-
volved with the implementation and oper-
ation of programs under this title.”
30. The House bill, but not the Senate
amendment, makes minor technical changes
to section 1502.
SR
51. House bill renames program as
“Ellender-Close Up Fellowship Program” and
the Senate amendment renames program as
“Close Up Fellowship Program.”
HR
52. Both House bill and Senate amendment
contain findings, but the findings differ.
HR/SR—No findings
SR
53. Virtually identical provisions.
SR
54. Virtually identical provisions.
HR
55. House bill uses the term “recent immi-
grants” and Senate amendment uses the term
“students with migrant parents.”
HR
56. Identical title.
LC
57. House bill, but not Senate amendment,
contains additional language “to promote
gerger civic understanding and responsi-
bility among the students of such teachers.”
SR
58. Virtually identical provisions.
SR
59. Virtually identical provisions.
LC
60. House bill entitled “Programs for Re-
cent Immigrants and Students of Migrant
Parents.” Senate Amendment entitled “Pro-
grams for New Americans.”
HR
61. House bill authorizes Close Up Founda-
tion to carry out programs among economi-
cally disadvantaged recent immigrants and
students of migrant parents. Senate amend-
ment authorizes Close Up Foundation to
carry out programs among economically dis-
advantaged secondary school students who
are recent immigrants.
HR
with an amendment to insert “middle
and” before “secondary school students”.
62. House bill contains no similar provi-
sion.
HR
63. Under House bill, grants shall be used
for financial assistance to economically dis-
advantaged older Americans, recent immi-
grants and students of migrant parents who
participate in the program. Under Senate
amendment, grants shall be used only to pro-
vide financial assistance to economically dis-
advantaged recent immigrant students who
participate in the program.
HR
with an amendment to insert “and their
teachers” after “recent immigrant students”
and insert “and teachers” after “by such stu-
dents”.
64. Virtually identical provisions.
LC
65. House bill requires applications to con-
tain provisions to assure that fellowship
grants are made to economically disadvan-
taged recent immigrants and students of mi-
grant parents. Senate amendment requires
applications to contain provisions to assure
that fellowship grants are made to economi-
cally disadvantaged secondary school stu-
dents.
HR
with an amendment to insert “middle
school and” before “secondary school stu-
dents”.
66. House bill requires applications to con-
tain provisions that every effort will be
made to assure the participation of recent immi-
grants and students of migrant parents from
rural and small town areas. Senate
amendment requires applications to contain
provisions that every effort shall be made to
ensure the participation of recent immigrant
students from rural and small town areas
HR
67. House bill gives special consideration to
the participation of recent immigrants and
students of migrant parents with special
needs, including individuals with disabil-
ties, ethnic minorities, and gifted and tal-
ented students. Senate amendment states
that in awarding fellowships to economically
disadvantaged recent immigrant students,
special consideration will be given to the
participation of those students with special
educational needs, including students with
disabilities, recent immigrant parents and
ethnic minority students.
HR
68. Similar provisions.
LC
69. Similar provisions.
LC
70. House bill contains no similar provi-
sion.
HR
71. Virtually identical provision.
LC
72. Virtually identical provision.
LC
73. House bill stipulates that the Secretary
may not use more than 30 percent to carry
out subsection (c) of this section (programs
for middle and secondary school teachers).
Senate amendment stipulates that more
than 30 percent may be used for middle
and secondary school teachers and teachers of
recent immigrants associated with students
participating in the programs described in
sections 2511, 2521 and 2531.
HR
74. House bill authorizes such sums as may
be necessary for FY 02 and for each of the 4 succeeding fiscal years. Senate
amendment authorizes to carry out the provisions of sub-
parts 1, 2, and 3 of this part $6,000,000 for FY
02 and such sums as may be necessary for
each of the four succeeding fiscal years.
SR
with an amendment to strike “4 suc-
ceeding” and insert “5 succeeding”.
76. Senate amendment contains no similar
provision.
SR
Title I, Part F—Comprehensive School
Reform
1. The House bill and the Senate amend-
ment designate the comprehensive school re-
form program as different parts within each
respective piece of legislation.
LC
2. The House bill, but not the Senate
amendment, contains findings.
HR
3. The House bill and the Senate amend-
ment are substantially the same in the PUR-
POSE section, except the Senate amendment
adds the word “promising” before “effective
practices”. In addition, the House references
“academic achievement standards”, while
the Senate references “student performance
standards”.
SR
with LC on further references to stand-
ards.
4. The Senate amendment, but not the
House bill, references “allocments”, as de-
scribed in paragraph (2) following. Otherwise,
the House bill and Senate amendment are
the same with a technical difference in
cross-references.
LC
5. The House bill and Senate amendment
have different paragraph headings.
LC
6. The Senate amendment, but not the
House bill, specifically refers to the Title I
section authorizing funds for this part.
HR
7. The Senate amendment, but not the
House bill, has language regarding the
amounts the Secretary may reserve for the
entities listed based on their need for assist-
ance.
HR
8. The House bill and the Senate amend-
ment are the same with a technical dif-
fERENCE in cross-references.
LC
9. The House bill allows the Secretary to
reserve 2% of the amount appropriated in FY
02 for quality initiatives, while the Senate
amendment allows a reservation of 3%. The
House bill and Senate amendment also have a
technical difference.
SR
with an amendment to change 2% to 3%.
10. The Senate amendment, but not the
House bill, specifically refers to the Title I
section authorizing funds for this part, oth-
erwise the House bill and Senate amendment
are substantially the same.
HR
with an amendment to include House
subsection (C) regarding the Secretary’s
reallocation of funds to the States.
11. The Senate amendment, unlike the
House bill, does not have a “STATE
AWARDS” subsection heading.
HR
12. The House bill and Senate amendment
are substantially the same with a minor
wording difference that does not affect the
meaning.
LC
13. The House bill and the Senate amend-
ment are the same with a technical dif-
fERENCE in cross-references.
LC
14. The House bill, but not the Senate
amendment, requires comprehensive school
reform program technical assistance pro-
viders to be financially stable. The Senate
amendment, but not the House bill, requires
comprehensive school reform program tech-
nical assistance providers have capacity to
deliver on-site support during reform imple-
mentation.
SR
on House reference to financially stable.
HR on Senate reference to on-site support.
15. The Senate amendment, but not the
House bill, adds the word “promising” before
“effective practices”. The House bill requires
dissemination of “materials”; while the Sen-
ate amendment requires dissemination of
“information”.
SR
on House reference to effective prac-
tices.
SR
with an amendment to include “and
information” after “materials”.
16. The House bill, but not the Senate
amendment, contains language “and to par-
ticipating schools”. The House bill re-
quires technical assistance to be provided.
SR
the Senate amendment requires tech-
nical assistance to be made available.
17. The Senate amendment, but not the
House bill, contains the word “STATE” in
the heading.
LC
18. The House bill and Senate amendment
are substantially the same with a technical
difference in cross-references. The Senate
amendment refers to subgrants from SEAs to
LEAs, while the House amendment refers to
grants from SEAs to LEAs. The Senate amend-
ment includes LEAs, while the House amend-
ment includes LEAs. The Senate amendment,
throughout this section, with the exception indicated in
note 22.
LC
19. The House bill and the Senate amend-
ment have different headings.
LC
20. The House bill refers to “schools”, while
the Senate amendment refers to “participating
schools”. HR
with an amendment to add “or schools”
after “school”.
21. The Senate amendment, but not the House bill, adds the words “or consortia.” The Senate amendment refers to the SEA, while the House bill refers to the State.

HR

22. The Senate amendment, but not the House bill, requires LEAs to give priority to both conditions in paragraphs (1) and (2) when awarding grants to LEAs or consortia thereof. The House bill, but not the Senate amendment, requires SEAs to only give priority either to clause (i), or clause (ii), when awarding subgrants to LEAs. With this exception and that indicated in note 21, the House bill and Senate amendment are substantially the same in the PRIORITY provisions.

HR

23. The House bill and Senate amendment are substantially the same with minor, technical wording differences.

LC

24. The House bill and Senate amendment are substantially the same except the House bill refers to the States “annual” evaluation and the Senate bill does not and with other minor, technical wording differences.

SR/LC

25. The House bill and Senate amendment have different headings.

SR

26. The Senate amendment, but not the House bill, requires LEAs to submit an application to the SEA as the SEA may require. Otherwise the content of LEA applications in the House bill and Senate bill (local activities) are substantially the same with the exceptions indicated in notes 27 and 28.

HR

27. The Senate amendment, but not the House bill, adds the word “promising” before “effective practices”.

SR

28. The Senate amendment, but not the House bill, adds the word “comprehensive” before “reforms”.

HR

29. The House bill, unlike the Senate amendment, does not have a section heading.

LC

30. The House bill and Senate amendment have different headings. The Senate amendment, but not the House bill, requires LEAs to award subgrants to schools eligible for assistance under part A of Title I and that are served by that agency.

HR

LC regarding headings.

31. The House bill and the Senate amendment are substantially the same with the exception indicated in note 27, and the House bill references those strategies and methods replicated in similar schools, while the Senate amendment does not reference similar school improvement activities.

SR with an amendment to strike “similar.”

32. See note 3, specifically that part regarding standards.

LC regarding “academic achievement standards”.

33. The House bill, but not the Senate amendment, requires benchmarks for student performance goals in a school’s comprehensive school reform program. The House bill refers to “other professional staff,” while the Senate amendment refers to “school personnel staff.”

HR to include both terms: “other professional staff” and “school personnel staff.”

SR regarding comprehensive school reform programs being supported by teachers, principals, administrators, and other professional staff.

34. The House bill requires the involvement of parents in “planning and implementing” school improvement activities, while the Senate amendment requires parental involvement to “strengthen” school improvement activities.

SR with an amendment to strike “and” and insert “or”.

35. The House bill, but not the Senate amendment, requires an annual evaluation of student results achieved. The Senate amendment refers to evaluation of student performance.

SR

36. The House bill and the Senate amendment are substantially the same with minor technical wording differences.

LC

37. The House bill, but not the Senate amendment, requires a school’s comprehensive school reform program to have been proven effective in improving academic performance through field testing or which has a strong evidentiary basis as described in subparagraph (J)(1) and (3).

SR with an amendment to strike “rigorous field experiments in multiple cities”; and insert “scientifically based research” and strike all references to “similar”.

38. The House bill and Senate amendment are substantially the same with minor wording differences, including a technical difference in cross-references.

LC

39. The House bill and Senate amendment have different headings.

SR

40. The House bill and Senate amendment are substantially the same with a minor wording difference that does not affect the meaning.

LC

41. The Senate amendment requires the Secretary of Education to submit an interim report on comprehensive school reform implementation to Congress, while the House bill requires the Secretary to submit an interim report on the first year of comprehensive school reform implementation to Congress.

HR with an amendment to strike “Prior to the completion of the national evaluation.” Also strike “an interim” and insert “a.” After “describing” add “results of the evaluation under subsection (a)” also strike “comprehensive school reform activities” and “which began in 1998”.

42. The Senate amendment requires the Secretary to “promote” the activities described in the following paragraphs, while the House bill requires the Secretary to “provide funds” for these activities.

SR

43. The House bill and Senate amendment are similar in paragraphs (1) and (2), with minor wording differences, a technical difference in cross-references, and with the exceptions indicated in the next two notes.

LC

44. The Senate amendment, but not the House bill, requires the Secretary to support activities that promote financial stability in comprehensive school reform providers.

HR

45. The House bill, but not the Senate amendment, requires the Secretary to provide funds for activities to ensure high quality services meeting the needs of teachers and students. The Senate amendment requires activities to “assure quality” in paragraph (2).

HR


SR with an amendment to strike “$260 million” and replace with “such sums”.

Title I, Part G—Rural Education (New Title VI, Part B)

1. House bill authorizes program in Title I, Part G and short title is ‘Rural Education Initiative Act.’ Senate amendment authorizes program in Title V, Part B, Subpart 2 and short title is ‘Rural Education Achievement Program.’

HR with an agreement to move to Title VI, Part B.

2. Senate amendment, but not House bill, contains purpose.

HR

3. House bill, but not Senate amendment, contains findings.

HR

4. House bill “Subpart 1—Rural Education Flexibility.” Senate amendment “Chapter 1—Small, Rural School Achievement Programs.”

HR

5. Under House bill, a school district may use applicable funding for the local activities authorized in: Title I Part A; Title II Part A (teacher quality); Title III Part A (education of limited English proficient and immigrant children); Title IV Part A (innovative programs); Title V Part A (safe schools and 21st century schools); or Title V Part B (enhancing education through technology). Under Senate amendment, a school district may use applicable funding for the activities authorized in: Section 1114 (schoolwide programs); Section 1115 (targeted assistance schools); Section 1116 (assessments and school improvement); Section 2123 (teacher quality—local uses of state grant funds); Section 4116 (safe and drug-free schools—local drug and violence prevention); or Section 4117 (innovative activities under innovative education program strategies).

SR

6. Under House bill, eligibility is limited to fewer than 600 students in average daily attendance, and all of its schools with a School Locale Code of 7 or 8. Under Senate amendment, eligibility is limited to a few (1000 to 2000) students in average daily attendance or all schools in the district located in counties with a population density of fewer than 10 persons per square mile, and (2) all schools have a Locale Code of 7 or 8.

HR

7. Under House bill, the Secretary shall determine whether or not to waive the School Locale Code requirement based on a demonstration by an LEA and concurrence by the SEA, that the LEA is located in an area rural by a governmental agency of the State. Under Senate amendment, the Secretary may waive the School Locale Code requirement if the Secretary determines, based on information demonstrated by the LEA or the SEA on behalf of the LEA, that the LEA is located in an area defined as rural by a governmental agency of the State.

SR

8. House bill applicable funding: Title II A (teacher quality); Section 3106 (education of limited English proficient and immigrant children); Title IV Part A (innovative programs); Title V Part A, Subpart 1 (safe schools); and Section 5212(a)(2)(A) (enhancing education through technology). Senate amendment applicable funding: Title II (teacher quality); Title IV (Safe and Drug-Free Schools and Communities Act of 1994); and Title V Part B, Subpart 4 (innovative education program strategies).

HR/SR with an agreement for “applicable funding” to include: Subpart 2 of Title II (Teachers); Section 2412(a)(2)(A) (Technology Education); Section 4114 (Safe and Drugfree Schools); and Part A of Title V (Innovative Programs).

9. Similar provision.

LC

10. Similar provision.

LC

11. House bill contains no similar provision.
12. Under House bill, grants are authorized for eligible LEAs to support local or statewide education reform efforts intended to improve the academic achievement of elementary and secondary school students and the quality of instruction provided for the students. Under Senate amendment, grants are authorized for eligible LEAs for the same activities supported under the flexibility authority with the addition of: Section 2213 (mathematics and science partnerships), or Section 2306 (state and local programs for technology).

HR with an amendment to mirror Note 5 uses.

13. Similar provision except that the amount in House bill is based on the preceding fiscal year and the Senate amendment is based on the same fiscal year.

SR

14. Virtually identical provision.

LC

15. Virtually identical provision.

LC

16. Identical provision.

LC

17. Identical provision.

LC

18. Senate amendment, but not House bill, contains penalty.

HR

19. Identical provision.

LC

20. Similar provision.

SR


LC

22. House bill has no similar provision.

HR

23. Under House bill, LEA must administer assessments consistent with the provisions of ESEA Title I, Section 1111. SEA permits only one district meeting “adequate yearly progress” as defined under Section 1111 to continue to participate after second year of participation. Under Senate amendment, LEA must assess its student achievement using statewide assessment consistent with the assessment under ESEA Title I, Section 1111(b), or, absent such assessment, a test of its own selection. State permits an LEA to continue for additional three-year period only if its students perform “better” on the assessment after the third year than they did in the first year. An LEA that does not meet this criterion is ineligible to participate for a 3-year period.

SR with an amendment to read as follows:

“(1) After each third year that a local educational agency participates in a program under section 1711 or 1712 and on the basis of the results of the assessments described in subsection (a), determine whether the schools served by the local educational agency participating in the program performed in accordance with section 1111;

“(2) permit those local educational agencies that make adequate yearly progress, as described in section 1111(b)(2), to continue to receive grants; and

“(3) allow permits such local educational agencies that fail to make adequate yearly progress, as described in section 1111(b)(2), to continue to receive grants if they disburse such grants to carry out the requirements of section 1111.”

42. House bill, but not Senate amendment, requires the Secretary to review the use of funds of the SEA or specially qualified agency.

HR

43. Senate amendment, but not House bill, permits only the LEAs that performed better on assessments (as described in Note 39) to continue to participate in the program for an additional 3 years.

HR

44. House bill permits the Secretary to deny the provision of additional funds in subsequent fiscal years to an agency only if the Secretary determines, after notice and an opportunity for a hearing, that the agency’s use of funds has been inadequate to justify continuation of such funding. Senate amendment prohibits the LEAs that participated in the program and served students that did not perform better on assessments (as described in Note 39) from participating in the program for a period of 3 years from the date of the determination.

HR

45. Identical definition.

LC

46. Similar definition.

LC

47. House bill, but not Senate amendment, contains definition for State.
HR/SR with an agreement to authorize $300 million for FY 2002 and such sums as may be necessary for each of 5 succeeding fiscal years to be distributed equally between subparts A and B.

Title I, Part H—General Provisions

(New Title I, Part I)

1. The House bill, but not the Senate amendment, makes several changes to the general provisions of Title I and includes them in Subpart A of the House bill. The Senate amendment retains current law for the general provisions for Title I. The Senate amendment redesignates sections 1901 through 1906 of current law, respectively, as sections 1901 through 1906. See section 161(2) of the Senate amendment regarding the redesignation.

SR with an amendment to add “and other organizations” after “local boards of education”; Strike “ensure reasonable compliance” and insert “reasonably ensure that there is compliance.”

Report Language:
The Conferences intend that parents or other representatives of migrant children, homeless children, and limited English proficient children be included among “parents,” and that civil rights groups, test publishers, participating private schools, and faith-based organizations with educational expertise be included among the “other organizations involved with the implementation and operation of programs under this title.”

2. The House bill requires the Secretary to establish a negotiated rulemaking process on a minimum of three key issues, including accountability, implementation of assessments, and use of paraprofessionals. The Senate amendment retains current law which requires a negotiated rulemaking process on at least two key issues, including (i) schoolwide programs and (ii) standards and assessments.

SR with an amendment to: Strike (b)(A) and replace with “(A) at a minimum, establish a negotiated rulemaking process on standards and assessments.”

Insert at (b)(3)(B), before the semicolon, “in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educators and the schools.”

“regulations” and add “policy options” in (b)(3)(C).

Report Language:
The Conferences intend that the Secretary select individuals to participate in the Title I negotiated rulemaking in numbers that will provide an equitable balance between representatives of parents and students and representatives of educators and education officials. The Conferences do not intend this language to require strict numerical equality or comparability among these representatives. Rather, the Conferences intend the Secretary to have flexibility in selecting the conferences, while ensuring that the views of both programs and program providers are fairly heard and considered.

3. The House bill, includes provisions governing agreements and record-keeping on proposed regulations and negotiated rulemaking. The Senate amendment retains current law.

SR 4. The House bill includes a provision on state rulemaking and regulations. The Senate amendment retains current law.

SR 5. The House bill authorizes a committee of practitioners. The Senate amendment retains current law. See also section 1002(1) of the House bill on the authorization of state administrative expenses. The Senate amendment retains current law on the Committee of Practitioners and includes the authorization for administrative expenses here.

SR 6. The House bill includes a local administrative cost not more than 4 percent. The Senate amendment has no provision.

HR with report language: The Conferences intend LEAs to use only the necessary and appropriate amount of funds to provide for administrative expenses based on a reasonable definition of such expenses. However, the Conferences recognize the need for additional information regarding this matter and thereby direct the Comptroller General of the General Accounting Office to undertake a study of the definitions of administrative expenses employed by LEAs across the States and the amount of funds reserved for such expenses. The design of such study will be developed by Congress in consultation with the GAO and, as appropriate, with the Secretary of Education.

7. The Senate amendment, but not the House bill, includes a provision in section 1120C of part A of Title I that prohibits the use of funds by a local educational agency for certain activities. See also Title I, Part A, subpart 1 for placement of this section.

SR 8. The Senate amendment, but not the House bill, provides for 6 audits of local educational agencies to determine how such agencies are expending Title I funds.

HR with amendment to strike “the Office of Inspector General” and add “General Accounting Office” in (a) and (b).

9. The House bill, but not the Senate amendment, ensures that no provision of Title I affects private schools. See note 125 from Title VIII (General Provisions for all of ESEA) of House bill which applies the rule of construction contained in section 111A(a) of Title VIII. The Senate amendment includes a similar provision in section 17(a) and section 11, also referenced in note 125.

HR 10. The House bill, but not the Senate amendment, ensures that no provision of Title I affects private schools that do not receive Title I funds, and no student at such a school is required to participate in assessments referenced in Title I. See note 126 from Title VIII (General Provisions for all of ESEA) of the House bill which applies similar rule of construction to the entire Act (section 8509 of Title VIII). The Senate amendment includes a similar provision in section 17(b), also referenced in note 126.

HR 11. The House bill, but not the Senate amendment, ensures that the privacy of individual assessments results are protected from disclosure under section 444 of the General Education Provisions Act. The Senate amendment includes a similar provision in section 1111(j)(1)(F) of Title I, Part A but references section 445 rather than section 444.

SR with amendment to move Section 1807 to Title II (Teacher and Principals).

Title II—Teacher and Principal Quality

(New Title II, Parts A, B, and C)

1. House bill Title II is “Preparing, Training, and Recruiting Quality Teachers.” Senate amendment Title II is “Teachers and Principals.”

SR with an amendment to insert “and Principals” after “Teachers”.

2. House bill Section 201 is “Teacher Quality Training and Recruiting Fund.” Senate amendment Section 201 is “Teacher Quality Fund.”

SR with an amendment to insert “and Principals” after “Teachers”.

3. Identical provision.

LC 4. House bill is “Preparing, Training, and Recruiting Quality Teachers.” Senate amendment is “Teachers and Principals.”

SR with an amendment to insert “and Principals” after “Teachers”.

5. House bill Part A is “Teacher Quality Training and Recruiting Fund.” Senate amendment Part A is “Teacher and Principal Quality.”

SR with an amendment to insert “and Principals” after “Teachers”.


HR with an amendment to strike “and student performance” in Senate (3) and to redesignate Senate (3) and to redesignate SENATE (3) as (2).

9. House bill Subpart 1 is “Grants to States to Prepare, Train, and Recruit Qualified Teachers.” Senate amendment Subpart 1 is “Grants to States.”

HR 10. Similar provisions.

LC 11. Similar provisions.

LC 12. House bill names individual outlying areas; Senate amendment cites “outlying areas.”


SR with an amendment to strike “for professional development activities for teachers, other staff, and administrators.”

14. Senate amendment, but not House bill, contains purpose of holding LEAs and schools accountable so that all teachers teaching core academic subjects in public schools, in which not less than 50 percent of the students are from low-income families, are highly qualified.

SR 15. Senate amendment, but not House bill, contains purpose of holding LEAs and schools accountable for improvements in student academic achievement and student performance.

SR (redesignated as (2) in Note 6). 9. House bill Subpart 1 is “Grants to States to Prepare, Train, and Recruit Qualified Teachers.” Senate amendment Subpart 1 is “Grants to States.”

HR 10. Similar provisions.

LC 11. Similar provisions.

LC 12. House bill names individual outlying areas; Senate amendment cites “outlying areas.”


SR with an amendment to strike “for professional development activities for teachers, other staff, and administrators.”

14. Senate amendment, but not House bill, limits the amount of funds that may be reserved for BIA and Outlying Areas to the amount received by these entities in FY 01.

SR 15. Similar provisions (wording differs).

LC 16. House bill, but not Senate amendment, sets the hold harmless amount for non-participating States at what they would have received in FY 01, had they participated.

HR 17. Similar provision.

LC 18. House bill formula to the States is 50% based on population and 50% based on poverty. Senate amendment formula to the States is 35% based on population and 65% based on poverty.

HR 19. House bill defines poverty here based on OMB definition and Senate amendment defines poverty in Section 2102 based on OMB definition.

HR 20. Similar small State minimum.

LC 21. Similar provisions (wording differs).

LC 22. House bill, but not Senate amendment, has language that provides that funds granted under this Subpart shall be used to carry out activities for the improvement of teaching and learning.

HR 23. Under House bill, States may reserve not more than 5% of funds for one or more of the authorized State activities described in Subparts (a) and (b) (Authorized State Activities); and for planning and administration related to carrying out such activities and making
HR with an amendment to add as follows:

"(a) IN GENERAL.—A State that receives a grant under section 2111 shall—

"(1) reserve 85 percent of the funds to make subgrants to local educational agencies as described in section 2112 to local educational agencies that would be reserved by all States under subsection (b)(2) so that the total amount reserved by all States under subsection (a)(2) equals $125,000,000, the Secretary shall determine under subsection (b) the percentage determined under subsection (b)(2) of the funds to make subgrants to local partnerships as described in section 2113 (Subgrants to Eligible Partnerships); and

"(3) use the remainder of the funds for School activities.

"(b) SPECIAL RULE.—For any fiscal year for which the Secretary determines that the 85 percent that would be reserved by all States under subsection (a)(2), if the State applied a 2.5 percentage rate, exceeded by all States under subsection (a)(2), and the percentage determined under subsection (b)(2) so that the total amount reserved by all States under subsection (a)(2) equals $125,000,000.

24. House bill, but not Senate amendment, caps State administrative costs at 1% of the total State grant.

SEC. 2113. STATE USE OF FUNDS.

"A State that receives a grant under section 2111 shall—

"(1) carry out programs that provide support, including during their initial experiences, to teachers, principals, or other educators, such programs that provide teacher mentoring, team teaching, reduced schedules, and intensive professional development.

"(2) provide new teachers for subject matter knowledge and principals.

"(3) reform tenure systems, implement teacher testing to document student academic gains or increases in teachers' mastery of subjects they teach.

25. Similar provisions.

LC

26. House bill, but not Senate amendment, provides that a grant to a State can only be awarded if the State agrees to distribute the funds described in this subsection as subgrants to LEAs.

SR

27. House bill, but not Senate amendment, contains a hold harmless provision for LEAs.

SR

28. House bill, but not Senate amendment, contains a provision for nonparticipating agencies.

HR

29. House bill, but not Senate amendment, contains a provision for ratable reduction.

SR

30. Similar provisions except House bill provides for allotment of additional funds (above the LEA hold harmless provision).

SR

31. Similar provisions (20% based on population) from House bill is based on the relative enrollment in public and private nonprofit elementary and secondary schools within LEAs and Senate amendment is based on the number of individuals age 5 through 17 in the geographic area served by LEAs.

HR

32. Similar provisions (80% based on poverty) from House bill is defined by the Federal poverty line based on OMB definition and Senate amendment defines poverty in Section 2112 based on OMB definition.

LC

33. House bill, but not Senate amendment, provides that all new funding above the LEA hold harmless level goes out 50% for LEAs and 50% for Math and Science partnerships under Subpart 2.

HR

34. House bill, but not Senate amendment, requires States to award competitive subgrants for Math and Science partnerships (Senate amendment Section 2201 contains separate program for math and science partnerships).

HR

35. Under House bill, but not Senate amendment, although 50% of the excess is for partnerships, that amount cannot equal more than 15% to 20% of the total state allocation minus State reservation, the precise percentage in that range being chosen by the State.

HR

36. Under House bill, but not Senate amendment, States must award at least 15%—but not more than 20%—of the funds (at the discretion of the State) on a competitive basis to eligible partnerships under Subpart 2.

HR

37. House bill lists authorized activities. Senate amendment requires SEA to carry out one or more of the listed activities, including through a grant or contract with a for-profit or nonprofit entity.

HR

38. Similar provision except that Senate amendment includes language regarding principals.

HR

39. Similar provision except the Senate amendment includes language regarding principals.

HR

40. Similar provision.

SR

41. Similar provision except that Senate amendment includes language regarding technology literacy and principals (Senate amendment also uses term “performance standards”).

HR with an amendment to strike "performance" and insert "academic".

42. Similar provisions except that Senate amendment includes language regarding technology literacy and principals (Senate amendment also uses term “performance standards”).

HR

43. House bill similar to Senate amendment (8) below.

SR

44. Similar provisions except that Senate amendment, but not House bill, includes principals, and specifically includes MA recipients.

HR

45. House bill, but not Senate amendment, emphasizes math and science.

SR

46. Similar provisions except that Senate amendment includes language for pupil services personnel and recruiting specialists in core academic subjects (Language in Senate amendment paragraph (6) largely duplicates Senate amendment paragraph (5)).

HR

47. House bill provides for reforming tenure systems and implementing teacher testing and other procedures to expeditiously remove ineffective teachers from the classroom. Senate amendment provides for testing new teachers for subject matter knowledge, and testing the teachers for State certification or licensing (similar to House bill (iii) above).

HR/SR with an amendment to combine language in House bill and Senate amendment and add report language:

("8) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for teachers for State certification or licensing, consistent with title II of the Higher Education Act of 1965.")

Report Language

The conferes recognize that a State educational agency may elect to reform tenure systems and implement teacher testing to expeditiously remove ineffective teachers from the classroom, while ensuring due process consistent with State law.

48. Similar provisions regarding tenure reform.

HR

49. Senate amendment contains no similar provision.

SR

50. Similar provisions except that Senate amendment includes language regarding principals.

HR with an amendment to combine with Note 65.

51. Similar provision except that Senate amendment includes language regarding principals.

HR

52. Senate amendment contains no similar provision.

SR

53. Senate amendment includes administrators.

HR

54. Similar provision except that Senate amendment includes language regarding the ability to collect, manage, and analyze data to improve teaching, decision making and school improvement efforts and accountability.

HR

55. Similar provision except that Senate bill includes language on assessments for teachers and differential pay for teachers in high need subject areas. House bill also focuses on teachers in high need subject areas in high-poverty districts.
SR with an amendment to strike "rigorous assessments for teachers" and add report language:

Report Language:
The Conference note that locally negotiated and collaboratively designed programs for performance based pay systems are an effective type of merit based pay in that performance based pay systems reward teachers for working together to raise student achievement for all students throughout the school.

36. Senate amendment contains no similar provision.

SR
57. Senate amendment contains no similar provision.

SR
58. House bill contains no similar provision.

HR (LC use "highly qualified" throughout this Title; LC with Note 78)
59. House bill contains no similar provision.

HR
60. House bill contains no similar provision.

HR
61. House bill contains no similar provision.

HR
62. House bill contains no similar provision.

SR
63. House bill contains no similar provision.

SR
64. House bill contains no similar provision.

SR (see Note 52).
65. House bill contains no similar provision.

SR (see Note 50).
66. Similar coordination provision.

LC
67. Similar provisions.

LR
68. Senate amendment, but not House bill, requires a description of how activities will be based on review of relevant research and include explanation of why they are expected to improve student performance and outcomes.

HR with an amendment to strike "relevant" and insert "scientifically based" and to strike "performance and outcomes" and insert "academic achievement".

69. Similar provisions.

LC
70. Senate amendment, but not House bill, requires a description of how the SEA will ensure that activities are aligned with State standards, student performance standards, and assessments.

HR with an amendment read as follows:

"(2) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with State academic content and achievement standards, assessments, and State and local curriculum.

71. House bill, but not Senate amendment, requires a description of how the State will use funds under this Part to meet the requirements of section 1116(a)(2).

SR (LC on reference to section 1119(a)(2)).
72. Senate amendment, but not House bill, requires a description of how the SEA will use funds to improve the quality of the State's teachers, principals, and assistant principals, and the educational opportunities for students.

HR with an amendment to strike ", and the educational opportunities for students".

73. Similar coordination provisions except House bill includes 21st Century Schools (Title V, Part A; HR with an amendment to strike Title II of HEA.

SR with an amendment to read as follows:

"(3)(A) A description of how the State educational agency will coordinate professional development activities authorized under this Part with professional development activities provided under other Federal, State, and local programs.

(B) The application shall also describe the comprehensive strategy that the State educational agency will develop and support of such coordination effort, to ensure that teachers are trained in the utilization of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning."
“(2) eligible partnerships in all geographic areas within the State are served through the subgrants.

“(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 this section.

“SEC. 2132. APPLICATION REQUIREMENTS.

“(a) In general.—An eligible partnership that receives a subgrant under section 2131 shall use the funds made available through the subgrant for—

“(1) professional development activities in core academic subjects to ensure that teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach including the use of computer related technology to enhance student learning and that principals and assistant principals have the instructional leadership skills that will help such principals and assistant principals work most effectively with faculty at institutions master core academic subjects; and

“(2) developing and providing assistance to local educational agencies and individuals who, with the assistance of highly qualified professionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that—

“(A) ensure that the individuals are able to use State academic content standards, academic achievement standards, and assessments to improve instructional practices and improve the academic achievement;

“(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

“(C) may include activities of partnerships between institutions of 1 or more local educational agencies, 1 or more schools served by such local educational agencies, and 1 or more institutions of higher education for the purpose of teaching and learning at low-performing schools.

“(b) COORDINATION.—An eligible partnership that receives a subgrant 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 subpart with the activities carried out under section 203.

“SEC. 2134. DEFINITIONS.—

“In this subpart—

“(1) ELIGIBLE PARTNERSHIP.—The term ‘eligible partnership’ means an entity that—

“(A) shall include—

“(i) a private or State institution of higher education and a division of the institution that prepares teachers and principals;

“(ii) a school of arts and sciences; and

“(iii) a high need local educational agency; and

“(B) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a pre-kindergarten program, a teacher organization, a business or a not-for-profit entity;

“(2) LOW-PERFORMING SCHOOL.—The term ‘low-performing school’ means an elementary school or secondary school that is identified under section 1116.

“Report Language: The Conferences intend that the partnerships described in section 2121 (Subgrants to Eligible Partnerships) include education councils and professional development schools, or similar partnerships, including those funded under Section 203 of the Higher Education Act, that contain 1 or more local educational agencies, acting on behalf of high-performing schools or secondary schools served by the agencies, in programs of high quality professional development, including community colleges.

“The purpose of these partnerships is to provide professional development to teachers to ensure that the teachers are prepared and meet high standards for teaching, particularly by educating and preparing prospective teachers in a classroom setting and enhancing the knowledge of in-service teachers while improving the education of the classroom students. Such partnerships also substantially increase interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and provide support, including preparation time, for such interaction.

“94. Similar provision except that House bill is an application to the State and the Senate amendment is an application to the Secretary.

“95. House amendment to read as follows:

“SEC. 2212. APPLICATION REQUIREMENTS.

“(a) In general.—Each eligible partnership desiring a grant under this subpart shall submit an application to the Secretary, if funds are awarded under section 2211(b), and to the State educational agency, if funds are awarded under section 2211(b), at such time, in such manner, and accompanied by such information as the Secretary or State educational agency, as the case may be, may require.

“96. House bill requires a general assessment while the Senate amendment delineates specific elements that may be included in assessment of teacher quality and professional development.

“97. House amendment to read as follows and report language:

“(1) the results of a comprehensive assessment of students in advanced courses in mathematics and science; (2) academic quality of teaching and learning of mathematics and science.

“Report Language: The application requirements for the partnerships grants include completing and reporting on a comprehensive assessment of teacher quality in the relevant schools and districts. Such an assessment should include relevant information regarding the needs of teachers and districts to the quality of teaching and learning of mathematics and science, including, but not limited to: (1) information regarding the participation of students in advanced courses in mathematics and science; (2) the percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science (respectively); (3) the number and percentage of mathematics and science teachers who participate in content-based professional development activities; and (4) a description of how elementary teachers have the necessary content knowledge to teach mathematics and science.

“98. Similar provision except that Senate amendment includes local standards.

“99. Senate amendment, but not House bill, requires a description of how the SEA, and LEA will comply with requirements regarding participation by private school children and teachers.

“Report Language: The application requirements for the partnerships grants include completing and reporting on a comprehensive assessment of teacher quality in the relevant schools and districts. Such an assessment should include relevant information regarding the needs of teachers and districts to the quality of teaching and learning of mathematics and science, including, but not limited to: (1) information regarding the participation of students in advanced courses in mathematics and science; (2) the percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science (respectively); (3) the number and percentage of mathematics and science teachers who participate in content-based professional development activities; and (4) a description of how elementary teachers have the necessary content knowledge to teach mathematics and science.

“97. Similar provision except that Senate amendment includes local standards.

“98. Senate amendment, but not House bill, requires a description of how the SEA, and LEA will comply with requirements regarding participation by private school children and teachers.

“99. Senate amendment, but not House bill, requires a description of how the SEA, and LEA will comply with requirements regarding participation by private school children and teachers.

“98. Similar provision except that Senate amendment includes local standards.

“99. Senate amendment, but not House bill, requires a description of how the SEA, and LEA will comply with requirements regarding participation by private school children and teachers.

“98. Senate amendment, but not House bill, requires a description of how the SEA, and LEA will comply with requirements regarding participation by private school children and teachers.
under this subpart after the original Federal grant has ended.”

100. House bill provides that the SEA, working in conjunction with the State agency for higher education (if such agencies are separate), shall award subgrants on a competitive basis to eligible partnerships. Senate amendment authorizes a separate competitive grant program with grants awarded by the Secretary (see Section 2211).

HR 101. House bill, but not Senate amendment, provides that the State shall award for a period of not less than 2 and not more than 5 years.

HR/SR 102. Similar provision.

HR 103. House bill contains no similar provision.

HR 104. House bill contains no similar provision.

HR 105. House bill contains no similar provision.

HR 106. Similar provision except that House bill is more detailed in summer professional development workshop requirements.

HR 107. Similar provision except that House bill is focused on recruiting math, engineering and science students or mathematicians, engineers and scientists to teaching and Senate amendment is focused is on recruitment of math and science majors.

HR with an amendment to insert “engineering” after “mathematics” each place it appears in Senate (3)(A).

108. House bill contains no similar provision.

HR 109. House bill contains no similar provision.

HR with an amendment to insert “engineering” after “mathematics”.

110. House bill contains no similar provision.

HR with an amendment to insert “engineering” after “mathematics”.

111. House bill contains no similar provision.

HR with an amendment to insert “engineering” after “mathematics”.

112. House bill contains no similar provision.

HR with an amendment to strike “novice” and insert “beginning and other”. 113. Similar provision, except House bill includes mathematicians and engineers, and states a purpose for the activity.

SR 114. House bill contains no similar provision.

SR with an amendment to strike “master” and insert “exemplary”.

115. House bill contains no similar provision.

SR 116. House bill contains no similar provision.

SR 117. Senate amendment provides for a priority for high need LEAs only for the mastery incentive system (House bill requires that all partnerships contain a high need LEA).

SR 118. House bill, but not Senate amendment, requires States to give priority to applications seeking to fund summer workshops.

SR 119. House bill contains no similar provision.

SR 120. House bill contains no similar provision.

HR with an amendment to read as follows: “(12) Training teachers and developing programs to encourage young women and other underrepresented individuals in mathematics and science careers (including engineering and pursue postsecondary degrees in majors leading to such careers).”

121. Senate amendment does not contain a provision regarding coordination with the Higher Education Act.

SR with an amendment to read as follows (see Note 2HR):

(6) COORDINATION AND CONSULTATION.—

“(1) Partnerships receiving grants under section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) shall coordinate the use of such funds with any related activities carried out by such partnership with funds made available under this subpart; and

(2) In carrying out the activities authorized by this subpart, the Secretary shall consult and coordinate activities with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops, institutes, or partnerships to improve mathematics and science teaching in elementary schools and secondary schools.”

122. Similar provision, except all elements listed for Senate amendment are required; only House bill (1) is required.

SR with an amendment to read as follows (combine Notes 122 through 128):

SEC. 204. EVALUATION AND ACCOUNTABILITY PLAN.

“(a) IN GENERAL.—Each eligible partnership receiving a subgrant under this subpart shall develop an evaluation and accountability plan for activities assisted under this subpart that includes rigorous objectives that measure the impact of activities funded under this subpart.

(b) CONTENTS.—The plan—

“(1) shall include measurable objectives to increase the number of mathematics and science teachers who participate in content-based professional development activities; and

“(2) shall include measurable objectives for improved student performance on State mathematics and science assessments or, where applicable, an International Math and Science Study assessment;

“(3) may include objectives and measures for—

“(A) increased participation by students in advanced courses in mathematics and science;

“(B) increased percentages of elementary school teachers with academic majors or minors, or group majors or minors, in mathematics, engineering, or the sciences; and

“(C) increased numbers of mathematics and science teachers who participate in content-based professional development activities; and

“(D) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively.”

123. House bill, but not Senate amendment, requires plan to include goals related to increasing the number of math and science teachers participating in content-based professional development.

SR (see Note 122).

124. Similar provision, except Senate amendment includes performance on TIMSS.

SR (see Note 122).

125. Identical provisions.

SR (see Note 122).

126. Senate amendment contains no similar provision.

SR (see Note 122).

127. House bill contains no similar provision.

SR (see Note 122).

128. Identical provisions.

SR (see Note 122).

LC 129. Similar provision.

LC 130. Similar provision. House bill language applies only to subgrants made for 5-year period (House bill permits grants between 2 and 5 years to be made; only 5 year grants can be made under Senate amendment).

LC with an amendment to strike “performance”.

131. Similar provision except House bill applies only to subgrants made for 5-year period (House bill permits grants between 2 and 5 years; only 5 year grants can be made under Senate amendment).

SR/SR (delete language).

132. Similar provision.

HR with an amendment to insert “if funds are awarded under section 2211(a)” after “a State educational agency” (LC on reference to section 2211(a)).

133. House bill does not specifically include any engineering department, but identifies private and state-supported public institutions of higher education; Senate amendment generally refers to institutions of higher education.

HR 134. House bill, but not Senate amendment, requires all partnerships to include a high need LEA.

SR 135. House bill allows another entire higher education institutions or teaching training departments within them. Senate amendment limits eligibility to only specific departments of higher education institutions.

HR 136. House bill, but not Senate amendment, specifically includes charter schools and consortia.

SR 137. Identical provision.

LC 138. Similar provision except that Senate amendment identifies a broader array of entities.

HR with an amendment to redraft and include report language: “a non-profit or for-profit organization of demonstrated effectivity.”

Report Language:

The conferees recognize that a nonprofit or for-profit organization of demonstrated effectivity may include a museum, research institution, or a high-impact public coalition composed of leaders from business, kindergarten through grade 12 education, institutions of higher education, public policy organizations, and other organizations.

139. Senate amendment defines “high need local educational agency” here.

HR/SR with an agreement to move rerafted definition of “high need local educational agency to Title II definitions (see Note 297).”

140. Similar definition (wording differences).

LC 141. Similar provision.

LC 142. Senate amendment, but not House bill, contains special rule to allow grants to be used to hire teachers to reduce class size (House bill groups available activities together and also allows hiring of teachers).

SR 143. House bill list of uses is permissive. Senate amendment requires LEAs to carry out at least 1 of these activities.

HR 144. Senate amendment, but not House bill, allows LEAs to carry out these activities
through a grant or contract with a for-profit or nonprofit entity.

**HR**

145. House bill is similar to Senate amendment Section 2323(a) (Special Rule). Senate amendment specifies retention as a focus on these activities (in subsequent provision House address retention).

**HR with an amendment to read as follows:**

“(8)(A) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers who will be assigned teaching positions within their field, principals, and pupil services personnel.

“(B) Recruit, hire, and retain highly qualified teachers to provide academic subjects and special education teachers.

**SR with an amendment to read as follows:**

“(3)(i) blunt in recruiting, particularly activities that have proven effective in retaining highly qualified teachers, and hiring highly qualified teachers who will be assigned teaching positions within their field, including—

“(A) providing scholarships, signing bonuses or other financial incentives, such as differential pay, for teachers to teach in schools in which the local educational agency deems appropriate, if the local educational agency is making progress toward meeting the objectives described in section 214(h)[Accountability], and in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.”

146. Similar recruitment activities except that House bill allows funds to be used to recruit individuals who are underrepresented in the teaching field and the Senate amendment shall be used to recruit teachers in order to reduce class size and special education teachers.

**SR with an amendment to read as follows:**

“(5) Initiatives to assist in recruiting, particularly activities that have proven effective in retaining highly qualified teachers, and hiring highly qualified teachers who will be assigned teaching positions within their early grades;

“(C) establishing programs that—

“(i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

“(ii) train and hire teachers of special needs children, who are highly qualified as well as individuals in core academic subjects who will provide increased individualized instruction to students;

“(iii) recruit qualified professionals from alternative routes to teacher certification, including hiring policies that ensure comparable recruitment efforts as a way to expand the applicant pool, such as differential pay, for teachers to teach in schools in which the local educational agency deems appropriate, if the local educational agency is making progress toward meeting the objectives described in section 214(h) [Accountability], and in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.

“(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.”

147. House bill contains no similar provisions.

**HR with an amendment to read as follows and report language:**

(1) Providing professional development activities that improve the knowledge of teachers and principals, and, where appropriate paraprofessionals, concerning—

“(A) 1 or more of the core academic subjects and special education and principal mentoring.

“(B) effective instructional strategies, methods, and skills and use of State academic content standards, student academic achievement standards, and assessments to improve teaching practices and student achievement.

“(C) effective instructional practices that—

“(i) involve collaborative groups of teachers and administrators;

“(ii) provide training on how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including those who are gifted and talented) and students with limited English proficiency;

“(iii) provide training in methods of improving student learning in the classroom and how to identify early and appropriate interventions to help children described in subsection (b)(2); and

“(iv) provide training to enable teachers and principals to involve parents in their child’s education, especially parents of LEP and immigrant children; and

“(v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.”

**Report Language**

The Conferences note that effective instructional practices that involve collaborative groups of teachers and administrators includes such strategies as the provision of dedicated time for collaborative lesson planning and curriculum development meetings; consultation with exemplary teachers; team teaching, peer observation, and coaching; and the provision of short-term and long-term visits to classrooms and schools; the establishment and maintenance of local professional development networks that provide a forum for interaction among teachers and administrators about content knowledge and teaching and leadership skills; and the provision of release time as activities.

The Conferences recognize that effective professional development strategies, methods, and skills may include implementing a year-round school schedule that allows the local educational agency to increase pay for teachers.

148. House bill specifies activities to promote retention of highly qualified teachers and principals, particularly in schools with high percentage of low-achieving students. Senate amendment provides for induction and support for teachers, principals, and assistant principals during their first 3 years of employment as teachers, principals, or assistant principals.

**SR with an amendment to strike “newly hired” and “such as” in House (A); strike “master” and insert “exemplary” in House (A); redesignate House (4) as new House (B); redesignate House (C) as (D); and insert “and students with disabilities” after “minority groups”.

149. Senate amendment specifies retention as a focus on new teachers in the local school district. Senate amendment specifies that teacher and principal mentoring is an allowable LEA activity.

**SR on House (3)(A) with an amendment to read as follows:**

“(A) Innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 2033, and are coordinated with part D.”

**SR on House (3)(B)**

150. Similar provisions (wording differs). LC with agreement to add report language: Report Language:

The Conferences note that locally negotiated and collaboratively designed programs for performance based pay systems are an effective type of merit based pay in that performance based pay systems work together to raise student achievement for all students throughout the school.

151. Senate amendment contains no similar provisions.

**SR with an amendment to strike House (4) and strike “exceptionally” in House (5).**

152. Identical provision.

**LC with an agreement to strike “master” and insert “exemplary”**.

153. House bill, but not Senate amendment, stipulates that if partnerships under Subpart 2 is less than 15% of the State allocation minus state reservation for activities, administration and planning, the State shall use not less than the amount expended by the agency under section 2206(b) of this Act (as in effect on the day before the date of the enactment of the No Child Left Behind Act of 2001), for the fiscal year preceding the year in which such enactment occurs, to carry out professional development activities in mathematics and science.

**HR**

154. House bill contains no similar provision.

**SR**

155. House bill contains no similar provision.

**HR with an amendment to read as follows**

(see Note 297 for definition of exemplary teacher):

“(7) Carrying out programs and activities related to exemplary teachers.”

156. Similar provision.

**HR**

157. Senate amendment, but not House bill, requires applications to be based on the next assessment.

**HR**

158. House bill contains no similar provisions.

**HR with amendment to:**

Strike “content standards, performance standards” in Senate (b)(1)(A)(i) and insert “academic standards, student academic achievement”;

Strike “relevant” in Senate (b)(1)(B) and insert “scientifically based”; and

Strike “and student performance” in Senate (b)(2).

159. Similar provisions except House bill includes schools with large average class size.

160. With an agreement to use “highly qualified”.

160. Similar provision.

**HR**

161. Similar provisions although House bill includes 21st Century Schools (Title V, Part A, Subpart 2), and Senate amendment includes Title II of HEA.

**SR with an amendment to strike all after “local programs” in House (2).**

162. House bill contains no similar provision.

**HR with an amendment to combine with Note 164:**

“(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may also include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.”

163. Senate amendment contains no similar provisions.

**SR with an amendment to strike “to utilize technology to improve teaching and learning” and insert “to integrate technology into teaching, learning, and technology literacy”** (see Note 149).

Note 164: Leadership and Development (HR)

Note 154: Leadership and Development (SR)

Note 160: Leadership and Development (HR)

Note 161: Leadership and Development (SR)

Note 162: Leadership and Development (SR)

Note 163: Leadership and Development (SR)
164. House bill contains no similar provision.

SR 165. Similar provisions. House bill only applies to local educational agencies, based on reports described under section 1119(a)(2) and requires such education agency to provide training to enable teachers to—

"(A) teach and address the needs of children with different learning styles, particularly students with disabilities, students with special learning needs including those who are gifted and talented, and students with high schools proficiency;"

"(B) improve student behavior in the classroom and identify early and appropriate interventions to help children described in (A) learn;"

"(C) involve parents in their child's education; and"

"(D) understand and use data and assessments to improve classroom practice and student learning.”

170. House bill contains no similar provision.

HR 171. House bill contains no similar provisions on needs assessment.

HR with an amendment to strike "student performance" in (2) and insert "student academic achievement".

172. Senate amendment, but not House bill, contains accountability provisions for Title II. House bill contains accountability provisions in Title I and requires that all teachers be “fully qualified” by December 31, 2005.

HR with an amendment to read as follows:

SEC. XXX. TECHNICAL ASSISTANCE AND ACCOUNTABILITY.

"(a) IMPROVEMENT PLAN.—After the second year of the plan described in section 1119(a)(2), if a State educational agency, based on the reports described under section 1119(b)(1), determines that a local educational agency in the State has failed to make progress toward meeting the measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1118(b)(1), for 3 consecutive years, the State educational agency shall enter into an agreement with such agency on the use of its funds under this part. As part of this agreement, the State educational agency shall—

"(1) develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the measurable objectives described under section 1119(a)(2) and require such agency to utilize such strategies and activities; and"

"(2) prohibit the use of funds received under title I, part A to fund any postprofessional hired after such determination is made by the State educational agency in subsection (c), except that if the local educational agency can demonstrate that a significant index of population has substantially increased student enrollment, or can demonstrate an increase for translated or assistance with parental involvement activities the State may allow the hiring of new postprofessional, under title I, part A, to address these specific needs.

