

In the Senate of the United States,

June 14, 2001.

Resolved, That the bill from the House of Representatives (H.R. 1) entitled “An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Bet-*
3 *ter Education for Students and Teachers Act”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. References.

Sec. 3. Elementary and Secondary Education Act of 1965: Short title; purpose; definitions; uniform provisions.

TITLE I—BETTER RESULTS FOR DISADVANTAGED CHILDREN

Sec. 101. Policy and purpose.

Sec. 102. Authorization of appropriations.

Sec. 103. Reservation and allocation for school improvement.

PART A—BETTER RESULTS FOR DISADVANTAGED CHILDREN

Sec. 111. State plans.

Sec. 112. Local educational agency plans.

Sec. 113. Eligible school attendance areas.

Sec. 114. Schoolwide programs.

Sec. 115. Targeted assistance schools.

Sec. 116. Pupil safety and family school choice.

Sec. 117. Assessment and local educational agency and school improvement.

Sec. 118. Assistance for school support and improvement.

Sec. 118A. Grants for enhanced assessment instruments.

Sec. 119. Parental involvement.

Sec. 120. Professional development.

Sec. 120A. Participation of children enrolled in private schools.

Sec. 120B. Early childhood education.

Sec. 120C. Limitations on funds.

Sec. 120D. Allocations.

Sec. 120E. School year extension activities.

Sec. 120F. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.

PART B—LITERACY FOR CHILDREN AND FAMILIES

Sec. 121. Reading first.

Sec. 122. Early reading initiative.

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 131. Program purpose.

Sec. 132. State application.

Sec. 133. Comprehensive plan.

Sec. 134. Coordination.

PART D—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK YOUTH

Sec. 141. Initiatives for neglected, delinquent, or at risk youth.

PART E—NATIONAL ASSESSMENT OF TITLE I

Sec. 151. National assessment of title I.

PART F—21ST CENTURY LEARNING CENTERS; COMPREHENSIVE SCHOOL REFORM; SCHOOL DROPOUT PREVENTION

Sec. 161. 21st century learning centers; comprehensive school reform.

PART G—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

- Sec. 171. Statement of policy.*
Sec. 172. Grants for State and local activities.
Sec. 173. Local educational agency grants.
Sec. 174. Secretarial responsibilities.
Sec. 175. Definitions.
Sec. 176. Authorization of appropriations.
Sec. 177. Conforming amendments.
Sec. 178. Local educational agency spending audits.

TITLE II—TEACHERS

- Sec. 201. Teacher quality.*
Sec. 202. Teacher mobility.
Sec. 203. Modification of troops-to-teachers program.
Sec. 204. Professional development.
Sec. 205. Close Up Fellowship Program and National Student/Parent Mock Election.
Sec. 206. Rural technology education academies and early childhood educator professional development.
Sec. 207. Teachers and principals.

TITLE III—MOVING LIMITED ENGLISH PROFICIENT STUDENTS TO ENGLISH FLUENCY

Sec. 301. Bilingual education.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

- Sec. 401. Amendment to the Elementary and Secondary Education Act of 1965.*
Sec. 402. Gun-free requirements.
Sec. 403. School safety and violence prevention.
Sec. 404. School safety enhancement.
Sec. 405. Amendments to the National Child Protection Act of 1993.
Sec. 406. Environmental tobacco smoke.
Sec. 407. Grants to reduce alcohol abuse.
Sec. 408. Mentoring programs.
Sec. 409. Study concerning the health and learning impacts of dilapidated or environmentally unhealthy public school buildings on America's children and the healthy and high performance schools program.
Sec. 410. Amendment to the Individuals with Disabilities Education Act.

TITLE V—PUBLIC SCHOOL CHOICE AND FLEXIBILITY

- Sec. 501. Public school choice and flexibility.*
Sec. 502. Empowering parents.

TITLE VI—PARENTAL INVOLVEMENT AND ACCOUNTABILITY

- Sec. 601. Parental involvement and accountability.*
Sec. 602. Guidelines for student privacy.

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

- Sec. 701. Programs.*
Sec. 702. Conforming amendments.