"(d) During the development of the strategies and activities described in subsection (c)(1), the State educational agency shall, in conjunction with the local educational agency, provide funds directly to a school or local educational agency for the teachers to choose, in continuing consultation with the principal, professional development consistent with the requirements of [reference “professional development” definition in General Provisions] and coordinated with other reform efforts at the school.

173. House bill contains no similar provision.

SR with agreement to send joint House and Senate letter to GAO.

174. House bill requires that professional development meet the requirements of the state Title I plan that all teachers are fully qualified by December 31, 2005 and contains similar language to House bill Title I, Section 1119(A).

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

175. House bill contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

176. Similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

177. House bill contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

178. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

179. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

180. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

181. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

182. House bill requires that professional development activities be tied to “scientifically based research.” Senate amendment requires that activities be based on the “best available research.”

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

183. Similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

184. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

185. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

186. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

187. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

188. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

189. Similar provision (wording differs).

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

190. Similar provision (wording differs).

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

191. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

192. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

193. Senate amendment contains no similar provision.

HR/SR with an agreement to move redefined definition of ‘professional development’ to General Provisions.

194. Senate amendment contains no similar provision regarding Teacher Opportunity Payments.

HR 195. Senate amendment contains no similar provisions.


SR 197. House bill contains no similar provision.

HR 198. Similar provision. Senate amendment amends Section 1701 to define “administering Secretary” to mean Secretary of
Education (under House bill, by incorporation in ESEA. “Secretary” is the Secretary of Education).

SR 199. Senate amendment amends Section 1701 to strike definition of “alternative certification or licensure requirement” from current law (House bill has no definition of that phrase).

SR 200. Senate amendment amends Section 1701 to add active and former members of the Coast Guard to definition of “member of Armed Forces” (House bill specifies that program is for members and former members of the Armed Forces which includes Coast Guard).

SR 201. Similar provisions. House bill specifies members and former members of the Armed Forces who meet requirements of Section 2042; Senate amendment specifies members of the Armed Forces who retire.

SR 202. House bill, but not Senate amendment, uses term “fully qualified” to describe teachers.

SR with an amendment to strike “fully” and insert “highly”.

203. Senate amendment amends current law to add assistance to members of the active reserve forces to activities. House bill has no comparable language.

SR (see Note 213).

204. House bill specifies employment in schools or as vocational or technical teachers.

SR 205. Senate amendment specifies employment by LEAs with shortages.

HR 206. Similar provisions except under House bill, the memorandum of agreement is between the Secretaries of Education and Defense. Under Senate amendment, the memorandum of agreement is between administering Secretary (Secretary of Education) and DANTES.

SR 207. Senate amendment, but not House bill, permits administering Secretary to retain applications and Senate amendment gives administering Secretary discretion over the applications and Senate amendment gives administering Secretary discretion over the

HR 208. Similar provision. House bill provision is similar to section 1703(d) of current law as amended by Senate.

SR 209. Senate amendment specifies employment by LEAs with concentrations of low-income children or teacher shortages, or States with alternative certification.

SR 210. Similar provision. House bill provision is similar to Section 1703(d) of current law as amended by Senate amendment.

LC 210. House bill requires Secretary of Education to provide information to Secretary of Defense for dissemination, Senate amendment has no comparable requirement for Secretary of Education although it requires Secretary of Defense to disseminate the information.

SR 211. Similar provisions. House bill characterizes placement and referral services as “regarding employment opportunities.” House bill extends services to those leaving active duty under “other than adverse conditions,” while Senate amendment specifies honorable discharge. (House bill in Section 202(c)(2) requires honorable discharge for eligibility).

HR 212. Senate amendment, but not House bill, specifies that the members have to meet educational qualifications.

HR 213. House bill contains no similar provision to this new Subsection in Section 1702.

LC (see Note 206).

213. Provisions governing eligible members differ between House and Senate language. House bill covers several specific groups of members; Section 1703(a) as amended by Senate targets program to retirees from October 1, 2000 to September 30, 2006 or members of active reserve.

SR with an amendment add new paragraph at the end of (a)(1):

“(C) on or after the date of the enactment of the No Child Left Behind Act of 2001, has an approved date of voluntary discharge from reserve and, as of the date the member submits an application to participate in the Program, has one year or less of reserve duty remaining before retirement.”

SR with an amendment to (a)(2) to read as follows:

“(2) Any member who, on or after the date of the enactment of the No Child Left Behind Act of 2001—

“(A)(i) is separated or released from active duty after six or more years of continuous active duty immediately before the separation or release;

“(ii) has a total of ten years active or reserve duty; or

“(iii) has a combined total of ten years active duty and reserve service; and

“(B) executes a reserve commitment agreement for a period of three years under subsection (e).

214. Similar provisions.

LC 215. House bill specifies that application needs to be submitted during specified time period. Senate amendment amends section 1704(a) to strike “on a timely basis.”

SR 216. No comparable provision in current law as amended by Senate.

SR 217. House bill provision is similar to section 1704(b) of current law as amended by Senate. Wording differs in some places. Primary difference is that House bill reduces from 10 to 6 the number of years of military experience in a vocational or technical field required as one option for member applying for placement as vocational or technical teacher.

SR 218. Section 1705(c) of current law as amended by Senate requires member’s last period of service to have been characterized as honorable. House bill has similar language and adds provision directed to individuals selected to participate prior to retirement, separation, or release from active duty.

SR 219. House bill provision similar to section 1704(b) of current law as amended by Senate, but Senate amendment includes as selection priority only those with educational or military experience in another subject area identified as important for national educational objectives.

SR 220. House bill provision similar to section 1704(c) of current law as amended by Senate (wording differs).

SR 221. No comparable provision in current law as amended by Senate.

SR (see Note 207).

222. House bill similar to section 1704(d) as amended by Senate.

LC 223. House bill, but not Senate amendment, uses term “fully qualified” to describe teachers.

SR with an amendment to strike “fully” and insert “highly”.

224. Both House bill and Senate amendment would reduce the required commitment in current law from 4 years down to 3 years, only Senate permits Secretary of Defense to waive the 3 year commitment.

HR 225. House bill, but not Senate amendment, refers to charter schools.

SR with an amendment to strike “fully” and insert “highly” and insert “high need” after “years with a.”

226. Similar provisions.

LC 227. House bill refers to an institution of higher education; current law as amended refers to eligible institution.

SR 228. House bill, but not Senate amendment, uses term “fully qualified”.

SR with an amendment to strike “fully” and insert “highly”.

229. House bill provision same as current law section 1706(a) as amended by Senate.

LC 230. House bill, but not Senate amendment, has limit on total number of stipends.

SR with an amendment to strike “5,000” and insert “5,000”.

231. House bill provision similar to current law section 1706(b) as amended by Senate.

LC 232. House bill, but not Senate amendment, uses term “fully qualified”.

SR with an amendment to strike “fully” and insert “highly”.

233. House bill reduces commitment to 3 years; current law as amended by Senate does not.

SR 234. House bill, but not Senate amendment, has limit on total number of bonuses.

SR with an amendment to strike “1,000” and insert “5,000”.

235. House bill, but not Senate amendment, has limit on total number of bonuses.

LC 236. Similar provision except House bill specifies that high need school must meet 1 or more of 3 criteria involving students counted for purposes of making Title I grants, students qualifying for IDEA assistance, or any other criteria established by Secretary in consultation with National Assessment Governing Board. Current law as amended by Senate stipulates that school must be in a low-income district as defined by the Secretary.

SR with an amendment to strike House (C).

237. Identical provision.

SR 238. House bill provisions regarding reimbursement required, amount of reimbursement, treatment of obligation, exceptions to reimbursement requirement, and relationship to educational assistance under Montgomery GI Bill are similar to current law section 1707(a) as amended by Senate (wording differs).

LC 239. Current law section 1707(d)(4) describes how interest is to be calculated on amounts owed by participants; House has no comparable language.

SR 240. Similar provision.

LC 241. House bill and current law section 1706(a) as amended by Senate amendment are similar; terms used to reference Secretary differ.

LC 242. House bill and current law section 1706(b) as amended by Senate are similar, but Senate amendment does not include the $1 million obligation limitation and does not refer to “former members.”

SR with an amendment to strike “4,000,000” and insert “5,000,000”.

243. Similar provision except House bill describes purpose in more detail.

SR 244. House bill refers to vocational or technical teachers; current law as amended by Senate does not.

SR 245. Virtually identical provisions.

LC 246. House bill, but not Senate amendment, provides that the program must address additional requirements set by Secretary.

SR 247. Similar provisions. House bill includes Secretary among entities eligible to submit applications and Senate amendment gives administering Secretary discretion over the
timimg and manner of and information in, applications.

HR/SR with an agreement to keep provi-
sions in House bill and Senate amendment.

SR with an amendment to: strike “each” year and insert “2006”, strike “each” after “Comptroller General shall”; and strike House (c).

SR House bill authorizes $50 for both Troops-to-Teachers and Transition-to-Teaching programs combined. Senate amendment authorizes $50 million solely for the Troops-
to-Teachers program.

HR/SR with an agreement to authorize $150 million for both Troops-to-Teachers and Transition to Teaching programs combined of which up to $30 million shall be reserved for Troops-to-Teachers. (see Note 289)

Senate amendment includes a Transi-
tion to Teaching authority among the re-
quired national activities that the Secretary
must support (this is separate from the Ca-
reers to Classrooms authority). House bill
Transition to Teaching program is delini-
ated to be similar to the Senate Ca-
reers to Classrooms. Those two programs are
aligned below.

SR with an amendment to: strike Senate (d); strike “Careers to Classrooms” in head-
ing of Senate (e) and insert “Transition to
Teaching” (LC throughout); and insert con-
tinuation of award language for current
grantees.

House bill refers to high need LEAs and career changers, and identifies specific subject areas. Senate amendment addresses its purposes to mid career professionals, re-
cent college graduates, and paraprofessional,
and references high need schools.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

Senate amendment contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

Similar provision.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
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House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

Senate amendment contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

Similar provisions (wording differs).

HR/SR (provisions redrafted under Note 262).

House bill requires collaboration in implemen-
tation of the program. Senate amendment requires collaboration in develop-
ment of the application and delineates a broader range of individuals and entities.

HR/SR (provisions redrafted under Note 262).

Senate amendment contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

House bill contains no general statement of uses of funds.

HR with an amendment to read as follows:

HR/SR with an agreement to move re-
defined definition of “high need local edu-
cational agency” to Title II definitions (see Note 297).

House bill contains no similar provi-
sion.

SR House bill contains no similar provi-
sion.

SR House bill contains no similar provi-
sion.

SR (definition of “poverty line” moved to General Provisions).

House bill designates grants to higher education institutions; Senate amendment has priority for collaborations with higher education institution or nonprofit organiza-
tion with a strategy regarding teacher recruitment and retention.

HR with an amendment to read as follows:

(A) IN GENERAL.—The Secretary shall es-

tablish a program to make grants on a com-

petitive basis to eligible entities to develop

State and local teacher corps or other pro-
grams to establish, expand, or enhance

teacher recruitment and retention efforts.

(B) ELIGIBLE ENTITY.—An eligible entity

described in (A) means a:

(i) State educational agency;

(ii) high need local educational agency;

(iii) for-profit and nonprofit organization that has a proven record of effective re-
cruiting and retaining highly qualified teachers in partnership with a high need local educational agency or a State edu-
cational agency;

(iv) institution of higher education in partnership with a high need local

educational agency or a State educational agency;

(v) regional consortia of State edu-
cational agencies; or

(vi) consortia of high need local edu-
cational agencies;

(C) PRIORITY.—In making such a grant,
the Secretary shall give priority to an eligi-
ble entity that applies for a grant in partner-
ship with a high need local educational agen-
cy or a State educational agency.

Report Language:

For a grant that involves a for-profit or-
organization, nonprofit organization, or an insti-
tution of higher education, the conferees in-
tend that such an entity must apply for and re-
cieve a grant from the Secretary. In doing so,
such entities shall describe in their applica-
tion how the entity will partner with a high
need local educational agency or State edu-
cational agencies.

SR House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
sion.

HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
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HR/SR (provisions redrafted under Note 262).

House bill contains no similar provi-
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House bill contains no similar provi-
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House bill contains no similar provi-
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House bill contains no similar provi-
sion.

House bill contains no similar provi-
sion.

HR with an amendment to read as follows:

(A) IN GENERAL.—An applicant that re-
cieves a grant under this subsection shall use

the funds made available through the grant
to develop a teacher corps or other program in
order to establish, expand, or enhance a teacher recruitment program for highly
qualified mid-career professionals, including
highly qualified paraprofessionals, and
grada-
tes of institutions of higher education,

who are eligible participants, including ac-
tivities that provide alternative routes to
teacher certification.
287. House bill contains no similar provision.

HR 288. House bill contains no similar provision.

HR 289. House bill authorizes $50 million for both Troops-to-Teachers and Transition-to-Teaching programs combined. Senate amendment authorizes $200 million solely for the Careers-to-Classrooms program and $50 million solely for Troops-to-Teachers program.

HR/HR with an agreement to authorize $150 million for both Troops-to-Teachers and Transition to Teaching programs combined of which up to $30 million shall be reserved for Troops-to-Teachers. (see Note 251)

290. Senate adopted House bill, provides for a National Teacher Recruitment Campaign.

HR with an agreement to move rerafted provision to Subpart 5 of Part A.

291. House bill contains no similar provision.

SR 292. Senate amendment, but not House bill, contains “National Programs.”

HR 293. Senate amendment authorizes a separate program for school leadership with separate authorization of $50 million for FY02 and such sums as may be necessary for each subsequent fiscal year.

HR with an agreement to move rerafted provision to Subpart 5 of Part A.

294. Senate amendment, but not House bill, requires Secretary to support activities related to advanced certification with grants awarded to the National Board for Professional Teaching Standards.

HR with an agreement to move to Subpart 5 of Part A and an amendment to read as follows and report language:

“(d) Advanced Certification or Advanced Credentialing.—

(1) IN GENERAL.—The Secretary shall 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.

(2) Granting to eligible entities to—

(A) develop teacher standards which include measures tied to increased student academic achievement;

(B) to promote outreach, teacher recruitment, teacher subsidy, or teacher support programs for high quality professional teacher enhancement programs designed to improve teaching and learning;

(C) in carrying out paragraph (1), the Secretary shall make grants to eligible entities to—

(A) develop teacher standards which include measures tied to increased student academic achievement; and

(B) to promote outreach, teacher recruitment, teacher subsidy, or teacher support programs for high quality professional teacher enhancement programs designed to improve teaching and learning;

(3) ELIGIBLE ENTITIES.—Under this section, eligible entities include—

(A) State educational agencies;

(B) local educational agencies;

(C) the National Board for Professional Teaching Standards in partnership with a high need local educational agency or a State educational agency;

(D) the National Council on Teacher Quality in partnership with a high need local educational agency or a State educational agency;

(E) other recognized entities, including other recognized certification organizations, in partnership with a high need local educational agency or a State educational agency.

(2) SPECIAL EDUCATION TEACHER TRAINING.—The Secretary is authorized to award a grant to the University of Northern Colorado to enable such university to provide other institutions of higher education assistance in training special education teachers.

Report Language:

For a grant that involves the National Board for Professional Teaching Standards, the National Council on Teacher Quality, or other recognized certification organizations, the Secretary intends that agencies may apply for and receive a grant from the Secretary. In doing so, such entities shall describe in their application how the entity will partner with a high need local educational agency or State educational agency.

In recognition of the importance of teachers having current content knowledge, as well as pedagogical expertise, the conferees urge that the Secretary give priority to applicants that show that the weight given to the content knowledge portion of the advanced certification or credentialing is at least 60 percent, and provide assurances that they will work with the Secretary and States to conduct outreach activities for teachers serving in high poverty areas to seek advanced certification or credentialing and provide them with incentives to obtain such certification or credentialing.

295. House bill authorizes $3.6 billion for FY 02 and such sums as may be necessary for any succeeding fiscal years. In addition, House bill authorizes $50 million for the Troops-to-Teachers and Transition-to-Teaching programs combined. Senate amendment authorizes $100 million (other than subpart 5) for FY 02 and such sums as may be necessary for each of the 6 succeeding fiscal years. In addition, Senate amendment authorizes $100 million (other than subpart 5) for FY 02 and such sums as may be necessary for each of the 6 succeeding fiscal years. (See section 1003(b) for specific authorization levels through FY 06)

HR with an amendment to strike “3,000,000,000” in section 2103(a) and insert “3,175,000,000” and to strike “6 succeeding” and insert “3 succeeding” and an agreement to authorize National Activities at such sums.

296. House bill contains no similar provision.

SR 297. House bill and Senate amendment define different terms.

HR/HR with an agreement to define the following terms in Title II:

“(1) ARTS AND SCIENCES.—The term ‘arts and sciences’ includes—

(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines other than subpart 5, or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given the term in section 5120.

“(3) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high need local educational agency’ means—

(A) a local educational agency which serves at least 10,000 children in families with incomes below the poverty line; or more than 20 percent of the children served by such agency are from families with incomes below the poverty line;

(B) a local educational agency in which there is a high percentage of teachers not
teaching in the content area in which the teachers were trained to teach.

“(4) HIGHLY QUALIFIED PARAPROFESSIONAL.—The term ‘highly qualified paraprofessional’ means a paraprofessional—”

“(i) with at least two years of experience in a classroom; and

“(ii) with at least two years of postsecondary education, or has demonstrated competence in a field or subject matter for which there is a significant shortage of qualified teachers.”

“(5) OUT-OF-FIELD TEACHER.—The term ‘out-of-field teacher’ means a secondary school teacher who is teaching an academic subject for which the teacher is not highly qualified.

“(6) PUBLICLY REPORT.—The term ‘publicly report’, when used with respect to the dissemination of information, means that the information is made widely available to the public, including parents and students, in an understandable and uniform format, and to the extent practicable in a language the parent can understand, through such means as the Internet and major print and broadcast media outlets.”

298. House bill contains no similar provi- 
SR
299. House bill contains no similar provi- 
SR (see Note 121).

300. Senate amendment separately authorizes math and science partnerships at $900 million (House bill math and science partnerships are reserved under Title II, Part A authorization).

HR with an amendment to strike “$800,000,000” and insert “$450,000,000”.

301. Senate amendment, but not House bill, authorizes funds for clearinghouse.

SR
302. House bill transfers and continues the National Writing Project as Part B of Title II. Senate amendment amends entire program to “read as follows” as Part B of Title XVI. (Subsequent references to “current law” are to current law as extended by provi- sions in House bill).

HR/SR with an agreement to move to Subpart 5 of Part C.

303. Senate amendment, but not House bill, adds “continuing.”

SR
304. Senate amendment, but not House bill, adds new text beginning with “the shortage of . . .”

SR
305. Senate amendment adds new statistics regarding writing.

SR
306. Senate amendment similar to current law (wording differs).

SR
307. Senate amendment similar to current law (wording differs).

SR
308. No comparable provision in current law.

SR
309. Senate amendment similar to current law (wording differs).

SR
310. Senate amendment modifies current law which describes teachers in all regions of the country who have developed successful methods for teaching writing.

SR
311. Senate amendment similar to current law (wording differs).

SR
312. Senate amendment adds “reading” to current law.

SR
313. Senate amendment updates current law statistics.

314. Senate amendment replaces two sub- sections from current law that describe re- sults of studies and amount of funding lever- aged by federal support.

SR
315. Senate amendment, but not House bill, drops language describing National Writing Project summer and school year activities, teacher-teaching-teachers, career-long edu- cation, the number of sites needed to serve all teachers, and the inadequate nature of private foundation resources for National Writing Project.

HR
316. No comparable provision in current law.

HR
317. Similar provision to current law, ex- cept Senate amendment drops list of activi- ties.

HR
318. Except where noted, Senate amend- ment retains current law.

HR
319. Senate amendment similar to current law (wording differs).

HR
320. Senate amendment increases max- imum for individual contractor from $40,000 to $100,000.

HR
321. Senate amendment drops current law language regarding classroom teacher grants.

HR
322. Senate amendment updates current law which applied limit to FY 1994 and suc- ceeding four fiscal years.

HR
323. House bill authorizes such sums as may be necessary for FY 02 and succeeding four fiscal years. Senate amendment speci- fies authorization of $15 million for FY 02 and such sums as may be necessary for suc- ceeding 6 fiscal years.

HR with an amendment to strike “6 suc- ceeding fiscal years” and insert “5 succeeding fiscal years”.

324. Senate amendment contains no similar provision.

SR
325. House bill “Civic Education” is Part C of Title II and Senate amendment “Educa- tion for Democracy” is Part D of Title XVI.

HR/SR with an agreement to move to Sub- part 4 of Part C.

326. Identical provision.

LC
327. Identical provisions.

HR/SR (no findings).

328. Identical provisions.

HR
329. Identical provisions.

HR/SR with an agreement that:

The allocation reserved for the “We the People Program” be awarded to the Center for Civic Education; and

The allocation reserved for “Cooperative Civic Education and Economic Education Ex- change Programs” be awarded to the Center for Civic Education (37.5 percent); the Na- tional Council on Economic Education (37.5 percent); and up to 3 grants to other organi- zations (25 percent).

330. House bill contains similar provisions throughout this part but requires the Sec- retary of Education to get the “concurrence” of the Secretary of State.

HR with an amendment to strike Senate (2).

331. Virtually identical provisions.

LC
332. House bill provides for “allowable” uses of funds; Senate amendment has “re- quirements”—provisions are otherwise iden- tical.

SR
333. Virtually identical provision.

HR
334. Virtually identical provisions.

LC
335. House bill provides for “allowable” uses of funds; Senate amendment has “re- quirements”—provisions are otherwise iden- tical.

SR
336. Virtually identical provisions.

HR
337. Virtually identical provisions.

HR
338. House bill has similar avoidance of du- plication provisions (see below).

SR
339. Virtually identical provisions.

LC
340. Senate amendment has similar avoid- ance of duplication provisions (see above).

SR
341. Similar definition except that House bill requires the “concurrency” of the Sec- retary of State as compared to “consulta- tion” under Senate amendment.

SR
342. House bill authorizes such sums as may be necessary for each of FY 02 through FY 06 with a limitation on funding for ac- tivities under subsection (a)(2). Senate amendment authorizes $15 million for Sec- tion 11304 for FY 02 and such sums as may be necessary for each of FY 03 through FY 08 and authorizes $12 million for Section 11305 for FY 02 and such sums as may be necessary for each of FY 03 through FY 08.

HR/SR with an agreement to use a single authorization for FY 2002 of $30 million, of which not more than 40 percent of the amount appropriated shall be used for Coop- erative Civic Education and Economic Edu- cation Exchange Programs.

343. Similar provisions except where noted.

SR
344. House bill has “Liability” in the title.

HR with an amendment to strike findings.

345. Senate amendment has concluding phrase “which are critical for the continued economic development of the United States”.

HR/SR (no findings).

346. House bill contains no similar provi- sion.

HR with an amendment to strike (5) and (6) in findings and in section 10003 add new (a):

“(a) This title shall only apply to those States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.”

347. Similar provisions (wording differs).

HR
348. House bill contains no similar provi- sion.

HR
349. Senate amendment contains no similar provi- sion.

HR
350. House bill contains no similar provi- sion.

HR
351. House bill includes school board, and local educational agency and any employee of the agency in definition of “teacher.” Sen- ate amendment specifies terms applies only to members of a school board and does not refer- rence districts and district employees.

SR with an amendment to (6) to read as fol- 

“(6) TEACHER.—The term ‘teacher’ means a teacher; instructor; principal; administrator; other educational professional that works in a school; professional or non-professional employee that works in a school whose job it is to maintain discipline or ensure safety, or due to an emergency is called upon to main- tain discipline or ensure safety; or an indi- vidual member of a school board (as distinct from the board itself).”
Title III, Part A—Bilingual Education

1. The House bill and Senate Amendment have different titles.

HR/SR with an amendment to title this part: the “English Language Acquisition, Language Enhancement, and Academic Achievement Act”.

2. The House bill, but not the Senate Amendment, lists findings. The Senate Amendment, but not the House bill, provides that Part D only becomes enacted if appropriations are $700 million or more.

HR. 3. The Senate Amendment, but not the House bill, states policy of the federal government.

HR/SR with an amendment to strike all legislative language in notes 3 and 12 and insert:

“(b) PURPOSES.—The purposes of this part are—

“(1) to ensure that children who are limited English proficient, including recent immigrant children and youth attain English proficiency and develop high levels of academic achievement in English, and meet the same challenging state academic content standards and challenging state student academic achievement standards expected of all children;

“(2) to assist all limited English proficient students, including recent immigrant children and youth, to achieve at high levels of academic attainment in English, and as effectively as possible.

“(3) to develop high-quality programs designed to prepare limited English proficient students, including recent immigrant children and youth, to enter all-English instructional settings;

“(4) to assist state educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain programs of instruction and English language development for limited English proficient students;

“(5) to maintain the language instruction educational programs into a program carried out through formula grants to and local educational agencies to help limited English proficient students, including recent immigrant children and youth, develop proficiency in English, while meeting state academic content and student academic achievement standards;

“(8) to hold state educational agencies, local educational agencies and schools accountable for English proficiency and core academic content knowledge of limited English proficient students by requiring;

“(A) demonstrated improvements in the English proficiency of limited English proficient students each fiscal year; and

“(B) adequate yearly progress with limited English proficient students, including recent immigrant students, as described in section 1111(b) (2); and

“(9) to provide state educational agencies and local educational agencies with local flexibility to implement the instructional programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English."

4. Using different language, the House bill and the Senate Amendment state purposes.

HR/SR (see note 3).

5. Using different language, the House bill and the Senate Amendment state that the purpose of this part is to help LEP children attain English proficiency and develop high levels of achievement in academic areas. The House bill, but not the Senate Amendment includes existing English language programs. The Senate Amendment, but not the House bill, includes attainment English “as quickly and as effectively as possible.”

HR/SR (see note 3).

6. The House bill, but not the Senate Amendment, states the purpose is to develop high-quality programs to assist LEAs in teaching LEP students. (Similar to note 5)

HR/SR (see note 3).

7. The House bill states this similar provision in note 5.

HR/SR (see note 3).

8. The House bill, but not the Senate Amendment, states the purpose is to assist LEAs to develop and enhance high-quality instruction programs designed to prepare LEP students, including recent immigrant students, to enter all-English instructional settings within 3 years. The Senate Amendment, in note 1, says “as quickly and as effectively as possible.”

HR/SR (see note 4).

9. The Senate Amendment, but not the House bill, states that LEP students develop English proficiency as quickly and as effectively as possible. The Senate Amendment, states that LEP programs shall inform a parent or parents of—

“(A) the reasons for the identification of their child as limited English proficient and being in need of placement in a language instruction educational program;

“(B) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;

“(C) the program and methods of instruction available, including how such programs differ in content, instructional goals, and use of English and a native language in instruction;

“(D) how the language instruction educational program will meet the educational strengths and needs of their child;

“(E) how such language instruction program will specifically help the child acquire English, and meet age appropriate academic achievement standards for grade promotion and graduation;

“(F) the specific exit requirements for the program, including that all instruction emanating from the program into classrooms that are not tailored for limited English proficient students, and the expected rate of graduation from high school for the program; if funds under this title are used for children in secondary schools;

“(G) in the case of a student with a disability who participates in a language instruction educational program, how the program meets the objectives of the individualized education program of the student;

“(H) if applicable, the entity’s failure to make progress on the annual measurable achievement objectives in section 322(a). Such notice shall be sent in addition to the parent notification of their child as in need of participation in a language instruction educational program; and

“(I) information pertaining to parental rights, that includes written guidance—

“(i) detailing the options that parents have to remove their child from an language instruction educational program, and shall give parents an opportunity to decline such enrollment, and the right to have their child immediately removed from a language instruction educational program upon their request, if applicable;

“(ii) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is otherwise available by the eligible entity.

“(b) RECEIPT OF INFORMATION.—The notice and information provided in subsection (a) to
a parent or parents of a child identified for participation in an language instruction educational program for limited English proficient children shall be in an understandable and useful manner, and, to the extent practicable, provided in a language that the parents can understand.

(c) Special Rule Applicable During the School Year.—Each child who has not been identified as limited English proficient prior to the beginning of the school year the eligible entity shall notify parents within the first two weeks of the child being placed in a language instruction educational program consistent with subsections (a) and (b).

(d) Parental Participation.—Each eligible entity using funds under this title shall implement an effective means of outreach to parents of limited English proficient students to inform parents of how they can participate and be involved in the education of their children, and be active participants in assisting their children to attain English and achieve at grade level in core academic subjects and meet challenging state academic achievement standards and state academic content standards expected of all students, including holding and sending notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this title.

(e) Basis for Admission or Exclusion.—A student shall not be admitted to, or excluded from, a language-minority status program on the basis of a surname or language-minority status.

14. In developing regulations, the Senate Amendment, but not the House bill, requires the Secretary to consult with SEAs, LEAs, organizations representing LEP individuals, and teachers and other personnel involved with teaching LEP students.

HR
15. Using different language, the House bill and the Senate Amendment, provide provisions for parental notification

HR/SR—see note 13.

16. In a different order, both the House bill and the Senate Amendment require the reasons for the child being in need of language instruction. (See note 23) The House bill, but not the Senate Amendment uses English language terms.

HR/SR—see note 13.

17. Using different language, both the House bill and the Senate Amendment, require the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement. The Senate Amendment, but not the House bill, further requires the implications of the student’s educational strengths and need for age-appropriate academic attainment, grade promotion, and graduation.

HR/SR—see note 13.

18. The Senate Amendment, but not the House bill, requires programs available to meet the student’s educational strengths and needs, and how the programs differ in content and instruction.

HR/SR—see note 13.

19. The Senate Amendment, but not the House bill, provides for students with a disability participating in a language instruction educational program.

HR/SR—see note 13.

20. Using different language, both the House bill and the Senate Amendment, provide for how the program will help the LEP child acquire English and meet age-appropriate standards for grade promotion and graduation in the state educational system, but not the House bill, also requires the instructional goals of the program.

HR/SR—see note 13.

21. The Senate Amendment, but not the House bill, further requires the characteristics, benefits, and past academic results of such language program and of instructional alternatives.

HR/SR—see note 13.

22. The House bill, but not the Senate Amendment, requires the specific exit requirements for the language program.

HR/SR—see note 13.

23. Both the House bill and Senate Amendment contain this provision in a different order. (See note 15)

HR/SR—see note 13.

24. The House bill, but not the Senate Amendment, requires the expected rate of transition from the program into a classroom not tailored for LEP children.

HR/SR—see note 13.

25. The Senate Amendment, but not the House bill, requires parents be informed of how they can participate and be involved in the language instruction program.

HR/SR—see note 13.

26. The House bill, but not the Senate Amendment, requires that if funds are used for children in secondary schools parents be informed of the expected rate of graduation from high school.

HR/SR—see note 13.

27. The House bill, but not the Senate Amendment, requires that parents be informed of “a reasonable and substantial effort” to obtain information on their request.

HR/SR—see note 13.

28. The House bill, but not the Senate Amendment, requires LEAs to maintain a written record if parental consent cannot be obtained.

HR/SR—see note 13.

29. The House bill, but not the Senate Amendment, requires LEAs to maintain a written record if parental consent cannot be obtained.

HR/SR—see note 13.

30. The House bill, but not the Senate Amendment, provides for situations when children are not identified as limited English proficient prior to the beginning of the school year.

HR/SR—see note 13.

31. The Senate Amendment, but not the House bill, requires the parent be informed of their option to decline enrollment of their LEP child in a program.

HR/SR—see note 13.

32. The House bill, but not the Senate Amendment, requires that parents select among programs if more than one method is offered and have the right to immediately remove their child from the program upon their request.

HR/SR—see note 13.

33. The Senate Amendment, but not the House bill, provides that LEAs cannot be relieved of the agency’s obligations of the Civil Rights Act simply because a parent chooses not to enroll a student in a language instruction program.

HR/SR—see note 13.

34. Using different language, the House bill and the Senate Amendment require that parents receive information about their child’s instruction program. The Senate Amendment replaces the House bill’s other requirement which requires information to be in the language used by parents if necessary and feasible.

HR/SR—see note 13.

35. Both the House bill and the Senate Amendment, have similar language regarding timely information about programs.

HR/SR—see note 13.

36. Using similar language, the House bill and the Senate Amendment, provide parents with a notice of opportunities for regular and meaningful parent-teacher conferences.

HR/SR—see note 13.

38. Both the House bill and the Senate Amendment provide similar provisions for notifying parents in an appropriate and uniform format and, to the extent practicable, provided in a language that the parents can understand.

HR/SR—see note 13.
children and other eligible entities not receiving a subgrant from the state, and providing bonuses to eligible entities with successful programs.

HR/SR with an amendment to strike all legislative language in notes 47–49 and insert:

‘‘(2) STATE ACTIVITIES.—Each state educational agency receiving a grant under this part may use more than 5 percent of the agency’s allotment under section 3323(b)(2) to carry out state activities described in the state plan submitted under section 3106(a) for:

(A) professional development activities, and other activities, that assist personnel in meeting state and local certification requirements for teaching limited English proficient children;

(B) planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1); and

(C) providing technical assistance and other forms of assistance to local educational agencies that are receiving assistance from a state educational agency under this part including—

(i) identifying and implementing language instruction educational programs and curricula based on scientifically based research on teaching limited English proficient children;

(ii) helping limited English proficient students meet the same challenging state academic content standards and challenging state student academic achievement standards that all students are expected to meet;

(iii) identifying or developing and implementing measures of English language proficiency; and

(iv) promoting parental and community participation in programs that serve limited English proficient students.

(D) Provide recognition, which may include eligibility to subgrantees who have exceeded their achievement objectives pursuant to section 3329.’’

48. The Senate Amendment, but not the House bill, requires SEA’s to describe how they will provide technical assistance to LEAs and elementary and secondary schools for: identifying and implementing language instruction educational programs and curricula tied to scientifically based research; helping LEP student meet challenging state content and student performance standards expected of all students; identifying or developing and implementing measures of English language proficiency; and the promoting of parental and community participation in programs. The Senate provides that these activities be described in the state plan.

HR/SR (see note 47)

49. The Senate Amendment, but not the House bill, includes the same set of criteria for specially qualified agencies.

HR/SR (see note 47)

50. Using different language, the House bill and the Senate Amendment, require that a state receiving a grant may not use more than two percent of its allotment for administrative costs.

HR with an amendment to strike ‘‘may not use more than 2 percent’’ and insert ‘‘may use up to 3 percent or $175,000, whichever is greater,’’ and strike ‘‘costs’’ after ‘‘planning’’ in (3).

51. Both the House bill and the Senate Amendment provide for the determination of allotments and reservations.

LC

52. Using different language, the House bill and the Senate Amendment, reserve 5 percent for payments to LEAs that serve Native American children. The House bill, but not the Senate Amendment, provides for individual requirements for Native American or Alaska Native children. The Senate Amendment, but not the House bill, reserves 5 percent for payments to the Secretary of Interior for activities and schools operated by the BIA. The House bill, but not the Senate Amendment, defines those within section 5104(e) (see note 67).

HR/SR with an amendment to insert as a new (A): ‘‘(A) 5% or $5 million of such amount, whichever is greater, for payments to eligible entities that are a part of the United States Education or Housing and Urban Development Clearinghouse.’’

53. Using similar language both the House bill and the Senate Amendment provide 5 percent for payments to outlying areas.

LC

54. The House bill, but not the Senate Amendment, reserves 5.5 percent for the evaluation of programs for dissemination of best practices. The Senate Amendment, but not the House bill, continues a National Clearinghouse to disseminate best practices. (See note 176)

HR

55. The Senate Amendment, but not the House bill, reserves 6 percent for national leadership activities.

HR with an amendment to change to ‘‘0.5 percent with the remainder for evaluation and no more than $2 million for the National Clearinghouse.’’

56. The Senate Amendment, but not the House bill, reserves such sums for continuation awards.

LC

57. Using different language the House bill and the Senate Amendment provide for the continuation of current grant awards. The House bill, but not the Senate Amendment, provides for such continuation only for grants made to subpart 1, Part A (Capacity and Demonstration grants) under current law. The Senate Amendment, but not the Senate Amendment, provides that the Secretary shall use data available from the Bureau of the Census and the American Community Survey. It also stipulates that if satisfactory data is not available or deemed outdated from these sources, then funds are provided based on data provided by the states. The Senate Amendment, but not the House bill, requires the Secretary to use data that would yield the most accurate and up-to-date figures, including data from the Bureau of the Census or data submitted by the states. The Senate Amendment, but not the House bill, also includes immigrant children and youth in their data collection.

HR with an amendment to insert as (A) and (B):

‘‘(C) USE OF DATA FOR DETERMINATIONS.—

‘‘(A) IN GENERAL.—For the purposes of making state allotments under paragraph (2), the House bill, but not the Senate Amendment, awards grants to states based on the number of LEP students in a state and in all states, and the number of immigrant children and youth in a state and in all states, and the Senate Amendment, but not the House bill, reserves 6 percent for national leadership activities.

HR with an amendment to strike ‘‘6.5 percent for Puerto Rico.’’

58. Using different language, both the House bill and the Senate Amendment, provide for the purpose of determining the number of limited English proficient students in a state and in all states, and the number of immigrant children and youth in a state and in all states, the Senate Amendment, but not the House bill, reserves .5 percent for Puerto Rico.

HR with an amendment to strike ‘‘6 percent for national leadership activities.’’

59. The Senate Amendment, but not the House bill, provides that no state would receive less than .5 percent of the total amount available for distribution.

HR with an amendment to strike ‘‘no more than .5 percent of the total amount available for distribution.’’

60. Using different language, the House bill and the Senate Amendment, allow the Secretary to make grants to specially qualified agencies from the amount made available to states. The House bill, but not the Senate Amendment, provides for reallocation any portion to the remaining states.

SR

61. The House bill, but not the Senate Amendment, permits specially qualified agencies receiving funding to waive certain requirements.

SR

62. The Senate Amendment, but not the House bill, limits the Secretary’s discretion to use data provided by the BIA from us not more than 1 percent of the direct award for administrative costs.

HR with an amendment to strike ‘‘more than 1 percent’’ and insert ‘‘not more 2 percent’’

63. The House bill and the Senate Amendment refer to amounts for Puerto Rico. The House bill, but not the Senate Amendment, caps such amount at .5 percent of the amount allotted to all states. The Senate Amendment, but not the House bill, reserves .5 percent for Puerto Rico.

SR

65. Using different language, the House bill and the Senate Amendment, allow the Secretary to make grants to specially qualified agencies for data determinations. The House bill, but not the Senate Amendment, provides for determining the number of LEP children in the state based on the BIA and the American Community Survey data available from the Bureau of the Census and the American Community Survey. It also stipulates that if satisfactory data is not available or deemed outdated from these sources, then funds are provided based on data provided by the states. The Senate Amendment, but not the House bill, requires the Secretary to use data that would yield the most accurate and up-to-date figures, including data from the Bureau of the Census or data submitted by the states. The Senate Amendment, but not the House bill, also includes immigrant children and youth in their data collection.

HR with an amendment to insert as (A) and (B):

‘‘(C) USE OF DATA FOR DETERMINATIONS.—

‘‘(A) IN GENERAL.—For the purposes of making state allotments under paragraph (2), the House bill, but not the Senate Amendment, awards grants to states based on the number of LEP students in a state and in all states, and the number of immigrant children and youth in a state and in all states, and the Senate Amendment, but not the House bill, reserves 6 percent for national leadership activities.

HR with an amendment to strike ‘‘6 percent for national leadership activities.’’

66. The House bill and the Senate Amendment provide for the determination of amounts available to states.

HR with an amendment to insert ‘‘and provide for the determination of amounts available to states.’’

67. The House bill, but not the Senate Amendment, clarifies certain entities that
operate schools for Native American or Alaskan Native children are considered LEAs, and therefore eligible to receive funding under 310(c)(1)(A).

(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for in- dividually served by elementary, secondary, and postsecondary schools operated predomi- nately for Native American or Alaskan Native children or youth, the following shall be con- sidered to be an eligible entity—

(1) An educational agency or specially qualified agency that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

(2) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a tribal or community organization;

(3) A Native Hawaiian or Alaskan Pacific Islander native language educational organization.

(b) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part with its LEAs and other organizations that assist limited English proficient children, the following shall:

(A) describe the process that the state educational agency or specially qualified agency will use to annually assess the English proficiency and attaining challenging state academic content standards and academic achievement standards.

(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, or a tribal or community organization;

(c) SPECIAL RULE.—Eligible entities de- scribed in subsection (a) which receive federal financial assistance pursuant to this section shall not be eligible to receive a subgrant under this section (on State subgrants to eligible entities under formula grant)."
increase the effectiveness with which students develop English proficiency as quickly and effectively as possible, while meeting state content and student performance standards.

HR/SR (see note 69)
82. The House bill, but not the Senate Amendment, stipulates that states must develop annual performance objectives as part of the state application, and must include percentage increases in performance on annual assessments in reading, writing, speaking, and listening comprehension as compared to the preceding school year. The Senate Amendment requires states to develop annual performance objectives under Sec. 3329.

HR/SR (see note 69)
83. The Senate Amendment, but not the House bill, stipulates that the SEA must describe how LEAs will be given the flexibility to teach LEP students using language instruction curriculum that is tied to scientifically-based research that meets all of the requirements after implementation, and in a manner determined to be the most effective by the LEA.

HR/SR (see note 69)
84. The House bill, but not the Senate Amendment, stipulates that states must require eligible entities to use subgrants in ways that will both hold the capacity of such recipient to continue to offer high-quality English language programs that assist LEP children in attaining challenging state academic content standards and achievement standards once assistance is no longer available.

HR/SR (see note 69)
85. The Senate Amendment, but not the House bill, requires the Secretary to approve a state or specially qualified agency plan that meets all the requirements after using a peer review process.

HR with an amendment to strike “and holds reasonable . . . in section 3321(b).”
86. The amendment, but not the House bill, stipulates that each state or specially qualified agency plan must remain in effect for the duration of the SEAs or specially qualified agency’s participation under this part and must be periodically reviewed and revised by the SEA or specially qualified agency to reflect changes to strategies and programs under this part. The House bill, but not the Senate Amendment, provides such grants for the fiscal year in which it is approved for. (See note 42)

HR
87. The Senate Amendment, but not the House bill, requires the SEA or specially qualified agency plan to submit significant changes to their plans to the Secretary. The Secretary must approve such changes, but has the right to deny approval if it deems such changes to not meet the requirements or fulfill the purposes of the grants.

HR with an amendment to insert the following language as (11A):
“(A) AMENDMENTS.—If the State educational agency or specially qualified agency amends the plan, such agencies shall submit such amendments to the Secretary. The House bill, but not the Senate Amendment, but not the House bill, permits states to submit a plan as part of a consolidated plan.

HR
88. The Senate Amendment, but not the House bill, requires the Secretary to provide technical assistance in the development of English language proficiency standards and English language proficiency assessments, if requested.

HR with an amendment to insert the following language as (21D):
“(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English language proficiency standards, objectives, and assessments.

90. The House bill, but not the Senate Amendment, describes the main purposes of the subgrants.

91. The Senate Amendment, but not the House bill, provides for grants to LEAs to carry out Sec. 3327(b) (Grants for the education of LEP students) and 3327(c) (Grants for the education of immigrant students). Both the House and Senate Amendment provide that at least 95 percent of federal funding be used for making subgrants to eligible entities and LEAs. (See note 131)

HR
92. The Senate Amendment, but not the House bill, requires that not more than 1 percent of funds received by LEAs be used for administrative costs.

HR with an amendment to strike “1 percent” and insert “2 percent”.
93. Using different language and criteria, the House bill and the Senate Amendment, provide for activities of LEAs and eligible entities receiving subgrants from states. The Senate Amendment, but not the House bill, stipulates that states may make a subgrant to eligible entities to achieve one of the purposes by undertaking activities to improve the understanding and use of the English language based on a child’s learning skills and attainment of challenging state academic content and student achievement standards. The Senate Amendment, but not the House bill, stipulates that grant funds shall be used for specific criteria.

HR/SR with an amendment to strike all legislative language in note 95 and insert:
“(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—
(1) IN GENERAL.—Subject to paragraph (2), a State educational agency may make a subgrant to an eligible entity from funds received by the State under this subpart to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities—
(A) Upgrading program objectives and effective instructional materials, software, and assessment procedures.
(B) Improving the instruction program —
(i) based on scientifically based research and attainment of challenging state academic content and student achievement standards. The Senate Amendment, but not the House bill, stipulates that grants funds shall be used for specific criteria.
(C) PROVIDING.—
(i) tutorials and academic or vocational education for limited English proficient children; and
(ii) intensified instruction.
(D) Developing and implementing elementary or secondary language instruction educational programs that are coordinated with other relevant programs and services.
(E) Improving the English language proficiency and academic performance of limited English proficient children.
(F) Providing community participation programs, family literacy services and parent outreach and training activities to limited English proficient children and their families to improve the English language skills of their children, and assist parents in helping their children to improve their academic performance, and become active participants in the education of their children.
(G) Improving the instruction of limited English proficient children by providing for the acquisition of educational technology equipment and materials, access to and participation in electronic networks for materials, training and commu-
nications, and incorporation of such resources in curricula and programs, such as those funded under this subpart; and
(H) Other activities that are consistent with the purposes of the subgrants.
(c) REQUIRED SUBGRANTEE ACTIVITIES.—
(1) An eligible entity receiving a grant under this subpart shall use the grant funds —
(A) to increase limited English proficient students’ proficiency in English by providing high-quality language instruction educational programs that —
(i) based on scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency; and
(ii) based on scientifically based research demonstrating the effectiveness of the programs in increasing student performance in the core academic subjects; and
(2) to provide high-quality professional development to classroom teachers, (including teachers in classroom settings that are not the settings of language instruction educational programs) principals, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children, that are—
(i) designed to enhance the ability of the teacher to understand and use curricula, assessment measures, and instructional strategies for limited English proficient students;
(ii) based on scientifically based research demonstrating the effectiveness of those activities increasing students’ English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of those teachers; and
(iii) of sufficient intensity and duration (not to include activities such as l-day or short-term workshops and conferences) to have positive and lasting impact on the teachers’ performance in the classroom, except that this clause shall not apply to an activity that is 1 component described in a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and the local educational agency.”
94. The House bill, but not the Senate Amendment, lists activities that may be undertaken by eligible entities, upgrading program objectives and effective instructional strategies as an activity.

HR/SR (see note 93)
95. The House bill, but not the Senate Amendment, stipulates that improving the instruction program for LEP students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures is also an activity.

HR/SR (see note 93)
96. The Senate Amendment, but not the House bill, stipulates that grants funds must be used to increase LEP students’ proficiency in English by providing high-quality language instruction educational programs that are tied to scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency and in increasing student performance in the core academic subjects.

HR/SR (see note 93)
97. The House bill, but not the Senate Amendment, further lists activities that may be undertaken by eligible entities, such as providing tutorials and academic or vocational education and intensified instruction for LEP children.
school English language instructional programs coordinated with other relevant programs and services as an activity.

HR/SR (see note 93)

99. The House bill and the Senate Amendment, provide for professional development activities to improve the instruction of LEP children. The House bill, but not the Senate Amendment, extends such activities to principals, administrators, and other school or community-based organizational personnel to improve instruction and assessment. The Senate Amendment, not the House bill, further requires such activities to be tied to scientifically based research.

HR/SR (see note 93)

100. The Senate Amendment, but not the House bill, further provides that professional development activities be of sufficient intensity and duration to have a lasting impact on the teachers’ performance in the classroom. This clause does not apply for long-term comprehensive professional development plans already established.

HR/SR (see note 93)

101. The House bill, but not the Senate Amendment, further requires the improvement of the English language proficiency and academic performance of LEP children.

HR/SR (see note 93)

102. The House bill, but not the Senate Amendment, requires the development of tutoring programs for LEP children that provide early intervention and intensive instruction to increase academic achievement, graduation rates, and prepare students for transition into classrooms where instruction is not tailored for LEP children.

HR/SR (see note 93)

103. Using different language, the House bill and Senate Amendment, provide for parental participation and outreach.

HR/SR (see note 93)

104. The House bill, but not the Senate Amendment, includes other activities.

HR/SR (see note 93)

105. The House bill, but not the Senate Amendment, stipulates that all teachers for LEP students are well-qualified in the designated method or in language instruction educational programs be of sufficient intensity and duration to have a lasting impact on the teachers’ performance in the classroom. This clause does not apply for long-term comprehensive professional development plans already established.

HR/SR (see note 93)

106. The House bill, but not the Senate Amendment, stipulates additional requirements that must be included for an application to be approved.

HR

107. The House bill, but not the Senate Amendment, stipulates that eligible entities must submit one of two methods of instruction to be used to assist LEP children in attaining English proficiency within or outside of the classroom. The Senate Amendment, but not the House bill, mandates that the program must provide for a subgrant to an eligible entity.

SR

108. The House bill, but not the Senate Amendment, stipulates that states have the discretion to decide the duration of a subgrant to an eligible entity.

SR

109. The Senate Amendment, but not the House bill, provides for grant awards to meet the needs of immigrant students under Sec. 332(c).

HR

110. The Senate Amendment, but not the House bill, specifies activities to provide support for immigrant children.

HR/SR (see note 114)

Strike “overhead costs, costs of construction, acquisition, or rental of space” in (2);

Strike “overhead costs, costs of construction, acquisition, or rental of space” in (5).

Insert the following language as (6) and (7): "(6) other instructional services that are designed to assist the parent or legal guardian or another person who has legal responsibility for the education of a child who is a limited English proficient student as follows: (i) activities coordinated with community-based organizations, institutions of higher education, private sector entities, or not-for-profit organizations, to assist parents of immigrant students by offering comprehensive English language services.

111. The Senate Amendment, but not the House bill, includes a provision to insure that funds are used to supplement and not supplant other federal, state and local public funds.

HR

112. Using different language, both the House bill and the Senate Amendment, require eligible entities to apply for subgrants from the state. The House bill, but not the Senate Amendment uses ‘application.’ The Senate Amendment, but not the House bill, uses ‘plan.’

HR

113. Using different language and criteria, both the House bill and the Senate Amendment, stipulate the requirements for submitting a plan or application.

HR

114. The House bill, but not the Senate Amendment, requires an eligible entity to describe the programs and activities to be developed, implemented, and administered under the subgrant.

HR/SR with an amendment to strike all legislative language in notes 114-121 and insert:

(b) Contents.—(1) Each plan submitted under subsection (a) shall—

(A) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;

(B) describe how the eligible entity will use the grant funds to meet all achievement objectives described in section 3328;

(C) describe how the eligible entity will hold elementary schools and secondary schools accountable for—

(i) meeting the achievement objectives described in section 3328;

(ii) making adequate yearly progress with limited English proficient students as described in section 1111(b)(2); and

(iii) annually measuring the English language proficiency of limited English proficient students, so that such students served by the programs carried out under this subpart develop proficiency in English while meeting state academic content and student academic achievement standards as required by section 1111.

(D) describe how the eligible entity will promote parental and community participation in programs for limited English proficient students;

(E) contain an assurance that the local educational agency consulted with teachers, researchers, school administrators, and parents, and if applicable, with education related community groups and nonprofit organizations, and institutions of higher education, in developing the local educational agency plan;

(F) describe how language instruction educational programs will ensure that limited English proficient students are being served by the programs develop English language proficiency.

115. The Senate Amendment, but not the House bill, requires applicants to describe how such an applicant will meet all performance objectives.

HR/SR (see note 114)

116. The House bill, but not the Senate Amendment, requires applicants to describe how such subgrant will be used to satisfy the requirement of moving LEP children out of specialized classroom programs.

HR/SR (see note 114)

117. The Senate Amendment, but not the House bill, requires applicants to describe how they will measure the progress of LEP children and hold schools accountable for making such progress.

HR/SR (see note 114)

118. The Senate Amendment, but not the House bill, requires applicants to describe how they will promote parental and community participation in LEP programs.

HR/SR (see note 114)

119. The Senate Amendment, but not the House bill, requires applicants to submit assurances that they consulted with appropriate experts and officials in developing the local educational agency plan.

HR/SR (see note 114)

120. Using similar language, the House bill and the Senate Amendment, require applicants to describe how they will use disaggregated results of student assessments and other measures to annually review the progress of schools within its jurisdiction to determine if such funds are necessary to ensure the state’s progress.

HR/SR (see note 114)

121. Placed in a different order and using different language, both the House bill and the Senate Amendment, require applicants to describe how language instruction programs will ensure that LEP students develop English proficiency. The Senate Amendment, but not the House bill, states that such funds are necessary to ensure LEP students will meet the state’s proficiency level of performance.

HR/SR (see note 114)

122. The House bill, but not the Senate Amendment, stipulates additional requirements that must be included for an application to be approved.

HR

123. The House bill and the Senate Amendment, have similar provisions. The House bill, but not the Senate Amendment, requires eligible entities to use qualified personnel who are proficient in English, including reading and oral communication skills. The Senate Amendment, but not the House bill, stipulates that LEAs certify to the SEAs that all teachers for LEP students are fluent in English and any other language used for instruction.

HR with an amendment to insert “and attain” after “develop” and strike “as quickly and effectively as possible.”

124. The House bill, but not the Senate Amendment, stipulates additional requirements that must be included for an application to be approved.

HR

125. The House bill and the Senate Amendment, have similar provisions. The House bill, but not the Senate Amendment, requires eligible entities to use qualified personnel who are proficient in English, including reading and oral communication skills. The Senate Amendment, but not the House bill, stipulates that LEAs certify to the SEAs that all teachers for LEP students are fluent in English and any other language used for instruction.

HR with an amendment to insert “including written and oral communication skills” after “instruction,” and insert Report Language:

Report Language.

Although various educational staff, such as para-professionals, serve a critical need in language instruction educational programs, teachers in such programs are making a significant contribution as a provider of instruction to limited English proficient students. As such, it is the intent of Congress to ensure that teachers in language instruction educational programs are well-qualified in the designated method or instructional approach used with limited English proficient students.

The House bill, but not the Senate Amendment, requires eligible entities to ensure that all agencies are complying with the parental consent requirements each school year.

SR

126. The House bill, but not the Senate Amendment, requires eligible entities to ensure that all agencies are complying with the parental consent requirements each school year.
and House (1) to insert the following as new (A):

“(A) IN GENERAL.—A state educational agency receiving a grant under this part for a fiscal year shall reserve not more than 15 percent of the agency’s allotment under section 3232(b)(2) to award grants to local educational agencies in the state that have experienced significant increases compared to the previous 2 years, in the percentage or number of immigrant children and youth, that have enrolled in public and nonpublic elementary and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities during the previous fiscal year for which the subgrant is made and shall award such educational agencies that have limited or no experience in serving immigrant children and youth.”

139. The Senate Amendment, but not the House bill, defines “substantial increase” as an increase in an LEA’s immigrant enrollment of at least 20 percent or 50 children relative to the previous year, or as an increase of at least 20 percent in an LEA’s immigrant enrollment for which the LEA has limited or no experience in educating LEP children.

140. The Senate Amendment, but not the House bill, requires states to reserve up to 15 percent for LEAs experiencing a substantial increase.

136. The House bill, but not the Senate Amendment, defines states to consider to qualify for subgrants to eligible entities and LEAs if the number of LEP children and students is at least 500 students, or 3 percent of the total population.

141. Using similar language, the House bill and the Senate Amendment require states to expend at least 95 percent of their federal grant money for making subgrants to eligible entities and LEAs. (See note 91)

142. The House bill, but not the Senate Amendment, reserves 25 percent of its remaining funds to award competitive subgrants to eligible entities experiencing significant increases in LEP children.

143. The Senate Amendment, but not the House bill, contains a Sense of the Senate that Congress should appropriate $750 million for FY 2004 and such sums through FY 2006. The Senate Amendment, but not the House bill, authorizes $700 million for the bilingual education program for FY 2002 and such sums through FY 2008.

SR with amendment to change 4 to 5 succeeding years.

144. The Senate Amendment, but not the House bill, authorizes that for any fiscal year that funds appropriated for the bilingual education program are $700 million or more, the funds should be used for the state and local grants for language minority students in Part D.

145. The House bill, but not the Senate Amendment, requires states to reallocate any funding that will not be used during a fiscal year.

146. The House bill, but not the Senate Amendment, reserves 25 percent of its remaining funds to award competitive subgrants to eligible entities experiencing significant increases in immigrant children enrollment.

138. Using different language, the House bill and the Senate Amendment, define the terms “significant increases” and “substantial increase.” The House bill, but not the Senate Amendment, provides awards to eligible entities with “significant increases” (as determined by the state) in LEP children over the 2 previous years or who do not qualify for subgrants under the 75 percent formula distribution.

147. The House bill, but not the Senate Amendment, requires states to approve evaluation measures that are designed to assess oral language proficiency in Kindergarten, oral language proficiency, including speaking and listening skills in first grade, including and writing proficiency in second grade or higher, and challenge student academic achievement standards.

148. The House bill, but not the Senate Amendment, requires states to submit biennial evaluations to the state. The evaluation must include programs and activities conducted by the entity; the progress made, including challenges, challenging state academic content and student achievement standards; the number and percentage of LEP students attaining English proficiency; and the progress made by students in meeting challenging state academic content and student achievement standards after such students are no longer receiving services. The Senate Amendment, but not the House bill, also requires increases in the number and percentage of LEP students attaining English proficiency. (See note 146)

SR with an amendment to strike “part A” and insert “this part” after “part” and strike “of” and insert “that includes” in (a);

Insert “a description of” before “the programs” and strike “part I” and insert “part II” for” in (1).

149. The House bill, but not the Senate Amendment, stipulates that the evaluations must be based in whole of subgrants and programs and activities; the effectiveness of such programs and activities in teaching LEP children English and meet challenging state academic content and student achievement standards.

150. The House bill, but not the Senate Amendment, stipulates the components of the evaluation such as an evaluation of whether or not students enrolled in a program or activity have attained English proficiency; and have achieved a working knowledge of the English language.

SR with an amendment to strike (a)(1), (A) and (B) and insert:

“(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subpart (a) shall provide data on the progress made by students enrolled in a program or activity conducted by the entity using funds under this title, including the percentage of students that—

“(i) are making progress in attaining English proficiency, including the percentage of students that have achieved proficiency in the English language; the percentage of students that have transitioned into classrooms not tailored for limited English proficient students;

“(ii) have achieved a level of proficiency in the English language that is sufficient to permit them to achieve in English, in a classroom that is not tailored to limited English proficient children;

“(iii) are meeting challenging state academic content standards and challenging state student academic achievement standards expected of all students;

“(iv) are not receiving waivers for grades 3–8 testing under section 1111(b)(3)(B)(iv); and

“(v) such other information as the state may require.”

151. The House bill, but not the Senate Amendment, requires states to submit evaluation measures that are designed to assess oral language proficiency in Kindergarten, oral language proficiency, including speaking and listening skills in first grade, including and writing proficiency in second grade or higher, and challenge state student academic achievement standards.

SR with an amendment to strike (d)(1)–(4) and insert:

“(d) EVALUATION MEASURES.—In preparing an evaluation for use by an entity under subpart (a), a state shall approve evaluation measures, as applicable, for use under subsection (c) that are designed to assess—

“(1) the progress of students in attaining English proficiency through their knowledge of oral language, including speaking and listening, reading, and writing skills in English;

“(2) the achievement of students as well as the state’s annual achievement objectives as consistent with section 3332.”
148. The Senate Amendment, but not the House bill, requires SEAs or specially qualified agencies to develop annual measurable performance objectives for LEP programs and grants, not later than the end of each fiscal year, that reflect a substantial progression toward annual measurable achievement objectives for limited English proficient students served by local educational agencies or eligible entities under this title. To meet that requirement, the Senate Amendment calls for annual measurable achievement objectives to be established by states in a manner that considers the amount of time an individual student has been enrolled in a language instruction educational program and assigns such objectives in an appropriate manner to reflect such enrollment, and shall be consistent with the method and procedures described in paragraphs (1), (2), and (4). Measurable achievement objective for students served in language instruction educational programs under this title shall include—

(a) In general.—Each state educational agency or specially qualified agency receiving a grant under this title shall develop annual measurable achievement objectives for limited English proficient students served under this title with respect to helping such students develop and attain proficiency in English while meeting state academic content and student academic achievement standards as required by section 1111(b)(1). Such achievement objectives shall be developed in a manner that considers the amount of time an individual student has been enrolled in a language instruction educational program and assigns such objectives in an appropriate manner to reflect such enrollment, and shall be consistent with the method and procedures described in paragraphs (1), (2), and (4). Measurable achievement objective for students served in language instruction educational programs under this title shall include:

(1) at a minimum, annual increases in the number or percentage of students making progress made by students in learning the English language;

(2) at a minimum, annual increases in the number or percentage of students attaining English language proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with section 1111(b)(7);

(3) meeting adequate yearly progress for limited English proficient student established in section 1111(b)(2)(C)(iv); and

(4) may include, at the discretion of the State, the number or percentage of students not receiving waivers for grades 3-8 testing under section 1111(b)(H)(iv), except that States shall not apply such requirement to eligible limited English proficient children for the given school year;

(5) have a statistically significant number of immigrants from countries where such immigrants had little or no access to formal education; or

(6) have a statistically significant number of immigrants who have fled from war and natural disasters.

Report Language:

To Modify Achievement Objectives 3329(a)—The Conference wishes to clarify that annual measurable achievement objectives described for developing and attaining English proficiency be derived from scientifically-based research on teaching limited English proficient children such as, but not limited to research conducted by the READ Institute, the National Academy of Sciences and the Center for Applied Linguistics, and be established by states in a manner that reflects the language of section 3329(a), including developmentally-appropriate communication and academic skills.

To Modify Achievement Objectives 3329(a)(1) and 3329(a)(2)—In providing for achievement objectives under section 3329(a), the Conferences intend to reflect progress in the development and attainment of limited English proficiency among limited English proficient students. In developing these objectives, states should distinguish between learning the English language and attaining English language proficiency by establishing such objectives in a manner that reflects a substantial progression toward annual measurable achievement on assessments of English language proficiency (consistent with section 3329(a)(1)), and that reflects the number of children shown by the Department and other agencies.

HR with an amendment to strike SEC. 3329 and insert:

SEC. 3329. ACHIEVEMENT OBJECTIVES AND ACCOUNTABILITY

(a) General.—Each state educational agency or specially qualified agency shall be held accountable for meeting annual measurable performance objectives and attaining English proficiency; and meeting AYP.

(b) Accountability.—

(1) For States.—Each state educational agency receiving a grant under this title shall hold eligible entities accountable for meeting the annual measurable achievement objectives for limited English proficient students under section 1111(b)(2)(B). If the state determines that an objective described in subsection (a) that the entity has failed to make progress toward meeting the annual measurable achievement objectives for limited English proficient students for two consecutive years, the entity shall develop an improvement plan to meet the annual measurable achievement objectives described in subsection (a) and require such entity to submit a report to the Secretary.

(2) Technical Assistance.—During the development of the plan described in subparagraph (2), and throughout its implementation, the State educational agency shall—

(A) provide technical assistance to eligible entities;

(B) provide technical assistance, if applicable, to schools served by such entity that need assistance to enable the local educational agency to meet the annual measurable achievement objectives described in subsection (a);

(C) develop, in consultation with the entity, plans for strategies and activities, based on scientifically-based research that the agency will use to meet the annual measurable achievement objectives described in subsection (a) and require such entity to utilize such strategies and activities;

(D) develop, in consultation with the entity, plans to incorporate strategies and methodologies, based on scientifically-based research, to improve the specific program or method of instruction provided to limited English proficient students.

(c) Accountability If the State determines the entity has failed to meet the objectives in subsection (a) for limited English proficient children for four consecutive years, the State educational agency shall—

(A) require such entity to modify their curriculum, program, and method of instruction; or

(B) make a determination whether such entity shall continue to receive funds related to the entity’s failure to make progress on the measurable objectives in (a); and

(c) Accountability If the State determines the entity has failed to meet the objectives in subsection (a) for limited English proficient children for four consecutive years, the State educational agency shall—

(A) require such entity to modify their curriculum, program, and method of instruction; or

(B) make a determination whether such entity shall continue to receive funds related to the entity’s failure to make progress on the measurable objectives in (a).

Report Language:

For the purposes of making determinations as described in subsections (b)(2) and (b)(4), the Secretary, or the Secretary’s designee, shall establish a reasonable time frame for the entity to bring itself into compliance with these requirements.

(c) Accountability If the State determines the entity has failed to meet the objectives in subsection (a) for limited English proficient children for four consecutive years, the State educational agency shall—

(A) require such entity to modify their curriculum, program, and method of instruction; or

(B) make a determination whether such entity shall continue to receive funds related to the entity’s failure to make progress on the measurable objectives in (a).

For the purposes of making determinations as described in subsections (b)(2) and (b)(4), and to annual objectives for academic proficiency (consistent with (a)(3)).
158. The Senate Amendment, but not the House bill, defines “language instruction educational program.”

HR with an amendment to insert “and attainment of Native in (A);”
Insert “academic” after “State” in (A);”
Strike “performance” and insert “academic achievement” in (A);
Insert the Office of after “develop” in (B).

Strike “as quickly and effectively as possible” in both (A) and (B).

159. The House bill, but not the Senate Amendment, defines “Native Hawaiian or Native American Pacific Islander Native language educational organization.”

HR to use definition on page 121, numbers 9 and 10, which reads as follows:

“NATIVE AMERICAN AND NATIVE HAWAIIAN LANGUAGE EDUCATIONAL ORGANIZATION.—The term ‘Native Hawaiian or Native American Pacific Islander Native Language educational organization’ means a nonprofit organization with a majority of its governing board and employees consisting of Native Hawaiian or Native American speakers of the traditional Native American languages used in the organization’s educational programs and with not less than 5 years successful experience in providing educational services in traditional Native American languages.”

160. The Senate Amendment, but not the House bill, defines the term “limited English proficient student” in Title VIII—General Provisions.

HR with an amendment to strike “opportunity” and insert “ability to successfully achieve” in (4)(D)(ii).

Move definition to General provisions.

161. The Senate Amendment, but not the House bill, defines “local educational agency” in Part D. The House bill defines it in Title VIII—General Provisions.

HR

162. Using different language, the House bill and the Senate Amendment, define “native language.”

HR with an amendment to use definition on page 122, number 11, which reads as follows:

“NATIVE LANGUAGE—The term native language shall mean the language normally used by an individual of limited English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.”


SR

164. Using different language, the House bill and the Senate Amendment, define “special qualified agency.”

HR with an amendment to add House (6)(B) to Senate (8).

165. The Senate Amendment, but not the House bill, defines “state” in Part D. The House bill defines it in Title VIII—General Provisions.

SR

166. The House bill, but not the Senate Amendment, defines “tribally sanctioned educational authority.”

SR

167. The House bill, but not the Senate Amendment, stipulates that nothing shall be construed as prohibiting LEAs from enrolling LEPI students simultaneously with students with similar needs, in the same educational settings where appropriate; requires states or LEAs to establish, continue, or eliminate any particular type of instructional programs for LEPI children; or limit the preservation or use of Native American languages.

SR

168. The House bill, but not the Senate Amendment, requires the Secretary to issue regulations that are only necessary to ensure compliance with specific requirements of this part.

HR

169. The House bill, but not the Senate Amendment, provides that nothing shall be construed to negate or supersede the legal authority under state law.

SR

170. The House bill, but not the Senate Amendment, provides for the protection of federal law guaranteeing a civil right.

SR

171. The House bill, but not the Senate Amendment, stipulates that programs that serve Native American children, Native Pacific Island children and children of the Commonwealth of Puerto Rico may include learning, and from their native languages, as long as the primary focus and outcome of such program is to increase English proficiency among such children.

SR with (B) strike “primary.”

172. The House bill, but not the Senate Amendment, provides the necessary conforming amendments for this title and the new programs that administers bilingual education programs as well as changes the name of the director.

SR with an amendment to strike “Office of Educational Services for Limited English Proficient Children” and to insert “Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students” in paragraph (1); Strike “Director of Educational Services for Limited English Proficient Children” and insert “Director of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students” in (2); and Conform to subsection (b).

173. The Senate Amendment, but not the House bill, prohibits the Secretary from mandating or stopping the use of a particular instructional approach to education LEPI students.

SR with an amendment to strike “bilingual education teachers and insert “teachers that served limited English proficient students” in (b); Strike paragraph (1); Insert the following language for (4):

“(4) in conjunction with other federal need-based student financial assistance programs, financial assistance and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, and meet certification or licensing requirements for teachers that serve limited English proficient students.”

174. The Senate Amendment, but not the House bill, provides for national leadership activities.

HR

175. The Senate Amendment, but not the House bill, provides competitive grants for up to five years, for professional development activities.

HR with an amendment to strike “bilingual education teachers and insert “teachers that serve limited English proficient students” in (b); Strike paragraph (1); Insert the following language for (4):

“(4) in consultation with other federal need-based student financial assistance programs, financial assistance and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, and meet certification or licensing requirements for teachers that serve limited English proficient students.”

176. The Senate Amendment, but not the House bill, continues the National Clearinghouse for Bilingual Education.

HR with an amendment to strike the language and insert the following:

(c) NATIONAL CLEARINGHOUSE.—The Secretary shall establish and support the operation of the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about second language acquisition programs for limited English proficient students, and related programs. The National Clearinghouse shall—
  (1) be administered as an adjunct clearing-house of the Educational Resources Information Center Clearinghouse system supported by the Office of Educational Research and Improvement;
  (2) coordinate activities with federal data and information clearingshouses and entities operating federal dissemination networks and systems;
  (3) develop a system for improving the operation and effectiveness of federally funded language instruction education programs;
  (4) collect and disseminate information on—
    (A) educational research and processes related to the education of limited English proficient students; and
    (B) accountability systems that monitor the academic progress of limited English proficient students in language instruction educational programs, including information on academic content standards and English language proficiency assessments for language instruction educational programs;
  (5) publish, on an annual basis, a list of grant recipients under this section.

No comparable House provision.

HR

178. No comparable House provision.

HR with an amendment to move (2)(A) to the previous section and to strike (B).

No comparable House provision.

HR

179. No comparable House provision.

HR

180. No comparable House provisions.

HR

181. No comparable House provisions.

HR with an amendment to strike the purpose (a)(1), (2), and (3); Strike subparagraph (A); Strike one of the two duplicative (B)(v); Insert as (B)(ix):

“(ix) acquiring or developing education technology or instructional materials for limited English proficient students, including materials in languages other than English, and participation in electronic networks for materials, training, communication, and incorporation of such resources in curricula and programs.”

Strike “performance” and insert “academic achievement” in (2)(D)(ii);

Insert “academic” before “services” in (2)(ii)(II);

Strike “career counseling” and insert “vocational and technical training” in (3)(D);

Strike one of the two duplicative (B)(v);

Insert as (B)(ix):

“(ix) acquiring or developing education technology or instructional materials for limited English proficient students, including materials in languages other than English, and participation in electronic networks for materials, training, communication, and incorporation of such resources in curricula and programs.”

LC—renumber original (B)(ix) as (x).

No comparable House provisions.

HR with an amendment to:

Strike the purpose (a) and (1)–(3);

Strike (b)(1) AUTHORITY, and insert as new (1):

“(1) Authority.—The Secretary may award grants to eligible entities having applications approved under section 3104 to enable such entities to develop and implement language instruction educational programs, and improve, reform, or upgrade programs or operations that serve significant percentages or numbers of students of limited English proficiency.”

Strike “career counseling” and insert “vocational or technical training” in (3)(D);

Strike “performance” and insert “academic achievement” in (3)(E);
Strike “such as...education programs” in (3)(G) and insert a period after “proficiency.”

Strike “all” and insert “more than 1 language” and insert “English and other languages” after “proficiency.”

Insert as new (3)(J):

“(J) acquiring or developing education technology or instructional materials for limited English proficient students, including materials in languages other than English, and participation in electronic networks for materials, training, communication, and incorporation of such resources in curricula and programs.”

LC—reletter original (3)(J) as (3)(K);

Strike first “90” and insert “45” and strike second “90” and insert “the beginning of the school year or after “not later than” in (4); insert “7,712, 7,714, 7,715” in (1)(a)(i) [COVERED GRANT].

Insert “to eligible entities” after “award grants” in both (2)(A) and (2)(B) [Availability].

Insert new (4)(A)—(D):

(d) PRIORITY—In awarding grants under this section, the Secretary shall give priority to an entity that—

(A) experiences a significant increase in the number 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 track record of success in helping limited English proficient children and youth learn English and meet high academic standards; or

(D) serves a school district with a large number of 10% or more eligible English proficient students.

(e) ELIGIBLE ENTITIES...

193. No comparable House provision.

HR with an amendment to strike “bilingual” and insert “language instruction educational programs” in (1)(D) [IN GENERAL section]; Strike with an advisory... whose program(s) in (h)(3)(A) and insert “and” after “and”.

Move all of (1) PRIORITY (pg. 78) to Section 3103 (pg. 65), strike “subpart” and insert “section” after “in paragraph (D); and Strike (3) Due Consideration (B).

194. No comparable House provision.

HR with an amendment to strike “bilingual” and insert “language instruction educational programs” in Sec. 3105.

185. No comparable House provision.

HR

196. No comparable House provision.

HR with an amendment to strike “language groups” and insert “native languages spoken by student” and insert “socioeconomic status” before “entities” in (c)(2). Strike “performance” and insert “academic achievement” in (c)(3).

Report Language:

It is the intent of the Conference that evaluations submitted to the Secretary under this subpart accurately reflect academic achievement and progress made in developing and attaining English language proficiency for all students enrolled in a particular language instruction educational program. Consistent with section 3107(c)(2), results shall be disaggregated by language group and show the progress made by all students, when applicable.

187. No comparable House provision.

HR

198. No comparable House provision.

HR with an amendment to:

Strike “bilingual” and insert “language instruction educational programs” in Sec. 3221 (a).


189. No comparable House provisions.

HR with an amendment to replace the current Sec. 3122(b)(3) with the following language:

“(3) may include establishing (through the National Center for Education Statistics in consultation with experts in second language acquisition and in scientifically-based research on teaching LEP students) a common definition of ‘limited English proficient student’ for purposes of national data collection; and”

Strike “bilingual education” and insert “second language acquisition, scientifically-based research on teaching LEP students,” in (b)(4).

Insert “LEP” before “students or teachers” and strike “into bilingual education” and insert “the service,” strike the second “bilingual education” and insert “language instruction educational programs” in (c)(1).

Replace the current (2)(d) with the following language:

“(d) CONSULTATION.—The Secretary shall consult with agencies, organizations, and individuals that are involved in research and practice on the education of LEP students, language instruction educational programs, or related research, to identify areas of study and activities to be funded under this section.”


190. No comparable House provision.

HR with an amendment to insert “acade... after “State” in (a)(2).

191. No comparable House provision.

HR with an amendment to strike $200,000 and insert “$100,000” in sec. 3124(b).

192. No comparable House provision.

HR with an strike “bilingual education” and replace with “language instruction educational programs” in sec. 3125 (a), (b)(3), and (b)(4).

Conf orm (b)(4) to Note 176.

193. No comparable House provision.

HR with an amendment to strike “voluntary national content standards” in (b)(2) and insert “academic” after “State” in (b)(2).

194. No comparable House provision.

HR with an amendment to strike all legisla... 194-202 and insert: “SEC. 3313.

PROFESSIONAL DEVELOPMENT.

(6) integrating and coordinating activities... participate in the programs consistent with the purposes of this sub... and appropriate Acts as appropriate;”

(7) developing career ladder programs... in a course of study at an institution of higher education including educational paraprofessionals, to enable such personnel to meet high professional standards for educating limited English proficient students;”

(8) supporting recruitment and train... limited English proficiency and”;

(9) providing fellowships and assistance for study at an institution of higher education, including mentoring and team teaching with trained and experienced teachers;”

(10) developing and implementing career ladder programs to upgrade the qualifications... to limited English proficient children and youth by;”

(11) providing... and assessment methodologies specific to limited English proficient students into pre-service and in-service professional development programs;”

(12) upgrading the qualifications and skills of non-certified educational personnel, including educational paraprofessionals, to enable such personnel to meet high professional standards for educating limited English proficient students;”
that addresses the instruction of children and youth of limited English proficiency in such areas as teacher training, program administration, research, evaluation, and curriculum and for the support of dissertation research related to such study, provided that any person receiving such a fellowship or assistance shall agree to:

(A) work in an activity related to the program or in an activity such as an activity authorized under this subpart, including work at a school that serves limited English proficient students, for a period of time equivalent to the period of time during which such person receives assistance under this subpart; or
(B) repay such assistance; and

(19) carrying out such other activities as are consistent with the purpose of this subpart.

(d) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(A) CONTENTS.—Each application shall—

(i) describe the programs and activities proposed to be developed, implemented, and administered under the award;

(ii) describe the program to be carried out under the award will be used to ensure limited English proficient students meet state academic achievement standards and attain English proficiency.

(B) An eligible entity who proposes conducting a master's- or doctoral-level program with funds applied for under this subpart shall contain an assurance in their application that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited English proficiency.

(C) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions serving limited English proficient students.

(D) DISTRIBUTION RULE.—In making awards under this subpart, the Secretary shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience concerning the programs and activities authorized under this subpart and are otherwise qualified.

(e) PRIORITIES IN AWARDBNG GRANTS.—

(1) PRIORITIES.

(A) CONTENTS.

(i) PROGRAM EVALUATIONS.—

(i) IN GENERAL.—Each recipient of awards under this subpart shall annually conduct an independent evaluation of the program and submit to the Secretary a report containing the independent evaluation. Such report shall include information on

(a) the programs and activities conducted by the recipient to provide high-quality professional development to participants of such programs and activities;

(b) the number of participants served through the program, the number of participants who completed program requirements, and the number of participants who took part in an instructional setting with limited English proficient students;

(c) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

(d) the teaching effectiveness of graduates of the program or other participants who have completed the program.

No comparable House provision.

HR with an amendment (see note 194).

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No comparable House provision.

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No comparable House provision.
have similar specific requirements for the use of grant funds.

LC 19. The House bill refers to State academic achievement standards and State academic achievement standards. The Senate amendment refers to State content standards and State performance standards.

LC—align with bill—academic achievement standards


SR 21. The Senate amendment, but not the House bill, specifies that funds may be used to promote the incorporation of culturally responsive teaching and learning strategies.

HR 22. The Senate amendment, but not the House bill, specifies that funds may be used for activities that incorporate American Indian and Alaska Native specific curriculum content.

HR 23. The Senate amendment, but not the House bill, specifies that funds may be used to promote coordination and collaboration between tribal, Federal, and State public schools.

SR 24. Using slightly different language, both the House bill and the Senate amendment allow LEAs to use funds to support schoolwide programs.

LC 25. Using slightly different language, both the House bill and the Senate amendment limit the use of funds by a grantee for administrative purposes to five percent of the funds received.

LC 26. Using slightly different language, both the House bill and the Senate amendment provide for LEAs receiving formula grants under this Title to combine federal funds received to serve Indian students into a comprehensive program to serve such students.

LC 27. Using slightly different language, both the House bill and the Senate amendment require LEAs that want to participate to submit a plan to the Secretary.

SR 28. Using slightly different language, both the House bill and the Senate amendment require the Secretary to authorize the applicant to consolidate programs upon receipt of an acceptable plan.

HR 29. Using slightly different language, both the House bill and the Senate amendment set forth criteria for commingling of funds.

LC 30. Using slightly different language, both the House bill and the Senate amendment list the same requirements for an acceptable plan.

LC 31. The Senate amendment but not the House bill requires consultation with the House Committee on Resources and the Senate Committee on Indian Affairs.

SR 32. Using slightly different language, both the House bill and the Senate amendment require consultation with Federal agencies, which provide funds effected under the LEA’s plan.

LC 33. Using slightly different language, both the House bill and the Senate amendment set forth the responsibilities of Federal agencies under this section, as well as criteria for determining the lead agency for the purposes of this section.

SR 34. Using slightly different language, both the House bill and the Senate amendment list information that the applicant is required to report to the Secretary.

SR 35. Using slightly different language, both the House bill and the Senate amendment prohibit reduction in funding received by applicants, authorize interagency fund transfers, set forth administrative requirements for participating LEAs, allow for simplified record keeping for participating LEAs, allow for limited commingling of administrative funds, and allow the Secretary and the lead agency to safeguard federal funds pursuant to the Single Audit Act.

LC—to check references to other acts

HR 36. Using slightly different Language, both the House bill and the Senate amendment require the Secretary of Education to report on obstacles to program integration to the relevant congressional committees. The House bill and the Senate amendment requires the reports to be made to the Senate Health, Education, Labor, and Pensions committee, and to the House Committee on Education and the Workforce. In addition, the Senate amendment requires reports to be made to the Senate Committee on Indian Affairs.

HR 37. Using slightly different language, both the House bill and the Senate amendment define the term “Secretary” for purposes of this section.

SR 38. Using slightly different language, both the House bill and the Senate amendment set forth information that must be included on student eligibility forms.

HR 39. Using slightly different language, both the House bill and the Senate amendment set forth the same criteria for the Secretary to conduct monitoring and evaluation reviews, compute grant awards for BIA funded schools, and establish the timing of child counts.

LC 40. Using slightly different language, both the House bill and the Senate amendment set forth the same criteria regarding notification of payments, payments taken into account by a State in determining State aid, and maintenance of effort.

LC 41. The Senate amendment refers to “the year” while the House bill refers to the “preceding year.”

SR 42. See note 41.

SR 43. Using slightly different language, both the House bill and the Senate amendment provide the same requirements for State review of applications.

LC 44. Both the House bill and the Senate amendment authorize special programs and projects to improve educational opportunities for Indian children. These activities are authorized under Chapter 2 in the House bill and Subpart 2 in the Senate amendment.

LC 45. Using slightly different language, both the House bill and the Senate amendment set forth the same purposes.

LC 46. Using slightly different language, both the House bill and the Senate amendment list the same eligible entities.

HR 47. Both the House bill and the Senate amendment authorize the same activities.

HR with an amendment to strike “secondary school” and insert “high school” in

HR 48. The House bill refers to career preparation programs, while the Senate amendment
amendment defines “eligible entity” after “research program” in (iii). 53. Using slightly different language, both the House bill and the Senate amendment limit the use of funds for administrative purposes to five percent of the funds received.

54. Using slightly different language, both the House bill and the Senate amendment authorize grants for professional development.

55. Both the House bill and the Senate amendment set forth the same purposes.

56. Using different wording, both the House bill and the Senate amendment designate institutions of higher education, State and local educational agencies, and Indian tribes or organizations as eligible entities. The House bill specifies that Indian tribes or organizations are eligible in consortium with institutions of higher education. The Senate amendment defines “eligible entity” to mean a consortium of: (1) an SEA or LEA; (2) an institution of higher education (including an Indian institution of higher education); or (3) an Indian tribe or organization.

57. Using slightly different language, both the House bill and the Senate amendment authorize the Secretary to award grants to eligible entities.

58. Using slightly different language, both the House bill and the Senate amendment authorize the same activities, set forth the same application requirements, place the same requirements on eligible entities and individuals trained under the program, and set forth the same reporting requirements.

59. The Senate amendment, but not the House bill authorizes a specific program for in-service training for teachers of Indian children.

60. The Senate amendment, but not the House bill, maintains an authorization for fellowships for Indian students. This provision is currently unfunded.

61. The Senate amendment, but not the House bill, maintains an authorization of a program to provide grants to tribes for administrative planning and development. This authorization is currently unfunded.

62. The Senate amendment, but not the House bill, maintains an authorization for a program to provide grants to tribes for administrative planning and development. This authorization is currently unfunded.

63. The Senate amendment, but not the House bill, maintains an authorization for a program related to adult education for Indians. This authorization is currently unfunded.

64. Using slightly different language, both the House bill and the Senate amendment authorize the use of funds for research activities related to the education of Indian children and adults. The House bill authorizes these activities in Chapter 3. The Senate amendment places them in Subpart 4.

65. The Senate amendment but not the House bill limits the amount of funds that can be used for administrative expenses to not more than five percent of the grant or contract.

66. Both the House bill and the Senate amendment authorize the National Advisory Council on Indian Education (NACIE). The House bill does this in Chapter 4. The Senate amendment does so in Subpart 5.

67. Using almost identical language, both the House bill and the Senate amendment set forth membership criteria and duties for the Council.

68. Using different language, both the House bill and the Senate amendment provide for peer review of applications, preferences for certain Indian applicants, and minimum grant criteria.

69. Both the House bill and the Senate amendment provide definitions and authorizations of appropriations. The House bill does so in Chapter 3. The Senate amendment does so in Subpart 6.

70. Both the House bill and the Senate amendment provide identical definitions of “adult,” “free public education,” and “Indian.”

71. The House bill authorizes $100,000,000 million for Chapter 1 for FY 2002, and such sums for each of fiscal years 2003 through 2006. The Senate amendment authorizes $93,300,000 for FY 2002, and such sums for each of the six succeeding fiscal years.

72. The House bill authorizes $25,000,000 for Chapters 2 and 3 for FY 2002, and such sums for FY 2003 through 2006. The Senate amendment authorizes $20,000,000 for Subparts 2 and 4 for FY 2002, and such sums for each of the six succeeding fiscal years.

73. The House bill but not the Senate amendment includes a savings provision.

74. The Senate amendment, but not the House bill, continues programs to supplement educational programs for Native Hawaiians.

75. The Senate amendment, but not the House bill, authorizes $50,000,000 for FY 2002 and such sums as necessary for Native Hawaiian education councils.

76. The Senate amendment, but not the House bill, authorizes $35,000,000 for FY 2002, and such sums as necessary for the succeeding six fiscal years, for programs to supplement the education of Native Hawaiians.

77. Both the House bill and the Senate amendment authorize programs to supplement the education of Alaska Natives. The House bill authorizes these programs under Subpart 2. The Senate amendment authorizes them under Part C.

78. Both the House bill and the Senate amendment provide the same short title.

79. Using slightly different language, both the House bill and the Senate amendment have the same findings.

80. Using slightly different language, both the House bill and the Senate amendment have the same purposes.

81. Both the House bill and the Senate amendment authorize the Secretary to make grants or enter into contracts.

82. Both the House bill and the Senate amendment list permissible activities. The House bill includes the development of plans, the development of curricula and educational programs, professional development of educators, the development and operation of home instruction programs, family literacy services, the development and operation of enrichment programs in science and math, research and data collection, and other research and evaluation activities. In addition, the Senate amendment lists parenting education, cultural education programs, cultural exchange program activities carried out through the Even Start program, other early learning and preschool programs, dropout prevention programs, an Alaska Native initiative for prevention, engagement, career preparation activities, and operational support and construction funding as permissible activities.

83. Using slightly different language, both the House bill and the Senate amendment limit the amount of grants that can be spent on administrative costs to five percent.

84. The Senate amendment but not the House bill requires the Secretary to give priority to applications from Alaska Native regional nonprofit organizations or consortia that include Alaska Native nonprofit organizations when awarding grants for permissible activities listed under subsection (a) (2). The Senate amendment further exempts funds earmarked for certain permissible activities from this provision.
and requires coordination with Local Edu-

House bill provides application requirements

ship and apprenticeship programs.

and the Peabody

directional Hawaiians and Their Historical Whaling

House bill lists permissible activities.

House bill establishes the purpose of the pro-

HR

91. The Senate amendment but not the House bill contains the following language:

House bill, provides schools with the oppor-

(H) the following language:

December 12, 2001

Title III, Part B—BIA Indians

(H) the following language:

and insert such sums as nec-

with the Department of Education to make

“...$35,000,000 and insert such sums as nec-

HR

86. The Senate amendment but not the House bill requires the Secretary to make available $1 million annually for each of the following activities: (1) parenting education; (2) cultural education programs; and (3) cultural exchange programs. The Senate amend-

HR

88. Using slightly different language, both the House bill and the Senate amendment provide the same definitions of “Alaska Na-

LC

88. Using slightly different language, both the House bill and the Senate amendment provide the same definitions of “Alaska Na-

LC

HR

89. The House bill but not the Senate amendment includes a savings provision.

SR

90. The Senate amendment, but not the House bill, includes conforming amendments.

LC

91. The Senate amendment but not the House bill contains a new Part D, entitled “Educational, Cultural, Apprenticeship and Exchange Programs for Alaskan Natives, Na-

tive Hawaiians and Their Historical Whaling and Trading Partners in Massachusetts”.

HR with an amendment to move to the Life Fund.

92. The Senate amendment but not the House bill contains findings.

HR with an amendment to move to the Life Fund.

93. The Senate amendment but not the House bill establishes the purpose of the pro-

HR with an amendment to move to the Life Fund.

94. The Senate amendment but not the House bill authorizes the Secretary to make grants or enter into contracts, and lists eligi-

HR with an amendment to move to the Life Fund.

95. The Senate amendment but not the House bill lists permissible activities.

HR with an amendment to move to the Life Fund.

96. The Senate amendment but not the House bill authorizes the appropriation of $10 million for FY 2002, and such sums as nec-

necessary for each of the 6 succeeding fiscal years.

SR with an amendment for one allowable use under single authorization for Life Fund.

97. The Senate amendment but not the House bill provides that Bureau standards can be provided through a number of means, including assistance may be given to Bureau funded schools 90 days after the end of each school year.

HR

9. The House bill, but not the Senate amendment, requires that the Secretary carry out studies and surveys to establish and revise standards through a contract with an Indian organization.

HR

8. The House bill, but not the Senate amendment, requires the Secretary to review Bureau academic standards.

HR

8. The House bill, but not the Senate amendment, requires the Secretary to review Bureau academic standards.

HR

10. The House bill, but not the Senate amendment, allows Tribal governing bodies to waive Bureau standards under certain cir-

HR

11. The House bill allows Bureau schools to meet standards or be accredited not later than the 2nd academic year after publication of the standards, while the Senate amend-

HR with an amendment to strike “12” and insert “24”.

12. The House bill allows for accreditation by a tribal accrediting agency if the standards used by that agency are equal to, or exceed, the Bureau’s standards. The Secretary may request that the Department of Education undertake an oversight role for the State or regional accrediting agencies. The Senate amendment requires accreditation 12-months after the date of enactment.

HR with an amendment to strike “are equal . . . is located” in (A) and insert “such accred-

State accreditor if its reservation is located in more than one State.

SR with an amendment to strike the House bill, but not the Senate amendment requires the Secretary to review Bureau academic standards.

House bill, provides that Bureau standards shall apply while accreditation is being sought.

HR

15. The House bill provides that assistance may be given to contract or grant schools in implementing Bureau standards, upon re-

request. The Senate Amendment provides that assistance may be given to Bureau funded schools to obtain accreditation. Such assistance can be provided through a number of entities.

HR

16. The Senate amendment, but not the House bill, provides that Bureau standards shall apply while accreditation is being sought.

HR

17. The Senate Amendment, but not the House bill, provides that Bureau standards shall apply while accreditation is being sought.

HR

18. The Senate amendment, but not the House bill, provides for the oppor-

tunity to present evidence prior to being in-

cluded in the report.
(B) CORRECTIVE ACTION INAPPLICABLE.—The Secretary shall grant a waiver to any school that—
(i) is identified in the report described in paragraph (5)(C); and
(ii) fails to be accredited for reasons that are beyond the control of the school board, as determined by the Secretary. Reasons that are beyond the control of the school board include, but are not limited to, significant declines in financial resources, the poor condition of facilities, vehicles or other property, or a natural disaster. Such a waiver shall exempt such school from any or all of the requirements of this paragraph and paragraph (7), but such school shall be required to comply with the standards contained in part 36 of title 25, Code of Federal Regulations, as in effect on the date of enactment of the Native American Education Improvement Act of 2001.

(C) DUTIES OF SECRETARY.—After providing assistance to a school under paragraph (3), the Secretary shall—
(i) annually review the progress of the school under the applicable school plan, to determine if the school is making adequate progress toward accreditation, and make appropriate administrative changes that are or may be necessary.

(ii) except as provided in subparagraph (B), continue to provide assistance while implementing the school’s plan, and, if determined by the Secretary, take corrective action with respect to the school if it fails to be accredited at the end of the third year of the school’s plan;

(iii) promptly notify the parents of children enrolled in the school of the option to transfer their child to another public or Bureau funded school;

(iv) require, or pay for the provision of, transportation for each student described in clause (iv) to whom the Secretary elects to be transferred to the extent funds are available as determined by the tribal governing body.

(D) FAILURE OF SCHOOL PLAN.—With respect to a Bureau operated school that fails to be accredited at the end of the 3-year period during which the school’s plan is in effect under paragraph (7), the Secretary shall institute and fully implement actions suggested by the accrediting agency.

(E) FAILURE OF SCHOOL PLAN OF CONTRACT OR GRANT SCHOOL.—
(i) CORRECTIVE ACTION.—With respect to a contract or grant school that fails to be accredited at the end of the 3-year period during which the school’s plan is in effect under paragraph (7), the Secretary may take 1 or more of the following corrective actions:

(I) the failure of a school to achieve accreditation; and

(II) any underlying staffing, curriculum, or other programmatic problem in the school that contributed to the lack of accreditation; and

(ii) is designed to increase substantially the likelihood that the school will be accredited.

(ii) failures to be accredited for reasons that are beyond the control of the school board, as determined by the Secretary. Reasons that are beyond the control of the school board include, but are not limited to, significant declines in financial resources, the poor condition of facilities, vehicles or other property, or a natural disaster. Such a waiver shall exempt such school from any or all of the requirements of this paragraph and paragraph (7), but such school shall be required to comply with the standards contained in part 36 of title 25, Code of Federal Regulations, as in effect on the date of enactment of the Native American Education Improvement Act of 2001.

(C) DUTIES OF SECRETARY.—After providing assistance to a school under paragraph (3), the Secretary shall—
(i) annually review the progress of the school under the applicable school plan, to determine if the school is making adequate progress toward accreditation, and make appropriate administrative changes that are or may be necessary.

(ii) except as provided in subparagraph (B), continue to provide assistance while implementing the school’s plan, and, if determined by the Secretary, take corrective action with respect to the school if it fails to be accredited at the end of the third year of the school’s plan;

(iii) promptly notify the parents of children enrolled in the school of the option to transfer their child to another public or Bureau funded school;

(iv) require, or pay for the provision of, transportation for each student described in clause (iv) to whom the Secretary elects to be transferred to the extent funds are available as determined by the tribal governing body.

(D) FAILURE OF SCHOOL PLAN.—With respect to a Bureau operated school that fails to be accredited at the end of the 3-year period during which the school’s plan is in effect under paragraph (7), the Secretary may take 1 or more of the following corrective actions:

(i) Consult with the tribe involved to determine the causes for the lack of accreditation including potential staffing and administrative changes that are or may be necessary.

(ii) Set aside a certain amount of funds that may only be used by the school to obtain accreditation.

(iii) Consult with the tribe involved to determine the causes for the lack of accreditation including potential staffing and administrative changes that are or may be necessary.

(iv) Set aside a certain amount of funds that may only be used by the school to obtain accreditation.

(v) Require, or pay for the provision of, transportation for each student described in clause (iv) to whom the Secretary elects to be transferred to the extent funds are available as determined by the tribal governing body.

(E) FAILURE OF SCHOOL PLAN OF CONTRACT OR GRANT SCHOOL.—
(i) CORRECTIVE ACTION.—With respect to a contract or grant school that fails to be accredited at the end of the 3-year period during which the school’s plan is in effect under paragraph (7), the Secretary shall institute and fully implement actions suggested by the accrediting agency.

(ii) Consult with the tribe involved to determine the causes for the lack of accreditation including potential staffing and administrative changes that are or may be necessary.

(iii) Set aside a certain amount of funds that may only be used by the school to obtain accreditation.

(iv) Consult with the tribe involved to determine the causes for the lack of accreditation including potential staffing and administrative changes that are or may be necessary.

(v) Set aside a certain amount of funds that may only be used by the school to obtain accreditation.

(vi) Require, or pay for the provision of, transportation for each student described in clause (iv) to whom the Secretary elects to be transferred to the extent funds are available as determined by the tribal governing body.

(F) HEARING.—With respect to a school that fails to be accredited at the end of the 3-year period during which the school’s plan is in effect under paragraph (7), the Secretary shall provide notice and an opportunity for a hearing to the affected school pursuant to section 5207 of the Tribally Controlled Schools Act.

Section 1121(b)(8)(E) authorizes the Secretary to contract with an outside entity in cases where a contract or grant school has not achieved accreditation. This section authorizes implementation of a school plan and corrective actions. While this section does not require the Secretary to contract with an outside entity, it is the intention of the Conferences to provide the Secretary with the discretion to contract with an outside entity in cases where a contract or grant school that has not achieved accreditation has taken steps toward achieving accreditation. The Conferences do not intend to require the Secretary to contract with an outside entity if actions taken have not caused the school to gain accreditation. The Secretary can be gained through application of corrective actions.
parameters on the distance the school to which the child wishes to transfer is from the originating school. The Conferences do not intend this public school choice provision to provide an option to transfer to a school irrespective of the distance or costs associated with travel to such school.

21. The Senate amendment, but not the House bill, establishes that nothing in this section alters or otherwise affects the rights, remedies, and procedures afforded to school employees.

HR
22. The House bill, but not the Senate amendment, requires the Secretary to establish consistent reporting standards for fiscal control and fund accounting.

SR
23. Using similar language, both the House bill and the Senate amendment require the Secretary to implement Bureau academic standards and accreditation standards.

LC
24. Using similar language, both the House bill and the Senate amendments contain certain prohibitions related to the closure of BIA funded schools.

HR
25. Using similar language, both the House bill and the Senate amendment require the Secretary to promulgate regulations for the closure, liquidation, or substantial curtailment of BIA schools.

LC
26. Using similar language, both the House bill and the Senate amendment require notification for the reason for closure. The House bill requires notification to the local school board of a closure 6 months prior to the end of the school year.

LC
27. Using similar language, both the House bill and the Senate amendment require reports whenever a Bureau funded school is closed, transferred to another authority, or its program is actively curtailed.

LC
28. Both the House bill and the Senate amendment prohibit actions to close, transfer authority over, consolidate or substantially curtail Bureau funded schools until the end of the full first academic year after a negative report is made. The House bill refers to irrevocable action while the Senate amendment refers to irreversible action.

SR
29. Using similar language, both the House bill but and the Senate amendment allow the closure of a Bureau funded school or school program operated after January 1, 1999, or a school board operated under a grant with the approval of a tribal governing body.

LC
30. Using similar language, both the House bill and the Senate amendment establish the factors to be used in reviewing applications for schools that are not Bureau funded or for the expansion of a Bureau funded school.

LC
31. Both the House bill and the Senate amendment require the Secretary to make a determination with respect to an application within 180 after submission, and treats the application as approved if the Secretary takes no negative action within that time.

LC
32. Using similar language, both the House bill and the Senate amendment set forth requirements for applications.

LC
33. Using similar language, both the House bill and the Senate amendment set forth requirements on the Secretary for disapproval of applications. If an application is disapproved, the Secretary must state objections to the application and provide the applicant with a hearing.

HR
34. Using similar language, both the House bill and the Senate amendment set forth timeframes for successful applications to go into effect.

LC
35. The House bill but not the Senate amendment requires maintenance on privately funded expansions to be paid for with non-Bureau funds.

HRESR to insert the following language for (6):

"STATUTORY ADMINISTRATION.—Nothing in this section or any other provision of law, shall be construed to preclude the expansion of established or related facilities in a Bureau funded school. If such expansion is paid for with non-Bureau funds, Subject to the availability of appropriated funds the Secretary is authorized to provide the necessary funds needed to supplement the cost of operations and maintenance of such expansion."

36. The Senate amendment but not the House bill requires funds provided to be apportioned and retained at the schools.

HR
37. Using similar language, both the House bill and the Senate amendment require all federal funds received for educational or related services to be used for schoolwide projects.

LC
38. Using different language, the House bill and the Senate amendment require the Comptroller General, in consultation with Indian tribes and school boards, to study and report on the adequacy of funding and formulas used for the funding of Bureau funded schools.

SR
39. With amendment to strike the first paragraph of the House language and insert the following in its place:

"(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau funded schools, taking into account unique circumstances applicable to Bureau funded schools. The study shall analyze existing information gathered and contained in general studies that have been conducted or are currently being conducted in regards to Bureau funded schools."

39. Both the House bill and the Senate amendment require the Secretary to revise standards for home-living situations. The House bill, but not the Senate amendment, requires consultation. In addition, the House bill requires that such criteria serve as minimum standards.

LC
40. Using identical language, both the House bill and the Senate amendment require the Secretary to implement these standards immediately upon their issuance.

HR
41. Using different language, both the House bill and the Senate amendment require the Secretary, at the time of each budget submission, to submit a plan to bring all Bureau funded school home-living situations into compliance with the home-living standards developed under this section. Both the House bill and the Senate amendment provide for the same information to be reported.

SR
42. The Senate amendment, but not the Senate amendment codifies regulations under Part 32 of Title 25 of the Code of Federal Regulations (CFR). The Senate bill further defines regulations.

SR on (a); LC on (b) for placement.

45. Using slightly different language, both the House bill and the Senate amendment require the Secretary to provide a geographical attendance area for Bureau schools, and allow tribal governing bodies to establish such boundaries in the event that more than one tribe occupies a geographical area.

LC
46. Using different language, both the House bill and the Senate amendment prohibit the Secretary from revising attendance without the consent of tribal governing bodies unless certain criteria are met. The House bill references July 1, 2001. The Senate bill references July 1, 1999. Both the House bill and the Senate amendment allow tribal governing bodies to petition the Secretary for boundary changes.

SR
47. Using slightly different language, both the House bill and the Senate amendment allow parents the choice of Bureau funded schools, regardless of geographic boundaries, if the tribal governing body approves a resolution allowing such choice.

LC
48. Using slightly different language, both the House bill and the Senate amendment require that the geographical attendance area be based on the boundaries of the reservation, in the event that a single school serves a reservation.

LC
49. Using slightly different language, both the House bill and the Senate amendment require that the geographical attendance area be based on the boundaries of the reservation, in the event that a single school serves a reservation.