TITLE VIII—IMPACT AID

- Sec. 801. Eligibility under section 8003 for certain heavily impacted local educational agencies.*

TITLE IX—REPEALS

- Sec. 901. Repeals.*

TITLE X—MISCELLANEOUS PROVISIONS

- Sec. 1001. Independent evaluation.*
Sec. 1002. Helping children succeed by fully funding the Individuals with Disabilities Education Act (IDEA).
Sec. 1003. Sense of the Senate; authorization of appropriations for title II of the Elementary and Secondary Education Act of 1965.
Sec. 1004. Sense of the Senate regarding education opportunity tax relief.
Sec. 1005. Sense of the Senate regarding tax relief for elementary and secondary educators.
Sec. 1006. Sense of the Senate; authorization of appropriations for title III of the Elementary and Secondary Education Act of 1965.
Sec. 1007. Grants for the teaching of traditional American history as a separate subject.
Sec. 1008. Study and information.
Sec. 1009. Sense of the Senate regarding transmittal of S. 27 to House of Representatives.
Sec. 1010. Sense of the Senate; authorization of appropriations for title I of the Elementary and Secondary Education Act of 1965.
Sec. 1011. Excellence in economic education.
Sec. 1012. Loan forgiveness for Head Start teachers.
Sec. 1013. Sense of the Senate regarding the benefits of music and arts education.
Sec. 1014. Sense of the Senate concerning postal rates for educational materials.
Sec. 1015. The study of the Declaration of Independence, United States Constitution, and the Federalist Papers.
Sec. 1016. Study and recommendation with respect to sexual abuse in schools.
Sec. 1017. Sense of Senate on the percentage of Federal education funding that is spent in the classroom.
Sec. 1018. Sense of the Senate regarding Bible teaching in public schools.
Sec. 1019. Senior opportunities.
Sec. 1020. Impact aid payments relating to Federal acquisition of real property.
Sec. 1021. Impact aid technical amendments.
Sec. 1022. Sense of the Senate regarding science education.
Sec. 1023. School facility modernization grants.
Sec. 1024. Department of Education campaign to promote access of Armed Forces recruiters to student directory information.
Sec. 1025. Military recruiting on campus.
Sec. 1026. Maintaining funding for the Individuals with Disabilities Education Act.
Sec. 1027. School resource officer projects.
Sec. 1028. Boys and Girls Clubs of America.
Sec. 1029. Federal income tax incentive study.

- Sec. 1030. Carl D. Perkins Vocational and Technical Education Act of 1998.*
Sec. 1031. Sense of Congress on enhancing awareness of the contributions of veterans to the Nation.
Sec. 1032. Technical amendment to the Kids 2000 Act.
Sec. 1033. Pest management in schools.

TITLE XI—TEACHER PROTECTION

- Sec. 1101. Teacher protection.*

TITLE XII—NATIVE AMERICAN EDUCATION IMPROVEMENT

- Sec. 1201. Short title.*

Subtitle A—Amendments to the Education Amendments of 1978

- Sec. 1211. Amendments to the Education Amendments of 1978.*

Subtitle B—Tribally Controlled Schools Act of 1988

- Sec. 1221. Tribally controlled schools.*
Sec. 1222. Lease payments by the Ojibwa Indian School.
Sec. 1223. Enrollment and general assistance payments.

TITLE XIII—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

- Sec. 1301. Short title.*
Sec. 1302. Equal access.
Sec. 1303. Effective date.

TITLE XIV—INDIVIDUALS WITH DISABILITIES

- Sec. 1401. Discipline.*
Sec. 1402. Procedural safeguards.
Sec. 1403. Alternative education for children with disabilities.

TITLE XV—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

- Sec. 1501. Short title.*
Sec. 1502. Equal access.

TITLE XVI—EDUCATION PROGRAMS OF NATIONAL SIGNIFICANCE

- Sec. 1601. Amendment to the Elementary and Secondary Education Act of 1965.*

TITLE XVII—JOHN H. CHAFEE ENVIRONMENTAL EDUCATION ACT

- Sec. 1701. Short title.*
Sec. 1702. Office of Environmental Education.
Sec. 1703. Environmental education grants.
Sec. 1704. John H. Chafee Memorial Fellowship Program.
Sec. 1705. National environmental education awards.
Sec. 1706. Environmental Education Advisory Council and Task Force.
Sec. 1707. National Environmental Learning Foundation.
Sec. 1708. Theodore Roosevelt Environmental Stewardship Grant Program.
Sec. 1709. Information standards.
Sec. 1710. Authorization of appropriations.