LC
50. Using different language, both the House bill and the Senate amendment require schools with home-living situations to accommodate students requiring special emphasis programs, regardless of geographic boundaries, and requires coordination among interested parties.

LC
51. The Senate amendment, but not the House bill, requires the General Accounting Office (GAO) to conduct a study of the physical needs of facilities at Bureau funded schools. This study makes comparisons with school funded by the Department of Defense, and must be submitted to the relevant committees of Congress does within two years of the date of enactment.

HR with an amendment to insert "accurate" in (4) before "relevant" in (4); also in (4), end the sentence after "Secretary" and strike "who, in turn" and insert "the Secretary".

52. The Senate amendment but not the House bill requires the Secretary to establish a negotiated rule making committee to consider the Secretary to provide funding for Bureau funded schools and a school construction and replacement report. These reports must be submitted to the relevant Congressional committees and other than more than 24 months after establishment of the negotiated rulemaking committee.
HR with an amendment on placement.

LC—place in over all negotiators provi-
sions.

53. The Senate amendment but not the House bill requires the Secretary to develop a facilities information systems support database to maintain and update informa-
tion on facilities requiring the system is to be updated every 3 years, mon-
tored by the GAO, and the information is to be made available to Bureau funded schools and other interested parties, and to Con-
gress.

HR

54. Using slightly different language, both the House bill and the Senate amendment re-
quire the Secretary to bring Bureau funded school facilities into compliance with health and safety codes. The House bill enforces the “No Child Left Behind Act of 2001”, while the Senate amendment references the “Na-
tive American Education Improvement Act of 2001”.

LC

55. Using almost identical language, both the House bill and the Senate amendment require the Secretary to establish and publicly report the system used to establish priorities for the repair, construction or replacement of Bureau funded schools. Both the House bill and the Senate amendment further require the establish-
ment of a long term plan for construc-
tion and replacement of Bureau schools.

LC

56. Using similar language, both the House bill and the Senate amendment allow for the
closure or consolidation of Bureau funded schools. The House bill subjects all functions related to
Bureau schools in the event of conditions that threaten health and safety. In addition, the Senate amendment requires that the Bureau health and safety officer and an individual designated by the Tribe determine that such conditions exist.

HR with an amendment to strike “and” and insert “or” in (A):

Insert a new (iv): “be designated at the be-
ginning of the school year,” in (B).

58. Using slightly different language, both the House bill and the Senate amendment require inspection of the facility by two individuals to determine if a health or safety hazard exists.

The House bill requires the Bureau officer to be accompanied by an appropriate tribal, county, municipal, or State health or safety officer. The Senate amendment requires an individual designated by the Tribe determine that such conditions occur.

HR with an amendment to strike “In” and insert “After” before “making”; and insert “Such inspection shall be conducted as soon as possible but in no case later than 30 days after the date on which the action described in paragraph (1) is taken.” as the last sen-
tence in (C).

59. The Senate amendment, but not the House bill, require notification of the tribal governing body in the case that the two ins-
pectors do not concur (see note 56).

HR

60. The Senate amendment but not the House bill requires the tribal governing body to make a determination regarding closure or curtailment in the case that 2 health and safety inspectors do not concur (see note 58).

HR

61. The House bill requires that consolida-
tion or curtailment immediately halt, or that the facility be reopened if the Bureau health and safety inspector does not find conditions present an immediate health or safety hazard. The Senate amendment re-
quires that if the inspectors agree that a health or safety condition exists, or if the tribal governing body makes such a deter-
mination, that the facility shall be closed immediately.

HR with an amendment to insert House (B) to end of Senate (F) as new (1).

62. Both the House bill and the Senate amendment require that in the event of a closure or curtailment that will exceed 1 year, the Secretary shall issue a report to Congress. The House bill requires the report within 6 months, while the Senate amend-
ment requires the report within 3 months. The Senate amendment also requires the re-
port to go to other interested parties, re-
quires more reporting elements, and outline steps that the effected school, designated school board, or tribal governing body may take to continue its program during the clo-
sure.

HR

63. The Senate amendment, but not the House bill, requires that all funds allocated for operations or maintenance be distributed under a formula, and prohibits these funds from being used for administrative purposes by the Bureau.

HR

64. Using different language, both the House bill and the Senate amendment prohi-
bit the Secretary from withholding funds for maintenance, facilities or roads without the consent of the school.

LC

65. Using slightly different language both the House bill and the Senate amendment prohibit any reduction in federal facilities funding due to the receipt of facilities funding from a State or other source.

LC

66. Using slightly different language, both the House bill and the Senate amendment re-
quire the Secretary to vest in the Assistant Secretary for Indian Affairs all functions with respect to the formulation and estab-
lishment of policy and procedure to carry out Indian education programs.

LC

67. Using slightly different language, both the House bill and the Senate amendment require the Secretary from withholding funds for a new school board members and recommends, but doesn’t require training for tribal gov-
erning bodies that operate as school boards.

68. Both the House bill and the Senate amendment allow school boards to reserve funds for certain purposes. The Senate amendment, but not the House bill requires school boards to provide training for new school board members and recommends, but doesn’t require training for tribal gov-
erning bodies that operate as school boards.

69. Both the House bill and the Senate amendment allow school boards to reserve funds for the uniform upkeep of Bureau funded education facilities. The Senate amendment further requires the Assistant Secretary to hold a series of meetings to receive com-
ments.

LC

70. Using identical language, both the House bill and the Senate amendment set forth cri-
terias for the implementation of mainte-
nance.

LC

71. Using similar language, both the House bill and the Senate amendment require the Director to develop mechanisms and guide-
lines for the acceptance and use of gifts and bequests to benefit particular schools or edu-
cation programs. The Senate Amendment ex-
empts gifts below $5000 from these guide-
lines.

HR

72. Using similar language, both the House bill and the Senate amendment require the Secretary to establish a formula for deter-
mining the minimum annual funding require-
ted to sustain each Bureau funded school. The House bill and the Senate amendment require the Secretary to consider the same criteria, except that the Senate amendment adds funding to comply with accreditation standards to the list.

LC

73. Using similar language, both the House bill and the Senate amendment require the Secretary to revise the funding formula to take into account revisions in academic and accreditation standards.

HR

74. The House bill and Senate Amendment allow the Secretary to consider other factors, but the Senate Amendment includes the GAO study and comparing BIA schools to DOD schools.

SR

75. Using similar language, both the House bill and the Senate amendment require a re-
vision of the formula established in this sub-
section to reflect the revision of standards.

SR

76. Both the House bill and the Senate amendment require the provision for the distribution of general local operational funds to Bureau funded schools.

LC

77. Using similar language, both the House bill and the Senate amendment require the pro-
rata distribution of Bureau funds for certain purposes. The Senate amendment includes the GAO study and comparing BIA schools to DOD schools.

SR

78. Both the House bill and the Senate amendment establish the same formula for the distribution of Bureau funds.

SR

79. Both the House bill and the Senate amendment allow school boards to reserve funds for certain purposes. The Senate amendment, but not the House bill requires agency school boards to provide training for new school board members and recommends, but doesn’t require training for tribal gov-
erning bodies that operate as school boards.

SR

80. Using similar language, both the House bill and the Senate amendment provide for the reservation of funds for emergencies.

LC

81. Using similar language, both the House bill and the Senate amendment provide for
the distribution of supplemental appropriations.

LC 85. Using similar language, both the House bill and the Senate amendment provide for the instruction of “eligible Indian student”. The Senate amendment, but not the House bill, defines an eligible Indian student as a student who is enrolled in a BIA funded school.

HR 86. Using similar language, both the House bill and the Senate amendment set forth criteria under which a Bureau school can charge tuition, and circumstances under which a non-Indian student can attend a Bureau school.

LC 87. Using almost identical language, both the House bill and the Senate amendment allow not more than 15 percent of funding under this section to remain available without fiscal year limitation.

LC 88. Using similar language, both the House bill and the Senate amendment provide funding for students at the Richfield Dormitory. The Senate amendment prohibits the payment of administrative costs associated with the instruction of these students.

HR 89. Using similar language, both the House bill and the Senate amendment contain a specific provision for the payment of administrative cost grants (see note 91).

LC 90. Using different place, both the House bill and the Senate amendment contain specific criteria for the payment of administrative cost grants (see note 90).

LC 91. Using different place, both the House bill and the Senate amendment contain specific criteria for the payment of administrative cost grants (see note 90).

LC 92. Using similar language, both the House bill and the Senate amendment provide for no reduction in amounts received by grant or contract schools, and provide for a determination of the grant amount.

LC 93. The Senate amendment, but not the House bill, provides that funding shall be ratably reduced in the event of insufficient appropriations. The House bill has a similar provision under authorization of appropriations (see note 98).

LC 94. Using similar language, both the House bill and the Senate amendment provide an administrative cost percentage rate.

LC 95. Using similar language, both the House bill and the Senate amendment have provisions relating to the use and treatment of funds.

LC 96. The Senate Amendment references section 106 of ISDEEA, while the House bill references section 105 of ISDEAA.

HR 97. The House bill, but not the Senate amendment, requires the director to conduct a study to ensure that administrative cost grants will be based on criteria that ensure adequate but not excessive funding.

SR 98. Both the House bill and the Senate amendment authorize such sums as are necessary for the payment of administrative cost grants under this section. In addition, the House bill provides for the ratable reduction of funds in the event appropriations are insufficient. The Senate has a similar provision earlier in the section (see note 93).

LC 99. Using different language, both the House bill and the Senate amendment apply the provisions of this section (administrative cost grants to schools receiving assistance under the Tribally Controlled Schools Act of 1988).

LC 100. The Senate amendment, but not the House bill, requires the Secretary to request full funding for administrative cost grants in budget submissions on an annual basis beginning with the President’s budget request for fiscal year 2002.

HR with an amendment to insert “at the discretion of the Secretary,” before “the Secretary shall submit.”

101. Using similar language, both the House bill and the Senate amendment require the Assistant Secretary to establish within the Office of Indian Education Programs a Division of Budget Analysis. The Division is to report on projected amounts necessary to provide educational programs in Bureau funded schools.

LC 102. Using similar language, both the House bill and the Senate amendment establish the timing of the availability of Bureau education funds to schools.

HR 103. The House bill requires the Secretary to publish the allotment of 85 percent of allocated funds for schools not later than July 1 of each fiscal year. The Senate amendment requires the Secretary to publish the allotments of 80 percent of such funds.

HR 104. The House bill requires the Secretary to publish the allotment of the remaining 15 percent of such funds, adjusted to reflect actual student population after December 30. The Senate amendment includes a similar provision, requiring the publication of the remaining 20 percent of funds, and sets forth a timeline for the return of over awards.

HR 105. Using similar language, both the House bill and the Senate amendment allow the supervisor of a Bureau funded school to expend an aggregate amount of not more than $50,000 per year to acquire materials, supplies, equipment, services, operation, and maintenance without competitive bidding, and sets forth criteria under which this authority may be exercised.

HR with amendment to insert “operated” after “Bureau” in paragraph (3)(A).

106. The House bill, but not the Senate amendment, sets forth procedures in the event of a sequestration of funds.

LC to update references

107. Using similar language, both the House bill and the Senate amendment require Bureau operated schools to develop a financial plan and expend federal funds in accordance with that plan. The House bill refers to all Bureau operated schools, which the Senate amendment refers to Bureau schools which receives an allotment under section 112.

LC 108. The Senate amendment, but not the House bill requires financial plans to comply with all applicable Federal and tribal laws.

HR 109. The House bill, but not the Senate amendment, prohibits funds received for self-determination grants under the Indian Self-Determination and Education Assistance Act from being used for technical education and training in the field of education by the Bureau, unless expended under a plan agreed to by the tribe or tribes affected.

HR 110. Using different language, both the House bill and the Senate amendment allow funds to be expended for tribal divisions of education and development of tribal codes of education. The House bill references section 104 of the ISDEEA while the Senate amendment references section 105 of such Act.

HR 111. Using similar language, both the House bill and the Senate amendment allow the Secretary to supply technical assistance and training at the request of a local school board.

LC 112. Using similar language, both the House bill and the Senate amendment provide for cooperative agreements between Bureau funded schools and local public school districts, and sets forth criteria under which they may be entered into.

HR 114. Using identical language, both the House bill and the Senate amendment allow a school district to keep the product or result of a project in which the student participated and sets forth criteria under which this may occur.

HR 115. Using different language, both the House bill and the Senate amendment exempt funds received by Bureau funded schools under this section from being considered federal funds if used to meet matching funds requirements of other federal programs. In addition, the Senate amendment exempts Bureau funded schools from such requirements, and prohibits the entity administering the program from considering the exemption when awarding such grants.

HR with an amendment to strike paragraph (2).

116. Using similar language, both the House bill and the Senate amendment set forth a federal policy of facilitating Indian control in all affairs relating to Indian education, requires consultation with tribes, and sets forth requirements for such consultation.

HR 117. Using similar language, both the House bill and the Senate amendment set forth requirements for the hiring and employment of Indian education personnel.

LC 118. The House bill, but not the Senate amendment, requires that a list of qualified and interviewed applicants be maintained in the Office of Indian Education Programs of applicants who have applied at the national level and that are interested in working anywhere within the United States.

HR 119. The House bill requires that before an individual may be employed in an education position in the Office of the Director, the national boards representing all Bureau schools must be consulted. The Senate amendment requires that all employment decisions be in compliance with applicable federal, State, and tribal laws.

HR 120. Using different language, both the House bill and the Senate amendment require that applications for local positions state whether they have applied at the national level, and allows for discharge or discipline in the event of a false statement.

LC 121. The Senate amendment but not the House bill sets forth procedures for the appeal of employment decisions.

HR 122. Using similar language, both the House bill and the Senate amendment set
forth procedures in the event that the adoption of new rates of pay lead to increases.

LC 129. The House bill but not the Senate amendment sets forth procedures for determination of pay rates based on merit and advancement, and preclude such adjustments from affecting certain individuals employed on October 1, 1979.

LC on placement
124. Both the House bill and the Senate amendment authorize the Secretary to pay a post-differential rate not to exceed 25 percent if warranted by conditions of environment or work, and set forth provisions under which post-differential pay may be granted.

LC 125. Using similar language, both the House bill and the Senate amendment sets forth provisions for the supervisor of a school to grant differential pay.

HR 126. Using similar language, both the House bill and the Senate amendment provide for the liquidation of remaining leave upon termination and the transfer of sick leave upon transfer, promotion, or reemployment.

LC 127. Using similar language, both the House bill and the Senate amendment provide that an educator that voluntarily terminates employment before the expiration of a contract is ineligible for reemployment in another post prior to the expiration of the term of the contract.

LC 128. Using similar language, both the House bill and the Senate amendment set forth terms and conditions for dual compensation of educators, the acceptance of voluntary special service of pay, lump sum payments of salary, the payment of stipends, and the applicability of this section to individual employees based on employment status as of October 31, 1979.

LC 129. The House bill provides for definitions. The Senate amendment provides definitions using different placement.

SR LC on placement
130. The Senate amendment, but not the House bill puts certain restrictions on forgiveness without consent, and provides for stipends for instructors that become certified loughs without consent, and provides for stipends for instructors that become certified.

HR 131. Using slightly different language, both the House bill and the Senate amendment set forth terms and conditions for dual compensation of educators, the acceptance of voluntary special service of pay, lump sum payments of salary, the payment of stipends, and the applicability of this section to individual employees based on employment status as of October 31, 1979.

HR 132. The House bill but not the Senate amendment requires the Secretary to establish a computerized information system within the Office of Indian Education Programs. The House bill requires its establishment not later than July 1, 2003, while the Senate amendment requires establishment not later than 12 months from the date of enactment. Both require maintenance of the same information.

HR 133. The House bill but not the Senate amendment requires the Secretary to cause various divisions of the Bureau to formulate uniform procedures and practices with respect to education functions and to report them to Congress.

HR 134. Using almost identical language, both the House bill and the Senate amendment require the Secretary to implement a policy for the recruitment of Indian educators.

LC 135. Using almost identical language, both the House bill and the Senate amendment require the Secretary to report on the state of education within the Bureau. The House requires this report on a biennial basis, while the Senate amendment requires an annual report.

HR 136. Using different language, both the House bill and the Senate amendment require plans required under this Act to be submitted to Congress with the budget request. The House bill also requires the submission of information on funds provided to previously privatized schools and the need and costs of maintenance for Tribally Controlled Community Colleges.

HR 137. Using slightly different language, both the House bill and the Senate amendment require the Inspector General ensure financial and compliance audits of each Bureau school at least once every 3 years.

LC 138. The Senate amendment but not the Senate bill requires the Director to conduct a comprehensive review of Bureau operated schools every 3 to 5 years.

HR 139. Using slightly different language, both the House bill and the Senate amendment require the Secretary to prescribe regulations to ensure the constitutional and civil rights of Indian students, and prohibit the Secretary from promulgating unless they are necessary to ensure compliance with specific provisions of this Act. The House bill requires a comment period of at least 90 days on such regulations while the Senate amendment requires a comment of at least 120 days. Using different placement, both the House bill and the Senate amendment require regulations issued to cite specific legal authority. In addition, the House bill states that this Act shall supercede any conflicting provision of law.

SR with an amendment to strike “90” and insert “120”.

HR 140. Using different language, both the House bill and the Senate amendment require negotiated rulemaking and public comment prior to publishing proposed regulations.

HR with an amendment to strike Senate (c)(2) and insert House (b)(2) in its place and apply 18 month deadline to House language.

HR 141. Both the House bill and the Senate amendment require meetings to comply with the Federal Advisory Committee Act.

HR 142. The Senate amendment but not the House bill requires the Director to carry out this section using the general administrative procedures under this Act.

HR 143. The Senate amendment but not the House bill requires the Secretary from modifying regulations pursuant to the Tribally Controlled Schools Act of 1988.

HR 144. The Senate amendment but not the Senate bill requires the Director to carry out this section using the general administrative procedures under this Act.

HR 145. Using different language, both the House bill and the Senate amendment allow grants for the development and operation of tribal departments and divisions of education to be designated as Indian Self-Determination and Education Assistance Act.

HR 146. The House bill but not the Senate amendment allows funds to be used to comply with the regulations under section 103(a) of the Indian Self-Determination and Education Assistance Act.

HR 147. Both the House bill and the Senate amendment set forth different priorities for grants.

HR 148. Both the House bill and the Senate amendment authorize 2 million for FY 2002 and such sums as necessary for FY 2003 through 2006 for tribal departments or divisions of education.

LC 149. Using similar language, both the House bill and the Senate amendment contain similar definitions.

LC 150. The Senate amendment but not the House bill defines the term “complementary educational facilities.”

HR 151. The Senate amendment, but not the House bill, defines “Director.”

HR 152. The House bill but not the Senate amendment defines the term “federal educational service.”

SR 153. The Senate amendment but not the Senate bill defines the term “inherently Federal functions.”

HR 154. The Senate bill but not the House bill defines the term “regulation.”

HR with an amendment to insert the following language:

“(15) REGULATION.—
(A) IN GENERAL.—The term ‘regulation’ means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this Act.

(B) RULE OR CONSTRUCTION.—Nothing in the definition contained in subparagraph (A), or any other provision of this title, shall be construed to prohibit the Secretary from issuing guidance, internal directive or other documents similar to the documents found in the Indian Affairs Manual (Bureau of Indian Affairs).

155. Both the House bill and the Senate amendment amend the Tribally Controlled Schools Act of 1988.

LC 156. Using similar language, both the House bill and the Senate amendment have identical findings.

HR/SR to eliminate findings and with an amendment to insert the following language:

“DECLARATION OF POLICY
“(a) Recognition. Congress recognizes that the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control and that the United States has an obligation to assure maximum Indian participation in the direction of educational services so as to
render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities.

(161) The Senate amendment, but not the House bill, states that nothing in this subsection shall be construed as making a tribe act as a surety for a grantee, and attempts to clarify that existing surety requirements are not required.

HR 164. The Senate amendment, but not the House bill, prohibits states from taking into account efforts of Indian tribes and communities to meet the linguistic and cultural aspirations of Indian tribes and communities; and

(162) Using almost identical language, both the House bill and the Senate amendment require that the purposes of judicial review are not required.

LC 160. Using almost identical language, both the House bill and the Senate amendment provide for federal funds to be included in the grant.

SR 161. Using similar language, both the House bill and the Senate amendment set forth accounting provisions for funds used for improvement or repair, alteration or renovation health or safety, or new construction. The Senate amendment, but not the House bill, includes out various requirements for construction and facilities improvement projects.

HR with an amendment to insert the following Report Language:

Report Language:

In establishing the requirements for the biennial compliance audit, the Conferrees expect the Secretary, through regulation, to establish a reasonable threshold that would exempt purchases of less than $50,000 for this audit.

LC 166. The Senate amendment, but not the House bill, requires a biennial compliance audit.

HR with an agreement to insert the following Report Language:

Report Language:

In determining which circumstances are under the control of the school board, the Conferrees intend that circumstances such as insufficient funding for school programs, inability to recruit certified teachers and administrators, and facilities that do not meet accreditation standards shall not be considered within the control of the school board.

LC 168. The Senate amendment, but not the House bill, states that a positive assessment by an impartial evaluator shall not affect a school's ability to receive for the year. Both the House bill and the Senate amendment require that the remainder be paid not later than December 1 of each year.

LC 172. The Senate amendment, but not the House bill, provides for the return of excess funds.

LC 173. The Senate amendment, but not the House bill, prohibits states from taking into account assistance made under this part and provides for penalties in the event that they do.

SR 174. Using almost identical language, both the House bill and the Senate amendment apply certain provisions of the Indian Self-Determination and Education Assistance Act to schools funded under this part, allow schools to elect to be granted rather than contract schools, and provide for carryovers and transfers.

LC 175. The Senate amendment requires an election to take effect on the 1st day of July following the election. The House bill requires an election to take effect on October 1 of the fiscal year succeeding the fiscal year in which the election is made or 60 days after the election.

HR 176. The Senate amendment, but not the House bill, provides that any tribe or tribal organization that assumes operation of a Bureau school as a grant school shall be eligible for facilities improvement.

HR 177. Using almost identical language, both the House bill and the Senate amendment set forth the role of the Director, sets forth the Secretary's ability to issue regulations, and provides for the establishment of endowment programs funded with non-federal funds.

LC 178. The House bill, but not the Senate amendment, states that regulations shall not have the standing of Federal statute for the purposes of judicial review.

HR 179. Using almost identical language, both the House bill and the Senate amendment set forth Definitions.

LC 180. The Senate amendment but not the House bill provides a definition of the term "Indian."

HR 181. The Senate amendment but not the House bill provides a definition of the term "tribal governing body."

HR 182. The Senate amendment but not the House bill amends the Augustine F. Hawkins—Robert T. Stafford Elementary and Secondary to prohibit the Secretary from disqualifying certain individuals from continued receipt of general assistance payments under certain circumstances.

HR 184. The House bill but not the Senate amendment places certain limitations on reductions of administrative funds to the Bureau for failure to meet accountability provisions contained in the No Child Left Behind Act of 2001.

Title IV, Part A—Innovative Programs (Block Grant) (New Title V, Part A)

1. House bill "Innovative Programs" is Part A of Title IV. Senate amendment "Innovative Education Program Strategies" is Subpart 4 of Part B of Title V.

LC 2. House bill, but not Senate amendment, contains findings.

HR 3. Senate amendment, but not House bill, includes support for local reform efforts that are consistent with and support statewide reform efforts.

HR 4. Similar provision except that House bill, but not Senate amendment, mentions school improvement initiatives based on scientifically based research.

SR 5. Identical provision.

LC 6. House bill, but not Senate amendment, mentions the need to meet the educational needs of all students, including youth at risk.

SR 7. Senate amendment, but not House bill, includes support for programs to improve
school, student, and teacher performance, including professional development activities and class size reduction.

**HR**

8. Similar provision except that House bill refers to 'State' while Senate amendment refers to 'State educational agency' (this continues throughout each bill).

**HR**


**LC**

10. Similar provisions.

**SR with an amendment to insert the following language:**

**SEC. 4112. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.**

(a) Distribution rule.—

(1) Allocation of base amounts.—From the amount made available to the State under this subpart for fiscal year 2002, and from the amount made available to the State for any succeeding fiscal year up to the amount available for fiscal year 2002, the State educational agency shall distribute not less than 85 percent to local educational agencies on the same basis as funds are allocated under paragraph (1):

(A) children from economically disadvantaged families; and

(B) children from economically disadvantaged families; and

(C) children living in sparsely populated areas.

11. House bill, but not Senate amendment, requires that 100% of funds above the FQ level be distributed to LEAs for local innovation assistance programs.

**SR with an amendment to insert the following language:**

(2)Allocations of increased amounts.—From the amount made available to the State under this subpart for any fiscal year that exceeds the amount made available for fiscal year 2002, the State educational agency shall distribute the following percentages to local educational agencies on the same basis as funds are allocated under paragraph (1):

(A) At least 50 percent in the case of a State receiving the minimum allocation under section 1111(b); and

(B) 100 percent in all other cases.

12. House bill limits State administrative funds at 25% of State share. Senate amendment limits State administrative funds a 15% of State share.

**HR**


**SR with an amendment to strike “State” and insert “State educational agency” each place it occurs; LC to continue this change throughout this Part.**


**LC**

15. Similar provisions.

**LC**

16. Senate amendment, but not House bill, includes support for effective schools programs.

**SR**

17. Senate amendment, but not House bill, allows States to use funds to design and implement high-quality yearly student assessments.

**HR**

18. Senate amendment, but not House bill, allows States to use funds to support implementation of State and local standards.

**HR**

19. Identical provision.

**LC**

20. House bill stipulates that if a State seeks to receive assistance under this subpart, the individual, entity, or agency responsible for public elementary and secondary education policy under the State constitution or State law shall submit to the Secretary an application. Senate amendment requires the State to submit an application.

**HR**

21. Senate amendment, but not House bill, designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this subpart.

**HR**

22. House bill requires an annual summary of how assistance is contributing toward improving student achievement. Senate amendment requires a biannual submission of data on the use of funds, services, and students served.

**SR**

23. Similar provisions.

**LC**

24. House bill describes the annual statewide summary required in (a)(1) above. Senate amendment contains no such description of the biannual submission of data (required in (b)(2) above).

**SR with amendment to insert “annually” after the word “submitted”.

25. Identical provision.

**LC**

26. House bill specifies that an LEA may not be audited more than once every 5 years if its average grant is less than $5,000. Senate amendment specifies that an LEA that receives an average grant of less than $10,000 for 3 fiscal years may not be audited more than once every 5 years.

**HR**

27. Similar provision.

**LC**

28. Similar use of funds regarding teachers and professional development.

**HR/ SR with amendment to insert the following combined language:**

(1) Program to recruit, train, and hire highly qualified teachers to reduce class size, especially in the early grades, and professional development activities carried out in accordance with Title II, that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local academic content standards and student academic achievement standards.

29. Similar use of funds regarding technology activities.

**HR**

30. Similar use of funds regarding acquisition of instructional and educational materials, including library services.

**SR**

31. House bill, but not Senate amendment, contains use of funds regarding promising education reform projects.

**SR with an amendment to strike “effective schools” and insert “effectiveness.”**

32. Similar use of funds regarding programs to improve the academic performance of educationally disadvantaged students.

**HR**

33. House bill provides for programs to combat illiteracy. Senate amendment provides funds to programs to improve the literacy skills of adults.

**HR**

34. Identical provision.

**LC**

35. House bill, but not Senate amendment, provides for programs for the planning, designing, and initial implementation of charter schools.

**SR**

36. Identical provision.
based cognitive and perceptual development approaches and rely on a diagnostic-prescriptive model to improve students’ learning of academic content.

HR

54. Senate amendment, but not House bill, provides for supplemental educational services.

HR

55. Senate amendment, but not House bill, requires local innovative assistance programs to be tied to promoting high academic standards, used to improve student performance, and be part of an overall education reform strategy.

HR

56. Senate amendment to insert “achievement” before “standards” in (A) and strike “performance” and insert “academic achievement” in (B).

SR

57. Senate amendment, but not House bill, requires the Secretary to issue guidelines for LEAs.

HR with an amendment to strike “the Better Education for Students and Teachers” and insert “this” and strike “specific award criteria and other”.

LC for subsection cite (b)(1)(L).

58. Similar provisions.

HR

59. Similar provisions.

LC

60. House bill, but not Senate amendment, requires local applications to provide assurances of programs, services, and activities will be evaluated annually.

SR with amendment to insert Senate language from Note 22 and add at the end a new (I):

“(H) provides assurance that—

(i) programs, services and activities will be evaluated annually;

(ii) such evaluation will be used to make decisions about appropriate changes in programs, services and activities for the subsequent year;

(iii) such evaluation will describe how assistance under this subpart affected student academic achievement, and will include, at a minimum, information and data on the use of funds, the types of services furnished, and the students served under this part; and

(iv) such evaluation will be submitted to the State in the time and manner required by the State.

(I) if appropriate, describe how applicants seeking funds under section 5331(b)(1)(L) will comply with guidance issued by the Secretary regarding same gender schools and comply with guidance issued by the Secretary.

SR

61. House bill authorizes $450 million for FY 02 and such sums as may be necessary for each of FY 03 through FY 06. Senate amendment authorizes $500 million for FY 02 and such sums as may be necessary for each of the next 5 succeeding fiscal years.

SR

62. Senate amendment, but not House bill, contains provision regarding duration of assistance.

SR

LC—Add the following language to section 5121 (State Uses of Funds):

“(B) Support for programs to assist in the implementation of the policy described in section (Unsafe School Choice Policy in General Provisions), which may include payment of reasonable transportation costs and tuition costs for such students.”

71. House bill authorizes “Arts Education” as Subpart 4 of Title IV. Senate amendment authorizes “Arts in Education” as Subpart 3 of Part F of Title XVI.

HR/ SR with an agreement to move to Subpart 15 of Title V, Part D (FIE).

72. House bill and Senate amendment contain various findings.

HR/ SR (no findings)

73. Senate amendment except that Senate amendment contains an additional purpose to support the national effort to enable all students to demonstrate competence in the arts.

SR with an amendment to insert Senate (3) after House (2).

74. Similar provisions.

SR

75. House bill uses the term ‘States’ and Senate amendment uses the term ‘State educational agencies.’

HR

76. Similar provisions.

LC

77. House bill, but not Senate amendment, authorizes a use of funds for planning, developing, acquiring, expanding, improving, or disseminating model school-based arts education programs.

SR with amendment to insert the following combined language:

“(2) planning, developing, acquiring, expanding, improving, or disseminating information about, model school-based arts education programs;

80. Senate amendment, but not House bill, authorizes a use of funds for the development of, and dissemination of information about, model arts education programs.

SR

81. Similar provisions.

SR

82. Senate amendment, but not House bill, authorizes local funds for construction of small schools.

HR with an agreement to move to section 5121 (State Uses of Funds) amended to read as follows:

“(7) Support for the program described in section 521 of H.R. 5656, the Labor-Health and Human Services-Education Appropriations Act, 2001, as incorporated into P.L. 106-554, the Consolidated Appropriations Act, 2001.”

83. Identical definition.

LC

84. Identical definition.

LC

85. Similar definitions (House bill defines term under general provisions).

SR

86. House bill authorizes $450 million for FY 02 and such sums as may be necessary for each of FY 03 through FY 06. Senate amendment authorizes $500 million for FY 02 and such sums as may be necessary for each of the next 5 succeeding fiscal years.

SR

87. Senate amendment, but not House bill, contains a special rule that if the amount made available to carry out this subpart for fiscal year 2002 is less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

HR

88. House bill lists general agencies and institutions with which activities must be coordinated. Senate amendment lists 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 with which activities must be coordinated.

SR with an agreement to include the following report language:

For the purpose of this Subpart, the Con- ferences expect the Department to continue a close consultative relationship with federal agencies or institutions that have expertise in arts education including 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 with which activities must be coordinated.

SR/SR (no authorization because moved to FIE)

89. House bill authorizes “Gifted and Tal- ented Children” as Subpart 3 of Part A of Title IV. Senate amendment authorized “Gifted and Talented Children” as Part E of Title XVI.

HR/SR with an agreement to move to Subpart 6 of Title V, Part D (FIE).

90. Identical short title.

LC

91. House bill and Senate amendment contain similar findings.

HR/ SR (no findings)

92. Senate amendment, but not House bill, triggers a formula grant program once the appropriation equals or exceeds $50 million.

SR

93. Similar provision.

LC

94. Virtually identical provisions.

LC

95. Virtually identical provisions.

LC

96. Similar provisions except that House bill explicitly mentions scientifically based research.

SR

97. Senate amendment, but not House bill, triggers a formula grant program once the appropriation equals or exceeds $50 million.

SR

98. Senate amendment, but not House bill, requires that research be scientifically based.

SR with an amendment to add special rule and additional use of funds and additional use of funds specifically a special rule to provide that all funding above FY 2001 level will be awarded to SEAs and/or LEAs on a competitive basis for use of funds under education arts. Section 5121(a) authorizes non-dupli- cative use of funds (2) and (4) from Senate section 11422(b) to House section 1146(b)).
Title IV, Part B—Charter Schools

New Title V, Part B

1. Under the House bill, the Public Charter Schools program is a “part”. Under the Senate amendment, it is a “chapter”.

2. The House bill, but not the Senate amendment, has a Findings subsection.

3. The House bill and Senate amendment Purpose sections are identical except that the House version adds the term “academic after “student” in purpose (2).

4. The House bill and Senate Amendment Program Authorized sections are identical except that the Senate amendment version adds “(other than funds reserved to carry out section 5115 (b) after “section 5121” in (e)(1).

5. The House bill uses the term “academic achievement” after “student” in (b)(3)(A)(i), while the Senate amendment uses the term “performance”.

6. The House bill, but not the Senate amendment, includes an assurance under (d) CONTENTS OF APPLICATIONS (3) pertaining to precharter planning grants and subgrants.

7. The House bill and Senate amendment have different definitions of an “eligible applicant” in (4) unless such applicant enters voluntarily into a mutually agreed upon arrangement for administrative services with the relevant LEA. Absent such approval the LEA shall distribute all such grant funds to the grantee without delay.”

8. The House bill and Senate amendment have identical (a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES except that the House bill adds the term “academic after “state” and “student” in (a)(1) and uses the term “academic achievement” after “student in (a)(3). In (a)(7), the Senate amendment uses the term “performance” instead of “academic achievement.”

9. The House bill and Senate amendment have identical (6) DISSEMINATION language except that the House bill uses the term “academic” after “student” in (a)(1) and the terms “academic achievement” after “student” in (B)(ii). In (B)(ii), the Senate amendment uses the term “performance” instead of “achievement”.

10. The Senate amendment, but not the House bill, adds “(other than funds reserved to carry out section (b)” after “chapter” in (a).

11. Senate amendment to move section 5115(b)(6) to (a) of the National Activities section.

12. The House bill adds the term “academic” after “student” in (a)(3). The Senate amendment does not include the term “academic” in (a)(3).

13. The Carper-Gregg amendment to the Senate amendment cites the Per-Pupil Facilities Aid Programs subsection as the “Charter Schools” and states that the purposes of this subsection are: (A) to help eliminate the barriers that prevent charter school developers from accessing the credit markets, by encouraging lending institutions to lend funds to charter schools on terms more similar to the terms typically extended to traditional public schools; and (B) to encourage the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

However, this language does not amend the Elementary and Secondary Education Act.

14. The Senate amendment, but not the House bill, includes (b) Per-Pupil Facilities Aid Programs under Section 5115, National Activities.

15. The House bill, but not the Senate amendment, deletes the following outdated language: “not later than 6 months after the date of the Approval of the Charter School Expansion Act of 1998” in (a).

16. The House bill, but not the Senate amendment, requires the transfer records to a private school upon the transfer of the student from a charter or public school to the private school (with the written consent of a parent of the student), in accordance with applicable State law.
Title IV, Part C—Magnets
(New Title V, Part C)
1. The Senate amendment, but not the House bill, consolidates the Findings and Statement of Purpose into one section.

HR
2. The House bill and Senate amendment each have 4 findings but only the first finding is the same in both, except that the Senate amendment adds “Nation’s” in front of “schools.”

HR with an amendment to take Senate (1); take House (2), (3), and (4)(A); insert as new language: “(B) to ensure that all students have equitable access to a quality education that will prepare them to function well in a technologically oriented and a highly competitive economy comprised of people from many different racial and ethnic backgrounds. “(C) to continue to desegregate and diversify schools by supporting magnet schools, recognizing that such segregation exists between minority and nonminority students as well as among students of different minority groups. Desegregation efforts through magnet programs are a significant part of our Nation’s effort to achieve voluntary desegregation in schools and help to ensure equal educational opportunities for all students.”

3. Under Statement of Purpose, the Senate amendment, but not the House bill, includes “which shall assist in the efforts of the United States in achieving voluntary desegregation in public schools” at the end of (1).

HR
4. The Senate amendment adds the term “local school content standards” and “student performance standards” in (2), while the House bill adds the term “academic” after “State” and “academic achievement” after “student.”

LC
5. The House bill, but not the Senate amendment, adds “that promote diversity and increase choices in public elementary and secondary schools and educational programs” at the end of (3).

SR
6. The Senate amendment includes the phrase “technological and career” before “skills” in (4). The House bill uses the word “technical” in (4).

HR with an amendment to strike “career” and insert “professional”.
7. The Senate amendment, but not the House bill, includes two additional purpose statements: See (5) and (6).

HR
8. Under the Eligibility section in (1), the Senate amendment, but not the House bill, adds the word “schools” following “elementary”.

SR
9. Under the Information and Assurances part in (1)(B), the House bill, but not the Senate amendment, adds the term “academic” after “student.”

LC
10. In (1)(D) the House bill reads: “how funds under this part will be used to improve student academic performance for all students attending magnet schools.” The Senate amendment reads: “how funds under this subpart will be used to implement services and activities that are consistent with other programs to achieve this Act, and other Acts, as appropriate, in accordance with the provisions of section 5506.”

HR/SR with an amendment to combine House and Senate (B), and to strike “magnet schools” and insert “magnet school programs”.
LC—“section 5506”; New citation.

HR
11. The House bill reads: “employ fully qualified teachers in the courses of instruction assisted under this part;” The Senate amendment reads: “employ State certified or licensed teachers in the courses of instruction assisted under this subpart to teach or supervise others who are teaching the subject matter of the courses of instruction;”

SR
12. In (2)(E), the Senate amendment, but not the House bill includes “consistent with desegregation guidelines and the capacity of the project to accommodate these students” following the word “project.”

HR
13. The Senate amendment, but not the House bill, includes (c) SPECIAL RULE.

HR
14. Under the Priority section, the Senate amendment, but not the House bill, includes two additional priorities. See (4) and (5).

SR
15. Under the Use of Funds section in (a)(3), the House bill uses the phrase “fully qualified.” The Senate amendment uses the phrase “certified or licensed by the State.”

SR
16. Under the Use of Funds section in (a)(5), the House bill states “for activities, which may include professional development, that will build the recipient’s capacity to operate magnet school programs once the grant period has ended.” The Senate amendment states “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.”

HR
17. The Senate amendment, but not the House bill, includes two additional uses of funds. See (6) and (7).

HR
18. Under (b) SPECIAL RULE, the House bill, but not the Senate amendment, adds the phrase “to improving the students’ academic performance based on the State’s challenging academic content standards and student academic achievement standards of” after the word “related” and before the word “to.”

SR
19. The House bill also includes the phrase “vocational and technical skills,” while the Senate amendment includes the phrase “vocational, technological and career skills.”

HR with an amendment to strike “career” and insert “professional”.
20. Under the Prohibitions section, the House bill includes the headline (a) TRANSFERRATION and another prohibition: (b) PLANNING.—A local educational agency shall not expend funds under this part after the third year that such agency receives funds under this part for such project.”

The Senate amendment does not include the headline or the additional prohibition.

HR
21. Under (b) LIMITATION ON PLANNING FUNDS, the Senate amendment includes the phrase “shall not be considered as planning for purposes of this subsection)” and limits planning funds to “25 percent of such funds for the second year, and 15 percent of such funds for the third such year.” The House bill does not include the above phrase and limits planning funds to “15 percent of such funds for the second such year, and 10 percent of such funds for the third such year.”

HR with an amendment to strike “25%” and insert “15%”.
22. Under (d) TIMING, the House bill provides for the Secretary to make awards no later than July 1 of the applicable fiscal year, while the Senate amendment provides that the awards are to be made not later than June 1 of the applicable fiscal year.

SR
23. The Senate amendment includes SEC. 5140. INNOVATIVE PROGRAMS. The House bill repeals this program.

SR
24. Under the Evaluations section in (a) RESERVATION, the House bill refers to “section 4312(a)” where as the Senate refers to “section 4314(a).” Also, the House bill uses the phrase “technical assistance, and dissemination projects with respect to magnet school programs and projects assisted under this part.” Following the word “evaluations.” The Senate amendment uses the phrase “of projects assisted under this subpart and to provide technical assistance for grant recipients under this subpart.”

SR
25. Under (b) CONTENTS (3), the Senate amendment, but not the House bill, adds the word “schools” after “elementary.” The Senate amendment, but not the House bill, includes an additional provision in (b) CONTENTS. See (5).

SR
26. The Senate amendment, but not the House bill, includes (c) DISSEMINATION.

HR
27. Under the Authorization of Appropriations; Reservation section, the House bill authorizes $125 million for fiscal year 2002 and “such sums as may be necessary for each of the 4 succeeding fiscal years.” The Senate amendment authorizes $125 million for fiscal year 2002 and “such sums as may be necessary for each of the 6 succeeding fiscal years.”

HR/SR (no authorization because moved to FIE).

HR/SR with an agreement to move to Subpart 20 of Title V, Part D (FIE).
29. Senate amendment rewrites the Women’s Educational Equity Act.

HR/SR with an agreement to move to Subpart 20 of Title V, Part D (FIE).
30. House bill authorizes $3 million for FY 02 and such sums as may be necessary for each of the four succeeding fiscal years.

HR/SR (no authorization because moved to FIE).
31. Senate amendment authorizes such sums as may be necessary for FY 02 and for each of the 6 succeeding fiscal years.

HR/SR (no authorization because moved to FIE).
32. The House bill, but not the Senate amendment, includes SEC. 423. CONTINUATION OF AWARDS.

SR
Title V, Part A, subparts 1,3,4,5—Safe and Drug Free Schools
(New Title IV, Part A)
1. (Title) House bill includes Safe and Drug-Free and 21st Century Community Learning Centers as separate subparts in the same act with separate funding authorizations. Senate amendment maintains these two programs as separate acts.

HR
2. (Findings) House bill contains no findings.

SR
3. (Purpose) House bill and Senate amendment contain similar provisions.

House bill includes before and after school activities as a purpose of the Act.

Senate amendment specifies types of programs (i.e.: alternative education, rehabilitations).

Senate amendment also references development and implementation of policy at local level.

House bill with an amendment to treat Safe and Drug-Free and 21st Century as separate parts.
2. (Findings) House bill contains no findings.

SR
3. (Purpose) House bill and Senate amendment contain similar provisions.

House bill includes before and after school activities as a purpose of the Act.

Senate amendment specifies types of programs (i.e.: alternative education, rehabilitations).

Senate amendment also references development and implementation of policy at local level.
16. (Definitions) House bill defines native Hawaiian. Senate amendment defines state and local educational agency.
17. (Limitation) House bill contains no similar provision.
18. (Gov Programs) Similar set-aside for governor's programs. House bill specifies that awards are to be made based on quality and how well aligned with principles of effectiveness and includes LEAs as participants.
Senate amendment lists specific elements to be described in a state plan:
— how programs will be coordinated so as not to be duplicative of state and local efforts;
— how populations not normally served will be served;
— how governor will monitor the performance of and provide technical outreach to recipients;
— how participation of CBOs will be maximized;
— how funds will support community-wide drug and violence prevention activities;
— how parental input will be sought.
SR with an amendment to strike House language and insert the following:
"SEC. 5112. RESERVATION OF STATE FUNDS FOR SAFE SCHOOLS.
(a) STATE RESERVATION FOR THE GOVERNOR.—
(1) IN GENERAL.—The chief executive officer of a State may reserve not more than 20 percent of the total amount allocated to a State under section 5111(b) for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations, community anti-drug coalitions, other public entities and private organizations, and consortia thereof. Such grants and contracts shall be used to carry out the comprehensive state plan through programs or activities that complement and support activities of local educational agencies described in section 5115.
Such officer shall award grants based on—
(A) the quality of the activity or program proposed; and
(B) how the program or activity meets the principles of effectiveness described in section 5111(a)."
19. (Gov Programs) House bill gives special consideration to programs providing and incorporating mental health services. Senate amendment gives priority to those not normally served and to those needing special services.

HR with an amendment to strike and replace the following language:
"(2) Priority.—In making such grants and contracts, a chief executive officer shall give priority to illegal drug use and violence prevention programs and activities 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 youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).
--(3) SPECIAL CONSIDERATION.—In awarding funds under subparagraph (A), a chief executive officer shall give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.
--(4) Penalties.—Grants or contracts awarded under this subparagraph shall be subject to a peer review process."
20. (Gov Programs) Senate bill requires peer review of grants awarded by chief executive officers.

HR with an amendment to strike Safe Schools language.
21. (Gov Admin) House bill allows 1% for administration expenses.

Senate amendment allows 5% for administration expenses, and authorizes the chief executive officer to award grants to state, county, or local law enforcement agencies to carry out drug and violence prevention activities.

SR with an amendment to set administrative costs at not more than 3 percent.
22. (Gov Programs) Senate bill contains no similar provisions.

SR
23. (Gov Activities) House bill contains no similar provisions.

HR with an amendment to strike language and insert:
"Grants and contracts under section [gov reservation] shall be used to implement drug and violence prevention activities, such as:
—activities that complement and support activities of local education agencies under section 5115 (LEA uses of funds), including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;
—dissemination of information about drug and violence prevention.
—Development and implementation of community-wide drug and violence prevention planning and organizing programs.
24. (SEA Funds) House bill provides 95% of an amount reserved for state and local programs (80%) to be sent to the local level.
Senate amendment provides 91% of the amount reserved for state and local programs (80%) to be sent to the local level.

SR with an amendment to strike language and insert the following:
"(1) IN GENERAL.—A state educational agency shall distribute not less than 93 percent of the amount available under section [ ] to its local educational agencies."

Report Language
"The Conference wishes to clarify that at all times a State educational agency must distribute at least 93 percent of the funds it receives to the local educational agencies."
25. (SEA Funds) House bill allows 4% for state administrative expenses.

Senate amendment allows 5% for state activities.

SR with an amendment to strike the language and insert the following:
"(2) STATE ACTIVITIES.—A state educational agency shall use not more than 5 percent of the funds made available under section [ ] for activities described in subsection (C).
26. (SEA Funds) House bill allows 1% for administration expenses.

Senate amendment allows 5% for administration expenses and uniform reporting system.

SR with an amendment to strike the language and insert the following:
"(3) STATE ADMINISTRATION.—
(A) IN GENERAL.—A state educational agency shall use not more than 3 percent of the funds made available under section [ ] for state administration, including implementation of the Uniform Management Information and Reporting System."
--(b) SPECIAL RULE.—For fiscal year 2002, a state educational agency may use an additional 1 percent of the amount made available under section (C) for implementation of the Uniform Management Information and Reporting System.
27. (State Activ) Similar provisions, but Senate bill authorizes generally, whereas Senate amendment specifies types of activities and services.
SR with an amendment to strike language and insert the following:

"(1) IN GENERAL.—A State shall use a portion of the funds described in subsection (b), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services; prevention activities for local educational agencies, community-based organizations, and other public and private entities.

(2) ACTIVITIES.—Such uses shall meet the principles of effectiveness described in section 5115(a), shall complement and support local uses of funds under section 5115(b), and otherwise are in accordance with the purposes of this part, and may include, among others,

(A) identification, development, evaluation, and dissemination of drug and violence prevention strategies, programs, activities, and other information;

(B) technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

(C) and financial assistance to enhance drug and violence prevention resources available in areas that serve large numbers of low-income children, are sparsely populated, or have other special needs."

28. (Data Collection) Senate amendment contains no similar provision.

HR with amendment to strike the Senate language and insert the following language:

"(2) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—

(A)(1) INFORMATION AND STATISTICS.—In carrying out its responsibilities under [state admin], a state shall implement a uniform management information and reporting system.

(2) A State may use funds described in subsection (b), either directly or through grants and contracts, to establish and implement a uniform management information and reporting system, to include information on—

(i) truancy rates;

(ii) the frequency, seriousness, and incidence of violence and drug related offenses resulting in suspensions and expulsion in elementary and secondary schools in States;

(iii) the types of curricula, programs, and services provided by the [chief executive officer], the chief State school officer, the head of the State education agency, local educational agencies, and other recipients of funds under this part; and

(iv) the incidence and prevalence, age of onset, health risk, and prevention of social disapproval of drug use and violence by youth in schools and communities.

(B) COMPILATION OF STATISTICS.—The statistics shall be compiled in accordance with definitions as determined in the State criminal code, but shall not identify victims of crimes of offenses of crimes. The collected data shall include, incident reports by school officials, anonymous student surveys, and anonymous teacher surveys.

(C) Data Collection.—Such data and statistics shall be reported to the public and the statistics referenced in (A)(2)(i) and (ii) shall be reported on a school-by-school basis.

(D) Limitation. Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes on school security.

29. ( Persistently Dangerous) Senate amendment contains no similar provision.

HR with an amendment to the following language, General Provisions—

"UNSAFE SCHOOL CHOICE POLICY

(a) POLICY.—Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary and secondary school, as determined by the State in consultation with aPersistently Dangerous School Planning Committee, of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary or secondary school, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school.

(b) CERTIFICATION.—As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State has developed a plan for monitoring reporting progress toward meeting those performance measures for drug and violence prevention programs and activities.

(1) performance indicators for drug and violence prevention programs and activities;

(2) levels of performance for each performance indicator;

(3) a description of the procedures the State will use for assessing and publicly reporting progress toward meeting those performance measures; and

(4) provides assurance that the State will comply with the terms of the application, and will comply with the terms of the application in accordance with the purpose of this part; and

(5) provides assurance that the State will submit to the Secretary, at such time as the Secretary may require, an application that—

(i) contains a comprehensive plan for the use of funds by the State educational agency, the chief executive officer to provide safe, orderly, and drug-free schools and communities through programs and activities that would not otherwise be available for purposes of this part;

(ii) the frequency, seriousness, and incidence of violence under section 5115(a), and that otherwise are in accordance with the purpose of this part;

(iii) describes how activities funded under this subpart will foster a safe and drug free learning environment that supports academic achievement;

(iv) provides assurance that the application was developed in consultation and coordination with appropriate Federal, State, local, and other Federal agencies, and other entities, including the chief executive officer, the chief State school officer, the head of the State health and mental health agencies, the [chief executive officer], the State child welfare agency, the head of the State adult correctional system, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the [chief executive officer], the chief State school officer, the head of the State justice planning agency, the head of the State child welfare agency, the State health and mental health agencies, the State alcohol and drug abuse agency, the State adult correctional system, the State mental health and community-based organizations.

(B) a description of the procedures the State will use for assessing and publicly reporting progress toward meeting those performance measures for drug and violence prevention programs and activities;

(1) a description of how the State educational agency, the chief executive officer, the chief State school officer, the head of the State health and mental health agencies, and other recipients of funds described in [ ] developed by the State that—

(i) describes how the State educational agency and the State chief school officer will locate funds to local educational agencies, including the State chief executive officer that includes, with respect to each activity—

(1) 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 drug and violence prevention activities and how these funds will be used to serve populations and communities not currently served by State and local educational agencies, such as school dropouts, suspended and expelled students, and youth in detention centers; and

(2) a description of how the chief executive officer will award funds under section 4114(a) and implement a plan for monitoring

prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.

(2) ACTIVITIES.—Such data and statistics referenced in (A)(2)(i) and (ii) shall be reported to the public and the statistics referenced in (A)(2)(i) and (ii) shall be reported on a school-by-school basis.

(B) CERTIFICATION.—As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State has developed a plan for monitoring reporting progress toward meeting those performance measures for drug and violence prevention programs and activities.

(1) performance indicators for drug and violence prevention programs and activities;

(2) levels of performance for each performance indicator;

(3) a description of the procedures the State will use for assessing and publicly reporting progress toward meeting those performance measures; and

(4) provides assurance that the State will comply with the terms of the application, and will comply with the terms of the application in accordance with the purpose of this part; and

(5) provides assurance that the State will submit to the Secretary, at such time as the Secretary may require, an application that—

(i) contains a comprehensive plan for the use of funds by the State educational agency, the chief executive officer to provide safe, orderly, and drug-free schools and communities through programs and activities that would not otherwise be available for purposes of this part;

(ii) the frequency, seriousness, and incidence of violence under section 5115(a), and that otherwise are in accordance with the purpose of this part;

(iii) describes how activities funded under this subpart will foster a safe and drug free learning environment that supports academic achievement;

(iv) provides assurance that the application was developed in consultation and coordination with appropriate Federal, State, local, and other Federal agencies, and other entities, including the chief executive officer, the chief State school officer, the head of the State health and mental health agencies, the head of the State child welfare agency, the head of the State adult correctional system, 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 justice planning agency, the head of the State child welfare agency, the State health and mental health agencies, the State alcohol and drug abuse agency, the State adult correctional system, the State mental health and community-based organizations.

(B) a description of the procedures the State will use for assessing and publicly reporting progress toward meeting those performance measures for drug and violence prevention programs and activities;

(1) a description of how the State educational agency and the State chief school officer will locate funds to local educational agencies, including the State chief executive officer that includes, with respect to each activity—

(1) 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 drug and violence prevention activities and how these funds will be used to serve populations and communities not currently served by State and local educational agencies, such as school dropouts, suspended and expelled students, and youth in detention centers; and

(2) a description of how the chief executive officer will award funds under section 4114(a) and implement a plan for monitoring
the performance of, and providing technical assistance to, recipients of such funds.”

31. (State Application) Senate amendment similar to House bill section 5112(c)(1)

HR continues to provide for enforcement.

32. (State Applic Review/Approval) House bill provides that application deemed approved if no response within 90 days. Senate amendment provides for peer review.

SR with an amendment to strike language and insert following language:

“(b) GENERAL APPROVAL.—A State educational agency’s application submitted pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120 day period beginning on the date that the Secretary receives the application, that the application is in violation of this part.

“(c) DISAPPROVAL.—The Secretary shall not finally disapprove an application, except after giving the State educational agency notice and opportunity for a hearing.

“(d) SPECIAL RULE.—If the Secretary finds that the application is not in compliance, in whole or in part, with the provisions of this part, the Secretary shall:

“(I) implement the procedures described in subsection (c); and

“(II) notify the State educational agency of the findings of non-compliance where such notification shall—

“(aa) cite the specific provisions in the application in compliance; and

“(bb) request additional information, only as to those noncompliant provisions, needed to make the application compliant.

“(e) if the State educational agency does not respond to the notification described in subsection (d)(2) within 45 days, such application is not approved.

“(f) if the State educational agency does respond to the Secretary’s notification described in subsection (d)(2) within 45 days with the requested information necessary to make the application compliant, the Secretary shall approve or disapprove such application not later than 45 days following its resubmission or the end of the 120 period described in subsection (b), whichever is later.

33. (State Applic Review/Approval) Senate amendment contains no similar provision.

HR

34. (Interim Application) House bill contains no similar provision.

HR

35. (LEA Grants) House bill sends 95% of 80% to local educational agencies, with 60% based on title I and 40% based on school enrollment.

Senate amendment sends 91% of 80% to local educational agencies, under one of two formulae:

70% school enrollment and 30% state determined need based on enrollment; 70% greatest need competition based on objective data and 30% state determined additional need based on objective data.

36. (Local Admin) Senate amendment contains no similar provision.

HR

37. (Reallocation) Similar provisions. Senate amendment also has provision reallocating funds if local educational agency declines to apply to application is disapproved.

SR with an amendment inserting Senate (e) after House (3).

38. (Reallocation) Similar provisions.

LC

39. (LEA Application) Similar provisions.

LC

40. (LEA Application) Similar provisions, but Senate amendment specifies that consultation be done with an “advisory council,” which has a membership similar to the organizations listed in House bill, but also includes representatives of business, the medical profession, and law enforcement.

Senate amendment outlines specific duties of the advisory council.

SR with amendments to strike (e)(1)(A) and insert the following language:

“(A) IN GENERAL.—A local educational agency shall develop its application through a collaborative and meaningful consultation with the State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, community-based organizations, and others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).”

41. (Consultation) Senate amendment contains no similar provision.

SR

42. (LEA Applic) Similar provisions aligned.

HR

43. (LEA Applic Review/Approval) House bill deems local application to be approved if approved if no response by 90 days.

Senate amendment requires peer review and provides factors for determining approval: quality of plan; extent of problem assessment; use of objective data and community input; measurable goals and objectives; use of scientifically based program.

HR with an amendment to strike in Senate (e)(2)(A) “and the extent . . . identified needs” and insert “and the extent to which the application meets the Principles of Effectiveness in section I.”

Insert the following language:

“(a) CONSIDERATIONS.

“(I) GENERAL APPROVAL.—A local educational agency’s application submitted pursuant to subsection (a) shall be deemed to be approved by the SEA unless the SEA makes a written determination, prior to the expiration of the 120 day period beginning on the date that the SEA receives the application, that the application is in violation of this part.

“(II) DISAPPROVAL.—The SEA shall not finally disapprove an application, except after giving the applicant notice and opportunity for a hearing.

“(III) SPECIAL RULE.—If the SEA finds that the application is not approved, except in whole or in part, with the provisions of this part, the SEA shall:

“(I) implement the procedures described in subsection (c); and

“(II) notify the applicant of the findings of non-compliance where such notification shall—

“(aa) cite the specific provisions in the application that are fair and appropriate, considers the student and the circumstances of the situation, and is enforced accordingly;

“(bb) if the other assurances, goals, and objectives identified through scientifically based research as the State may reasonably require in accordance with the purpose of this part.

“SR with an amendment to strike Senate (e)(2)(B) (and the extent . . . identified needs)” and insert “and the extent to which the application meets the Principles of Effectiveness in section I.”

Insert the following language: 
(iii)(II) within 45 days, such application is not approved.

‘‘(v) if the applicant does respond to the SEA’s notification described in subsection (iii)(I) within 45 days following its resolution or the end of the 120 period described in subsection (b), whichever is later.’’

44. (LEA Review/Approval) Similar provisions.

HR/SR to strike all language

45. (Principles of Effectiveness) Senate amendment contains no similar provision.

SR with an amendment to insert:

‘‘(D) Be based on an analysis, of data rea-

sonably available at the time, of the pre-

valence of risk factors, including high or in-

creasing rates of reported cases of child

abuse and domestic violence, or protective

factors, buffers or assets or other variables

identified through scientifically based re-

search in schools and communities in the

State.’’

‘‘(E) Include meaningful and ongoing con-

sultation with and input from parents in the

development of the application and adminis-

tration of the program or activity.’’

Report Language—

The Conferees wish to clarify that the prin-

ciples of effectiveness established under sec-

tion [ ] are intended to increase the effi-

cacy of drug and violence prevention activities in

states, that receives a subgrant under this

subpart may use such funds to carry out ac-

tivities that comply with the principles of

educational agency, or consortium of such

educational agency, or school board, that

receives a subgrant under this part may be

educational agency under this part may be

educational agency to work in collaboration with schools

and community based organizations to

implement the program or activity.

(C) drug and violence prevention informa-

tion dissemination to schools and the com-

munity.

(D) professional development and training

for teachers, counselors, pupil services per-

sonnel, parents, and inter-

ested community members in prevention,

education, early identification and interven-

tion, referral to, and den-

neral school security, and drug and violence

prevention.

(E) professional development and training

for teachers, counselors, pupil services

personnel, parents, and inter-

ested community members in prevention,

education, early identification and interven-

tion, referral to, and den-

neral school security, and drug and violence

prevention.

(f) in conjunction with (e) cannot exceed 40

percent.

(iii) drug and violence prevention activi-

ties that ensure that students travel

safely to and from school, which may include

bicycle and pedestrian safety program; and

(iv) hiring and mandatory training, based

on scientific research, of school security

personnel (including school resource offi-

cers) who interact with students in support of

youth drug and violence prevention activi-

ties under this part that are implemented in the

school.

(2) LIMITATION.—A local educational

agency shall only use funds received under this

part for activities described in (1)(a) through

(d) if funding for such activities is not re-

ceived from other federal agencies.

(3) DEFINITION.—A school resource

officer is a career law enforcement officer, with

sworn authority, deployed in community ori-

ented policing by the employing police

department to a local educational

agency to work in collaboration with schools

and community based organizations to

support and improve school climate and

reduce conflict and violence.

(4) ALLOWABLE USES OF FUNDS

(a) the development of the program or

activity in accordance with applicable

laws and regulations.

(b) Develop or expand community justice

initiatives for students.

(5) The amount paid to the contractor

may be used to pay for:

(A) Core training for school personnel to

address known and emerging problems

faced by students.

(B) The acquisition of materials and ser-

vices and the storage, maintenance, and

distribution of such materials and services

in central locations.

(C) the acquisition of materials and ser-

vices to support the development and

implementation of programs or services

that address the needs of students who have been

suspended or expelled from the regular

educational setting.

(D) the acquisition of materials and ser-

vices and the development and imple-

mentation of programs or services that

are designed to address the needs of

students who have been suspended or

expelled from the regular educational

setting.

(E) the acquisition of materials and ser-

vices and the development and imple-

mentation of programs or services that

are designed to address the needs of

students who have been suspended or

expelled from the regular educational

setting.

(F) the acquisition of materials and ser-

vices and the development and imple-

mentation of programs or services that

are designed to address the needs of

students who have been suspended or

expelled from the regular educational

setting.
Report Language:
The Conference supports the ability of local educational agencies to address the needs of students who are victims of varying situations, including drug and violence prevention programs (such as familial drug abuse and dating violence) and to promote safe environments for students.

48. (School Uniforms) House bill contains no similar provision.

HR
49. (Impact Eval) Senate amendment provides for the Secretary in consultation with the National Advisory Committee to conduct an independent biennial report with specific required elements, including data collected by the NCES under (a).

House bill for NCES to collect data and the Secretary to report on certain data.

HR with an amendment to insert “and drug use” after “combat violence in (1) insert “comply with the Principles of Effectiveness” after “agency programs in (A); strike (A)(i) through (v) and strike (B); in (C) insert “illegal” before “presence” and strike “firearms” and insert “weapons”; and in (D) strike “unintentional.”

50. (State Report) Similar provisions, but House bill requires a state report every 3 years and Senate amendment requires a state report every 2 years.

HR
51. (LEA Report) Similar provisions, but Senate amendment contains a January 1 deadline.

HR
52. (Native Hawaiians) House bill contains no similar provision.

HR
53. (National Programs) House bill limits evaluation to effectiveness.

Senate amendment authorizes prevention programs.

HR with an amendment to strike “at all educational levels from preschool through the post-secondary level.”

54. (Coordination) Senate amendment contains a similar provision in (a).

HR
55. (National Activities) House bill addresses demonstration and evaluation.

Senate amendment addresses information dissemination, child abuse prevention, program evaluation, direct services, and other activities.

HR with an amendment to strike all and insert—

“SECTION 5131. NATIONAL ACTIVITIES.

* * * * * *

(3) PROGRAMS—Activities described in paragraph (1) may include:

(A) the development and demonstration of innovative strategies for the training of school personnel, parents, and members of the community for drug and violence prevention activities, based on state and local needs;

(B) the development, demonstration, evaluation, and dissemination of innovative and high quality drug and violence prevention programs and activities, based on state and local needs, which may include—:

(i) alternative education models, either established within a school or separate and apart from an existing school, that are designed, funded, developed and or continuously evaluated, and that enable students to return to the regular classroom as soon as possible;

(ii) community service and service-learning programs, designed to rebuild safe and healthy neighborhoods and increase students’ sense of individual responsibility;

(iii) video-based projects developed by noncommercial telecommunications entities that provide young people with models for conflict resolution and responsible decision-making skills.

(iv) child abuse education and prevention programs for elementary and secondary students.

(c) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination.

(D) the provision of information on violence prevention and education and school safety to the Department of Justice for dissemination.

(E) technical assistance to chief executive officers, State agencies, local educational agencies, and other recipients of funding under this part to build capacity to develop and implement high-quality, effective drug and violence prevention programs consistent with the principles of effectiveness.

(1) assistance to schools systems afflicted with especially severe drug and violence problems, including for the hiring of drug prevention and school safety coordinators, or to support crisis situations and appropriate response efforts;

(G) the development of education and training programs, curricula, instructional materials, and professional training and development for reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate;

(H) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems; and

(1) other activities in accordance with the purposes of this part, based on State and local crime prevention.

Report Language.—The Conference understands that children are especially susceptible to the terrible emotional and mental anguish that terrorist attacks can cause. The Conference intends that this part, based on State and local crime prevention.

55. (National Activities) Senate amendment requires continuation of the Advisory Council and authorizes a national authority.

65. (Message and Materials) Similar provisions.

Senate amendment allows Secretary to evaluate curricula.

SR with an amendment in (a) to insert “and violence” after “Drug”; to strike “is” after “drugs”; and to insert “and acts of violence” after “drugs”.

On behalf of the Senate, Senator (b).

66. (Parental Consent) Senate amendment contains no similar provision.

HR
67. (Prohibited Uses) Similar provisions.

HR with an amendment to strike “alcohol, tobacco, or”

68. (IDEA) House bill requires each State to require LEAs to have a policy permitting school personnel to discipline children with a disability and without a disability in the same manner in situations involving weapon—on (a).

69. (IDEA) Senate amendment contains no similar provision.

70. (IDEA) Similar provisions.

HR/SR to strike both.

71. (IDEA) House bill allows educational services to cease if the State does not require continued services for children with disabilities who are expelled or suspended.

Senate amendment requires continuation of services when the behavior is a manifestation of the child’s disability. If behavior is not a manifestation of the child’s disability, the same disciplinary procedures that would apply to a non-disabled child may be applied.

HR/SR to strike both.

72. (IDEA) House bill contains no similar provision.

SR
73. (IDEA) Senate amendment contains no similar provision.

HR
74. (IDEA) House bill contains no similar provision.

SR
75. (Coordinator Initiative) House bill contains no similar provision.

HR with an amendment to include this initiative as an allowable program under the national authority.

76. (Advisory Committee) House bill contains no similar provision.

HR and include the following as Report Language:

The Conference understands that the Advisory Council provide advice to the Secretary regarding the improvement of drug and violence prevention programs, and that grant—on (a).

HR
77. (Hate Crime) House bill contains no similar provision.

HR
78. (Domestic Violence) House bill contains no similar provision.
HR with an agreement to move to Subpart 17 of Title V, Part D (FIE).
79. (Community Service) House bill contains no similar provision.
80. (Suicide Prevention) House bill contains no similar provision.
SR
81. (Mental Health) House bill contains no similar provision.
HR with an agreement to move redrafted provision to Subpart 14 of Title V, Part D (FIE).
82. (Quality Rating) House bill contains no similar provision.
SR
83. (School Safety and Violence Prevention) House bill contains no similar provision, but generally is duplicative of Safe and Drug-free state grants program.
84. (School Uniforms) House bill contains no similar provision.
SR
85. (Discipline Records Transfers) House bill contains similar provision; see House bill section 5115(b)(2)(O), p. 33, Note #47.
86. (Background Checks) House bill contains no similar provision.
HR
87. (Reporting of School Violence) House bill contains a similar use of funds in state grant program; see House bill section 5115(b)(2)(R), p.33, Note #47.
SR
88. (Security Technology Center) House bill contains no similar provision.
HR with an agreement to include this initiative as an allowable program under the national authority.
89. (Local Security Program) House bill contains no similar provision.
SR
90. (Audiovisual Equipment Acquisition) House bill contains no similar provision.
8. Similar provisions, but House bill focuses on students, and Senate amendment includes families and students.
91. (School Safety Enhancement) House bill contains no similar provision.
SR
8. Similar provisions, but House bill focuses on students, and Senate amendment includes families and students.
93. (Alcohol Abuse) House bill contains no similar provision.
HR
94. (School Safety Enhancement) House bill contains no similar provision.
SR
95. (Environmental Tobacco) House bill contains no similar provision.
96. (National Center for School and Youth Safety) House bill contains no similar provision.
HR with an agreement to include this initiative as an allowable program under the national authority.
97. (School Safety) House bill contains no similar provision.
HR with an agreement to include this initiative as an allowable program under the national authority.
98. (School Safety) House bill contains no similar provision.
HR
99. (School Safety) House bill contains no similar provision.
HR with an agreement to move to Subpart 2—21st Century Schools (New Title IV, Part B)
1. Senate amendment maintains both the 21st Century Community Learning Centers program and the Safe and Drug-Free Schools and Communities as separate programs.
House bill includes both programs under one act.
SR with an agreement to make it a separate part.
2. Similar provisions, but House bill focuses on students. Senate amendment includes families and students.
3. Senate amendment authorizes awards to CLCs that serve students who primarily attend schoolwide schools or schools with a high percentage of students from low income families.
SR
4. (House bill primarily targets schools eligible for schoolwide programs under section 1114 in state application—see section 5122.)
5. Both House bill and Senate amendment establish for reservations and continuation grants—see House bill section 5111 (4).
6. Senate amendment allows 1% for outlying areas and BIA.
HR
7. Both House bill and Senate amendment send funds to States based on a formula.
8. Senate amendment sends funds based on Title I, part A.
9. Senate amendment sends funds based on Title I, part A.
10. House bill and Senate amendment contain similar provisions.
11. Senate amendment contains no similar provision.
12. Senate amendment contains no similar provision.
13. Senate amendment contains no similar provision.
14. Senate amendment contains no similar provision.
15. Senate amendment contains no similar provision.
16. Senate amendment contains no similar provision.
17. Senate amendment contains no similar provision.
18. Senate amendment contains no similar provision.
2. Similar provisions, but House bill focuses on students, and Senate amendment includes families and students.
3. Senate amendment authorizes awards to CLCs that serve students who primarily attend schoolwide schools or schools with a high percentage of students from low income families.
SR
4. House bill primarily targets schools eligible for schoolwide programs under section 1114 in state application—see section 5122.
5. Both House bill and Senate amendment establish for reservations and continuation grants—see House bill section 5111 (4).
6. Senate amendment allows 1% for outlying areas and BIA.
7. Both House bill and Senate amendment send funds to States based on a formula.
8. Senate amendment sends funds based on Title I, part A.
9. Senate amendment sends funds based on Title I, part A.
10. House bill and Senate amendment contain similar provisions.
11. Senate amendment contains no similar provision.
12. Senate amendment contains no similar provision.
13. Senate amendment contains no similar provision.
14. Senate amendment contains no similar provision.
15. Senate amendment contains no similar provision.
16. Senate amendment contains no similar provision.
17. Senate amendment contains no similar provision.
18. Senate amendment contains no similar provision.
(4) describes the procedures and criteria the State Educational Agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed center will help participating students meet local content and performance standards by increasing their academic performance and achievement;
(5) describes how the State Educational Agency will ensure that awards made under this paragraph—
(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and
(B) in amounts that are consistent with section (1608(b));
(6) describes the steps the State Educational Agency will take that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, and dissemination of promising practices;
(7) describes how funds under this part will be coordinated with programs under this Act, and other programs; as appropriate, in accordance with the provisions of section 8306;
(8) contains an assurance that the State Educational Agency—
(A) will make awards for programs of 3 to 5 year duration; and
(B) will require each eligible entity seeking such an award to prepare a plan describing how the center to be funded through the award will continue after funding under this part ends;
(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar activities;
(10) contains an assurance that the State Educational Agency will require eligible entities to describe in their applications under section 1609 how the transportation needs of participating students will be addressed;
(11) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies, before and after school (including during summer recess periods) programs, the heads of the State health and mental health agencies or their designees, representatives of teachers, parents, students, the business community, and community-based organizations;
(12) describes the results of the State’s needs and resources assessment for before and after school activities, which shall be based on the results of on-going State evaluation activities;
(13) describes how the State Educational Agency will evaluate the effectiveness of programs and activities carried out under this part which shall include at a minimum—
(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities; and
(B) public dissemination of the evaluation of programs and activities carried out under this part; and
(14) provides for timely public notice of intent to file application and an assurance that the application will be available for public review after submission of the application.
House bill primary targets students at schoolwide eligible schools.
Senate amendment targets students who attend schoolwide schools or schools with students from low-income families.
Similar provisions are aligned.

See House bill sec. 5123(d).
See House bill sec 5123(b)

11. No similar Senate amendment provision.

SR with amendment to strike House language and insert the following language:

"(b) PRIORITY.—A State educational agency's application submitted pursuant to subsection (a) shall be deemed to be appropriate or unacceptable unless the Secretary makes a written determination, prior to the expiration of the 120 day period beginning on the date that the Secretary receives the application, that the application is in violation of this part.

"(c) DISAPPROVAL.—The Secretary shall not finally disapprove an application, except after notice and opportunity for a hearing.

"(d) SPECIAL RULE.—If the Secretary finds that the application is not in compliance, in whole or in part, with the provisions of this part, the Secretary shall:

"(1) implement the procedures described in subsection (c); and

"(2) notify the State educational agency of the findings of non-compliance where such notification shall:

"(A) cite the specific provisions in the application that are not in compliance; and

"(B) request additional information, only as to those noncompliant provisions, needed to make the application compliant.

"(e) If the State educational agency does not respond to the notification described in subsection (d)(2) within 45 days, such application is not approved.

"(f) If the State educational agency does respond to the Secretary's notification described in subsection (d)(2) within 45 days with the requested information necessary to make the application compliant, the Secretary shall approve or disapprove such application by the end of 45 days following its resubmission or the end of the 120 period described in subsection (b), whichever is later.

12. House bill distributes 95% to the local level. Senate amendment distributes 94% to the local level.

SR

13. House bill and Senate amendment contain similar provisions aligned, additionally:

House bill includes principles of effectiveness requirements and limits to before and after school activities.

HR/SR with an amendment to insert the following language: (APPLICATION) SEC. 5125.

(b) ELIGIBILITY.—

"(1) IN GENERAL.—To be eligible to receive an award under this part, an eligible entity shall apply for an application to the State at such time, in such manner, and including such information as the State may reasonably require. Each such application shall include:

"(A) a description of the before and after school activity to be funded including—

"(i) an assurance that the program will take place in a safe and easily accessible facility;

"(ii) a description of how students participating in the program carried out by the center will travel safely to and from the center and home;

"(iii) a description of how the eligible applicant will disseminate information about the project (including its location) to the community in a manner that is understandable and accessible.

"(B) a description of how the activity is expected to improve student academic performance;

"(C) an identification of Federal, State, and local programs that will be combined or coordinated with the proposed program in order to make the most effective use of public resources;

"(D) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;

"(E) a description of how the activity will meet the principles of effectiveness described in [section 5214];

"(F) an assurance that the program will primarily target students who attend schools eligible for school-wide programs under section 1114 and the families of such students;

"(G) an assurance that funds under this part will be made available for programs and activities authorized under this part; and

"(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

"(i) an evaluation of the needs, available resources, and goals and objectives for the proposed community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families); and

"(ii) a demonstration that the eligible entity has experience, or promise of success, in providing similar activities that will complement and enhance the students' academic performance and achievement and positive youth development.

"(I) a description of a preliminary plan for how the center will continue after funding under this part ends;

"(J) an assurance that the community will be given notice and opportunity to submit an application and that the application and any waiver request will be available for public review after submission of the application; and

"(K) the names of the senior volunteers in activities carried out through the center, a description of how the entity will encourage and use appropriately qualified seniors to serve as the volunteers;

"(L) such other information and assurances as the State may reasonably require.

14. (I) appeared in an accepted amendment to the Senate bill, and substitute the following for Senate language:

"(D) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;

"(E) a description of how the activity will meet the principles of effectiveness described in [section 5214];

"(F) an assurance that the program will primarily target students who attend schools eligible for school-wide programs under section 1114 and the families of such students;

"(G) an assurance that funds under this part will be made available for programs and activities authorized under this part; and

"(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

"(i) an evaluation of the needs, available resources, and goals and objectives for the proposed community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families); and

"(ii) a demonstration that the eligible entity has experience, or promise of success, in providing similar activities that will complement and enhance the students' academic performance and achievement and positive youth development.

"(I) a description of a preliminary plan for how the center will continue after funding under this part ends;

"(J) an assurance that the community will be given notice and opportunity to submit an application and that the application and any waiver request will be available for public review after submission of the application; and

"(K) the names of the senior volunteers in activities carried out through the center, a description of how the entity will encourage and use appropriately qualified seniors to serve as the volunteers;

"(L) such other information and assurances as the State may reasonably require.

15. House bill and Senate amendment contain similar provisions, but Senate amendment also includes "unit of general purpose local government."

SR with an amendment to change "private organization" to "private entity" and move to 21st Century definitions; and strike the "and" after "community-based organization,"

16. House bill requires peer review for local applications, while the Senate amendment authorizes 3% of a State's allocation for peer review, among other activities—see Senate amendment sec. 1607(b)(1).

SR

17. House bill requires equitable geographical distribution.
Senate amendment requires urban/rural equitable distribution—see Senate bill sec. 1606(b)(B).

SR with an amendment to add at end "including urban and rural communities".

18. House bill provides for awards of 3–5 years.
Senate amendment provides for awards of up to 4 years—see Senate sec. 1601(5)(A).

SR

19. House bill and Senate amendment contain similar provisions.

LC

20. House bill gives a priority to programs proposing to serve students who attend schools identified as needing improvement under section 1116 and schoolwides under section 1114.

Senate amendment gives an equal priority to title I schools and community-based organizations, and consortia of the two.

HR with an amendment to take House language but strike "proposing to" and add "that will".

SR with an amendment to substitute the following for Senate language:

(b) PRIORITY.—In making awards under this part, the SEA shall give priority to applications submitted jointly by LEAs receiving funds under title I part A and community-based organizations or other public or private entities.

Special Rule—The SEA shall provide the same priority described in (b) to an LEA with similar priorities and demonstrates that it is unable to partner with a community-based organization that is in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

21. Senate amendment allows for centers to be located outside of a school building if accessible and as effective as school-based program.

House bill is silent on the location of a program.

HR with an amendment to strike Senate language and to insert the following language:

"(c) APPROVAL OF CERTAIN APPLICATIONS.—

The SEA may approve an application under this part for a program that will be carried out in a facility other than an elementary school or a secondary school, only if the program will be at least as accessible and as effective as the program to be served if the program were located in the school."  

22. House bill contains no similar provision.

HR with an amendment to move to section 5124(c) of the House bill, and substitute the following language:

"Programs that provide after-school activities for LEP students that emphasize language skills and academic achievement."

Report Language:

The language expands the authorized activities to include those projects with emphasis on language skills and academic achievement programs for limited English proficient students. Such activities may include activities to successfully negotiate the classroom and school culture and environments that may be unfamiliar to LEP children and their families, such as standardized tests; the roles of teachers, classroom aides, and school administrators; student conduct codes; and after-school sports, music, and clubs.

23. Senate amendment contains no similar provision.

SR with amendment to add at end of (1) "or may not come from Federal or State sources".

24. Senate amendment contains no similar provision.

SR with an amendment to strike "extended learning opportunities" and add "opportunities for academic enrichment" in (a)(3)(B) and (a)(2) with LC to make conforming amendments to this term. 

Insert (a)(2) with SR ("including summer school programs") following "after school programs and activities."

25. House bill requires that activities provide for extended learning and academic reinforcement.

HR

26. Senate amendment contains no similar provision.

SR with an amendment to insert following language:

"(G) AUTHORIZED ACTIVITIES.—Each eligible entity that receives a subgrant under this
part may use such funds to carry out a broad array of activities, such as—

“(1) before and after school activities (including summer school programs) that advance student achievement, including—

“(A) remedial education activities and academic enrichment learning programs, including providing additional assistance to students in order to allow them to improve their academic achievement; and

“(B) math and science education activities;

“(C) arts and music education activities;

“(D) after-school education programs;

“(E) tutoring services (including those provided by senior citizen volunteers) and mentoring programs;

“(F) family involvement activities;

“(G) telecommunications and technology education programs;

“(H) expanded library service hours;

“(I) programs that promote parental involvement and family literacy; and

“(J) programs that provide assistance to students who have been truant, suspended, or expelled to allow them to improve their academic achievement; and

“(K) drug and violence prevention programs, counseling programs, and character education programs and

“(2) establishing or enhancing programs or initiatives that improve academic achievement.

27. Similar definitions aligned:

House bill assists students, while the Senate amendment assists students and families of such students.

See House bill section 512(a)(1).

HR with an amendment.

HR on “(2) Covered Program”.

SR on “(4) State”.

Insert the following language:

Definition of Community Learning Center:

For the purpose of this part, a “community learning center” is an entity that assists students to meet state and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing them with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during non-school hours or periods when school is not in session (such as before and after school or during summer recess). (See definition of elementary and secondary schools to improve student academic achievement.”

Maintain House (2)-(8)

Goals:

“The primary goal of this part is to improve student academic achievement through the use of technology in elementary and secondary schools. Under this part, the Secretary shall establish initiatives that improve academic achievement including—

“A. provide every student with access to the digital divide by ensuring that every child is technologically literate by the time the child finishes the 8th grade, regardless of the child’s race, ethnicity, gender, income, geography, or disability and to encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based methods that can be widely implemented into best practices by State and local educational agencies.

2. The House bill authorizes the State Technology grant program for 5 years. The Senate amendment authorizes it for 7 years.

LC

3. The House bill includes $24.5 million for the Ready To Learn, Ready To Teach program in this section. The Senate amendment includes $50 million for a Ready to Learn program in section 11290 and $45 million for a Ready To Teach program in section 11296.

HR/SR with an amendment to strike all language. (See notes 78-82).

4. The House bill provides that not more than 5 percent may be made available for activity that is not directly related to the purposes set forth in subparagraph (A) of this section.

SR with an amendment to strike 5% and insert 2%.

5. The House bill reserves $15 million out of national activities for a national technology study, but allows for other uses of funds out of national activities. The Senate amendment requires all funds under section 2311 to be used for an independent longitudinal study of effective uses of technology.

SR (LC to draft legislative language)

Policy: No more than 15 million over the course of authorization.

6. The Senate amendment limits recipients to using not more than 5 percent of the funds made available grants for administrative costs or technical assistance. The House bill allows States to use up to 5 percent of their allocation for State activities under subparagraph 2. The Senate amendment provides that not more than .5 percent of the funds appropriated under subsection (a) may be used for the activities of the Secretary under subsection 2311.

SR with an amendment to strike 5% and insert 2%.

7. The House bill and Senate amendment have completely different definitions.

SR with an amendment to move House (1) to General Provisions;

Strike “scientifically based research” (31(A) and insert “a review of relevant research”;

At end of (4)(A) insert “and” and strike “and” in (4)(B) and insert “or”

LC—clarification state language is drafted so that the LEA is the fiscal agent of an eligible local partnership.

8. Also, see notes (32) and (45) in Title 8 for the general definitions of a “public telecommunication entity” and “technology.”

SR—(see note 7).

9. The House bill has a federal to state formula based 50 percent on Title I and 50 percent on student age population. The Senate amendment has a federal to state formula based 100 percent on Title I.

HR

10. The House bill reserves ½ of 1 percent of funds for the Bureau of Indian Affairs and maintains the Senate amendment reserves 0.75 percent for the Bureau of Indian Affairs and remains silent on outlaying areas.

However, the Senate amendment includes “outlaying areas” in its definition of a “State” in section. 3 Definitions.

SR with an amendment to allocate BIA .75 percent

11. The Senate amendment allows continuation grants for sections 3136 and 3122. Under section 3122, the House bill allows two-year (or the duration of the original grant period if shorter) continuation grants for section 3132(a)(2).

HR with an amendment to strike reference to section 3122.

12. The House bill and Senate amendment have similar reallocation of unused funds provisions.

SR

13. The Senate amendment prohibits a State whose minimum is below ½ of 1 percent to receive a grant. The House bill prohibits a State grant to be less than ½ of 1 percent.

SR with an amendment to allocate BIA .75 percent

14. The Senate amendment, but not the House bill, requires the Secretary to give priority when awarding grants to SEAs whose applications outline a strategy to carry out the part.

SR

15. The House bill requires the States to send out 60 percent of the funds to the LEAs based on Title I and to compete the remaining 40 percent. The Senate amendment requires the States to compete 100 percent of funds.

SR with an amendment to strike “60” in Sec. 5121(a)(2)(A) and insert “50”; and strike “40” in Sec. 5212(a)(3)(B) and insert “50”; in­sert the following Special Rule:

“(X)(1) Special Rule.—In awarding a grant under section (competitive pot) the State educational agency shall—

(A) determine which local educational agencies received an allocation under section (formula pot) that is of sufficient size so as to allow for an effective and sufficient investment consistent with the purpose of this part;

(B) give a priority to applications which received the amount described in subparagraph (A) and

(C) determine the minimum amount for awards under section (competitive pot) to ensure that grants are of sufficient size so as to be effective.

(2) INSUFFICIENT AMOUNT.—The State educational agency shall determine the suffi­cient amount of amounts described in paragraph (1)(A) by taking into consideration the amount received by local educational agencies under section (formula pot) and whether such amount is of sufficient size so as to allow for an effective and sufficient investment consistent with the purpose of this part.

16. The Senate amendment includes Sufficiency, Priority, Distribution, and Technical Assistance language under this section. The House bill includes similar “Sufficiency” and “Technical Assistance” language in sec­tion 5213 (8) and (9). The House bill has no Priority language under this section but places some emphasis on high-need LEAs in section 5213(b)(1). The House bill has no Dis­tribution language.

HR with an amendment to strike (C).

17. The House bill includes Continuation of Award language under this section.

HR

18. Although similar in some instances, the House bill and Senate amendment have different State Application requirements.

HR/SR with an amendment to:

Maintain House (a); Compression with Senate with (1-8)

Insert the following language for notes 18-28:

HR/SR with an amendment to:
HR/HR—See note 18.

20. The House bill and Senate amendment have similar language regarding the use of technology to improve student academic achievement, particularly in high-need LEAs. The Senate bill also has language in section 5215(a)(2) on creating partnerships to help high-need districts acquire technology.

HR/HR—See note 18.

21. The Senate amendment has duplicative provisions regarding teacher training, curricular development and use of technology resources and systems. See provisions (2) and (6). The House bill has no similar provisions.

HR/HR—See note 18.


HR/HR—See note 18.

23. The Senate amendment requires States to develop a technology financing strategy to provide access to all students, teachers, and classrooms. The House bill requires States to describe how they will ensure increased access for all students and teachers particularly in high-need LEAs. The House bill also has language in section 5215(a)(2) on creating partnerships to help high-need districts acquire technology.

HR/HR—See note 18.

24. The Senate amendment requires participation of pre-service school teachers and students. The House bill has similar participation requirements in the General Provisions (title 8). See note 97.

HR/HR—See note 18.

25. The House bill and Senate amendment have similar supplemental not supplant language.

HR/HR—See note 18.

26. The Senate amendment, but not the House bill, gives the Secretary the option to require States to provide assistance to LEAs that have the highest numbers or percentages of children and demonstrate the greatest need for technology, in order to improve student academic achievement.

HR/HR—See note 18.

27. The House bill has more specific language than the Senate amendment on the integration of technology, including a goal of December 31, 2006, accountability for such integration and its impact on student academic achievement.

HR/HR—See note 18.

28. The House bill, but not the Senate amendment, requires the States to describe how they will enhance the delivery of specialized and rigorous academic courses, particularly for those areas that would otherwise lack access to such courses and curricula due to geographic isolation or lack of resources.

HR/HR—See note 18.

29. The House bill, but not the Senate amendment, has a goal of teachers and principals being computer-literate and proficient (as determined by the State) by December 31, 2006.

HR/HR—See note 18.

30. Although similar in many instances, the House bill and Senate amendment have different application requirements. HR/HR with an amendment to insert the following language for notes 30—31 and insert at the very end of the Technology section the Internet Filtering language verbatim from the FY 01 Omnibus Appropriations bill.

LOCAL APPLICATION

― Each local application submitted in this section shall include the following:

(1) A description of how the applicant will use Federal funds provided under this subpart to improve the academic achievement, including technology literacy, of all teachers and to improve the capacity of all teachers to provide instruction through the use of technology.

(2) A description of the applicant’s specific goals for using advanced technology to improve student achievement aligned to challenging State academic content and student academic achievement standards.

(3) A description of how the applicant will take steps to ensure that all students and teachers in schools served by the local educational agency have increased access to educational technology, including how it would use funds under this subpart, such as in combination with other funds, to help ensure that students in high poverty and high needs schools, or schools identified for improvement under section 1116, have access to technology and teachers are prepared to integrate technology effectively into instruction.

(4) A description of how the applicant will—

(A) promote teaching strategies and curricula, based on a review of relevant research, which effectively integrate technology into instruction, leading to improvements in student academic achievement as measured by challenging State academic content and student academic achievement standards; and

(B) provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel served by the local educational agency to further the effective use of technology in the classroom or library media
center, and if applicable include a list of those entities that will partner with the local educational agency in providing ongoing sustained professional development;

(5) the type and costs of technologies to be acquired, including services, software, and digital curricula, including specific provisions for interoperability among such technologies;

(6) A description of how the local educational agency will coordinate the technology provided pursuant to this part with other Federal, State, and local sources;

(7) A description of how the local educational agency will ensure the effective use of technology to promote parental involvement and communication with school employees, including a description of how parents will be informed of the use of technologies so that the parents are able to reinforce at home the instruction the child receives at school;

(10) A description of how programs will be developed in collaboration with existing adult literacy service providers to maximize the use of such technologies;

(11) A description of the accountability measures and process the applicant will use for the extent to which funds provided under this subpart were effective in integrating technology into school curriculum, increasing the ability of teachers to teach and enabling students to meet challenging academic content and student academic achievement standards;

(12) A description of the support resources, such as services, software, other electronically delivered learning materials, and print resources, that will be acquired to ensure successful and effective use of technologies;

31. The House bill and Senate amendment require an application that is consistent with the objectives found in the state-wide plan.

HR/See note 30.
32. The House bill and Senate amendment require an explanation of how technology will improve student academic achievement and classroom instruction. The Senate amendment also includes improving technology infrastructure as a requirement.

HR/See note 30.
33. The Senate amendment requires grantee to develop a plan for relevant research. The House bill requires “scientifically-based research” in several provisions.

HR/See note 30.
34. The House bill and Senate amendment require information about how technology will be integrated into the curriculum. However, the Senate amendment requires a timelines and attention to emerging technologies.

HR/See note 30.
35. The Senate amendment requires technology to improve parental involvement and communication. The House bill has parental involvement language in sections 5212(a)(2)(B)(i) and 5212(a)(2)(A).

HR/See note 30.
36. The Senate amendment, but not the House bill, requires parents to be informed of technology uses so it can be reinforced at home.

HR/See note 30.
37. The House bill and Senate amendment require coordination with other Federal, State and local funds. The House bill specifically references titles II, IV, IDEA, and Vocational Education.

HR/See note 30.
38. The House bill and Senate amendment somewhat similar language requiring an evaluation of how technology was integrated into the curriculum and impacting teaching and students meeting State standards. The Senate amendment has duplicative evaluation in section 2305(a).

HR/See note 30.
39. The Senate amendment requires participation by private school teachers and students. The House bill has similar participation requirements in the General Provisions (title II). See note 97.

HR/See note 30.
40. The House bill but not the Senate amendment, requires applicants to take steps to ensure that all student and teachers, particularly those in high-poverty and high-need schools, have increased access to technology.

HR/See note 30.
41. The House bill, but not the Senate amendment, requires the local applicants to describe how they will encourage distance learning and the delivery of specialized and rigorous academic courses, particularly for those areas where students have access to such courses and curricula due to geographic isolation or lack of resources.

HR/See note 30.
42. The House bill, but not the Senate amendment, has a second requirement for consistency with State-wide technology priorities and requires integration with previous technology funds.

HR/See note 30.
43. The Senate amendment, but not the House bill, includes language of the Formation of Consortia and Coordination of Application Requirements.

SR with an amendment to add the following language of Sec. 5212. Use of Allotment by State . . .

“Special Rule: 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, educational service agencies, 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, institutions of higher education, educational service agencies, libraries, or other appropriate educational entities to provide services for the teachers and students in a local educational agency at the request of the State educational agency. The LC—ensure that language is drafted so that the LEA is the fiscal agent of the consortium.

50. The House bill, but not the Senate amendment, includes a section on State Activities. See notes (6), (22), (23) and (35).

SR with an amendment to insert “or other technologies” after “Internet” in (3)(B)(i); Strike (b).
51. Under this section, the House bill allows States to help LEAs provide access to emerging technologies for students with disabilities and limited English proficiency.

SR
52. Under this section, the House bill allows States to provide greater access to technology through libraries and with the support of the private sector. The Senate amendment requires States to describe how libraries can help increase access to technology under section 2305(4) and allows libraries to be part of a consortium with LEAs under section 207(b). The Senate amendment also retains the Community Technology Centers as a separate program.

With an amendment to take requirement that States describe how libraries can help increase access to technology under sec.

54. Under this section, the House bill allows States to collaborate with other States on distance learning.

SR
55. Although similar in substance, the House bill and Senate amendment have different local uses of funds.

HR/With an amendment to insert the following language See notes (6), (22), (23) and (35).

LOCAL ACTIVITIES

(a) PROFESSIONAL DEVELOPMENT.—A recipi.

56. Under this section, the House bill allows States to provide grants for technology to improve parental involvement and communication with school employees, including a description of how parents will be informed of the use of technologies so that the parents are able to reinforce at home the instruction the child receives at school.

HR/See note 30.
32. The House bill and Senate amendment focus on teachers and principals, while the Senate amendment focuses on teachers, administrators, and library staff. The Senate amendment also requires a list of partner entities that provide professional development.

HR/See note 30.
32. The Senate amendments, but not the House bill requires a description of the projected cost of technologies to be acquired and related expenses needed to implement the plan.

HR/See note 30.
35. The House bill and Senate amendment require coordination with other Federal, State and local funds. The House bill specifically references titles II, IV, IDEA, and Vocational Education.

HR/See note 30.
34. The House bill and Senate amendment somewhat similar language requiring an evaluation of how technology was integrated into the curriculum and impacting teaching and students meeting State standards. The Senate amendment has duplicative evaluation in section 2305(a).

HR/See note 30.
39. The Senate amendment requires participation by private school teachers and students. The House bill has similar participation requirements in the General Provisions (title II). See note 97.

HR/See note 30.
40. The House bill, but not the Senate amendment, requires applicants to take steps to ensure that all student and teachers, particularly those in high-poverty and high-need schools, have increased access to technology.

HR/See note 30.
41. The House bill, but not the Senate amendment, requires the local applicants to describe how they will encourage distance learning and the delivery of specialized and rigorous academic courses, particularly for those areas where students have access to such courses and curricula due to geographic isolation or lack of resources.

HR/See note 30.
42. The House bill, but not the Senate amendment, has a second requirement for consistency with State-wide technology priorities and requires integration with previous technology funds.

HR/See note 30.
43. The Senate amendment, but not the House bill, includes language of the Formation of Consortia and Coordination of Application Requirements.

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“Special Rule: 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, educational service agencies, 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, institutions of higher education, educational service agencies, libraries, or other appropriate educational entities to provide services for the teachers and students in a local educational agency at the request of the State educational agency. The LC—ensure that language is drafted so that the LEA is the fiscal agent of the consortium.

50. The House bill, but not the Senate amendment, includes a section on State Activities. See notes (6), (22), (23) and (35).

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51. Under this section, the House bill allows States to help LEAs provide access to emerging technologies for students with disabilities and limited English proficiency.

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52. Under this section, the House bill allows States to provide greater access to technology through libraries and with the support of the private sector. The Senate amendment requires States to describe how libraries can help increase access to technology under section 2305(4) and allows libraries to be part of a consortium with LEAs under section 207(b). The Senate amendment also retains the Community Technology Centers as a separate program.

With an amendment to take requirement that States describe how libraries can help increase access to technology under sec.

54. Under this section, the House bill allows States to collaborate with other States on distance learning.

SR
55. Although similar in substance, the House bill and Senate amendment have different local uses of funds.

HR/With an amendment to insert the following language See notes (6), (22), (23) and (35).

LOCAL ACTIVITIES

(a) PROFESSIONAL DEVELOPMENT.—A recipi.
57. The House bill’s (c)(4) and the Senate amendment’s (a)(8) are identical provisions. 

HR/SR—See note 54. 

58. The Senate amendment has duplicative provisions in (a)(9). 

HR/SR—See note 54. 

59. The Senate amendment, but not the House bill, has a requirement for connectivity with wide area networks. However, the House bill allows funds to be used for acquiring technology in general. 

HR/SR—See note 54. 

60. The House bill allows using funds for maintaining educational technology. The Senate amendment requires using funds to repair and maintain school technology equipment. 

HR/SR—See note 54. 

61. The House allows using funds for analyzing, collecting, and managing data for general school reform. The Senate amendment requires it. 

HR/SR—See note 54. 

62. The House bill, but not the Senate amendment, allows using funds for initiatives, particularly for public-private partnerships, designed to increase access for high-need LEAs. 

HR/SR—See note 54. 

63. The House bill, but not the Senate amendment, allows using funds to acquire proven and effective criteria that included integrated technology. 

HR/SR—See note 54. 

64. The House bill, but not the Senate amendment, allows using funds to determine the effectiveness of technology funded under this subpart. 

HR/SR—See note 54. 

65. The House bill, but not the Senate amendment, allows funds to be used to develop other teachers as technology leaders to help train other teachers. 

HR/SR—See note 54. 

66. The House allows using funds to increase access to technology in high-need LEAs, especially through technology centers in partnerships with libraries and private sector support. The Senate amendment retains the Community Technology Centers. 

HR—The Senate amendment’s allowable uses of funds include “independent and local educational practitioners and policymakers, including teachers, principals and superintendents” and experts in technology regarding the study.” 

HR/SR—See note 54. 

68. The House and Senate amendment require the Secretary to conduct a similar longitudinal study of the House bill. The Senate bill includes specific provisions relating to the establishment of a review panel under (a)(1)(C) and reporting requirements under (a)(1)(D). 

SR with an amendment to strike “the effect of . . . academic achievement” and insert Senate (A) as part of House (A) and insert Senate (B) as end part of House (A) with the following changes: strike “performance” and insert “academic achievement” and strike “and related 21st century skills;” Keep House (A) and (D), but House (B) becomes new (E); Insert as new (D): “consult with other interested Federal departments or agencies, State and local educational practitioners and policymakers (including teachers, principals and superintendents) and experts in technology regarding the study.” 

Keep Senate (B). 

69. The House bill, but not the Senate amendment, requires using “scientifically based research methods and control groups.” 

SR—The House bill, but not the Senate amendment, includes specific “use of funds” language under (b). 

HR/SR with an amendment to strike all language. 

70. The Senate amendment, but not the House bill, includes a separate Accountability section. 

Also see note 73. 

SR—The Senate amendment, but not the House bill, includes this National Evaluation of Technology Plans section. 

SR with an amendment to put in national evaluation: insert “particularly in rural areas” after “funds” in (a)(3)—see note 68. 

77. The Senate amendment, but not the House bill, includes this National Education Technology Plan section. 

HR with an amendment to strike all language and insert the following: 

“SEC. 2310. NATIONAL EDUCATION TECHNOLOGY PLAN. 

“(a) In General.—Based on the nation’s progress and an assessment by the Secretary of the continuing and future needs of the nation’s schools in effectively using technology to provide all students the opportunity to achieve challenging State academic content standards, the Secretary shall update and publish, in a form readily accessible to the public, the national long-range technology plan not later than 12 months after the date of enactment of this Act. 

“(b) CONTENT OF THE PLAN.—The plan shall include a description of the manner in which the Secretary will promote higher academic achievement through the integration of advanced technologies, including emerging technologies, into the curriculum, increased access to technology for teaching and learning, for schools with a high number or percentage of children from low-income families and the use of technology to assist in the implementation of State systemic reform strategies. The plan shall also describe joint activities of the Department of Education and other Federal departments or agencies that will promote the use of technology in education. 

Report Language: 

The Conferences intend that the National Education Technology Plan be conducted by the Secretary in consultation with other Federal departments or agencies, State and local education practitioners, and policymakers, including parents, teachers, principals, and superintendents, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications companies receiving Federal support, and providers of technology services and products. In addition, the plan should describe
the manner in which the Secretary will work with and promote the exchange of information among educators, State and local educational agencies, and appropriate representatives of the private sector, including the Universal Service Administrative Company, and other relevant entities on the effective use of technology in improving pupil academic achievement and technology literacy.

The bill requires the Secretary to report on joint activities regarding educational technology in each of the first four years of operation of the Telecommunications and Information Technology Assistance Act of 2002, and to submit a report regarding this joint activity.

The bill includes a provision that requires the Secretary to report to Congress on the effectiveness of the joint activities.

The bill also requires the Secretary to report on the effectiveness of the joint activities in each of the first four years of operation of the Telecommunications and Information Technology Assistance Act of 2002.

The bill includes a provision that requires the Secretary to report to Congress on the effectiveness of the joint activities in each of the first four years of operation of the Telecommunications and Information Technology Assistance Act of 2002.

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The bill also requires the Secretary to report on the effectiveness of the joint activities in each of the first four years of operation of the Telecommunications and Information Technology Assistance Act of 2002.
use of materials and learning technologies for achieving challenging State academic content and student academic achievement standards;

(2) ensure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, and State and local nonprofit public telecommunications entities;

(3) ensure that a significant portion of the benefits available for elementary schools and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the title of I, and

(4) contain such additional assurances as the Secretary may reasonably require.

(b) Arrangement.—In approving applications under section 11252(a), the Secretary shall ensure that the program authorized by section 11252(a) is conducted at elementary school and secondary school sites across the Nation.

(2) the core curriculum areas for which program activities have been undertaken and the number of teachers using the program in each core curriculum area; and

(3) the extent to which teachers using the program are located.