1 **SEC. 2. REFERENCES.**

2 *Except as otherwise expressly provided, whenever in*
 3 *this Act an amendment or repeal is expressed in terms of*
 4 *an amendment to, or repeal of, a section or other provision,*
 5 *the reference shall be considered to be made to a section or*
 6 *other provision of the Elementary and Secondary Edu-*
 7 *cation Act of 1965 (20 U.S.C. 6301 et seq.).*

8 **SEC. 3. ELEMENTARY AND SECONDARY EDUCATION ACT OF**

9 **1965: SHORT TITLE; PURPOSE; DEFINITIONS;**

10 **UNIFORM PROVISIONS.**

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

12 *(1) in the heading for section 1, by striking*

13 **“TABLE OF CONTENTS”** *and inserting “***SHORT**

14 **TITLE”**; *and*

15 *(2) by adding after section 1 the following:*

16 **“SEC. 2. PURPOSE.**

17 *“It is the purpose of this Act to support programs and*

18 *activities that will improve the Nation’s schools and enable*

19 *all children to achieve high standards.*

20 **“SEC. 3. DEFINITIONS.**

21 *“Except as otherwise provided, in this Act:*

22 *“(1) AVERAGE DAILY ATTENDANCE.—*

23 *“(A) IN GENERAL.—Except as provided oth-*

24 *erwise by State law or this paragraph, the term*

25 *‘average daily attendance’ means—*

1 “(i) the aggregate number of days of
2 attendance of all students during a school
3 year; divided by

4 “(ii) the number of days school is in
5 session during such school year.

6 “(B) CONVERSION.—The Secretary shall
7 permit the conversion of average daily member-
8 ship (or other similar data) to average daily at-
9 tendance for local educational agencies in States
10 that provide State aid to local educational agen-
11 cies on the basis of average daily membership or
12 such other data.

13 “(C) SPECIAL RULE.—If the local edu-
14 cational agency in which a child resides makes
15 a tuition or other payment for the free public
16 education of the child in a school located in an-
17 other school district, the Secretary shall, for pur-
18 poses of this Act—

19 “(i) consider the child to be in attend-
20 ance at a school of the agency making such
21 payment; and

22 “(ii) not consider the child to be in at-
23 tendance at a school of the agency receiving
24 such payment.

1 “(D) *CHILDREN WITH DISABILITIES*.—If a
2 *local educational agency makes a tuition pay-*
3 *ment to a private school or to a public school of*
4 *another local educational agency for a child with*
5 *a disability, as defined in section 602 of the In-*
6 *dividuals with Disabilities Education Act, the*
7 *Secretary shall, for the purposes of this Act, con-*
8 *sider such child to be in attendance at a school*
9 *of the agency making such payment.*

10 “(2) *AVERAGE PER-PUPIL EXPENDITURE*.—The
11 *term ‘average per-pupil expenditure’ means, in the*
12 *case of a State or of the United States—*

13 “(A) *without regard to the source of*
14 *funds—*

15 “(i) *the aggregate current expenditures,*
16 *during the third fiscal year preceding the*
17 *fiscal year for which the determination is*
18 *made (or, if satisfactory data for that year*
19 *are not available, during the most recent*
20 *preceding fiscal year for which satisfactory*
21 *data are available) of all local educational*
22 *agencies in the State or, in the case of the*
23 *United States for all States (which, for the*
24 *purpose of this paragraph, means the 50*
25 *States and the District of Columbia); plus*

1 “(ii) any direct current expenditures
2 by the State for the operation of such agen-
3 cies; divided by

4 “(B) the aggregate number of children in
5 average daily attendance to whom such agencies
6 provided free public education during such pre-
7 ceding year.

8 “(3) CHILD.—The term ‘child’ means any person
9 within the age limits for which the State provides free
10 public education.

11 “(4) COMMUNITY-BASED ORGANIZATION.—The
12 term ‘community-based organization’ means a public
13 or private nonprofit organization of demonstrated ef-
14 fectiveness that—

15 “(A) is representative of a community or
16 significant segments of a community; and

17 “(B) provides educational or related services
18 to individuals in the community.

19 “(5) CONSOLIDATED LOCAL APPLICATION.—The
20 term ‘consolidated local application’ means an appli-
21 cation submitted by a local educational agency pursu-
22 ant to section 5505.

23 “(6) CONSOLIDATED LOCAL PLAN.—The term
24 ‘consolidated local plan’ means a plan submitted by
25 a local educational agency pursuant to section 5505.