SEC. 11255. DIGITAL EDUCATIONAL PROGRAMMING.

(a) Awards.—The Secretary shall award grants under section 11252(b) to eligible entities to facilitate the development of educational programming that shall—

(1) include student assessment tools to give feedback on student performance;

(2) include built-in teacher utilization and support components to ensure that teachers can easily use the content of the programming with group instruction or for individual student use;

(3) be created for, or adaptable to, challenging content instruction, and student academic achievement standards; and

(4) be capable of distribution through digital broadcasting and school digital networks.

(b) Eligible Entities.—To be eligible to receive a grant under section 11252(b), an entity shall demonstrate that the core academic subjects and student academic achievement standards; and

(c) Competitive Basis.—Grants under section 11252(b) shall be awarded on a competitive basis as determined by the Secretary.

(d) Duration.—Each grant under section 11252(b) shall be awarded for a period not to exceed 3 years in order to allow time for the creation of a substantial body of significant content.

SEC. 11256. MATCHING REQUIREMENT.

(a) In general.—Each eligible entity desiring a grant under section 11252(b) shall contribute to the activities assisted under section 11252(b) non-Federal matching funds equal to not less than 100 percent of the amount of the grant. Matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

(b) Administrative Costs.—With respect to the implementation of section 11252(b), entities receiving a grant from the Secretary may use not more than 5 percent of the amounts received under the grant for the administrative expenses of administering the grant.

(c) The Senate amendment, but not the House bill, includes extensive findings for both programs.

(d) Grants under section 11252(b) shall be awarded for a period of 3 years in such manner, and accompanied by such information as the Secretary may reasonably require.

SEC. 11254. REPORTS AND EVALUATION.

(a) Eligible entity receiving funds under section 11252(a) shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under section 11252(a), including—

(1) the core curriculum areas for which program activities have been undertaken and the number of teachers using the program in each core curriculum area; and

(2) the extent to which teachers using the program are located.

SEC. 11257. ADMINISTRATIVE COSTS.

(a) Awards.—The Secretary shall award grants to eligible entities to facilitate the development of educational programming that shall—

(1) include student assessment tools to give feedback on student performance;

(2) include built-in teacher utilization and support components to ensure that teachers can easily use the content of the programming with group instruction or for individual student use;

(3) be created for, or adaptable to, challenging content instruction, and student academic achievement standards; and

(4) be capable of distribution through digital broadcasting and school digital networks.

(b) Eligible Entities.—To be eligible to receive a grant under section 11252(b), an entity shall demonstrate that the core academic subjects and student academic achievement standards; and

(c) Competitive Basis.—Grants under section 11252(b) shall be awarded on a competitive basis as determined by the Secretary.

(d) Duration.—Each grant under section 11252(b) shall be awarded for a period not to exceed 3 years in order to allow time for the creation of a substantial body of significant content.

SEC. 11256. MATCHING REQUIREMENT.

(a) In general.—Each eligible entity desiring a grant under section 11252(b) shall contribute to the activities assisted under section 11252(b) non-Federal matching funds equal to not less than 100 percent of the amount of the grant. Matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

(b) Administrative Costs.—With respect to the implementation of section 11252(b), entities receiving a grant from the Secretary may use not more than 5 percent of the amounts received under the grant for the administrative expenses of administering the grant.

(2) The Senate amendment, but not the House bill, contains a short title.

(c) The House bill refers to “Character Education Programs” and Senate amendment refers to “Partnerships in Character Education Program.”

(d) The Senate amendment authorizes the Secretary to make grants to State educational agencies, local educational agencies, or consortia of such agencies for the design and implementation of character education programs. Senate amendment authorizes the Secretary to award grants to eligible entities for the design and implementation of character education programs.

(e) The Senate amendment contains no similar provision.

(f) The Senate amendment authorizes the Secretary to make grants to State educational agencies, local educational agencies, or consortia of such agencies for the design and implementation of character education programs. Senate amendment authorizes the Secretary to award grants to eligible entities for the design and implementation of character education programs.
14. Similar provision.
15. House bill, but not Senate amendment, requires the agency or consortium receiving assistance to consider the views of the parents or guardians of the students to be taught under the program.

SR with an amendment to strike “or guardians” after “parents” and insert “and the students,” after “of the students”.

16. Identical provision.
17. Identical provision.
18. Identical provision.
19. Similar provision.
20. Identical provision.
21. Similar provision.
22. House bill, but not Senate amendment, includes “giving” as an example element of character.

SR
23. House bill contains no similar provision.

HR with an amendment to strike “10” and insert “9” in (1).

24. Similar provision.

LC
25. Under House bill, but not Senate amendment, the application must demonstrate that the program for which the assistance is sought has clear goals and objectives that are based on scientifically based research.

SR
26. Under Senate amendment, but not the House bill, the application must contain a description of any partnerships or collaborative efforts among the organizations and entities of the eligible entity.

HR
27. Similar provision.

SR
28. Senate amendment, but not House bill, requires applications to describe how parents, students, and other members of the community 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.

HR
29. Senate amendment, but not House bill, requires applications to describe the curriculum and instructional practices that will be used or developed.

HR
30. Senate amendment, but not House bill, requires applications to describe the methods of teacher training and parent education that will be used or developed.

HR
31. House bill requires applications to describe how the program will be linked to other efforts in the schools to improve student performance.

SR with an amendment to strike “applicable” in (ii).

32. House bill contains no similar provision.

HR with an amendment to strike “goals” and in (E)(i).

33. House bill provides that in selecting agencies or consortia to receive assistance under this section from among the applicants for such assistance, the Secretary shall use the effective methods and approaches that include the participation of experts in the field of character education. Senate amendment provides that the Secretary shall select, through peer review, eligible entities (see (IV), below) with national, nonprofit character education models for professional development in character education; (IV) models of professional development in character education; and (V) the development of measures of effectiveness for character education programs which may include the factors described in paragraph (3); and

HR
34. Senate amendment, but not House bill, requires the Secretary to consider the extent to which the program fosters character in students and the potential for improved student performance.

HR
35. Similar provision.

SR
36. Similar provision.

HR
37. Senate amendment, but not House bill, requires the Secretary to consider the degree to which each program attained the goals and objectives for student achievement. Senate amendment requires each eligible entity to submit an annual report to the Secretary that—

HR with an amendment to insert “end of the” before “second year” in (A)(i).

38. Similar provision.

39. House bill contains no similar provision.

HR
40. House bill requires the Secretary to ensure, to the extent practicable, that the programs assisted under this section are equitably distributed among the geographic regions of the United States, and among urban, suburban, and rural areas. Senate amendment requires the Secretary to ensure, to the extent practicable, that programs serve different areas of the Nation, including urban, suburban, and rural areas; and serve schools that serve minorities, Native Americans, students of limited-English proficiency, disadvantaged students, and students with disabilities.

SR
41. House bill requires each agency or consortium to submit to the Secretary, not later than 5 years after the initial grant, a report containing an evaluation of each program assisted. The report must also evaluate the degree to which each program attained the goals and objectives for the program.

HR
42. Senate amendment, but not House bill, requires the Secretary to provide a comprehensive evaluation of the program, including the impact on students, teachers, administrators, parents, and others by the second year of the program and not later than 1 year after completion of the grant period.

HR with an amendment to insert “in (II)” after “section which may be conducted by a national clearinghouse or other approach”.

43. House bill contains no similar provision.

HR
44. Senate amendment contains no similar provision.

45. House bill contains no similar provision.

46. House bill contains no similar provision.

47. House bill contains no similar provision.

48. House bill contains no similar provision.

49. House bill contains no similar provision.

50. House bill contains no similar provision.

51. House bill contains no similar provision.

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123. House bill contains no similar provision.

124. House bill contains no similar provision.

125. House bill contains no similar provision.

126. House bill contains no similar provision.

127. House bill contains no similar provision.
“(F) student and staff morale; and
“(G) overall improvements in school climate for all students, including students with physical and mental disabilities.”

44. SR with an amendment to insert the following language:
“(g) PRESUMPTIVE MATCH.—
“(1) IN GENERAL.—The Secretary may require eligible entities to match funds awarded under this subpart with non-Federal funds, except that such match may not exceed the amount of the grant award.
“(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—
“(A) the poverty of the population to be targeted by the eligible entity; and
“(B) the ability of the eligible entity to obtain such matching funds.
“(3) IN-KIND CONTRIBUTIONS.—The Secretary shall permit eligible entities to match funds in part in the form of in-kind contributions.
“(4) CONSIDERATION.—Notwithstanding this subsection, the Secretary shall not consider an eligible entity’s ability to match funds when determining which eligible entities will receive awards under this subpart.

45. House bill and Senate amendment contain similar provisions.

HR/SR (no authorization because moved to FIE).

Title V, Part D—Counseling
(New Title V, Part D, subpart 2)
1. House bill contains findings. Senate amendment contains no similar provision.

HR
2. House bill and Senate amendment contain similar provisions.

SR
3. House bill and Senate amendment contain similar provisions.

5. House bill and Senate amendment contain similar provisions.

LC
6. House bill and Senate amendment contain similar provisions.

LC
7. Senate bill does not contain a similar provision.

SR
8. House bill does not contain an application requirement.

HR with an amendment in (b)(2)(A) to strike “personal, social . . . development” and insert “counseling”; to strike (b)(2)(D) and insert “describe how the local educational agency will involve community groups, social service agencies, and other public and private entities in collaborative efforts to enhance the program and promote school-linked services integration”; to strike (b)(2)(E); in (b)(2)(H) strike all after “supervision” and insert “and not supplant other Federal, State, or local funds used for providing school-based counseling and mental health services to students; and”; to strike (b)(2)(I) and insert “assure that the applicant will appoint an advisory board composed of interested parents, school administrators, counseling services providers under (c)(4), and community leaders to advise the local educational agency on the design and implementation of the program”

9. House bill and Senate amendment contain similar provisions, with those provisions aligned:
House bill mentions “counseling and educational services.”
Senate amendment mentions “personal, social, emotional, and educational” services.
House bill includes “child and adolescent psychiatrists.”

House bill allows services to be provided in settings that meet the range of needs. Senate amendment provides for specific settings.

House bill provides for training for teachers to identify and intervene with students at risk of violent behavior. Senate amendment includes other services personnel, teachers, and instruction staff.

House includes child and adolescent psychologists as providers.

Senate amendment includes institutions of higher education, business, labor organizations, and “promotes school-linker services integration.”

House bill provides for specified ratios of students to providers. Senate amendment contains no similar provision.

House bill allows secondary students to serve as mentors among adults.

8. House bill and Senate amendment contain similar provisions.

9. House bill and Senate amendment contain similar provisions.

10. House bill limits administration expenses to 5%. Senate amendment limits administration expenses to 3%.

SR with an amendment to strike “and” in (b) and insert “or” in (b)
11. House bill and Senate amendment contain similar provisions, with those provisions aligned.

House bill includes a definition of “child and adolescent psychiatrist.”

Senate amendment includes a definition of "supervision." SR with an amendment to insert in (2)(B) “in school psychology” after “certification.” Insert “other qualified psychologist means an individual who has demonstrated competence in counseling children in a school setting and who is licensed in psychology by the State in which the individual works; and practices within the scope of the individual’s education, training, and experience with children in school settings;”

12. House bill requires a report on ratio of student to providers within one year. Senate amendment requires a report on progress at the end of grant.

SR with an amendment to insert “a report evaluating the programs assistant pursuant to each grant under this subpart and after "publicly available".

13. House bill contains no similar provision.

SR
House bill and Senate amendment contain similar provisions.

HR/SR with an agreement to move to Subpart 2 of Title V, Part D (FIE).

15. House bill contains no similar provision.

HR with an amendment to set the trigger at $40 million.

Title V, Part E—Mentoring
(New IV, Part A, within subpart 2)
1. House bill and Senate amendment contain similar provisions.

SR with an amendment to strike “an individual” and insert “a responsible adult, postsecondary student, or secondary school student” in (2).

2. House bill and Senate amendment contain similar provisions.

SR with an amendment to strike “caring individual” and insert “mentor” in (1).

3. House bill and Senate amendment contain similar provisions, but the House bill allows secondary students to serve as mentors along with adults.

SR with an amendment in (a)(1) to strike “responsible adults or students in secondary school” and insert “mentors”.

4. House bill and Senate amendment contain similar provisions.

5. House bill and Senate amendment contain similar provisions.

6. House bill and Senate amendment contain similar provisions, but the House bill allows secondary students to serve as mentors along with adults.

LC
7. House bill and Senate amendment contain similar provisions.

8. House bill and Senate amendment contain similar provisions.

9. House bill and Senate amendment contain similar provisions.

10. House bill and Senate amendment contain similar provisions.

11. House bill and Senate amendment contain similar provisions.

12. House bill and Senate amendment contain similar provisions.

13. House bill and Senate amendment contain similar provisions.

14. House bill and Senate amendment contain similar provisions.
HR/SR to delete (Staff to write letter to GAO).

15. House bill and Senate amendment contain similar provisions.

HR—Secretary to make grants to Big Brothers/Big Sisters to provide technical assistance to grant recipients (a) that utilize the capacity of training centers located in various cities in the US. Funds, in amounts determined by the Secretary, would come from the authorization for Part G. House bill contains no similar provision.

SR

Title VI—Impact Aid

1. The House bill and the Senate bill have similar provisions making a small modification to the "hold harmless" formula for distributing funds under Section 8002 (payments for federal acquisition of real property).

SR

In the amendments to paragraph (1) of section 8002(h), the House bill refers to being determined pursuant to statute while the Senate amendment refers to "law." 2. The House bill, but not the Senate bill, contains language extending the application deadline for a school district in Colorado that missed both: (1) its FY 1999 Section 8002 application deadline, and (2) a statutory extension to the extension deadline granted as part of the FY 2001 Department of Education Appropriations Act. The district would be paid from FY 2001 funds.

SR with an amendment to insert the following language:

"(b) Applications for Payment.—

(1) WARNER PUBLIC SCHOOLS, MUSKOGEE COUNTY, OKLAHOMA.—Notwithstanding any other provision of law, the Secretary shall treat as timely filed an application under section 8003 (20 U.S.C. 7703) from Warner Public Schools, Muskogee County, Oklahoma, for a payment for fiscal year 2002, and shall process that application for payment, if the Secretary has received the fiscal year 2002 application not later than 30 days after the date of the enactment of this Act."

(2) PINE POINT SCHOOL, SCHOOL DISTRICT 25, MINNESOTA.—Notwithstanding any other provision of law, the Secretary shall treat as timely filed an application under section 8003 (20 U.S.C. 7703) from Pine Point School, School District 25, Minnesota, for a payment for fiscal year 2000 application not later than 30 days after the date of the enactment of this Act.

3. This provision is similar to language regarding the change to Section 8002 (h)(4)(B). This is addressed in Section 601 (House Bill).

See note 1.

SR

4. The Senate bill, but not the House bill provides for an additional year of eligibility as "federal property" at a reduced payment level, for property that the federal government transfers to a non-federal entity.

HR

5. Both the House and Senate bills contain identical language expanding the number of small school districts which are guaranteed a 40 percent LOT payment.

HR/SR—to be taken out.

6. Both bills contain identical language modifying the definition of a "heavily impacted school district" to include school districts that have no taxing authority and whose boundaries are coterminous with those of a federal government as being eligible for "heavily impacted" payments.

LC

7. Using different language, both the House bill and the Senate amendment amend Section 8007(b) of current law. The House proviso deletes "Modernization Grants," while the Senate amendment refers to "School Facility Modernization Grants."

SR

8. Both the House bill and Senate amendment reserve 60 percent of the amount appropriated under subsection 801(e) for competitive construction grants. The House bill directs the Secretary to award grants to LEAs for emergency repairs of school facilities as well as school safety facilities. The Senate bill directs the Secretary to make grants to LEAs only for the modernization of school facilities, but has a provision to extend the filing deadlines in a different part of the bill (see note 9).

SR

9. The Senate amendment, but not the House bill, allocates 10 percent of the funds reserved for modernization for grants to LEAs described in paragraph (2)(B) (federal property), 45 percent for LEAs described in paragraph (2)(C) (City and Military), and 45 percent for LEAs described in paragraph (2)(D) (City and Military). The Senate amendment further reserves 10 percent of the funding for emergency grants, and 10 percent of the funding allocated to Military districts for emergency grants which are not subject to specific award criteria.

SR

10. The House bill, but not the Senate amendment, requires the Secretary to give priority to grants for emergency situations when making awards under this subsection.

SR

11. The Senate amendment, but not the House bill has allocated funding for Indian land or military districts to be used for modernization of schools on or near federal property, but only if the school itself has 25 percent of its average daily attendance composed of federal Indian students.

SR with an amendment to allow individual schools that would otherwise qualify for an emergency grant or modernization grant but are in a school districts that fail to qualify, to apply for such a grant as if they were a "expanded definition school district" (see definition below). In order to qualify under this provision, a school must be at least 40 percent impacted, be part of an LEA that has no bond capacity or that has used up to at least 75 percent of their bond capacity, and has an assessed value of taxable property per student in the school district that is in the lowest 50 percent of school districts within the state.

Note: Below is the policy and structure for construction; final legislative language is still to be written:

Overall structure—

One pot for all qualifying entities to share;

Emergency projects are funded first in the order of approval as in LEAs that have no practical capacity to issue bonds or limited capacity to issue bonds (House definition) funded first, and expanded definition LEAs (those that don't have House definition but meet the definition below) funded second if money remains, and funded only under the same criteria that apply to districts with limited capacity;

Modernization projects are funded if money remains after all emergency applications are funded. The same criteria apply for modernization funds within LEAs with no practical capacity to issue bonds or limited capacity to issue bonds (House definitions) funded first, and expanded definition LEAs (those that don't meet House definition but meet definition below) are funded second if money remains.

Expanding definition districts are districts that are at least 40 percent impacted, have used up to at least 75 percent of their bond capacity, and have an assessed value of taxable property per student in the school district that is in the lowest 50 percent of school districts within the state.

Leg. Counsel to craft above language. May need to separate out a section or a section might be better to just insert parts of agreement into suitable sections of the bill.

12. Both the House bill and the Senate amendment list eligibility requirements.

LC

13. The House bill but not the Senate amendment lists eligibility requirements for emergency grants. An LEA may be eligible if it receives formula grants under subsection (a), has an emergency condition which threatens the health or safety of students and personnel, and meets one of three conditions: (1) it has no practical capacity to issue bonds; (2) it has a limited capacity to issue bonds with a requirement that the LEA has used at least 75 percent of its bond capacity; or (3) it is a heavily impacted district.

SR with amendment LC to craft language reflecting the eligible pool as outlined in the policy above.

14. The House bill, but not the Senate amendment, requires that for an entity to be eligible for a modernization grant, that it be eligible to receive formula grants for construction under subsection (a).

HR with amendment LC to craft language reflecting the eligible pool as outlined in the policy above.

15. Both the House bill and the Senate amendment list eligibility requirements for Modernization Grants.

LC

16. The House bill, but not the Senate amendment states that in order to be eligible for a modernization grant, the LEA must meet the same criteria as those eligible for an emergency grant, except for having a school facility emergency, or must qualify as a federal lands district. The Senate amendment lists slightly different criteria with different placement (see note 17).

SR (per structure outlined in note 11).

17. The House bill and the Senate amendment have identical eligibility requirements for federal property districts.

LC

18. The Senate amendment provides that in order to be eligible for a modernization grant, an LEA and the facility to be modernized must be at least 75 percent impacted by certain types of connected students.

SR (per structure outlined in note 11).

19. The House bill, requires that in order to be eligible for a modernization grant, the LEA must have facility needs resulting from actions of the federal government. The Senate amendment requires this as a criteria for consideration by the Secretary (see note 20).

SR with an amendment to strike "actions of the federal government" and insert in its place "federal presence."

20. The House bill, but not the Senate amendment, defines the terms lack of practical capacity to issue bonds and minimal capacity to issue bonds.

SR (per structure outlined in note 11).

LC—May need to recede with an amendment to define districts that can receive funding only after those with limited or no practical bonding capacity are funded.

21. Both the House bill and the Senate amendment set forth award criteria. The House bill sets forth criteria for both emergency and modernization grants. The Senate bill requires the Secretary to review applications from federal lands districts, Indian land districts, and military districts.

LC

Report Language:
The Conference Report requires the Secretary to consider the severity of the need for modernization, which may be measured by factors such as overcrowding or the potential for overcrowding. The conferees note that such overcrowding may arise from housing privatization undertaken by the Department of Defense.

22. The House bill requires the Secretary to take into account the ability of a school district to pay for either a modernization project or an emergency project. The Senate bill requires the Secretary to take into account the districts ability to pay for modernization projects. 

SR
23. The House bill, but not the Senate amendment, sets forth the following criteria to measure an LEA’s ability to carry out a project, including its bonded indebtedness; its assessed value of real property per student, compared to the state average; the LEAs total tax rate for school purposes compared to the state average; and funds available to the LEA from other sources. 

SR
24. Using different language, both the House bill and the Senate amendment require the Secretary to consider the lack of taxable property due to a federal presence and the impact of federally connected children.

SR
25. Using different language, both the House bill and the Senate amendment require the Secretary to consider the threat that a condition poses to health or safety, and overcrowding as evidenced by the use of portals or portables.

SR
26. With amendment to insert (D)(ii).

26. The Senate amendment requires the Secretary to take into account facility needs resulting from the federal government. The House bill requires that facility needs result from the federal government in order to be eligible (see note 19).

SR (per note 19)
27. The House bill but not the Senate amendment requires the Secretary to consider the LEAs inability to maximize the use of technology or offer curriculum due to physical facility limitations.

SR
28. Both the House bill and the Senate amendment require the Secretary to consider the age of the facility to be modernized.

LC
29. Using different language, both the House bill and the Senate amendment provide additional award provisions.

LC
30. The House bill limits the amount of the cost of a project that may be funded under this subsection to 50 percent for LEAs that have limited bonding capacity or that qualify solely because they are heavily impacted. The Senate amendment limits the federal share to 50 percent for all projects.

SR
31. The House bill limits the amount an LEA may receive under this subsection for LEAs having limited bonding capacity or that qualify solely because they are heavily impacted to $3 million over a 5-year period. The Senate amendment limits the amount any LEA may receive to $5 million over a 2-year period.

HR/HR
32. With an amendment to allow these districts to receive up to $4 million in a 4-year period.

32. The House bill allows the use of in-kind contributions to meet the match required of LEAs. The Senate amendment has a similar provision with different placement (see note 30).

SR
33. Both the House bill and the Senate amendment contain certain prohibitions on the use of funds under this subsection. These provisions are placed differently. The House bill prohibits funds from being used for facilities for which the LEA does not hold the title, and facilities primarily used for events for which admission is charged. The Senate amendment prohibits funds under this subsection from being used for the purchase of real property, athletic and similar facilities for which admission is charged, and requires that all projects carried out with funds provided under this subsection to comply with relevant environmental law and regulation.

LC—merge the language from both bills.

34. Using slightly different language, both the House bill and the Senate amendment prohibit LEAs receiving funds under this subsection from supplanting funds that would otherwise be spent for facilities construction or modernization.

LC
35. The House bill but not the Senate amendment prohibits emergency grants under this subsection from being used for the replacement of an existing facility unless such replacement is more cost effective than repair of the existing facility.

SR
36. The House bill requires that emergency grants for which funding is not available shall be considered in the following years in meeting the request of the LEA. The Senate amendment requires that an eligible entity that applies for a grant which is not funded shall have its application considered for the following fiscal year. The Senate amendment places this provision differently than the House bill.

HR
37. The House bill and the Senate amendment require LEAs seeking a grant under this subsection to submit an application to the Secretary.

LC
38. The House bill and the Senate amendment require different information to be submitted to the Secretary. The House bill requires applicants to submit information related to the award criteria. In the case of emergency grants, it requires a description of the hazard, and a signed statement certifying the deficiency. In the case of a modernization grant, the House bill requires an explanation of the project and the age of the facility, a description of the project including a cost estimate, and a description of ownership interest in the facility.

LC—merge the lists of both bills.

39. The Senate amendment requires the submission of a listing of the facilities to be modernized and the percentage of federally impacted children, a description of the ownership of the property, a description of how the LEA meets the award criteria, a description of the project, and a cost estimate for the project.

LC—merge the two.

40. The Senate amendment requires LEAs applying for an emergency grant to submit a signed statement certifying the deficiency. This is similar to one of the provisions for emergency grants under the House bill (see above).

SR with an agreement to add report language.

Report Language:

The Conference would urge the Department when awarding grants under section 8007(b) of the Impact Aid Program that every effort be made to insure that emergency grant application requests from all eligible categories of school districts are given equal consideration, subject to the requirements of that subsection.

41. The Senate amendment, but not the House bill, requires the Secretary to make every effort to meet fully the needs of Indian lands and Military Impacted school districts.

SR
42. The Senate amendment requires the Secretary to give priority based on severity of emergency if more than one grant application is received from an Indian lands or military district. The priority is based upon severity of the emergency and when the application was received. The house bill contains an absolute priority for emergency situations under subsection (b)(2).

HR
43. The House bill, but not the Senate amendment, increases the authorization for appropriation for Impact Aid construction to $150 million for FY 2002, and such sums as necessary for the four succeeding fiscal years.

SR
45. Both the House bill and the Senate bill have virtually identical language to clarify that Section 8009 (equalized states) payments are exempt from state equalization. The House bill, but not the Senate amendment, includes a reference to section 8003(b)(2).

SR
46. Both the House bill and the Senate bill contain language to authorize the program through 2006.

SR
47. With amendment to change word “six” to “seven”.

47. The House bill, but not the Senate bill contains language to transfer and redesignate the program.

LC
48. The House bill, but not the Senate bill contains a provision to provide that funds appropriated under the current placement of the Impact Aid program in Title VIII of the ESEA will be available under that program as redesignated as Title VI.

LC
Report Language:

Language was included in the FY 2001 National Defense Authorization Act to reauthorize the Impact Aid Program. As part of the reauthorization, language was included in Section 8002(j) to authorize (payments relating to federal acquisition of real property) funding for the Centennial School District in Bucks County, Pennsylvania due to a unique situation. The Centennial School District is the only school district in the nation where the only military facility that was located entirely within the boundaries of the school district was realigned as a part of base realignment and closure (BRAC), but the school district continues to educate the children of families who continue to live on that property even though the parent(s) are stationed at a federal facility located outside the boundaries of the school district. The Commander of that federal facility has stated that this current situation will continue for the foreseeable future. By moving the language of Section 8002(j) of the Impact Aid Program to Part D of Title V, the Fund for the Improvement of Education (FIE), it is not the intent of the conferees to in any way affect the authorization for funding Section 8002(j) and in no way minimizes the ability of congress to seek funding for the authorization on an annual basis.

49. The House bill, but not the Senate bill contains language regarding a Sense of Congress that the Impact Aid program should be fully funded.

HR
HR/SR with an amendment to strike all language.

11. The House bill, but not the Senate amendment, allows the Secretary to determine the factors to be considered in making the awards, while the Senate amendment requires the Secretary to consider the factors listed in subparagraphs (a)(2)(A) and (B) following in the House bill. The Senate amendment, but not the House bill, requires the Secretary to consider the factors listed in clauses (iv) and (v) following in the Senate bill.

HR with an amendment to strike all language.

12. The House bill and the Senate amendment are the same.

HR/SR with an amendment to strike all language.

13. The House bill and the Senate amendment are substantially the same, with minor, technical differences in wording.

HR with an amendment to strike all language.


SR with an amendment to strike all language.

15. The House bill does not contain a similar provision.

SR with an amendment to strike all language.

16. The Senate amendment does not contain a similar provision.

HR with an amendment to strike all language.

17. The House bill does not contain a similar provision.

HR with an amendment to strike all language.

18. The House bill does not contain a similar provision.

HR/SR with an amendment to strike all language.

19. The House bill does not contain a similar provision; however, see section 7104 of the House bill for authorization levels. See note 46.

SR with an amendment to strike all language.

20. The Senate amendment does not contain a similar provision.

HR with an amendment to strike all language.

21. See note 3 regarding the peer review process.

HR with an amendment to strike all language.

22. The House bill, but not the Senate amendment, contains a subsection requiring the Secretary to make grants to states to offset the cost of administering the alternative assessment to NAE

HR with an amendment to strike all language.

23. The House bill and Senate amendment have different section headings.

HR/SR with an amendment to strike all language.

24. The House bill and the Senate amendment are substantially the same, with the following exceptions: The Senate amendment allows the Secretary to reduce State administration funds "by not more than 30 percent", while the House bill does not contain similar discretion for the Secretary; and the House bill, but not the Senate bill, requires the Secretary to make adjustments in State administrative funds in the "subsequent fiscal year".

HR/SR with an amendment to strike all language.

25. The House bill does not contain a similar provision, but the House bill and the Senate amendment require the Secretary to determine similarities in alternative assessment to NAE.

HR/SR with an amendment to strike all language.

26. The House bill and the Senate amendment refer to "adequate yearly progress" as defined under Title I, part A, section 1111, although the Senate reference is more specific. (In addition, the House bill and Senate amendment differ in their provisions regarding adequate yearly progress pursuant to each respective Title I.)

HR/SR with an amendment to strike all language.

27. See notes 7 and 8 regarding the differences in the House bill and Senate amendment provisions regarding what the Secretary must examine to determine, in this case, sanctions.

HR/SR with an amendment to strike all language.

28. The House bill, but not the Senate amendment, allows the Secretary to increase the reduction in a State's administrative funds by not more than an additional 45% for the two years following the initial period described in subsection (a) of the House bill. The Senate amendment, but not the House bill, requires the Secretary to reduce a State's administrative funds by not more than 75% in the subsequent fiscal year for another year or years following the initial period described in subsection (a) of the Senate amendment.

HR/SR with an amendment to strike all language.

29. The Senate amendment does not contain a similar provision.

HR with an amendment to strike all language.

30. The Senate amendment does not contain a similar provision.

HR with an amendment to strike all language.

31. The House bill, but not the Senate amendment, requires the Secretary to reduce a State's administrative funds by an additional 20% above the reductions determined in subsections (a) and (b) if the State has failed to make adequate progress regarding the acquisition of English proficiency by students with limited English proficiency pursuant to Title I, part A. The Senate amendment, but not the House bill, requires the Secretary to determine whether a State has met its performance objectives under Title III of the Senate bill regarding the acquisition of English proficiency by limited English proficient students as part of the initial period described in subsection (a).

HR/SR with an amendment to strike all language.

32. The House bill does not contain a similar provision.

SR with an amendment to strike all language.

33. The Senate amendment does not contain a similar provision.

HR with an amendment to strike all language.

34. The House bill and the Senate amendment have different section headings.

HR

35. The House bill and the Senate amendment are substantially the same, with minor differences in wording. The House bill refers specifically to standards and assessments required by section 1111 of Title I, part A, while the Senate amendment refers to "other standards and assessments added to ESEA" under current law by the Senate amendment.

SR

36. The House bill and the Senate amendment are substantially the same with minor differences in wording. The House bill refers specifically to standards and assessments required by section 1111 of Title I, part A, while the Senate amendment refers to "other standards and assessments added to ESEA" under current law by the Senate amendment.

Notes

6. The House bill and the Senate amendment differ in their provisions regarding financial awards to states.

11. The House bill, but not the Senate amendment, allows the Secretary to consider the factors listed in paragraphs (1) and (2) following in the House bill. The Senate amendment, but not the House bill, requires the Secretary to consider the factors listed in clauses (iv) and (v) following in the Senate bill.

12. The House bill and the Senate amendment are the same.

13. The House bill and the Senate amendment are substantially the same, with minor, technical differences in wording.


15. The House bill does not contain a similar provision.

16. The Senate amendment does not contain a similar provision.

17. The House bill does not contain a similar provision.

18. The House bill does not contain a similar provision.

19. The House bill does not contain a similar provision; however, see section 7104 of the House bill for authorization levels. See note 46.

20. The Senate amendment does not contain a similar provision.

21. See note 3 regarding the peer review process.

22. The House bill, but not the Senate amendment, contains a subsection requiring the Secretary to make grants to states to offset the cost of administering the alternative assessment to NAE.

23. The House bill and Senate amendment have different section headings.

24. The House bill and the Senate amendment are substantially the same, with the following exceptions: The Senate amendment allows the Secretary to reduce State administration funds "by not more than 30 percent", while the House bill does not contain similar discretion for the Secretary; and the House bill, but not the Senate bill, requires the Secretary to make adjustments in State administrative funds in the "subsequent fiscal year".

25. The House bill does not contain a similar provision, but the House bill and the Senate amendment require the Secretary to determine similarities in alternative assessment to NAE.

26. The House bill and the Senate amendment refer to "adequate yearly progress" as defined under Title I, part A, section 1111, although the Senate reference is more specific. (In addition, the House bill and Senate amendment differ in their provisions regarding adequate yearly progress pursuant to each respective Title I.)

27. See notes 7 and 8 regarding the differences in the House bill and Senate amendment provisions regarding what the Secretary must examine to determine, in this case, sanctions.

28. The House bill, but not the Senate amendment, allows the Secretary to increase the reduction in a State's administrative funds by not more than an additional 45% for the two years following the initial period described in subsection (a) of the House bill. The Senate amendment, but not the House bill, requires the Secretary to reduce a State's administrative funds by not more than 75% in the subsequent fiscal year for another year or years following the initial period described in subsection (a) of the Senate amendment.

29. The Senate amendment does not contain a similar provision.

30. The Senate amendment does not contain a similar provision.

31. The House bill, but not the Senate amendment, requires the Secretary to reduce a State's administrative funds by an additional 20% above the reductions determined in subsections (a) and (b) if the State has failed to make adequate progress regarding the acquisition of English proficiency by students with limited English proficiency pursuant to Title I, part A. The Senate amendment, but not the House bill, requires the Secretary to determine whether a State has met its performance objectives under Title III of the Senate bill regarding the acquisition of English proficiency by limited English proficient students as part of the initial period described in subsection (a).

32. The House bill does not contain a similar provision.

33. The Senate amendment does not contain a similar provision.

34. The House bill and the Senate amendment have different section headings.

35. The House bill and the Senate amendment are substantially the same, with minor differences in wording. The House bill refers specifically to standards and assessments required by section 1111 of Title I, part A, while the Senate amendment refers to "other standards and assessments added to ESEA" under current law by the Senate amendment.

36. The House bill and the Senate amendment are substantially the same, with minor differences in wording. The House bill refers specifically to standards and assessments required by section 1111 of Title I, part A, while the Senate amendment refers to "other standards and assessments added to ESEA" under current law by the Senate amendment.
Senate amendment are the same regarding carrying out other activities under this part. SR

37. The House bill and the Senate amendment are substantially the same with minor wording differences. SR

38. The Senate amendment does not contain a similar provision. However, the Senate amendment does reference all assessments required in paragraph (a)(1). See note 35. SR

39. See note 36 regarding administration of assessments. SR

40. The Senate does not contain similar provisions as the House bill in subparagraphs (C)–(E) following. SR

With an amendment to insert "...including professional development activities aligned with state academic achievement standards and assessments" at the end of House (F) and to strike subparagraph (H) and insert the following:

"(H) The Secretaries shall provide financial assistance (1) to States (or consortia of States) to enter into partnering agreements with local educational agencies to collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in the section that specifies the quality, needs, and scope of the State assessment system. In determining the grant amount, the Secretary shall include any funds the State would have received under (6) of this paragraph; and (6) allocate any remaining funds after funds are allocated in (5) to each State based on population. Each amendment, except that States which received a grant under (5) receive none of these remaining funds.

51. The House does not contain a similar provision. HR

52. The House bill, but not the Senate amendment, contains this part allowing for "...State and Local Flexibility Demonstration..." and transferring federal funding. HR

With amendment to strike subparagraphs (A)–(C) of subsection (a)(1) and insert:

"(A) Section 2113(a)(3) of Part A of Title II (Teachers);

"(B) Section 2412(a)(1) of Part D of Title II (Technology);

"(C) Sections 4112(a)(1) with the agreement of the Governor and 4112(c)(1) of Part A, and section 4220(c)(3) of Part B of Title IV (Safe and Drug Free and 21st Century); and

"(D) Section 5112(b) of Part A of Title V (Innovative Programs)," and with amendment to strike subparagraph (A)–(C) of subsection (b)(2) and insert:

"(A) Section 2121 of Part A of Title II (Teachers);

"(B) Section 2412(a)(2)(A) of Part D of Title II (Technology);

"(C) Section 4112(b)(1) of Part A of Title IV (Safe and Drug Free); and

"(D) Section 5112(a) of Part A of Title V (Innovative Programs)."

53. The House bill and the Senate amendment have different headings and titles and locate this part in different parts of each piece of legislation. HR/WR with amendment to insert new title: "State and Local Flexibility Demonstration and..." and with amendment to insert "State and..." become "Local Flexibility Demonstration" and "State and..." become "Local Flexibility Demonstration..." and transferring federal funding.

54. The Senate amendment, but not the House bill, allows SEAs, as well as LEAs, to participate and therefore meet the specific requirements. The House bill only allows LEAs. This difference is consistent in the provisions throughout these parts except as otherwise noted. HR

55. The House bill and the Senate amendment are substantially the same with minor wording differences. SR

56. The Senate amendment does not contain a similar provision. SR

57. The House bill and the Senate amendment are substantially the same with the exception that the Senate amendment adds "educators" and "administrators" to the list. HR

58. The House bill and the Senate amendment are similar with the mention of the exception that the House bill refers to "maximum freedom", while the Senate amendment refers to "greater flexibility". HR

59. The House bill refers to "Federal barriers", while the Senate amendment refers to "...the effectiveness..." and the Senate amendment refers to effective reform. In addition, the Senate amendment, but not the House bill, refers to "equity of student opportunity and accountability for student progress." HR

With amendment to strike "of equality".

60. The House bill and the Senate amendment are substantially the same with minor wording differences. HR

61. The House bill and the Senate amendment are similar with the exception that the Senate amendment, but not the House bill,
conforms to “low-income and minority students”.

HR with amendment to strike “performing” and insert “achieving”.

62. The House bill and the Senate amend-
ment have different headings.

HR/SR with amendment to insert new sec-
tion heading of “Local Flexibility Demonstra-
tion”.

63. The House bill and the Senate amend-
ment are similar with the exceptions that the House bill, but not the Senate amend-
ment, references the State’s definition of adequate yearly progress and with a tech-
nical difference in cross-references.

SR with amendment to insert “on a com-
petitive basis” after “shall”.

64. The House bill, but not the Senate amend-
ment, requires the Secretary to enter into performance agreements with not more than 100 LEAs. The Senate amendment, but not the House bill, requires the Secretary to ensure equitable distribution of selected agencies if more than 7 SEAs or 25 LEAs apply. In addition, the Senate amend-
ment requires the Secretary to ensure equitable distribution of agencies between urban and rural areas if more than 25 LEAs apply.

SR with amendment to insert that there
must be no less than 4, but no more than 10 local flexibility demonstration districts in the 7 State Flexibility Demonstration States (for a total of 70 districts). The House bill, but not the Senate bill, requires the Secretary to enter into no more than 2 performance agreements with not more than 100 LEAs. The Senate amendment, but not the House bill, requires the Secretary to consider geographic distribution (however, these provisions dif-
fer, see note 73), while the Senate amend-
ment, but not the House bill, also conditions the Secretary’s approval of LEA partici-
patation. See note 74.

SR with amendment to strike “100” and
insert “150” and to insert “on a competitive basis” after “shall” and to add “consistent with [paragraph (2)—notes 73 and 74] after first reference to “local educational agen-
cies”.

65. The House bill, but not the Senate amend-
ment, specifically requires the sub-
mission of a proposed performance agree-
ment to the Secretary. Otherwise, the provi-
sions are similar.

SR

66. The House bill, but not the Senate amend-
ment, requires a plan by the LEA to meet the State’s definition of adequate yearly progress. The Senate amendment, but not the House bill, requires the SEA or LEA to exceed the State’s definition of adequate yearly progress by a statistically significant amount while also meeting the various re-
quirements in sections 1111 and 1116 of Title
I, part A, of the Senate amendment.

SR

67. The House bill does not contain a simi-
lar provision.

SR

68. The House bill, but not the Senate amend-
ment, requires the plan by the LEA to notify the “State”. The Senate amendment, but not the House bill, requires the SEA to notify a list of other entities described in subclauses (I) and (II) following of the Senate amend-
ment.

SR

69. The House bill does not contain a simi-
lar provision.

SR

70. The House bill does not contain a simi-
lar provision.

SR

71. The House bill and the Senate amend-
ment are similar with a minor wording dif-
ference.

LC

72. The House bill does not contain a simi-
lar provision.

HR

73. The House bill, but not the Senate amend-
ment, allows the Secretary to enter into no more than 2 performance agreements per state for the first three years after the bill has been enacted, and subsequent to this period, the Secretary can enter into no more than 100 agreements total, regardless of the number of performance agreements per state, so long as there is an equitable distribution between urban and rural areas. The Senate amend-
ment, but not the House bill, requires the Secretary to ensure equitable distribution of selected agencies if more than 7 SEAs or 25 LEAs apply. In addition, the Senate amend-
ment requires the Secretary to ensure equitable distribution of agencies between urban and rural areas if more than 25 LEAs apply.

SR with amendment to insert that there
must be no less than 4, but no more than 10 local flexibility demonstration districts in the 7 State Flexibility Demonstration States (for a total of 70 districts). The Senate amendment, but not the House bill, requires the Secretary to enter into no more than 2 performance agreements with not more than 100 LEAs. The Senate amendment, but not the House bill, requires the Secretary to consider geographic distribution (however, these provisions dif-
fer, see note 73), while the Senate amend-
ment, but not the House bill, also conditions the Secretary’s approval of LEA partici-
patation. See note 74.

SR with amendment to strike “100” and
insert “150” and to insert “on a competitive basis” after “shall” and to add “consistent with [paragraph (2)—notes 73 and 74] after first reference to “local educational agen-
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quirements in sections 1111 and 1116 of Title
I, part A, of the Senate amendment.

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lar provision.

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must be no less than 4, but no more than 10 local flexibility demonstration districts in the 7 State Flexibility Demonstration States (for a total of 70 districts). The Senate amendment, but not the House bill, requires the Secretary to enter into no more than 2 performance agreements with not more than 100 LEAs. The Senate amendment, but not the House bill, requires the Secretary to consider geographic distribution (however, these provisions dif-
fer, see note 73), while the Senate amend-
ment, but not the House bill, also conditions the Secretary’s approval of LEA partici-
patation. See note 74.

SR with amendment to strike “100” and
insert “150” and to insert “on a competitive basis” after “shall” and to add “consistent with [paragraph (2)—notes 73 and 74] after first reference to “local educational agen-
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65. The House bill, but not the Senate amend-
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mission of a proposed performance agree-
ment to the Secretary. Otherwise, the provi-
sions are similar.

SR

66. The House bill, but not the Senate amend-
ment, requires a plan by the LEA to meet the State’s definition of adequate yearly progress. The Senate amendment, but not the House bill, requires the SEA or LEA to exceed the State’s definition of adequate yearly progress by a statistically significant amount while also meeting the various re-
quirements in sections 1111 and 1116 of Title
I, part A, of the Senate amendment.

SR

67. The House bill does not contain a simi-
lar provision.

SR

68. The House bill, but not the Senate amend-
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HR

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ment requires the Secretary to ensure equitable distribution of agencies between urban and rural areas if more than 25 LEAs apply.

SR with amendment to insert that there
must be no less than 4, but no more than 10 local flexibility demonstration districts in the 7 State Flexibility Demonstration States (for a total of 70 districts). The Senate amendment, but not the House bill, requires the Secretary to enter into no more than 2 performance agreements with not more than 100 LEAs. The Senate amendment, but not the House bill, requires the Secretary to consider geographic distribution (however, these provisions dif-
fer, see note 73), while the Senate amend-
ment, but not the House bill, also conditions the Secretary’s approval of LEA partici-
patation. See note 74.
amendment; and (2) There is a technical difference in cross-references.

SR with amendment to strike “State” and insert “local educational agency”.

103. The House bill and the Senate amendment are substantially the same with the following differences: (1) The House bill refers to the “State” being held accountable, while the Senate amendment refers to the SEA being held accountable; and (2) There is a technical difference in cross-references.

SR with amendment to strike “a State seeks” and insert “and a State is seeking” and to strike “State” and insert “local educational agency” before “will be held”.

104. See note 100 regarding differences in the time provided the Secretary. In addition, the Senate amendment, but not the House bill, allows the Secretary to provide the SEA with documentation that the amendment plan “no longer has substantial promise” of meeting this part’s requirements and refers to exceeding adequate yearly progress.

SR with amendment for LC to make consistent with 21st Century “deemed approved” language.

105. The House bill and the Senate amendment are substantially the same with minor, technical differences in wording.

SR with amendment for LC to make consistent with 21st Century “deemed approved” language.

106. The House bill does not contain a similar provision.

SR

107. The House bill, but not the Senate amendment, addresses the reinstatement of program requirements on the LEA once a program is removed from performance agreement beginning on the effective date of the executed amendment. The Senate amendment, but not the House bill, addresses the prohibition of adding or removing programs on the first day of the first full academic year following the approval of the amendment.

SR

108. The House bill and the Senate amendment are similar. However, the House bill, but not the Senate amendment allows the LEA to use its consolidated funds for any purpose in the House bill. The Senate amendment, but not the House bill, allows the SEA to use LEA’s funds for any purpose of the eligible programs listed in subsection 5705(b) and contiguous upon paragraph (3) of the Senate amendment.

SR with amendment to strike “, subject to subsection (c).”,

109. The House bill and the Senate amendment are substantially the same with the exceptions of minor wording differences and that the House refers to the “State”, while the Senate refers to the SEA.

SR with amendment to strike “State” and insert “local educational agency”.

110. The House bill does not contain a similar provision.

SR

111. The House bill refers to provisions in the House bill as eligible, while the Senate amendment refers to provisions in law as eligible. In addition, the Senate amendment, but not the House bill, specifies that “only” those funds available in FY 02 and succeeding fiscal years are eligible to be consolidated.

SR

112. The House bill does not contain a similar provision. The Senate amendment includes provisions: Title II, Part A; Even Start, 21st Century Community Learning Centers, Comprehensive School Reform, School Dropout Prevention.

SR

113. The House bill refers to the whole of Title II of the House bill (regarding Teachers), while the Senate amendment refers to certain parts of Title II of the Senate amendment (regarding Teachers and Technology).

SR with amendment to insert “Section 2121 of Part A of Title II (Teacher).”

114. The House bill does not contain a similar provision. The Senate amendment includes Bilingual Education as an eligible program.

SR

115. The House bill refers to part A of Title IV of the House bill (regarding Innovative Programs Block Grant), while the Senate amendment refers to subpart 3 of part A of Title V of the Senate amendment (regarding Public School Choice), and subpart 4 of part B of Title V (regarding Innovative Programs Block Grant)

SR with amendment to strike paragraph (2) and insert paragraph 2 Section 2412(a)(2)(A) of Part D of Title II (Technology).”

116. The House bill refers to subpart 1 of part A of Title V of the House bill (regarding Safe and Drug Free Schools), while the Senate amendment refers to subpart 1 of part A of Title IV of the Senate amendment (regarding Safe and Drug Free Schools).

SR with amendment to strike paragraph (3) and insert “(3) Section 4122(b)(1) of Part A of Title IV (Safe and Drug Free);”

117. The House bill refers to part B of Title V of the House bill (regarding Technology). The Senate amendment refers to part C of Title II of the Senate amendment (regarding Technology) in paragraph (2). See note 113.

SR with amendment to strike paragraphs (4) and insert “(4) Section 5112(a) of Part A of Title V (Innovative Programs).”

118. The House bill does not contain similar provisions in paragraphs (6)-(8) following the Senate amendment.

SR

119. The Senate amendment, but not the House bill contains a subsection applying specific equitable participation provisions for funds consolidated and used under the performance agreements. See note 91.

SR

120. The House bill does not contain a similar provision.

SR

121. The House bill does not contain a similar provision.

SR

122. The House bill does not contain a similar provision.

SR

123. The House bill and the Senate amendment are substantially the same with the exception that the Senate amendment, but not the House bill, conditions the LEA administrative reservation on paragraph 5706(e)(2) regarding sanctions.

SR

124. The House bill, but not the Senate amendment, requires the Secretary to terminate a performance agreement before the five-year ending point of the agreement if the LEA has failed to make adequate yearly progress for three consecutive years. The Senate amendment, but not the House bill, requires the Secretary to terminate a performance agreement if, after the first full year of the SEA’s performance agreement, the SEA fails to make its definition of adequate yearly progress for 2 consecutive years thereafter, and to exceed its definition of adequate yearly progress by a statistically significant amount for three consecutive years thereafter. Both the House bill and the Senate amendment require the agency under review to be given notice and the opportunity for a hearing.

SR with amendment to strike “permitting” and insert “requiring” and “decision.”

125. The House bill does not contain a similar provision.
(1) State flexibility Demonstration: The purpose of this part is to allow 7 States additional flexibility in the use of federal funds for State administration and State supported local districts that participate, it does not affect how much money they receive—the same federal formulas apply.

Eligible Programs:
- Part A of Title I—State administration only (Education for the Disadvantaged);
- Part B of Title I (Reading First and Even Start);
- Section 213(a)(3) of Part A of Title II (Teachers);
- Section 412(a)(1) of Part D of Title II (Technology);
- Sections 412(a)(1) (with the agreement of the Governor), 412(c)(1), and 412(b)(2) of Part A of Title IV (Safe and Drug Free Schools);
- Section 4202(c)(2) and (3) of Part B of Title IV (21st Century Community Learning Centers);
- Sections 5112(a) and 5112(b) of Part A of Title V—State administration, State activity and Local activity funds (Innovative Programs Block Grant);

Title V Block Grant—If the State educational agency includes the local activity funds, it must ensure 85% of pre-FY 2002 funds and 100% of funds above the FY 2002 funds are sent locally.

Agreement with the Secretary—The State educational agency would apply to the Secretary to be able to take advantage of this flexibility.

Use of Funds—Similar to the schoolwide provision which allows consolidation of federal dollars at the school level, funds could be used for any educational activity authorized by law (H.R. 1) or met to meet the requirements of the School Improvement Grant.

Approval—The Secretary may approve the application only if the Secretary determines that such application demonstrates substantial promise of carrying out the education reform goals of the State.

Reporting—States would annually report to the Secretary on how they are using these funds in accordance with their waiver.

Termination—The Secretary will terminate the State’s Title V block grant when the State fails to make adequate yearly progress for 2 consecutive years or for non-compliance with the terms of the application.

Approximately flexibility demonstration States must have no less than 4, but no more than 10, local flexibility demonstration districts in alignment with the State flexibility demonstration, and that at least half of the districts must be districts with a poverty percentage of 20% or higher. Districts participating in the State flex demo State must also align with the State flexibility demonstration for the State to be eligible to participate in State flex. Additional local flex demo districts beyond the minimum 4 districts required under this part may be added at any point, up to a total of 10 districts, so long as they are in alignment with the State flex demo.

Districts in a State that is participating in State flex, that are not part of the State flex demo (i.e., not the initial 4 or among the 10 total) may benefit from the State flex demo dollars (which is not inclusive of the local flex demo dollars).

States have priority in signing up for the State flex demo over districts wishing to sign up for the local flex demo so as to encourage alignment between the State and districts. If the State has not notified the Secretary of their interest to participate in State flex in 6 months after enactment, the districts in the State may submit performance agreements to the Secretary.

(2) And State accountability for AYP language:
- Sec. 104. State Accountability for Adequate Yearly Progress.

(a) Accountability for Adequate Yearly Progress—After a State has had its plan approved under Title I and Title III of this Act and such plans have been implemented for 2 years, the Secretary shall review whether the State met its adequate yearly progress definition under section 1111 (b)(2)(G) of this Act for each of the groups of students described in section 1111 (b)(2) . . . (1) provide constructive feedback to the State to meet its definition of adequate yearly progress.

(b) Determination—The Secretary shall use a peer review, process to review, based on data from the State assessments administered pursuant to section 1111 of this Act, whether the State has failed to make its definition of adequate yearly progress for two consecutive years, and to review, based on data from the evaluations in section (Title III) of this Act, if the State has failed to meet its annual measurable objectives under section (Title III) of this Act.

(c) Technical Assistance—(1) Based on the determination described in subsection (b), the Secretary may provide technical assistance to a State that has not met its definition of adequate yearly progress no later than the beginning of the next school year following the school year in which the determination is made.

(2) The technical assistance described in paragraph (1) shall:
- (A) be valid, reliable and rigorous; and
- (B) provide constructive feedback to help the State meet its definition of adequate yearly progress.

(3) Based on the determination described in subsection (b), the Secretary may provide technical assistance to a State that has not met its annual objectives in section (Title III) no later than the beginning of the next school year in which the determination in subsection (b) was made.

(4) The technical assistance described in paragraph (1) shall:
- (A) be valid, reliable and rigorous; and
- (B) provide constructive feedback to help the State meet its annual measurable objectives in section (Title III).

Report Language:
"Just as schools and districts that fail to make adequate yearly progress for student academic achievement for two consecutive years must develop improvement plans, Congress expects States that continually fail to make adequate yearly progress to develop and implement strategies that will enable the State to make adequate yearly progress and that specifically address issues that prevented the State from making such progress.

(d) Report to Congress—Beginning with the 2005-2006 school year, the Secretary shall submit to Congress an annual report on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate accordingly

(1) a list of each State that has not met its definition of adequate yearly progress based on the determination described in subsection (b) . . .

(2) a list of each State that has not met its annual measurable objectives under section (Title III);

(3) the information reported by the State to the Secretary pursuant to section 1119 . . .

(4) a description of any technical assistance provided pursuant to subsection (c).

Report Language:
"Congress stresses that a fundamental purpose of Title I as established under this Act is to hold States, local educational agencies and schools accountable for improving the academic achievement of all students, and for identifying and improving under-performing schools. As a result, Congress expects States to meet their definition of adequate yearly progress to the same degree as local school districts within the State. Congress further urges the Congress and the Secretary to thoroughly examine the data collected from the State assessment systems and factor such information into future discussions on accountability measures for States, which should include consideration of the use of fiscal sanctions to hold those States that continually fail to meet their definition of adequate yearly progress and fail to improve the academic achievement of all students accountable.

(3) Sections 411 and 412 of the NESA are amended to read as follows:
- "Sec. 411. National Assessment of Educational Progress.

(a) Establishment—The Commissioner shall, with the advice of the National Assessment Governing Board established under section 412, and with the technical assistance of the National Assessment Governing Board established under section 407, carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress, which collectively refers to a national assessment, State assessments, and a long-term trend assessment in reading and mathematics.

(b) Purpose—State Assessments—
- (1) Purpose—The purpose of this section is to provide, in a timely manner, a fair and accurate measurement of student academic achievement and student growth toward such achievement in reading, mathematics, and other subject matter as specified in this section. The Commissioner, in carrying out this purpose, shall:
- (A) use a random sampling process which is consistent with relevant, widely accepted professional assessment standards and that produces data that is representative on a national and regional basis;
- (B) conduct a national assessment and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in public and private schools at least once every two years, in grades 4 and 8 in reading and mathematics;
- (C) conduct a national assessment and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in public and private schools in reading and mathematics in grade 12 in regularly scheduled intervals, but at least as often as such assessments were conducted prior to the enactment of (HR 1);
- (D) to the extent time and resources allow, and after the requirements described in subparagraph (B) are implemented and after the requirements described in subparagraph (C) are met, conduct additional national assessments.

- (2) To the extent time and resources allow, after the requirements described in subparagraph (B) are implemented and after the requirements described in subparagraph (C) are met, conduct additional national assessments and collect and report assessment data, including achievement data trends, in a valid and reliable manner on student academic achievement in grades 4, 8,
and 12 in public and private schools in regularly scheduled intervals in additional subject matter, including writing, science, history, geography, civics, economics, foreign language, and the total assessment described in subparagraph (F);

(E) conduct the reading and mathematics assessments described in subparagraph (B) in the spring of each odd-numbered year thereafter, to thereby provide for one year in which no such assessments are conducted in between each administration of such assessment;

(F) continue to conduct the trend assessment of academic achievement at ages 9, 13, and 17 for the purpose of maintaining data on long-term trends in reading and mathematics.

[Report Language: ‘The Conferees intend the long-term trend assessment will continue to be administered in the same manner as prior to the enactment of [NCLB/BEST]. Further, the Conferees intend that NAGB shall formulate policy for the long-term trend assessment.’]

(G) include information on special groups, including, whenever feasible, information collected, cross tabulated, compared, and reported, by race, ethnicity, socioeconomic status, gender, disability and limited English proficiency; and

(H) ensure that assessment data are made available on a timely basis for informal official reporting, in a manner that facilitates further analysis and that includes trend lines;

(2) STATE ASSESSMENTS.—(A) The Commissioner—

(i) shall conduct biennial State academic assessments of student achievement in reading and mathematics in grades 4 and 8 as described in paragraphs (1)(B) and (1)(E);

(ii) may conduct the State academic assessments of student achievement in reading and mathematics in grade 12 as described in paragraph (1)(C);

(iii) may conduct State academic assessments of student achievement in grades 4, 8, and 12 as described in paragraph (1)(D); and

(iv) shall conduct each such State assessment, in each subject area and at each grade level, on a developmental basis until the Commissioner determines, as a result of an evaluation required by subsection (f), that such assessments measure high quality data that are valid and reliable.

(2B)(i) States participating in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(3).

(ii) Such agreement shall contain information sufficient to give States full information about the process for decision-making (which shall include the consensus process used), on objectives to be tested, and the standards for random sampling, test administration, test security, data collection, validation, and reporting.

(2C)(i) Except as provided in clause (ii), a participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

(ii) Data released in the biennial academically assessed student achievement in reading and mathematics in grades 4 and 8 shall be deemed to have given its permission if it has an approved plan under section 1111 of the Elementary and Secondary Education Act of 1965.

(3) PROHIBITED ACTIVITIES.—

(A) The use of assessment items and data on any assessment authorized under this section by an agent or agents of the Federal Government to rank, compare, or otherwise evaluate individual students or teachers, or to provide rewards or sanctions for individual students or schools or local educational agencies is prohibited.

(B) SPECIAL RULE.—Any assessment authorized under this section shall not be used by any agency of the Federal Government to establish, require, or influence the standards, assessments, curriculum, including lesson plans, textbooks, or classroom materials, instructional practices of States or local educational agencies.

(C) APPLICABILITY TO STUDENT EDUCATIONAL DECISIONS.—Nothing in this section shall provide for any assessment authorized under this section for student promotion or graduation purposes.

(D) APPLICABILITY TO HOME SCHOOLS.—Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(E) In carrying out any assessment authorized under this section, the Commissioner, in a manner consistent with subparagraph (B), shall—

(I) use widely accepted professional testing standards that currently measure academic achievement, knowledge, and skills, and ensure that any academic assessment authorized under this section be tests that do not evaluate or assess personal or family beliefs and attitudes or publicly disclose personally identifiable information;

(II) ensure that achievement data are reported by race or ethnicity, socioeconomic status, gender, disability and limited English proficiency, and

(III) ensure that assessment data are made available on a timely basis for informal reporting, in a manner that facilitates further analysis and that includes trend lines;

(F) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.

(G) Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(H) ensure that achievement data are reported by disability and limited English proficiency, and

(I) ensure that assessment data are made available on a timely basis for informal reporting, in a manner that facilitates further analysis and that includes trend lines.

(J) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.

(K) Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(L) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.

(M) Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(N) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.

(O) Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(P) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.

(Q) Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(R) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.

(S) Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(T) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.

(U) Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(V) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.

(W) Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(X) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.

(Y) Nothing in this section shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, nor shall any home school student be required to participate in any assessment referenced or authorized under this section.

(Z) Nothing in this section shall be construed to authorize home schooled student be required to participate in any assessment authorized under this section.
(B) Neither the National Board, the Commissioner, nor any contractor or subcontractor shall maintain any system of records containing a student’s name, birth information, social security number, or parents’ name or names, or any other personally identifiable information.

(3) Any unauthorized person who knowingly publishes, or uses assessment questions, or complete and current assessment instruments of any assessment authorized under this section may be fined as specified in 3751 of title 18, United States Code or charged with a class E felony.

(d) Participation.—

(1) VOLUNTARY PARTICIPATION.—Participation is voluntary and authorized under this section shall be voluntary for students, schools and local educational agencies.

(2) STUDENT PARTICIPATION.—Parents of children selected to participate in any assessment authorized under this section shall be informed before the administration of any authorized assessment, that their child may be excused from participation for any reason, is not required to finish any authorized assessment, and is not required to answer any test question.

(e) STUDENT ACHIEVEMENT LEVELS.—

(1) ACHIEVEMENT LEVELS.—The National Assessment Governing Board, established under section 412, shall develop appropriate student achievement levels for each grade or age in the subject area to be tested under assessments authorized under this section, except the trend assessment described in subsection (b)(1)(F).

(2) DEFINITION OF LEVELS.—

(A) Such levels shall be determined by—

(1) identifying the knowledge that can be measured and verified objectively using widely accepted professional assessment standards;

(ii) developing achievement levels that are consistent with relevant widely accepted professional assessment standards and based on the appropriate level of subject matter knowledge for grade levels to be assessed, or the age of the students, as the case may be.

(iii) determinations described in clauses (i) and (ii), such levels shall be further devised through a national consensus approach; and

(2) the Department of Defense.

(3) CHANGE OF STATUS.—

(A) The Secretary shall report 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, the President, and the Nation on the findings and recommendations of such reviews.

(3) USE OF FINDINGS AND RECOMMENDATIONS.—The Commissioner and the National Assessment Governing Board shall consider the findings and recommendations of such reviews in designing the competition to select the organization, or organizations, through which the Commissioner carries out the National Assessment.

(4) COVERAGE AGREEMENTS.—

(A) DEPARTMENT OF DEFENSE SCHOOLS.—The Secretary and the Secretary of Defense may enter into an agreement, including the terms and conditions of such agreements, to include in the National Assessment elementary and secondary schools operated by the Department of Defense.

(B) BUREAU OF INDIAN AFFAIRS SCHOOLS.—The Secretary and the Secretary of the Interior may enter into an agreement, including the terms and conditions of such agreements, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD.

(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (in this title referred to as the "Board"), which shall formulate policy guidelines for the National Assessment.

(b) MEMBERSHIP.—

(1) APPOINTMENT AND COMPOSITION.—The Board shall be appointed by the Secretary and be composed of—

(A) two Governors, or former Governors, who shall not be members of the same political party;

(B) two State legislators, who shall not be members of the same political party;

(C) two chief State school officers;

(D) one superintendent of a local educational agency;

(E) one member of a State board of education;

(F) one member of a local board of education;

(G) three classroom teachers representing the grade levels at which the National Assessment is conducted;

(H) one representative of business or industry;

(I) two curriculum specialists;

(J) three testing and measurement experts, who shall have training and experience in the field of testing and measurement;

(K) one nonpublic school administrators or policymakers;

(L) two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal;

(M) two parents who are not employed by a local, State, or federal educational agency;

(N) two additional members who are representatives of the general public, and who may be parents, but who are not employed by a local, State, or federal educational agency.

(2) ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH.—The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, non-voting member of the Board.

(b) VACANCIES.—The Secretary and the Board shall ensure at all times that the Board shall consist of representatives of the regional, racial, gender, and cultural balance and diversity and that the Board exercises its independent judgment, free from inappropriate influences and special interests.

(c) TERMS.—

(1) In general.—Terms of service of members of the Board shall be staggered and may not exceed a period of 4 years, as determined by the Secretary.

(2) SERVICE LIMITATION.—Members of the Board may serve no more than two terms.

(d) CHANGE OF STATUS.—A member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

(4) CONFORMING PROVISION.—Members of the Board previously granted 3 year terms, whose terms are in effect on the date of enactment of the Department of Education Appropriations Act, 2001, shall have their terms extended by one year.

(e) VACANCIES.—

(1) IN GENERAL.—

(A) The Secretary shall appoint new members to fill vacancies on the Board from among individuals who are nominated by or on behalf of the public. The Secretary with respect to a particular vacancy shall nominate for such vacancy six individuals who are qualified by
experience or training to fill the particular Board vacancy.

"(C) The Secretary's appointments shall maintain the composition, diversity, and balance of the Board required under subsection (b).

"(2) ADDITIONAL NOMINATIONS.—The Secretary may request that each organization described in paragraph (1)(A) submit additional nominations if the Secretary determines that none of the individuals nominated by such organization have appropriate knowledge or expertise.

"(e) (1) IN GENERAL.—In carrying out its functions under this section the Board shall—

"(A) select the subject areas to be assessed (consistent with section 411(b)(1));

"(B) develop appropriate student achievement level achievements as provided in section 411(e);

"(C) develop assessment objectives consistent with the requirements of this section and test specifications that produce an assessment that is valid and reliable, and are based on relevant widely accepted professional standards;

"(D) develop a process for review of the assessment which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned organizations in the public;

"(E) design the methodology of the assessment to ensure that assessment items are valid and reliable, in consultation with appropriate technical experts in measurement and assessment, content and subject matter, sampling, and other technical experts who engage in large scale surveys, including the Advisory Council established under section 407;

"(F) consistent with section 411, measure student academic achievement in grades 4, 8, and 12 in the authorized academic subjects;

"(G) develop guidelines for reporting and disseminating results;

"(H) develop standards and procedures for regional and national comparisons; and

"(I) take appropriate actions needed to improve the form, content, use, and reporting of results of any assessment authorized by section 411 consistent with the provisions of this section and section 411.

"(2) DELEGATION.—The Board may delegate any of the Board's procedural and administrative functions to its staff.

"(3) ALL COGNITIVE AND NON-COGNITIVE ASSESSMENT ITEMS.—The Board shall have final authority on the appropriateness of all assessments.

"(4) PROHIBITION AGAINST BIAS.—The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias and are secular, neutral, and non-ideological.

"(5) TECHNICAL.—In carrying out the duties required by this section, the Board may seek technical advice, as appropriate, from the Commissioner and the Advisory Council on Education Statistics and other experts.

"(6) REPORT.—Not later than 90 days after an evaluation of the student achievement levels under section 411(e), the Board shall make a report to the Secretary, the Committee on Education and Labor of the House of Representatives, and the Committee on Labor and Human Resources of the Senate describing the steps the Board is taking to respond to each of the recommendations contained in such evaluation.

"(I) PERSONNEL.—

"(1) IN GENERAL.—In the exercise of its responsibilities, the Board shall be independent and the Board shall have the powers and duties of the other offices and officers of the Department.

"(2) STAFF.—

"(A) The Secretary may appoint, at the request of the Board, such staff as will enable the Board to carry out its responsibilities.

"(B) Such appointments may include, for terms exceeding three years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than six technical employees who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(C) COORDINATION.—The Commissioner and the Board shall meet periodically—

"(i) to ensure coordination of their duties and activities relating to the National Assessment; and

"(ii) for the Commissioner to report to the Board on the Department's actions to implement the decisions of the Board.

"(D) ADMINISTRATION.—Only sections 10, 11, and 12 of the Federal Advisory Committee Act shall apply with respect to the Board.

Title VIII—General Provisions

New Title IX

1. The House bill and the Senate amendment have identical definitions of "average daily attendance" with a small technical difference in wording in paragraph (D).

2. The House bill and the Senate amendment have identical definitions of "average per pupil expenditure."

3. The House bill, but not the Senate amendment, includes a definition of "beginning teacher."

4. The House bill and the Senate amendment have identical definitions of "child."

5. The House bill, but not the Senate amendment includes a definition of "child with a disability."

6. SR with an amendment that the term "child with disability" means the same as such words in section 602 of the Individuals with Disabilities Education Act.

7. The House bill and the Senate amendment have identical definitions of "community-based organization."

8. The House bill and the Senate amendment have identical definitions of "consolidated local plan" with a technical difference in cross-references.

9. The House bill and the Senate amendment have identical definitions of "consolidated local plan" with a technical difference in cross-references.

10. The Senate amendment notes that the plan is submitted after consultation with the Governor. The House bill does not have such a provision. In the definition, however, see note 65 relating to consolidated state applications which references consultation with the Governor in the House bill.

SR 1. The House bill and the Senate amendment have identical definitions of "county."

2. The House bill and Senate amendment are similar with the exception that the House bill covers more programs.

HR/SR with an amendment as follows:

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

(A) part A of title I; [Disadvantaged] (B) subpart 3 of part B of title I; [Even Start] (C) part C of title I; [Migrants] (D) part D of title I; [Neglected & Delinquent] (E) part F of title I; [Comprehensive School Reform] (F) part A of title II; [Teachers] (G) part D of title II; [Technology] (H) part A of title III; [Bilingual] (I) part A of title IV; [Safe & Drug Free] (J) part B of title IV; [21st Century Schools] (K) part A of title V; and [Block Grant] (L) subpart 2 of part B of title VI. [Rural] 13. The House bill and the Senate amendment are substantially similar with the exception that the Senate amendment includes expenditures for health services, while the House bill does not. The House bill, but not the Senate amendment excludes expenditures from funds received under Title I. The references to part A of title IV in the House bill and the references to subpart 4 of part B of title V are references to the same thing—the innovative grants program.

HR on 11 (A) SR on 11 (B)

14. The House bill and the Senate amendment are identical.

LC (fit between definitions at note 14 and insert the following definition for the term "distance learning:" "the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications."

15. The House bill and the Senate amendment are identical.

LC 16. The House bill, but not the Senate amendment, includes a definition of "effective schools program."

SR 17. The House bill and the Senate amendment are identical.

LC 18. The House bill, but not the Senate amendment, includes a definition of "essential components of reading instruction."

SR with an amendment to move definition approved to Title I, Part B notes 117–119:

(1) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term "major components of reading instruction" means systematic instruction that includes—

(A) phonemic awareness;

(B) phonics;

(C) vocabulary development;

(D) reading fluency, including oral reading skills; and

(E) reading comprehension strategies.

LC—insert in alphabetical order the following definition for Exemplary Teacher:

(1) EXEMPLARY TEACHER.—The term "exemplary teacher" means a teacher who—

(i) is a highly qualified teacher such as a master teacher;

(ii) has been teaching for at least 5 years in a public or private school or institution of higher education;
“(iii) is recommended by administrators and other teachers who are knowledgeable of the individual’s performance; “
(iv) is currently teaching and based in a public school; and
“(v) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development.”

19. The House bill, but not the Senate amendment, includes a definition of “family literacy services”. SR

20. The House bill and the Senate amendment are identical. LC

21. The House bill, but not the Senate amendment, includes a definition of “fully qualified.”

LC—insert in alphabetical order the following definition for Highly Qualified:

(2) HIGHLY QUALIFIED.—The term “highly qualified teacher” (including certifying obtained through alternative routes to certification) or passed the State teacher certification as a teacher (including certification of: an academic major, a graduate degree, and other elements of the basic elementary curriculum. This requirement shall be considered to be waived if a teacher has passed a state-required certification test or certification test for each of the subject areas in which he or she teaches through—

(i) a passing level of performance on a rigorous state test or tests, subject knowledge and teaching skills in reading, writing, mathematics, and other elements of the basic elementary curriculum. This requirement shall be considered to be met if a teacher has passed a state-required certification test or certification test for each of the subject areas in which he or she teaches through—

(ii) a passing level of performance on a rigorous state test or tests, subject knowledge and teaching skills in reading, writing, mathematics, and other elements of the basic elementary curriculum. This requirement shall be considered to be met if a teacher has passed a state-required certification test or certification test for each of the subject areas in which he or she teaches through—

(iii) a passing level of performance on a rigorous state test or tests, subject knowledge and teaching skills in reading, writing, mathematics, and other elements of the basic elementary curriculum. This requirement shall be considered to be met if a teacher has passed a state-required certification test or certification test for each of the subject areas in which he or she teaches through—

(iv) a passing level of performance on a rigorous state test or tests, subject knowledge and teaching skills in reading, writing, mathematics, and other elements of the basic elementary curriculum. This requirement shall be considered to be met if a teacher has passed a state-required certification test or certification test for each of the subject areas in which he or she teaches through—

(v) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development.”

22. The House bill and Senate amendment are identical. LC

23. The House bill and Senate amendment are identical. LC

24. The House bill, but not the Senate amendment, includes a definition of “limited English proficient” means an individual—

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) who was not born in the United States, and who is a citizen of the United States; or

(ii) who is a noncitizen of the United States, and who is a legal resident of the United States, and whose native language is a language other than English;

(D) who comes from an environment where a language other than English has had a significant impact on such individual’s level of English language proficiency; or

(E) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny the individual—

(i) the ability to meet the State’s proficient level of performance on State assessments described in section 1111(b)(3);

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

25. The House and Senate amendment are identical with the exception that the House bill includes educational services for homeless students. LC SR with an amendment to add subsection (e) as follows:

(e) The term includes the State Educational Agency in a State in which the State Educational Agency is the sole educational agency for all public schools.

26. The House bill and the Senate amendment are substantially the same. However, the Senate amendment limits application of this definition to mentoring other than teacher mentoring.

SR with an amendment:
30. The House bill and the Senate bill are substantially similar, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

31. The Senate amendment, but not the House bill, includes a definition of “parental involvement.”

HR with an amendment:

“(A) PARENTAL INVOLVEMENT.—The term ‘parental involvement’ means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

(A) that parents play an integral role in assisting their child’s learning;

(B) that parents are encouraged to be actively involved in their child’s education at school;

(C) that parents are full partners in their child’s education, including, as appropriate, in decision-making on advisory committees.

(A) and (B) activities described in section 1118.

(B)(1) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate support services to such children, including the appropriate use of curriculum and assessments;

(B)(2) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and core academic areas in which the teachers provide instruction;

(B)(3) as a whole, are regularly evaluated for their impact on increased teacher effectiveness, an improved student achievement, with the findings of such evaluations used to improve the quality of professional development;

(B)(4) provide instruction in methods of teaching children with special needs.

(C) include instruction in the use of data and assessments to inform and instruct classroom practice.

(D) require qualifications for teacher candidates;

(E) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

SR

32. The Senate amendment, but not the House bill, includes a definition of “public telecommunications entity.”

HR with an amendment to add “(12)” after “997.”

33. The House bill and Senate amendment are identical with a minor technical difference in the cross reference to the Individuals With Disabilities Education Act.

34. The House bill and the Senate amendment include an identical definition of “pupil services.”

35. The House bill, but not the Senate amendment includes a definition of “reading.”

SR with an amendment to move definition to note 122 of Title I, Part B:

“SCREENING ASSESSMENT.—The term ‘screening assessment’ means assessments that are—

(A) valid, reliable, and based on scientifically-based reading research; and

(B) designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate support services to such children, including the appropriate use of curriculum and assessments;

(C)(1) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and core academic areas in which the teachers provide instruction;

(C)(2) as a whole, are regularly evaluated for their impact on increased teacher effectiveness, an improved student achievement, with the findings of such evaluations used to improve the quality of professional development;

(C)(3) provide instruction in methods of teaching children with special needs.

(D) include instruction in the use of data and assessments to inform and instruct classroom practice.

(E) require qualifications for teacher candidates;

(F) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(G) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(H) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(I) include instruction in the use of data and assessments to inform and instruct classroom practice.

(J) require qualifications for teacher candidates;

(K) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(L) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(M) provide instruction in methods of teaching children with special needs.

(N) include instruction in the use of data and assessments to inform and instruct classroom practice.

(O) require qualifications for teacher candidates;

(P) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(Q) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(R) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(S) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(T) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(U) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(V) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(W) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(X) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(Y) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.

(Z) The development of appropriate academic content standards, and Governor’s criteria of instructional designs in which individual assessments that are substantially the same, with the exception that the House bill further sets forth examples of a person standing in loco parentis.
within-condition or across condition controls; 
“(v) ensure experimental studies are pre-
sented in sufficient detail and clarity to allow 
for independent replication by a panel of inde-
pendent experts through a comparably rigor-
ous, objective, scientific review.”

38. The House bill and Senate amendment 
are identical.

39. The House bill and Senate amendment 
are identical.

40. The House bill and the Senate amend-
ment are identical.

41. The House bill and Senate amendment 
are identical.

42. The Senate amendment, but not the 
House bill, includes a definition of “teacher 
mentoring.” See note 28 above on mentoring 
HR with an amendment in (31)(A) to strike “begin-
ing” and insert especially beginning teachers” after “teachers” and in (31)(A)(ii)(D), to strike “mentor” and insert “exemplary”.

Report Language:
The Conferees intend that a teacher men-
toring program should be available to all 
teachers who need it, and have emphasized 
the importance of mentoring teachers. This 
emphasis should not be read to exclude vet-
eran teachers from mentoring programs, but 
rather to acknowledge the significant needs 
of beginning teachers. Data show that half of 
all beginning teachers in high-poverty schools 
drop out of teaching within five years, and 20 percent of all new teachers 
leave teaching within three years. Fur-
thermore, less than half of teachers in low-per-
forming schools, which are also likely to be 
high-poverty schools, are likely to receive 
younger teachers. While beginning teachers 
mentoring and coaching to experienced 
teachers, among the El Paso Collec-
tive for Education Excellence, which pairs 
veteran math and science teachers with expe-
tenced teaching coaches.

Rather than single out any one group of 
teachers for additional support and assist-
ance, the Conferees believe that any teacher, 
be it a beginning teacher who is struggling to 
handle a class alone for the first time and is 
also at risk of dropping out of teaching, or one 
who has taught for multiple years, who has 
drawn difficulties in advancing the knowledge 
and abilities of his or her students, should re-
cieve high quality professional development, 
which is required within-condition or across condition con-
ditions. The Conferees also note that teacher men-
toring programs should be part of an ongoing 
developmental induction process. Effective 
induction processes should be a continuous 
process throughout a teacher’s time as a be-
ginning teacher. This is to provide the teach-
er with the most support possible to enable 
the teacher to fully adapt to the teaching 
profession and increase the likelihood the 
beginning teacher will continue in the teaching profes-
sion.

43. The House bill and the Senate amend-
ment are similar. Both describe technology 
as modern, state-of-the-art technology prod-
ucts and services, but the Senate amendment 
lists many examples of state-of-the-art technol-
ogy products and services.

SR with an amendment to strike “latest”.

Report Language:
The Conferees intend the definition of tech-
ology to include software, hardware, soft-
ware and other electronically delivered 
resources, including on-line databases, 
tools and virtual learning environments, 
hand-held devices, wireless technology, voice 
recognition systems and high quality digital 
video, distance learning networks, visualiza-
tion, modeling and simulation software and 
learning focused digital libraries and infor-
mation retrieval systems, closed circuit tele-
vision systems, telephones, radio programs and services, cable television, 
satellite, copper and fiber optic transmission, 
video, audio, and CD-ROM discs, and video and 
audio tapes. The Conferees do not intend 
incorporate additional specific emerging technol-
ologies into the definition of technology.

44. The House bill, but not the Senate 
 amendment, notes that Parts B, C, D, and E 
of Title VIII do not apply to Title VI (Impact 
Aid).

SR/LC

45. The House bill, but not the Senate 
 amendment, includes a provision regarding the 
 application of the provisions to Bureau 
 of Indian Affairs schools.

SR

46. The House bill and Senate amendment 
are identical with the exception that there 
are different provisions of applicability in 
paragraph (2).

SR

47. The House bill and the Senate amend-
ment’s uses of funds are substantially the 
same, with the exception that the House bill 
has a longer list of additional uses of funds.

SR

48. The House bill and the Senate amend-
ment are identical.

LC

49. The House bill and the Senate amend-
ment are identical.

LC

50. The House bill and the Senate amend-
ment are identical.

LC

51. The Senate amendment, but not the 
House bill, authorizes the consolidation of 
funds made available under Title I to develop 
standards and assessments.

HR with an amendment to strike “amounts made available” and insert “funds described in subsection (a)”.

52. The House bill and Senate amendment 
are identical.

LC

53. The House bill and Senate amendment 
are identical with technical differences in 
the cross reference to the Act.

LC

54. The House bill and the Senate amend-
ment are identical with technical differences in 
the cross reference to the Act.

LC

55. The House bill and Senate amendment 
are identical.

LC

56. The House bill and the Senate amend-
ment are substantially the same with the ex-
ception that the Senate amendment refers to 
“covered programs” and the House bill refers 
to the administration of the programs at the 
school district and school levels. There are 
other technical differences.

SR

57. The House bill and Senate amendment 
are substantially the same with the ex-
ception that the Senate amendment refers to 
“covered programs.”

SR

58. The Senate amendment, but not the 
House bill, provides for an administrative 
funds study.

SR

59. The House bill and Senate amendment 
are substantially the same with the excep-
tion of technical differences in citation.

LC (Need to say McKinney-Vento)

60. The House bill and Senate amendment 
are identical.

LC

61. The House bill and Senate amendment 
are identical.

LC

62. The House bill and Senate amendment 
are identical.

LC

63. The Senate amendment, but not the 
House bill, includes a provision on unneeded 
program funds. See note 31 above.

64. The House bill and the Senate amend-
ment are similar with the exception that the 
Senate bill refers to encouraging greater 
cross-program coordination, planning, and 
service delivery while the House bill refers 
to greater coordination between programs and 
greater flexibility to State and local au-
thorities through the consolidation of State 
and local plans, applications, and reporting.

The Senate amendment refers to integrating 
Federal programs with programs carried out 
with State and local funds.

HR with an amendment to strike Senate’s 
section 5501 and replace with the following: 
SEC. 8301. PURPOSE.

It is the purpose of this part to improve tech-
uable learning by encouraging greater 
cross-program coordination, planning, and 
and service delivery, to provide greater flexi-
bility to State and local authorities through 
consolidated plans, applications, and report-
ing, and to enhance the integration of pro-
groups under this Act with State and local 
programs.

65. The House bill and the Senate amend-
ment are substantially the same with tech-
nical differences and the Senate amendment 
referred to “covered programs” while the 
House bill does not. The House bill allows 
the Secretary to designate other programs.

HR

66. The Senate amendment, but not the 
House bill, specifically names Even Start 
and the Neglected and Delinquent Youth pro-
gram as additional programs. Both the 
House bill and Senate amendment allow the 
Secretary to designate other programs.

67. The Senate amendment refers to “of Drop-
ning Out”.

68. The House bill and Senate amendment 
are substantially the same with technical 
differences in wording.

HR

69. The House bill and Senate amend-
ment are identical.

LC

70. The House bill and Senate amendment 
are identical with technical difference in 
the cross reference to the preceding paragraph.
The House bill and the Senate amendment are substantially the same with the exception that the House bill makes reference to the State educational agency consulting with the Governor. There are technical differences in the cross-references.

The Senate amendment, but not the House bill, includes additional coordination requirements relative to health and social services programs and reporting thereon.

The House bill and the Senate bill are substantially the same with the exception that the House bill refers to ‘covered programs’. The House bill makes the consolidated plans and applications available to the Governor, but the Senate amendment has no such provision.

The Senate bill refers to ‘qualified program’ and applications available to the Governor, but the Senate amendment, makes clear that a State may not require separate plans to be submitted.

The House bill and the Senate amendment are substantially the same with the exception of technical differences in cross-references. The House bill, but not the Senate amendment, makes clear that a State may not require separate plans to be submitted.

The House bill and the Senate amendment are substantially the same with the exception of technical differences in cross-references. The House bill, but not the Senate amendment, makes clear that a State may not require separate plans to be submitted.

The Senate amendment states that the Senate bill refers to ‘qualified program’ and applications available to the Governor, but the Senate amendment, makes clear that a State may not require separate plans to be submitted.

The House bill refers to ‘State educational agency’.

The House bill and the Senate amendment are substantially the same with the following exceptions: (1) the House bill refers to applicants other than a State while the Senate amendment refers to applicants other than a State educational agency; (2) in paragraphs (6)(A) and (B), the House bill refers to the Governor and the State educational agency while the Senate amendment refers only to the State educational agency.

Note 78—HR on 5506(a)(1)-(5) and SR with an amendment on 5506 (a)(6)/(A) and (B) to read as follows regarding Governor: (B) the applicant will— (A) make reports to the State educational agency which agency shall make such report available to the Governor 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 (after consultation with the Governor) or the Secretary may find necessary to carry out the State educational agency’s or the Secretary’s duties; and LC on 5506(b).

The House bill and the Senate amendment are substantially the same except that the House bill refers also to the Carl D. Perkins Vocational and Technical Education Act of 1998.

The House bill and the Senate amendment are substantially the same with the exception that the House bill includes a notice and opportunity for a hearing.

The Senate amendment specifies the requirements to be met to become an “eligible and qualified” state. The Senate amendment also secures a referendum. Part A of the Senate amendment which stipulates that a state shall not be eligible for designation as an Ed Flex state until the state develops assessments aligned with the state’s content standards in at least mathematics and reading or language arts.

The Senate amendment extends the authorization period for Ed Flex through FY2008. Current law authorization is through FY2003.

HR/SR with an amendment to be placed in Amendments to Other Statutes:

The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs that are authorized under the following provisions and under which the Secretary provides funds to State educational agencies on the basis of a formula:

Note 79—SR with an amendment to strike "", end of provision and insert "", and provide their
teachers and other education personnel serving such children training and professional development services under such programs.”

100. The House bill and the Senate amendment are identical.

LC

101. The House bill and the Senate amendment are identical with the exception that the House bill requires services and benefits to be provided in a timely manner.

SR

102. The House bill and the Senate amendment on expenditures are identical.

LC

103. The House bill and the Senate amendment are identical with the exception that the House bill refers to an entity.

SR

104. The House bill and the Senate amendment have identical provisions on the control of funds.

LC

105. The House bill and Senate amendment are identical with the exception that the Senate bill includes factors the Secretary shall consider in making his determination in paragraph (3) while the House bill does not.

SR

114. The House bill and the Senate amendment are identical with technical differences in cross-references. The House bill includes factors the Secretary shall consider in making his determination in paragraph (3) while the Senate amendment does not.

SR/LC

115. The House bill and the Senate amendment have identical provisions on appeals to the Secretary.

LC

116. The House bill and the Senate amendment are identical with the exception of technical differences in cross-references and the House bill refers to “entity” while the Senate bill does not.

SR/LC

117. The House bill and Senate amendment are identical.

LC

118. The House bill and the Senate amendment have identical provisions on petitions for review of decisions with the exception that the House bill also refers to an entity.

SR/LC

119. The House bill and the Senate amendment have identical provisions on findings of fact.

LC

120. The House bill and the Senate amendment have identical provisions on jurisdiction.

LC

121. The House bill and the Senate amendment have identical provisions on determinations by the Secretary with the exception that the House bill also refers to an “entity.” There are technical differences in the cross-references.

SR/LC

122. The House bill and the Senate amendment have identical provisions on payments from State allotments.

LC

123. The House bill and the Senate amendment have identical provisions on prior determinations with the exception of technical differences in cross-references to the Act.

LC

124. The House bill and the Senate amendment are identical.

LC

125. The House bill and the Senate amendment are similar. The House bill has a similar provision in Title I, Part H in section 1006. Both the House bill and the Senate Amendment reference how school homes are treated under state law.

SR with an amendment:

SEC. . PRIVACY OF ASSESSMENT RESULTS.

“Any results from individual assessments referenced in this title which become part of the education records of the student shall have the protections as provided in section 444 of the General Education Provisions Act.”

128. The House bill and the Senate amendment are identical with the exception that the House bill includes other Acts in addition to the No Child Left Behind Act.

SR with an amendment (included in new language at note 125)

The House bill, but not the Senate amendment, includes a provision on the privacy of assessment results. The House bill has an identical provision in section 1807 of the Higher Education Act. The Senate amendment includes a similar provision in section 1111(2)(F) but with reference to section 445 instead of section 444.

SR with an amendment to insert:

“SEC. . PRIVACY OF ASSESSMENT RESULTS.

“Any results from individual assessments referenced in this title which become part of the education records of the student shall have the protections as provided in section 444 of the General Education Provisions Act.”

129. The Senate amendment, but not the House bill, includes a second provision relating to recipient nonpublic schools that is identical to the House bill. The Senate amendment, but not the House bill, includes a rule of construction regarding a superseded provision.

SR (included in new language at note 125)

130. The House bill makes under the Act. The House bill includes a second provision relating to recipient nonpublic schools that is identical to the House bill. The Senate amendment, but not the House bill, includes a rule of construction regarding a superseded provision.

SR with an amendment:

(H) part B of title IV. [21st Century Community Learning Centers and technology programs.]

HR/SR with an amendment as follows:

(b) APPLICABILITY:

(A) applicable to services provided to non-Federally recognized entities.

127. This section applies to programs under—

(A) part B, subparts 1 and 3 of title I; [Reading First and Even Start]

(B) part C of title I; [Migrant]

(C) part A of title II; [Teachers]

(D) part B of title II; [Math/Science]

(E) part D of title II; [Technology]

(F) part A of title III; [Bilingual]

(G) part A of title IV; and [Safe & Drug Free]

(H) part B of title IV. [21st Century Schools]

105. The House bill and Senate amendment have an identical definition of “eligible children.”

LC

106. The House bill and the Senate amendment have substantially the same consultation provisions with the exception that the House bill includes consultation requirements for who will provide services in subparagraph (C), how results of assessments will be used to improve services in subparagraph (D), the size and scope of equitable services in subparagraph (E) and how and when decisions will be made in subparagraph (F) rule of construction.

SR

107. The House bill, but not the Senate amendment, includes a provision governing disagreements between private school officials and agencies, consortia and entities with respect to the provision of services through a contract.

SR

108. The House bill and the Senate amendment are identical with the exception that the House bill ensures that consultation continues throughout the implementation and assessment of activities and refers to an entity.

SR

109. The House bill and the Senate amendment have identical provisions on the content of discussions during the consultations.

SR/LC

110. The House bill and Senate amendment have identical provisions on the public control of funds.

LC

111. The House bill and Senate amendment have identical provisions on the public control of funds.

SR/LC

112. The House bill and the Senate amendment have identical language on the provision of services with the exception that the House bill refers to an “other entity” in clause (ii).

SR/LC
the State educational agency that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public schools, as defined in section 612(b)(2) of the Act.

131. The House bill and the Senate amendment are identical with technical differences.

SR with an amendment to strike "empha-
sizes" and insert "includes" in paragraph (3).

132. The House bill and the Senate amendment are identical.

133. The Senate amendment, but not the House bill, includes a prohibition regarding state and local educational agency mandates with respect to home school or private schools.

HR with an amendment (included in new language at note 125)

134. The House bill includes a prohibition with respect to federal mandates, direction, and control while the Senate amendment includes a rule of construction.

SR/HR with an amendment (new statutory and report language below covers notes 134, 135, 140, 141)

Include in Title VII:

SEC. . PROHIBITIONS ON FEDERAL GOVERN-
MENT AND USE OF FEDERAL FUNDS.

(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school, to the extent such mandates, directions, or controls would require an expenditure of State or local resources, or mandate a State program of instruction, or allocation of funds or incur any costs not paid for under the Act.

(b) PROHIBITION ON ENDORSEMENT OF CUR-
RICULUM.—Notwithstanding any other prohi-
bition of law, no State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government in order to receive assistance under this Act.

(c) PROHIBITION ON REQUIRING FEDERAL AP-
PROVAL OR CERTIFICATION OF STANDARDS.—

(1) In GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government in order to receive assistance under this Act.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect requirements under title I or title VII of this Act.

(d) RULE OF CONSTRUCTION ON BUILDING STANDARDS.—Nothing in this Act shall be construed to require the Secretary to promulgate national school building standards for a State, local educational agency, or school.

Report Language:

The Conferences intend that subsection (b) does not prohibit the Department from iden-

tifying and disseminating information about successful or promising instructional edu-
cational practices, to the extent practicable, based on scientifically based research.

SEC. . PROHIBITION OF FEDERAL MANDATES,
DIRECTION, OR CONTROL.

Nothing in this title or title VI Part A shall authorize the Secretary or any employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instruc-
tional content or academic achievement standards and assessments, curriculum, or program of instruction.

SEC. . RULE OF CONSTRUCTION ON EQUALIZED
EDUCATIONAL EXPENDITURES.

Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

135. The House bill, but not the Senate amendment, includes rules of construction on federal mandates and control, equalized spending, and building standards.

SR/HR with an amendment (See new lan-
guage in note 134)

136. The House bill, but not the Senate amendment, includes a provision on rule-
making.

SR Report Language:

This section directs the Secretary to issue regulations under this Act only to the extent that they are necessary to ensure that there is compliance with the specific requirements and assurances of the Act. The conferences do not intend this language to prohibit the Sec-

r etsary from issuing regulations that are rea-
sonably necessary to ensure timely and or-

derly grant-making, high-quality applications that address the Secretary's oversight needs, or ensure account-

ability. Rather, the conferences intend this section to constrain the Secretary's abil-

ity to issue regulations that would impose

grants, generic or specific curricular or

grammatical requirements or limitations that are not necessary to ensure compliance with the specific requirements and assurances im-
nosed by the statute.

137. The House bill, but not the Senate amendment, includes a report on audits.

HR 138. The House bill authorizes a study by the Secretary and the Senate amend-

ment authorizes the Secretary to give a grant to the National Research Council of the National Academy of Sciences to con-

duct an ongoing evaluation of high-stakes assessments. There are substantial dif-
fences in the House bill and Senate amend-

ment.

HR/SR with an amendment to strike all lan-
guage and insert the following and to move to Title I, Part E:

SEC. . ASSESSMENT EVALUATION.

(a) In GENERAL.—The Secretary shall con-

duct an independent study of assessments used for State accountability purposes and for making decisions regarding the promotion and graduation of students. Such research shall be conducted over a period not to ex-
ceed 5 years and shall address the compo-

ents described in subsection (c).

(b) CONTRACT AUTHORIZED.—The Sec-

r etsary is authorized to award a contract, through a peer review process, to an organ-

ization, or entity capable of conducting rigor-

ous, independent research. The Assistant Secretary of Educational Research and Im-

provement shall appoint peer reviewers to evaluate the applications for this contract.

The study shall:

(1) synthesize and analyze existing re-

search that meets standards of quality and scientific rigor;

(2) evaluate assessment and account-

ability systems in state educational agen-

cies, local educational agencies, and schools; and

(3) make recommendations to the Depart-

ment and to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate, based on the find-
ings of the study.

(c) COMPONENTS OF THE RESEARCH PRO-

GRAM.—The study described in subsection (a) shall examine:

(1) the effect of the assessment and ac-

countability systems described in section (b) on students, teachers, parents, families, schools, school districts, and States, includ-

ing any relationships between such systems and

(A) student academic achievement, progress to the State-defined level of pro-

ficiency, and progress toward closing achievement gaps, based on independent measures;

(B) changes in course offerings, teaching practices, course content, and instructional material;

(C) changes in turnover rates among teachers, principals, and pupil-services per-

sonnel;

(D) changes in dropout, grade-retention, and graduation rates for students; and

(E) such other effects as may be appro-

priate.

(2) the effect of the assessments on stu-

dents with disabilities;

(3) the effect of the assessments on low, minority, and high social status stu-

dents, limited and nonlimited English pro-

ficient students, racial and ethnic minority stu-

dents, and nonracial or nonethnic minor-

ity students;

(4) guidelines for assessing the validity, reliability, and consistency of those systems using nationally recognized professional and technical standards; and

(5) the relationship between account-

ability systems and the inclusion or exclu-

sion of students from the assessment system;

and

(6) such other factors as the Secretary finds appropriate.

(d) REPORTING.—Not later than 3 years after the contract described in section (b) is awarded, the organization or entity con-

ducting the study will submit an interim report to the Committee on Education and the Workforce of the United States House of Representa-

tives and the Committee on Health, Education, Labor, and Pensions of the United States Senate, and to the Presi-

dent, and the States, and the GAO should publish the report widely available to the public. The orga-

nization or entity shall submit a final report to the same recipients as soon as possible after the completion of the study. Additional reports may be periodically released as neces-

sary.

(e) RESERVATION OF FUNDS.—The Sec-

r etary may reserve up to 15 percent of the funds authorized to be appropriated for part E of title I to carry out the study, except that the Secretary shall ensure that such funds shall not exceed $1,500,000.

139. The Senate amendment, but not the House bill, includes an authorization for a study of the costs to States of developing and admin-

istering the academic assessments required under section 1111(b) of Title I of this Act. The GAO should conduct a study of the anticipated aggregate cost for all States to develop and administer such assessments, as well as the
portion of the cost that is expected to be incurred in each of the fiscal years 2002 through 2008. The GAO should determine such costs for each State and the factors that may explain variations among States. The conferees expect the GAO to report the results of such study to the House Education and the Workforce Committee and the Senate Education, Health, and Human Services Appropriations Subcommittees no later than one year after the date of enactment of this Act.

146. The House bill, but not the Senate amendment, includes a prohibition on Federal government approval of standards. The House bill, but not the Senate amendment, includes a provision relating to the Secretary to report to Title I. The Senate amendment contains a limitation on conditions which is similar in section 111(h).

147. The House bill with an amendment (See new language at note 134).

148. The House bill with an amendment, includes a prohibition on the endorsement by the Federal government of curriculum. A related provision is included in the Senate amendment in section 15.

SR/HR with an amendment (See new language at note 134)

149. The House bill with an amendment include a construction regarding databases of personally identifiable information, but with technical differences.

HR

150. The House bill includes a provision which requires secondary schools that receive funds under the Elementary and Secondary Education Act to permit armed services recruiting activities on school grounds in a manner reasonably accessible to all students at the school. The Senate amendment prohibits the Department of Defense funds from being provided to higher education institutions that deny or that effectively prevent the Secretary of Defense from obtaining for military recruiting purposes, entry to campuses or access to students or access to directory information pertaining to students. The Senate amendment includes an exemption provision, a provision regarding covered sections, procedures to making determinations, and a definition of “directory information.”

HR/RSR with an amendment to read as follows:

(Ratified on October 30, 2001).

SEC. 149. ARMED SERVICES RECRUITERS ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

“(a) POLICY.—

“(1) Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act, each local educational agency receiving assistance under this Act shall provide, upon a request made by military recruiters or institutions of higher education as defined by section 101(a) of the Higher Education Act, access to secondary school student names, addresses, and telephone listings.

“(2) A parent or student may request that the student’s name, address, and telephone listing under subparagraph (1) not be released without written parental consent, and the local education agency shall notify parents of such option.

“(3) Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students.

“(b) NOTIFICATION.—The Secretary of Education shall, not later than 120 days after the enactment of this Act, notify principals, school administrators, and other educators about the requirements of this section.

“(c) EXCEPTION.—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces and which objection is verifiable through the corporate or other organizational documents or materials of that school.

“(d) SPECIAL RULE.—A local educational agency prohibited by Connecticut state law (either explicitly by statute or through statutory interpretation of the State Supreme Court or State Attorney General) from providing military recruiters with information or access as required by this section shall have until May 31, 2002 to comply with such requirements.

144. The Senate amendment, but not the House bill, includes: (1) findings relative to Armed Forces and recruitment; (2) a requirement for states to report to the Secretary a list of schools that do not allow access to military recruiters; and (3) a program for making awards to states and schools for the purpose of educating principals, administrators and others about career opportunities in the Armed Forces.

HR


152. The House bill, but not the Senate amendment, includes a severability clause.

153. The House bill, but not the Senate amendment, encourages the Secretary to promote education savings accounts.

HR

154. The House bill, but not the Senate amendment, requires schools systems that receive funding under the Act to use American made steel and to comply with the Buy America Act.

155. The House bill, but not the Senate amendment, includes a provision relating to the prohibition on withholding of funds relating to teacher certification.

HR

156. The House bill, but not the Senate amendment, includes a provision on the prohibition on withholding of funds relating to teacher certification.

SR

157. The Senate amendment, but not the House bill, includes findings and a Sense of the Congress provision relating to the provision of educational materials which increase the awareness of students about the contributions of veterans to the nation.

158. The Senate amendment, but not the House bill, includes findings and a Sense of the Congress provision regarding the benefits of music and arts education.

159. The House bill and Senate amendment both prohibit any mandatory nationwide test or certification of teachers. There are technical differences in the two bills. The House bill, but not the Senate amendment, includes a provision on the prohibition on withholding of funds relating to teacher certification.

HR with an amendment to insert House (b) after Senate (b).

160. The House bill and Senate amendment have similar provisions on the prohibition of national testing with technical differences in the two versions. The Senate amendment, but not the House amendment, makes an exception for the National Assessment of Educational Progress and the Third International Math and Science Study. The House bill, but not the Senate amendment, makes an exception for tests “specifically and explicitly authorized by law.”

SR with an amendment (see language below) and report language:

SEC. 8603. PROHIBITION ON FEDERALLY SPONSORED TESTING.

(a) GENERAL PROHIBITION.—Notwithstanding any other provisions of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient, may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6) et seq.) administered by the National Center for Education Statistics to include a representative sample of pupils in the United States and in foreign nations.

Report Language:

The prohibition on federally sponsored testing does not apply to a test that is specifically and explicitly authorized by law, inclusive of the National Education Statistics Act of 1994.

161. The Senate amendment, but not the House bill, includes an exception on the prohibition of discrimination relative to the fifth and 14th Amendments.

162. The House bill, but not the Senate amendment, includes a Sense of the Congress provision relating to the prohibition of discrimination relative to military recruiting and race.

HR

163. The House bill and Senate amendment include Sense of the Congress and Sense of
the Senate provisions, respectively, regard-
ing 95 percent of federal education funds
being used for improving academic achieve-
ment in the classroom. The Senate amend-
ment excludes findings while the House bill
does not.

HR/SR to strike all language.

164. The House bill, but not the Senate
amendment, transfers the Technology-Based
Technical Assistance Program from Title VIII
of the Elementary and Secondary Educa-
tion Act to Title VIII.

HR
169. The House bill, but not the Senate
amendment, transfers the Technology-Based
Technical Assistance program from Title VIII
of the Elementary and Secondary Educa-
tion Act to Title VIII.

HR
170. The House bill, but not the Senate
amendment, transfers the Regional Tech-
ical Support and Professional Development
program from Title III of the Elementary
and Secondary Education Act to Title VIII.

HR LC—Add the following provisions in
General Provisions Appropriations:

"SEC. 1001. (a) IN GENERAL.

SEC. 1001. (a) IN GENERAL. Noting
in this Act shall be construed to permit
discrimination on the basis of race, color,
religion, sex (except as otherwise permitted
under Title IX of the Education Amendment
of 1972), national origin, or disability in any
program funded under this Act.

(b) RULE OF CONSTRUCTION. Noting
in this Act shall be construed to require the
disruption of services to a child or the dis-
placement of a child enrolled in or partici-
pating in a program administered by an eli-
gible entity, as defined in section 1116 of title
I and Part B of title V, at the commence-
ment of the entity’s participation in a grant
under section 1116 of title I or part B of title V.

Title IX—Miscellaneous Provisions
(1) as subsections (d) through (f), respec-
tively, and insert the following as subsections
(c)—

(c) DEVELOPMENT OF LOCAL POLICIES
CONCERNING STUDENT PRIVACY. PARENTAL
ACCESS TO INFORMATION, AND ADMINISTRATION
OF CERTAIN PHYSICAL EXAMINATIONS TO MIN-
ORS. 

(1) Except as provided in subsections (a)
and (b), a local educational agency that re-
ceives funds under any applicable program
shall develop and adopt policies, in consulta-
tion with parents, regarding—

(A) the right of a parent of a student to
inspect upon the request of the parent a sur-
vey created by a third party before the sur-
vey is administered or distributed by a
school to a student, and any applicable
procedures for granting a request by a parent
for reasonable access to such survey within
a reasonable period of time after the request
is received;

(B) arrangements to protect student pri-
vacy that are provided by the agency in the
event of the administration or distribution
of a survey to a student containing one or
more of the following items, including the
right of a parent of a student to inspect upon
the request of the parent any survey con-
taining one or more of the following items—

(i) political affiliations or beliefs of the
student or the student’s parent;

(ii) mental or psychological problems of
the student or his family;

(iii) sex behavior or attitudes;

(iv) illegal, anti-social, self-incriminating
or demeaning behavior;

(v) critical appraisals of other individuals
with whom respondents have close family
relationships;

(vi) legally recognized privileged or anal-
ogous relationships, such as those with
lawyers, physicians, and ministers;

(vii) religious practices, affiliations, or
beliefs of the student or student’s parent;

(viii) income (other than that required by
law to determine eligibility for participation
in a program or for receiving financial as-
sistance under such program).

(C) the right of a parent of a student to
inspect upon the request of the parent any
instrumental material used as part of the
educational curriculum of the student, and
any applicable procedures for granting a re-
quest by a parent for reasonable access to
instrumental material within a reasonable pe-
riod of time after the request is received;

(D) the administration of physical exami-
nations or screenings that the school or
agency may choose to administer to a stu-
dent, or the student’s parent;

(E) the collection, disclosure, or use of
personal information collected from students
for the purpose of marketing or for selling or
marketing such personal information to
others for such purpose, including arrangements
to protect student privacy that are provided
by...
the agency in the event of the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling or giving such information to others for such purpose; and

"(F) the right of a parent of a student to inspect upon the request of the parent any such instrument used in the collection, disclosure, or use of personal information as defined in section 132(f)(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1414) before the instrument is administered or distributed to a student, and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

"(2) NOTIFICATION OF POLICIES AND SPECIFIC EVENTS.—The policies developed by a local educational agency under subsection (c)(1) shall provide for reasonable notice of the adoption of such policies directly to the parents of students enrolled in schools in that agency. At a minimum, such notice shall be provided at least annually at the beginning of the school year as well as within a reasonable period of time after any substantive change in such guidelines and shall offer the parent an opportunity to opt out or to consent, or decline consent, to such instrument within a reasonable period of time after the request is received.

"(ii) any survey containing one or more items listed in subsection (c)(1)(B); and

"(iii) any non-emergency, invasive physical examination or screening that is required as a condition of attendance and administered by the school and scheduled by the schools in advance, and is not necessary to protect the immediate health and safety of the student or other students.

"(B) NOTIFICATION OF SPECIFIC EVENTS.—The local education agency shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

"(i) activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling or giving such personal information to others for such purpose;

"(ii) any survey containing one or more items listed in subsection (c)(1)(B); and

"(B) INSTRUCTIONAL MATERIAL. For the purpose of this section, the term 'instructional material' means instructional content or educational materials, and testing materials in electronic or digital formats (such as materials accessible through the Internet), but does not include academic tests or academic assessments.

"(C) INVASIVE PHYSICAL EXAMINATION. For the purpose of this section, the term 'invasive physical examination' means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, injection into the body, but does not include hearing, vision, or scoliosis screenings.

"(D) PARENT. For the purpose of this section, the term 'parent' includes a guardian.

"(E) PERSONAL INFORMATION. For the purpose of this section, the term 'personal information' means individually identifiable information including:

"(i) a student's first and last name;

"(ii) a home or other physical address including the street name and number of city or town;

"(iii) a telephone number; or

"(iv) a social security number.

"(F) STUDENT. For the purpose of this section, the term 'student' means any elementary or secondary school student.

"(G) SURVEY. For the purpose of this section, the term 'survey' includes an evaluation.

"(6) GENERAL PROVISIONS.—(A) IN GENERAL.—(i) Nothing in this section shall be construed to supersede section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(ii) Subsection (c)(1)(D) shall not apply to surveys administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(B) STUDENT RIGHTS. The rights provided to parents under paragraphs (i) through (iv) of subparagraph (i) shall apply to the student once the student turns 18 years old, or is an emancipated minor at any age.

"(C) INFORMATION ACTIVITIES. The Secretary shall annually inform each State educational agency and each local educational agency of the educational agency's obligations under section 3 of the General Education Provisions Act (20 U.S.C. 1232a).

"(D) FUNDING. A State educational agency or local educational agency that receives funds under part A of title V of the [Short Title] to enhance parental involvement in areas affecting children's in-school private information practices shall:

"(i) make available through the Department of Education and in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). If the public school or agency does not comply with the rules or orders, then notwithstanding any other provision of law, no funds made available under part A of title V of the [Short Title] to enhance parental involvement in areas affecting children's in-school private information practices shall be provided to the school or any school served by the agency.

"(ii) postsecondary institutions.

"(iii) tests and assessments used by elementary and secondary schools;

"(iv) substantive change in such guidelines and regulations.

"(5) DEFINITIONS.—(A) LOCAL EDUCATIONAL AGENCY. For the purpose of subsection (c), the term 'local educational agency' means any elementary, middle, or secondary school, and any school district or local board of education that is the recipient of funds under any applicable program, but does not include postsecondary institutions.

"(B) INSTRUCTIONAL MATERIAL. For the purpose of this section, the term 'instructional material' means instructional content or educational materials, and testing materials in electronic or digital formats (such as materials accessible through the Internet), but does not include academic tests or academic assessments.

"(C) INVASIVE PHYSICAL EXAMINATION. For the purpose of this section, the term 'invasive physical examination' means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, injection into the body, but does not include hearing, vision, or scoliosis screenings.

"(D) PARENT. For the purpose of this section, the term 'parent' includes a guardian.

"(E) PERSONAL INFORMATION. For the purpose of this section, the term 'personal information' means individually identifiable information including:

"(i) a student's first and last name;

"(ii) a home or other physical address including the street name and number of city or town;

"(iii) a telephone number; or

"(iv) a social security number.

"(F) STUDENT. For the purpose of this section, the term 'student' means any elementary or secondary school student.

"(G) SURVEY. For the purpose of this section, the term 'survey' includes an evaluation.

"(6) GENERAL PROVISIONS.—(A) IN GENERAL.—(i) Nothing in this section shall be construed to supersede section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(ii) Subsection (c)(1)(D) shall not apply to surveys administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(B) STUDENT RIGHTS. The rights provided to parents under paragraphs (i) through (iv) of subparagraph (i) shall apply to the student once the student turns 18 years old, or is an emancipated minor at any age.

"(C) INFORMATION ACTIVITIES. The Secretary shall annually inform each State educational agency and each local educational agency of the educational agency's obligations under section 3 of the General Education Provisions Act (20 U.S.C. 1232a).

"(D) FUNDING. A State educational agency or local educational agency that receives funds under part A of title V of the [Short Title] to enhance parental involvement in areas affecting children's in-school private information practices shall:

"(i) make available through the Department of Education and in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). If the public school or agency does not comply with the rules or orders, then notwithstanding any other provision of law, no funds made available under part A of title V of the [Short Title] to enhance parental involvement in areas affecting children's in-school private information practices shall be provided to the school or any school served by the agency.

"(ii) postsecondary institutions.

"(iii) tests and assessments used by elementary and secondary schools;

"(iv) substantive change in such guidelines and regulations.

"(5) DEFINITIONS.—(A) LOCAL EDUCATIONAL AGENCY. For the purpose of subsection (c), the term 'local educational agency' means any elementary, middle, or secondary school, and any school district or local board of education that is the recipient of funds under any applicable program, but does not include postsecondary institutions.

"(B) INSTRUCTIONAL MATERIAL. For the purpose of this section, the term 'instructional material' means instructional content or educational materials, and testing materials in electronic or digital formats (such as materials accessible through the Internet), but does not include academic tests or academic assessments.

"(C) INVASIVE PHYSICAL EXAMINATION. For the purpose of this section, the term 'invasive physical examination' means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, injection into the body, but does not include hearing, vision, or scoliosis screenings.

"(D) PARENT. For the purpose of this section, the term 'parent' includes a guardian.

"(E) PERSONAL INFORMATION. For the purpose of this section, the term 'personal information' means individually identifiable information including:

"(i) a student's first and last name;

"(ii) a home or other physical address including the street name and number of city or town;

"(iii) a telephone number; or

"(iv) a social security number.

"(F) STUDENT. For the purpose of this section, the term 'student' means any elementary or secondary school student.

"(G) SURVEY. For the purpose of this section, the term 'survey' includes an evaluation.

"(6) GENERAL PROVISIONS.—(A) IN GENERAL.—(i) Nothing in this section shall be construed to supersede section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(ii) Subsection (c)(1)(D) shall not apply to surveys administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(B) STUDENT RIGHTS. The rights provided to parents under paragraphs (i) through (iv) of subparagraph (i) shall apply to the student once the student turns 18 years old, or is an emancipated minor at any age.

"(C) INFORMATION ACTIVITIES. The Secretary shall annually inform each State educational agency and each local educational agency of the educational agency's obligations under section 3 of the General Education Provisions Act (20 U.S.C. 1232a).

"(D) FUNDING. A State educational agency or local educational agency that receives funds under part A of title V of the [Short Title] to enhance parental involvement in areas affecting children's in-school private information practices shall:

"(i) make available through the Department of Education and in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). If the public school or agency does not comply with the rules or orders, then notwithstanding any other provision of law, no funds made available under part A of title V of the [Short Title] to enhance parental involvement in areas affecting children's in-school private information practices shall be provided to the school or any school served by the agency.
December 12, 2001

CONGRESSIONAL RECORD—HOUSE

H10049

“SEC. XXX. STUDIES OF NATIONAL SIGNIFICANCE.

(a) Studies.—The Secretary shall conduct the following studies of national significance:

(1) Study regarding the health and learning impacts of environmentally unhealthy public school buildings on students and faculty. The study shall include the following information:

(A) The characteristics of public elementary and secondary school buildings that contribute to unhealthy school environments.

(B) The health and learning impacts of environmentally unhealthy public school buildings on students and faculty who attend or have attended such schools.

(C) Recommendations to Congress on how to assist schools that are out of compliance with Federal or State health and safety codes, and a cost estimate of bringing up environmentally unhealthy public school buildings to minimum Federal health and safety building standards.

(2) Study regarding how exposure to violent entertainment (such as movies, music, television, Internet content, video games, and arcade games) affects children’s cognitive development and educational achievement.

(3) Study regarding the prevalence of sexual abuse in schools and legislative remedies for the problem of sexual abuse in schools.

(4) Study on the most accurate measures of bullying at which students drop out of and graduate from (including on-time graduation) schools in the United States.

(A) As part of the study, the Secretary shall examine longitudinal means of measurement that follow individual student progress, beginning with seventh grade and continuing through graduation from secondary schools, and what states can do to establish or strengthen such systems.

(B) Not less than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study and any recommendations that the Secretary may have regarding the subject of the study.

(5) Completion date.—The studies under subsections (a)(i)-(iii) shall be completed not later than 18 months after the enactment of the No Child Left Behind Act of 2001.

(b) Public Dissemination.—The Secretary shall provide the study results and any recommendations for public consumption through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department of Education.

22. The Senate amendment, but not the House bill, includes findings regarding sexual abuse in schools, and an authorization for the Secretary of Education in conjunction with the Attorney General, to conduct a comprehensive study of the prevalence of sexual abuse in schools and to prepare a report thereon for submission to relevant Congressional committees and others.

HR/SR to strike all language (see note 21).

23. The Senate amendment, but not the House bill, authorizes a study of whether Federal income tax incentives that provide education assistance affect higher education tuition rates.

SR

24. The Senate amendment, but not the House bill, includes an authorization for the Fund for the Improvement of Education, a Federal discretionary fund.
The Senate amendment, but not the House bill, authorizes a Smaller Learning Communities program. Similar activities are included in Title V, Part B, Subpart 4, Chapter 2 (use of funds under innovative education program strategies) of the Senate amendment.

HR with an agreement to move to Subpart 4 of Title V, Part D (FIE).

The Senate amendment, but not the House bill, authorizes a study of the health and learning impacts of dilapidated or environmentally unhealthy public school buildings upon students.

HR/SR to strike all language (see note 21).

29. The Senate amendment, but not the House bill, establishes a new program relating to improving the energy-efficiency and environmental soundness of school buildings.

HR with an agreement to amend and move to Subpart 18 of Title V, Part D (FIE).

Title IX, Part A, Subpart 2—Homeless Education

(New Title X, Part C)

SR for short title
1. House bill contains findings.

HR
2. Senate amendment does not contain similar provisions.

HR
3. House bill contains a purpose.

HR
4. Senate amendment contains no similar provision.

HR
5. House bill and Senate amendment contain identical provision that clarifies that homelessness alone is not sufficient reason to separate students from the mainstream school environment (strikes ‘should not be’ and replaces with ‘is not’).

HR with an amendment to insert “appropriate” before “public education” in House paragraph (1) and insert “appropriate” before “public education” in House paragraph (2).

6. House bill and Senate amendment are identical.

LC
7. House bill and Senate amendment are identical.

LC
8. House bill increases the amount of McKinney-Vento funding available to small States to one-half of one percent of the overall appropriation, or $125,000, whichever is greater.

SR with an amendment to set small state minimum at $150,000 or 1/4 of 1% of the total appropriation, whichever is greater, except that no state shall receive less than it received in FY 2001.

9. Senate amendment makes $100,000 available to small States.

SR—See Note 8.
10. House bill and Senate amendment strike Palau from receiving funds.

LC
11. House bill requires the Secretary to transfer 1% to the Department of Interior by replacing “is authorized to” with “shall.”

SR
12. Senate amendment authorizes the transfer.

SR

LC
14. House bill provides States with greater flexibility to use McKinney-Vento funds for statewide support and technical assistance activities.

SR
15. Senate amendment has a reservation of funds for statewide activities.

SR
16. House bill prohibits states that receive McKinney funds from segregating homeless students.
students, except for short periods of time for health and safety emergencies or to provide temporary, special, supplementary services. However, separate schools established before the enactment of the law are excluded from this prohibition and may continue to receive McKinney funds.

HR
17. Senate amendment prohibits states that receive McKinney funds from segregating homeless students, except for short periods of time for health and safety emergencies or to provide temporary, special, supplementary services. However, a State that has a separate school for homeless children that was operated in fiscal year 2000 in a covered county (San Joaquin County, CA; Orange County, CA; San Diego County, CA; and Maricopa County, AZ) is excluded from this prohibition and may continue to receive McKinney funds as long as such schools and the LEAs that homeless children enrolled in the separate school are entitled to attend meet the requirements set forth in this section.

HR
18. House bill and Senate amendment contain virtually identical language that revises the provisions for the Coordinator of Education of Homeless Children and Youth, however, House bill requires that this information be gathered “to the extent possible.”

HR
“It is the intention of the conference that the Office of the Coordinator shall coordinate with the State Educational Agency, state social services agencies, and other agencies, including agencies providing mental health services, to provide services to homeless children, youth, and families.”

19. House bill requires Coordinators to provide technical assistance to ensure that LEAs comply with paragraph 3 through 7 of the State plan.

SR (Accept both provisions—notes 19 & 20).
20. Senate amendment requires Coordinators to provide technical assistance to ensure that LEAs comply with the prohibition on segregating homeless students. House bill and Senate amendment revise the State plan.

HR (Accept both provisions—notes 19 & 20).
21. House bill and Senate amendment revise the State plan.

LC
22. House bill requires the State plan to describe procedures that ensure that homeless youth and young separated from the public schools are identified and accorded equal access to appropriate secondary education and support services.

SR
23. House bill adds immunization and medical records to the list of problems which may cause enrollment delays, Senate amendment does not.

SR
24. House bill adds uniform or dress code requirements to the list of problems which may cause enrollment delays, Senate amendment does not.

SR
25. House bill and Senate amendment contain similar language requiring the State plan contain assurances that SEAs and LEAs provide and disseminate notice of educational rights of homeless children.

HR on Senate (i).
26. House bill requires the State plan to contain assurances that the State and school districts will adopt policies and practices to ensure that transportation is provided to and from the school of origin.

SR
27. Senate amendment contains no similar provision.

SR

LC
29. House bill requires State plan to describe technical assistance the State will offer LEAs.

SR
30. Senate amendment contains no similar provision.

SR
31. House bill and Senate amendment revise LEA requirements with virtually identical provisions.

LC
32. Senate amendment requires LEAs to consider the wishes of unaccompanied youth in placement decisions.

SR
33. House bill requires that parents, guardian, or unaccompanied youth are given written notice of right of appeal.

SR
34. Senate amendment contains no similar provision.

SR
35. House bill contains language regarding enrollment decisions for unaccompanied youth. Senate amendment does not contain this provision.

SR with an amendment to (B)(iii) to add “considers the views of such unaccompanied youth” after “subparagraph.”

36. Senate amendment specifies that the student shall be referred to the appropriate authorities if the child or youth needs to obtain immunizations.

SR
37. House bill specifies that the student shall be referred to the liaison if the child or youth needs to obtain immunizations.

SR
38. House bill contains language requiring ordinarily kept records of students be maintained so that they are available when a child or youth enters a new school or school district.

SR
39. House bill provides that written explanation of right of appeal is provided to the parent or guardian.

SR
40. Senate amendment contains no similar provision.

SR
41. House bill specifies that the local liaison carries out the dispute resolution process.

SR
42. Senate amendment contains no similar provision.

SR
43. House bill provides LEA authority to require submission of contact information.

SR with an amendment to strike all after “information” in (H).

44. Senate amendment contains no similar provision.

SR with an amendment as noted in Note 43. 45. House bill and Senate amendment are identical.

LC
46. House bill and Senate amendment contain virtually identical language.

LC
47. House bill contains language on interdistrict coordination.

SR
48. Senate amendment contains no similar provision.

SR
49. House bill and Senate amendment contain similar provisions except that House bill adds “reasonable proximity.”

SR
50. House bill and Senate amendment revise LEA services for homeless children and youth with virtually identical language.

LC
51. House bill provides that the liaison coordinate with school personnel and other entities to identify homeless children.

SR with an amendment to strike “an” and insert “a full and” before “equal.”

52. House bill requires the liaison to inform students about transportation services.

SR
53. Senate amendment contains no similar provision.

SR
54. House bill requires notice for all LEAs.

SR
55. Senate amendment requires notice for LEAs receiving assistance under this subtitle.

SR
56. House bill and Senate amendment are identical.

LC
57. House bill and Senate amendment revise LEA services for homeless children and youth with virtually identical language.

SR
58. Similar provisions.

LC
59. House bill and Senate amendment are identical.

LC
60. House bill revises the LEA application language.

SR
61. Senate amendment makes a minor modification to current law that is similar to language in House bill.

SR
62. House bill and Senate amendment are virtually identical.

LC
63. House bill revises language regarding grants awarded to LEAs.

SR
64. House bill and Senate amendment contain language for determining the quality of applications that are virtually identical.

LC
65. Senate amendment specifies that case management services may be a factor used in determining quality.

SR with an amendment to add “such as 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” after “program” in House (G).

(Adding Senate (G) to end of House (G)).
66. House bill contains no similar provision.

SR with an amendment as noted in Note 66.
67. House bill revises LEA authorized activities, Senate amendment does not.

SR
68. House bill provides for outreach assistance to unaccompanied youth.

SR
69. Senate amendment contains no similar provision.

SR
70. Senate amendment contains no similar provision.

SR
71. House bill revises Secretarial Responsibilities section.

SR
72. House bill requires the Secretary to provide and disseminate notice of educational rights of homeless children.

SR
73. Senate amendment contains no similar provision.

SR
74. Senate amendment contains a requirement for the Secretary to develop and issue school enrollment guidelines for homeless children and youth.

HR with an amendment to strike “more quickly” and insert “immediately.”

75. House bill contains language requiring the Secretary to disseminate information regarding the rights of homeless children and youth (see “Sec. 724(c) NOTICE” above).
HR with an amendment as noted in Note 74.

76. House bill and Senate amendment contain virtually identical language regardingLabel information collection and dissemination.

LC

77. House bill and Senate amendment contain virtually identical language regarding a report from the Secretary on the education of homeless children and youth.

LC

78. House bill specifically mentions “children and youth who are living in doubled-up accommodations.”

HR

79. House bill uses term “individuals” and Senate amendment uses term “children and youth.”

HR

80. Similar provisions.

HR

81. Identical provision.

LC

82. Similar provisions.

HR

83. Identical provision.

LC

84. House bill authorizes $60 million for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

HR

85. Senate amendments authorize $70 million for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

HR with an amendment to strike “6” and insert “5”.

Amendments to Other Statutes

(New Title X, Part G)

1. The Senate amendment, but not the House bill, amends the term “qualified entity” of the National Child Protection Act of 1993.

SR with an amendment to insert:

“(5) BACKGROUND CHECKS.—Section 5(b) of the National Child Protection Act of 1993 (42 U.S.C. 5118c(b)) 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. 220. COORDINATOR FOR THE OUTLIVING AREAS.

“(a) ESTABLISHMENT.—The Secretary shall designate an office of the Department to coordinate the activities of the Department as they relate to the Outlying Areas.

“(b) APPOINTMENT.—The head of the office designated under subsection (a) shall appoint, not later than 3 months after the date of enactment of [the Act] a coordinator for the Outlying Areas who shall be a person with substantial experience in the operation of Federal programs in the Outlying Areas.

“(c) DUTIES.—The Coordinator for the Outlying Areas—

“(1) serve as the principal advisor to the Department on federal matters affecting the Outlying Areas;

“(2) evaluate on a periodic basis the needs of education programs in the Outlying Areas; and

“(3) assist with the coordination of programs which serve the Outlying Areas; and

“(4) provide guidance to programs within the Department that serve the Outlying Areas.

“(d) DEFINITION.—For the purposes of this section, the term “Outlying Areas” includes Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, but does not include the freely Associated States of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.”

2. The Senate amendment, but not the House bill, amends the Individuals With Disabilities Education Act to add a new chapter 3 to part D of IDEA relating to improving early intervention, educational, and transitional services.

SR

3. The Senate amendment includes findings regarding IDEA.

SR

4. The House bill does not contain a similar provision.

SR

5. The Senate amendment would amend IDEA to allow LEAs to treat as local funds up to 55 percent of funding increases beyond the amount received in FY2001 and to petition the State to waive the 55% cap. It would also allow the Secretary to prohibit the LEA from supplanting funds if it does not meet part B requirements.

SR

6. The House bill does not contain a similar provision.

SR

7. The Senate amendment would amend IDEA to make funding of part B mandatory for fiscal years 2002–2011.

SR

8. The House bill does not contain a similar provision.

SR

9. Senate returns IDEA part B to a discretionary program for FY2012 and subsequent years. House contains no similar provision.

SR

10. The Senate amendment, but not the House bill, includes amendments to the Omnibus Crime Control and Safe Streets Act of 1968 relating to school resource officers.

SR

11. The Senate amendment, but not the House bill, amends the Higher Education Act to create a new program of loan forgiveness for Head Start teachers.

SR

12. The Senate amendment, but not the House bill, includes amendments to the Economic Espionage Act of 1996 relating to Boys and Girls Clubs.

SR

13. The Senate amendment, but not the House bill, includes amendments to the Carl D. Perkins Vocational and Technical Education Act of 1990.

SR

14. The Senate amendment, but not the House bill, reauthorizes the National Environmental Education Act, including comprehensive changes.

SR

15. The Senate amendment, but not the House bill, includes amendments to the Federal Insecticide, Fungicide, and Rodenticide Act.

SR


SL

LC: Add following provision.

“SEC. 13. This Act shall take effect on the first day of the first pay period that begins on or after the date of enactment of this Act.

For consideration of the House bill and the Senate amendment, and modifications committed to conference:
of order against the conference report to accompany the bill (H.R. 1), to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON S. 1438, NATIONAL DEFENSE AUTHORIZATION ACT OF 2002

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107–337) on the resolution (H. Res. 316) waiving points of order against the conference report to accompany the Senate bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe budgets for fiscal years 2002 and 2003 for the Armed Forces, to provide for the conduct of certain activities authorized to be charged against the defense appropriation account, to authorize the use of certain appropriated funds, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GEPhardt (at the request of Mr. FORD) to revise and extend their remarks and include extraneous material.

Mr. DeFAZIO, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.
Mr. SKELTon, for 5 minutes, today.
Ms. MILLENDER-McDONALD, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Mr. KIND, for 5 minutes, today.
Mr. RODRIGUEZ, for 5 minutes, today.

The following Members (at the request of Mr. ROYCE) to revise and extend their remarks and include extraneous material:

Mr. OSBORNE, for 5 minutes, today.
Mr. DeLAY, for 5 minutes, today.
Mr. ROYCE, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. BOEHLER, for 5 minutes, today.
Mr. BRADY of Texas, for 5 minutes, today.
Mr. WATTS of Oklahoma, for 5 minutes, today.

(These following Members at their own request) to revise and extend their remarks and include extraneous material:

Ms. JACKSON-Lee of Texas, for 5 minutes, today.
Mr. SESSIONS, for 5 minutes, today.
Mr. TAYLOR of Mississippi, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker’s table and, under the rule, referred as follows:

S. 1519. An act to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists; to the Committee on Agriculture.
S. 1729. An act to provide assistance with date provisions of law providing benefits and indemnity compensation for survivors of such veterans; to the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:
H.R. 10. An act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.
H.R. 1230. An act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.
H.R. 1761. An act to designate the facility of the United States Postal Service located at 9588 Richmond Highway in Alexandria, Virginia, as the “Herb Harris Post Office Building”.
H.R. 2061. An act to amend the charter of Southeastern University of the District of Columbia.
H.R. 2540. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.
H.R. 2716. An act to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.
H.R. 2944. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o’clock and 36 minutes a.m.), the House adjourned until today, Thursday, December 13, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

4801. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permit Program; District of Columbia [DC-TS–2001–01a; FRL–7112–3] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4802. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permit Program; Virginia [VA–2001–01a; FRL–7112–5] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4803. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permit Program; Hawaii [H1062–OPP; FRL–7111–5] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4804. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permit Program; Wisconsin [FRL–7111–7] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4805. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permit Program; Minnesota [FRL–7111–8] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4806. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permit Program; Indiana [IN003; FRL–7111–9] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4807. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permit Program; Michigan [FRL–7111–6] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4808. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permit Program; Illinois [FRL–7112–1] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4809. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Methane Control Rule—Approval of State Underground Storage Tank Program [FRL–7110–8] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4810. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Final Approval of Operating Permit Program; State of Vermont [VT–621–1224a; A–1–FRL–7110–2] received November 30, 2001, pursuant to 5 U.S.C. 801a(1)(A); to the Committee on Energy and Commerce.

4811. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval
of the Operating Permits Program for the Final County Air Quality Control District, Arizona [AZ060-OPP; FRL-7112-8] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

482. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permits Program in Alaska [FRL-7113-1] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

483. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permits Program; State of Nevada [NV002; FRL-7113-3] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

484. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permits Program; New Jersey [NJ002; FRL-7113-1] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

485. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permits Program; State of Oklahoma [OK-FRL-7113-7] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

486. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Operating Permits Program; State of Texas [TX-002; FRL-7113-6] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

487. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of the Operating Permits Program; Arizona Department of Environmental Quality, Maricopa County Environmental Services Department [FRL-7113-4] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

488. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of Title V Operating Permits Programs; Clark County Department of Air Quality Management, Washoe County District Health Division [FRL-7113-8] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

489. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act Full Approval of 34 Operating Permits Programs in California [CA006-P70; FRL-7113-5] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

490. A letter from the General Counsel, Department of Homeland Security, transmitting a draft bill which would modify the current process by which Federal agencies are billed, and make payment, for water and sewer services provided by the District of Columbia; to the Committee on Government Reform.
By Ms. WOOLSEY (for herself, Ms. LEE, Mr. DEFAZIO, Mr. EVANS, Mr. MCDERMOTT, Mr. FATTAH, Mr. HINCH, Mr. FARR of California, Mr. DOUGLASS, Mr. McQUEEN, Ms. McCARTHY, Mr. SAPO, Ms. SCHAKOWSKY, Mr. NADLER, Mr. MARKY, Mr. PARKE, Mr. HOLT, Ms. WATSON, Mr. OLVER, Mr. FOSS, Mr. LEWIS of Georgia, Mr. BALDWIN, Ms. RIVERS, Mr. PAYNR, Mr. BLUMENAUER, Mr. FILNER, Mr. TIERNEY, Ms. HOOLEY of Oregon, and Mr. SIMMONS).”

H. Res. 313. A resolution expressing the sense of the House of Representatives regarding the continued importance of the Anti-Ballistic Missile Treaty; to the Committee on International Relations.

**ADDITIONAL SPONSORS**

Under clause 7 of rule XII, sponsors were in the public bills and resolutions as follows:

H. R. 40: Ms. Watson and Mr. Brady of Pennsylvania.

H. R. 122: Mr. WICKER.

H. R. 179: Ms. ROS-LEHTINEN.

H. R. 256: Mr. ROSS.

H. R. 394: Mr. Rogers of Kentucky, Mr. SCHROCK, Mr. GRAVES, and Ms. PRYCE of Ohio.

H. R. 664: Mr. SHIMKUS.

H. R. 774: Mrs. EMERSON.

H. R. 978: Mrs. LOWY.

H. R. 1011: Mr. BRYANT.

H. R. 1089: Mr. STUCKLAND.

H. R. 1097: Mr. WYNN and Mr. BLAGOJEVICH.

H. R. 1158: Mr. FLETCHER.

H. R. 1255: Mr. LINDSAY.

H. R. 1287: Mr. DUNCAN.

H. R. 1330: Mr. ALLEN.

H. R. 1476: Ms. LOPFHER.

H. R. 1819: Mr. CONTERS and Mr. JACKSON of Illinois.

H. R. 1837: Ms. THURMAN.

H. R. 1944: Mr. WAMP.

H. R. 1961: Mr. BACA and Mr. HALL of Texas.

H. R. 1990: Mr. BERECHIA.

H. R. 2307: Mr. SAM JOHNSON of Texas, Mr. BOOZMAN, Mr. ORTIZ, and Mr. SHERWOOD.

H. R. 2309: Ms. STEARNS, Ms. BROWN of Florida, Mr. Young of Florida, Mr. BOYD, Mr. WEIXLER, and Mr. CHERNSHAW.

H. R. 2317: Mr. MALONEY of Connecticut.

H. R. 2348: Mr. STARK.

H. R. 2362: Mr. MILLER.

H. R. 2369: Mr. STARK.

H. R. 2373: Mr. WATSON of North Carolina, and Mr. Wynn.

H. Res. Res. 267. Concurrent resolution expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa; to the Committee on International Relations.
HIGHLIGHTS


The House passed H.R. 3295, Help America Vote Act.

Senate

Chamber Action

Routine Proceedings, pages S12989–S13078

Measures Introduced: Seven bills were introduced, as follows: S. 1808–S. 1814.

Measures Reported:

H.R. 3167, to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996.

S. 1762, to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders.

S. 1793, to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

S. Con. Res. 86, expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan.

S. Con. Res. 90, expressing the sense of the Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea.


Measures Passed:

Mental Health Assistance: Senate passed S. 1729, to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001, after agreeing to the following amendment proposed thereto:

Reid (for Kennedy) Amendment No. 2503, in the nature of a substitute.

Electronic Health Care Transaction Compliance: Senate passed H.R. 3323, to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, clearing the measure for the President.

Children Pharmaceuticals Safety Improvement: Senate passed S. 1789, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

Tuberous Sclerosis: Committee on Health, Education, Labor and Pensions was discharged from further consideration of H. Con. Res. 25, expressing the sense of the Congress regarding tuberous sclerosis, and the resolution was then agreed to.

District of Columbia College Access Act Technical Corrections Act: Senate passed H.R. 1499, to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Reid (for Lieberman) Amendment No. 2515, to clarify the intended inclusion of certain individuals.

Federal Farm Bill: Senate continued consideration of S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to
ensures consumers abundant food and fiber, taking action on the following amendments proposed there-

Adopted:

- Domenici Modified Amendment No. 2502 (to Amendment No. 2471), to require the Secretary of Agriculture to obtain written consent from each State’s Governor prior to implementation of the water conservation program. Pages S13000–41

- Gregg/Lugar Amendment No. 2466 (to Amendment No. 2471), to phase out the sugar program and use any resulting savings to improve nutrition assistance. (By 71 yeas to 29 nays; Vote No. 364, Senate tabled the Amendment.) Pages S13001–20

Withdrawn:

- Daschle/Lugar Amendment No. 2511, to direct the Secretary of Agriculture to establish within the Department of Agriculture the position of Assistant Secretary of Agriculture for Civil Rights. Pages S13037–38

Subsequently, Craig Amendment No. 2512 (to Amendment No. 2511), to add provisions regarding nominations, fell when Daschle Amendment No. 2511 (listed above) was withdrawn. Pages S13038

Pending:

- Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute. Pages S12990–96

- Bond Amendment No. 2513 (to Amendment No. 2471), to authorize the Secretary of Agriculture to review Federal agency actions affecting agricultural producers. Page S13039

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, December 13, 2001, with a vote in relation to Bond Amendment No. 2513 (to Amendment No. 2471) to occur at approximately 11 a.m. Page S13039

A motion was entered to close further debate on Daschle (for Harkin) Amendment No. 2471 (listed above), in accordance with Rule XXII of the Standing Rules of the Senate. Pages S13039–40

Messages From the House:

Pages S13046–47

Measures Referred:

Pages S13047–48

Executive Communications:

Page S13048

Executive Reports of Committees:

Pages S13049–51

Additional Cosponsors:

Pages S13051–52

Statements on Introduced Bills/Resolutions:

Pages S13052–57

Additional Statements:

Pages S13045–46

Amendments Submitted:

Pages S13057–69

Authority for Committees to Meet:

Pages S13069–70

Privilege of the Floor:

Page S13070

Record Votes: Two record votes were taken today. (Total—364) Pages S12995, S13020

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:51 p.m., until 9:30 a.m., on Thursday, December 13, 2001. For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S13078.

Committee Meetings

(Committees not listed did not meet)

MILITARY COMMISSIONS’ NON-CITIZEN TREATMENT

Committee on Armed Services: Committee held hearings to examine the Department of Defense implementation of the President’s Military Order on the detention, treatment, and trial by military commissions of certain non-citizens in the war on terrorism, receiving testimony from Paul D. Wolfowitz, Deputy Secretary, and William J. Haynes II, General Counsel, both of the Department of Defense.

Hearing recessed subject to call.

NOMINATIONS

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Harold Craig Manson, of California, to be Assistant Secretary for Fish and Wildlife, Kathleen Burton Clarke, of Utah, to be Director of the Bureau of Land Management, Jeffrey D. Jarrett, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Rebecca W. Watson, of Montana, to be Assistant Secretary for Land and Minerals Management, all of the Department of the Interior, and Michael Smith, of Oklahoma, to be Assistant Secretary for Fossil Energy, Margaret S.Y. Chu, of New Mexico, to be Director of the Office of Civilian Radiactive Waste Management, and Beverly Cook, of Idaho, to be Assistant Secretary for Environment, Safety and Health, all of the Department of Energy.

BUSINESS MEETING

Committee on Finance: Committee began markup of H.R. 3005 to extend trade authorities procedures with respect to reciprocal trade agreements, but did not complete action thereon, and will meet again tomorrow.
BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

- Treaty between the Government of the United States of America and the Russian Federation on Mutual Legal Assistance in Criminal Matters, signed at Moscow on June 17, 1999, (Treaty Doc. 106–22) with three conditions;
- S. 1779, to authorize the establishment of “Radio Free Afghanistan”, with an amendment;
- H. R. 3167, to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996;
- S. Con. Res. 86, expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan;
- S. Con. Res. 90, expressing the sense of the Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea;
- H. Con. Res. 211, commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma, with an amendment in the nature of a substitute; and
- The nominations of William R. Brownfield, of Texas, to be Ambassador to the Republic of Chile, John V. Hanford III, of Virginia, to be Ambassador at Large for International Religious Freedom, Donna Jean Hrinak, of Virginia, to be Ambassador to the Federative Republic of Brazil, James David McGee, of Florida, to be Ambassador to the Kingdom of Swaziland, Kenneth P. Moorefield, of Florida, to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe and the Gabonese Republic, John D. Ong, of Ohio, to be Ambassador to Norway, Earl Norfleet Phillips, Jr., of North Carolina, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, John Price, of Utah, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Federal and Islamic Republic of The Comoros and Ambassador to the Republic of the Philippines and to serve concurrently and without additional compensation as Ambassador to the Republic of Palau, Charles S. Shapiro, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, Arthur E. Dewey, of Maryland, to be Assistant Secretary of State for Population, Refugees, and Migration, Adolfo A. Franco, of Virginia, to be Assistant Administrator for Latin America and the Caribbean, Frederick W. Schieck, of Virginia, to be Deputy Administrator, and Roger P. Winter, of Maryland, to be Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, all of the United States Agency for International Development, Gaddi H. Vasquez, of California, to be Director, and Josephine K. Olsen, of Maryland, to be Deputy Director, both of the Peace Corps, Jorge L. Arrizurieta, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank, and certain Foreign Service Officer promotion lists.

MICROSOFT SETTLEMENT

Committee on the Judiciary: Committee held hearings to examine the status of the still-pending antitrust enforcement action against the Microsoft Corporation by the Department of Justice, eighteen States, and the District of Columbia, and the negotiations and proposed final judgment embodying the settlement, receiving testimony from Charles A. James, Assistant Attorney General, Antitrust Division, Department of Justice.

Hearings recessed subject to call.
House of Representatives

Chamber Action

Measures Introduced: 15 public bills, H.R. 3461–3475; and 3 resolutions, H.J. Res. 78; H. Con. Res. 287, and H. Res. 313, were introduced.

Pages H9772, H10054–55

Reports Filed: Reports were filed today as follows:

Conference report on S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces (H. Rept. 107–333).

Conference report on H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind (H. Rept. 107–334);

H. Res. 314, providing for the consideration of motions to suspend the rules (H. Rept. 107–335);

H. Res 315, waiving points of order against the conferenc report to accompany H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind (H. Rept. 107–336); and

H. Res. 316, waiving points of order against the conference report to accompany the bill (S. 1438) to authorize appropriations for fiscal year 2002 for the Armed Forces (H. Rept. 107–337).

Pages H9333–H9751, H9772, H9773–H10052, H10054

Guest Chaplain: The prayer was offered by Rabbi Peter J. Rubinstein, Central Synagogue of New York City.

Page H9241

Journal: Agreed to the Speaker’s approval of the Journal of Dec. 11 by a yea-and-nay vote of 356 yeas to 44 nays with 1 voting “present”, Roll No. 486.

Pages H9241, H9242

United States Military Academy Board of Visitors: The Chair announced the Speaker’s appointment of Representative Hinchey to the Board of Visitors of the United States Military Academy.

Page H9246

Intelligence Authorization Conference Report: The House agreed to the conference report on H.R. 2883, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account and the Central Intelligence Agency Retirement and Disability System.

Pages H9247–54

Earlier the House agreed to H. Res. 312, the rule that waived points of order against the conference report by voice vote.

Pages H9246–47

Help America Vote Act: The House passed H.R. 3295, to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections by a yea-and-nay vote of 362 yeas to 63 nays, Roll No. 489.

Pages H9264–9308

Rejected the Menendez motion to recommit the bill to the Committee on House Administration with instructions to report it back with amendments that deal with voter eligibility, provisions for individuals with disabilities, alternative language accessibility, ballot verification, and enforcement by the Attorney General by a yea-and-nay vote of 197 yeas to 226 nays, Roll No. 488.

Pages H9302–08

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill, H. Rept. 107–329, Part I, and modified by the amendment printed in the report to accompany the rule, H. Rept. 107–331, were considered as adopted.

Page H9276

Agreed to H. Res. 311, the rule that provided for consideration of the bill, by a yea-and-nay vote of 223 yeas to 193 nays, Roll No. 487.

Pages H9254–64

Suspensions: The House agreed to suspend the rules and pass the following measures that were debated on Dec. 11, 2001:

Keeping the Social Security Promise Initiative: H. Con. Res. 282, expressing the sense of Congress that the Social Security promise should be kept. Agreed to by a yea-and-nay vote of 415 yeas to 5 nays, Roll No. 488;
Anti-Hoax Terrorism Act: H.R. 3209, amended, to amend title 18, United States Code, with respect to false communications about certain criminal violations. Agreed to by a yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 489; and

Public Health Service and Bioterrorism Response Act: H.R. 3448, to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies. Agreed to by a yea-and-nay vote of 418 yeas to 2 nays, Roll No. 491.

Page H9309-10

Community Recognition Act of 2001—Corrections Calendar: On the call of the corrections calendar, the House passed H.R. 1022, to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials by a yea-and-nay vote of 420 yeas with none voting "nay," Roll No. 490. The bill was debated and amended on Tuesday, Dec. 11.

Page H9310

Department of Defense Appropriations—Go to Conference: The House disagreed with the Senate amendment to H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and agreed to a conference.

Page H9311-18

Appointed as conferees for consideration of Division A of the House bill and Division A of the Senate amendment, and modifications committed in conference: Chairman Young of Florida and Representatives Lewis of California, Skeen, Hobson, Bonilla, Nethercutt, Cunningham, Frelinghuysen, Tiahrt, Obey, Murtha, Dicks, Sabo, Visclosky, and Moran of Virginia. For consideration of all other matters of the House bill and all other matters of the Senate amendment, and modifications committed to conference: Chairman Young of Florida and Representatives Lewis of California and Obey. Page H9318

Agreed to the Obey motion to instruct conferees to insist on the maximum levels within the scope of conference for defense, homeland security, and local recovery efforts from the terrorist attacks of September 11, 2001 by a yea-and-nay vote of 370 yeas to 44 nays, Roll No. 496.

Page H9311-18

Agreed to close conference committee meetings when classified national security information is under consideration by a yea-and-nay vote of 407 yeas with none voting "nay," Roll No. 495.

Pages H9318-19

Consideration of Joint Resolution Making Further Continuing Appropriations: Agreed that it be in order at any time without intervention of any point of order to consider in the House, H.J. Res 78, making further continuing appropriations for the fiscal year 2002; that it be considered read and debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and the previous question shall be considered as ordered to final passage without intervening motion except one motion to recommit.

Page H9326

Recess: The House recessed at 10:46 p.m. and reconvened at 7 a.m. on Thursday, Dec. 13.

Pages H9771, H9773

Recess: The House recessed at 7:01 a.m. on Thursday, Dec. 13 and reconvened at 8:35 a.m. on Thursday, Dec. 13.

Page H10052

Senate Message: Messages received from the Senate appear on pages H9243 and H9319.

Referrals: S. 1519 was referred to the Committee on Agriculture, S. 1729 was referred to the Committee on Energy and Commerce, and S. 1789 and S. Con. Res. 55 were held at the desk.

Page H10053

Quorum Calls—Votes: Ten yea-and-nay votes developed during the proceedings of the House today and appear on pages H9242, H9263, H9307-08, H9308, H9309, H9309–10, H9310, H9310–11, H9318, and H9319. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:36 a.m. on Thursday, Dec. 13.

Committee Meetings

ENERGY POLICY ACT AMENDMENTS

ELECTRIC SUPPLY AND TRANSMISSION ACT
Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing on H.R. 3406, Electric Supply and Transmission Act of 2001. Testimony was heard from the following officials of the Department of Energy: Francis Blake, Deputy Secretary; Patrick Wood, Chairman; Linda K. Breathitt, Nora Mead-Brownell, and William L. Massey, all Commissioners; and Glenn L. McCullough, Jr., Chairman TVA.
Hearings continue tomorrow.

**ENRON COLLAPSE**


**NATIONAL VACCINE INJURY COMPENSATION PROGRAM**

*Committee on Government Reform*: Held a hearing on “The National Vaccine Injury Compensation Program: Is It Working as Congress Intended?—Part II.” Testimony was heard from Thomas Balbier, Director, Vaccine Injury Compensation Program, Department of Health and Human Services; the following officials of the National Vaccine Injury Compensation Program, Department of Justice: John Euler, Director, and Paul Harris, Sr., Deputy Director; and public witnesses.

**MISCELLANEOUS MEASURES**


The Committee also favorably considered the following resolution and adopted a motion urging the Chairman to request that it be considered on the Suspension Calendar: H. Con. Res. 273, reaffirming the special relationship between the United States and the Republic of the Philippines.

**SOUTHEAST ASIA AFTER 9/11**

*Committee on International Relations*: Subcommittee on East Asia and the Pacific held a hearing on Southeast Asia after 9/11: Regional Trends and U.S. Interests. Testimony was heard from public witnesses.

**DIGITAL MILLENNIUM COPYRIGHT ACT SECTION 104 REPORT**

*Committee on the Judiciary*: Subcommittee on Courts, the Internet and Intellectual Property held an oversight hearing on “The Digital Millennium Copyright Act Section 104 Report.” Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

**CONFERENCE REPORT—NO CHILD LEFT BEHIND ACT**

*Committee on Rules*: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 1, No Child Left Behind Act of 2001, and against its consideration. The rule provides that the conference report shall be considered as read.

**CONFERENCE REPORT—NATIONAL DEFENSE AUTHORIZATION ACT**

*Committee on Rules*: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany S. 1438, National Defense Authorization Act of 2002, and against its consideration. The rule provides that the conference report shall be considered as read.

**MOTIONS TO SUSPEND THE RULES**

*Committee on Rules*: Granted, by voice vote, a rule providing that suspensions will be in order at any time on the legislative day of Wednesday, December 19, 2001 and that the object of any motion to suspend the rules shall be announced from the floor at least one hour prior to its consideration. The rule provides that the Speaker or his designee will consult with the Minority Leader or his designee on any suspension considered under the rule.

**MISCELLANEOUS MEASURES**

*Committee on Science*: Subcommittee on Environment, Technology and Standards approved for full Committee action, as amended, the following bills: H.R. 2733, Enterprise Integration Act of 2001; and H.R. 2486, Tropical Cyclone Inland Forecasting Improvement and Warning System Development Act of 2001.

**ESTABLISH REGIONAL PLANT GENOME AND GENE EXPRESSION RESEARCH AND DEVELOPMENT CENTER**

*Committee on Science*: Subcommittee on Research approved for full Committee action, as amended, H.R. 2051, to provide for the establishment of regional plant genome and gene expression research and development center.

**SAN DIEGO-TIJUANA BORDER—ADDRESSING SEWAGE TREATMENT**

*Committee on Transportation and Infrastructure*: Subcommittee on Water Resources and Environment held a hearing on Addressing Sewage Treatment in
the San Diego-Tijuana Border Region: Implementation or Title VIII of Public Law 106–457. Testimony was heard from Representative Hunter; John R. Dawson, Director, Office of Mexican Affairs, Department of State; Carlos M. Ramirez, Commissioner, United States Section, International Boundary and Water Commission, United States and Mexico; and public witnesses.

**Joint Meetings**

**HUMAN RIGHTS IN KYRGYZSTAN**


**COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 13, 2001**

*Committee meetings are open unless otherwise indicated*

**Senate**

*Committee on Armed Services*: Subcommittee on Strategic, to hold hearings to examine the security of U.S. nuclear weapons and nuclear weapons facilities, to be followed by closed hearings (in Room SR–232A), 2:30 p.m., SR–222.

*Committee on Banking, Housing, and Urban Affairs*: to hold hearings to examine housing and community development needs in America, 10 a.m., SD–538.

*Committee on Foreign Relations*: Subcommittee on Central Asia and South Caucasus, to hold hearings to examine contributions of central Asian nations to the campaign against terrorism, 3 p.m., SD–419.

*Committee on Governmental Affairs*: to hold hearings to examine security of the passenger and transit rail infrastructure, 9 a.m., SD–342.

**Select Committee on Intelligence**: closed business meeting to consider pending intelligence matters, 3:30 p.m., S–407, Capitol.

*Committee on the Judiciary*: business meeting to consider pending calendar business, 10 a.m., SD–226.

Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine the protection of our homeland against terror, focusing on a new national guard for the 21st century, 2 p.m., SD–226.

**House**


*Committee on Government Reform*, hearing on “The FBI’s Handling of Confidential Informants in Boston: Will the Justice Department Comply with Congressional Subpoenas?” 10 a.m., 2154 Rayburn.

*Committee on the Judiciary*, Subcommittee on Courts, the Internet and Intellectual Property, to continue oversight hearings on “The Digital Millennium Copyright Act Section 104 Report,” 10 a.m., 2141 Rayburn.

*Committee on Resources*, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; H.R. 2748, National War Permanent Tribute Historical Database Act; H.R. 3421, Yosemite National Park Educational Facilities Improvement Act; and H.R. 3425, to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 49 in California, known as the “Golden Chain Highway”, as a National Heritage Corridor, 10 a.m., 1334 Longworth.

*Committee on Transportation and Infrastructure*, Subcommittee on Aviation, to mark up H.R. 3347, General Aviation Industry Reparations Act of 2001, 10 a.m., 2167 Rayburn.

*Committee on Veterans’ Affairs*, hearing and markup of H.R. 3423, to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery, 10 a.m., and 2 p.m., 334 Cannon.
Next Meeting of the SENATE
9:30 a.m., Thursday, December 13

Senate Chamber
Program for Thursday: Senate will continue consideration of S. 1731, Federal Farm Bill, with a vote in relation to Bond Amendment No. 2513 (to Amendment No. 2471) to occur at approximately 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, December 13

House Chamber
Program for Thursday: Consideration of H.J. Res. 78, making further continuing appropriations (unanimous consent, one hour of debate);
Conference report on S. 1438, National Defense Authorization Act for Fiscal Year 2002 (rule waiving points of order);
Consideration of H. Res. 314, providing for motions to suspend the rules on Dec. 19; and
Consideration of the conference report on H.R. 1, No Child Left Behind Act (rule waiving points of order).