1 “(7) *CONSOLIDATED STATE APPLICATION.*—*The*
2 *term ‘consolidated State application’ means an appli-*
3 *cation submitted by a State educational agency after*
4 *consultation with the Governor pursuant to section*
5 *5502.*

6 “(8) *CONSOLIDATED STATE PLAN.*—*The term*
7 *‘consolidated State plan’ means a plan submitted by*
8 *a State educational agency after consultation with the*
9 *Governor pursuant to section 5502.*

10 “(9) *COUNTY.*—*The term ‘county’ means one of*
11 *the divisions of a State used by the Secretary of Com-*
12 *merce in compiling and reporting data regarding*
13 *counties.*

14 “(10) *COVERED PROGRAM.*—*The term ‘covered*
15 *program’ means each of the programs authorized*
16 *by—*

17 “(A) *part A of title I;*

18 “(B) *part C of title I;*

19 “(C) *part C of title II;*

20 “(D) *part A of title IV (other than section*
21 *4114); and*

22 “(E) *subpart 4 of part B of title V.*

23 “(11) *CURRENT EXPENDITURES.*—*The term ‘cur-*
24 *rent expenditures’ means expenditures for free public*
25 *education—*

1 “(A) including expenditures for administra-
2 tion, instruction, attendance and health services,
3 pupil transportation services, operation and
4 maintenance of plant, fixed charges, and net ex-
5 penditures to cover deficits for food services and
6 student body activities; but

7 “(B) not including expenditures for commu-
8 nity services, capital outlay, and debt service, or
9 any expenditures made from funds received
10 under subpart 4 of part B of title V.

11 “(12) *DEPARTMENT.*—The term ‘Department’
12 means the Department of Education.

13 “(13) *EDUCATIONAL SERVICE AGENCY.*—The
14 term ‘educational service agency’ means a regional
15 public multiservice agency authorized by State statute
16 to develop, manage, and provide services or programs
17 to local educational agencies.

18 “(14) *ELEMENTARY SCHOOL.*—The term ‘elemen-
19 tary school’ means a nonprofit institutional day or
20 residential school, including a public elementary
21 charter school, that provides elementary education, as
22 determined under State law.

23 “(15) *FREE PUBLIC EDUCATION.*—The term ‘free
24 public education’ means education that is provided—

1 “(A) at public expense, under public super-
2 vision and direction, and without tuition charge;
3 and

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

8 “(16) *GIFTED AND TALENTED*.—The term ‘gifted
9 and talented’, when used with respect to students,
10 children or youth, means students, children or youth
11 who give evidence of high performance capability in
12 areas such as intellectual, creative, artistic, or leader-
13 ship capacity, or in specific academic fields, and who
14 require services or activities not ordinarily provided
15 by the school in order to fully develop such capabili-
16 ties.

17 “(17) *INSTITUTION OF HIGHER EDUCATION*.—
18 The term ‘institution of higher education’ has the
19 meaning given the term in section 101 of the Higher
20 Education Act of 1965.

21 “(18) *LOCAL EDUCATIONAL AGENCY*.—

22 “(A) *IN GENERAL*.—The term ‘local edu-
23 cational agency’ means a public board of edu-
24 cation or other public authority legally con-
25 stituted within a State for either administrative

1 *control or direction of, or to perform a service*
2 *function for, public elementary schools or sec-*
3 *ondary schools in a city, county, township,*
4 *school district, or other political subdivision of a*
5 *State, or for such combination of school districts*
6 *or counties as are recognized in a State as an*
7 *administrative agency for the State’s public ele-*
8 *mentary or secondary schools.*

9 “(B) *ADMINISTRATIVE CONTROL AND DI-*
10 *RECTION.—The term includes any other public*
11 *institution or agency having administrative con-*
12 *trol and direction of a public elementary school*
13 *or secondary school.*

14 “(C) *BIA SCHOOLS.—The term includes an*
15 *elementary school or secondary school funded by*
16 *the Bureau of Indian Affairs but only to the ex-*
17 *tent that such inclusion makes such school eligi-*
18 *ble for programs for which specific eligibility is*
19 *not provided to such school in another provision*
20 *of law and such school does not have a student*
21 *population that is smaller than the student pop-*
22 *ulation of the local educational agency receiving*
23 *assistance under this Act with the smallest stu-*
24 *dent population, except that such school shall not*
25 *be subject to the jurisdiction of any State edu-*

1 *cational agency other than the Bureau of Indian*
2 *Affairs.*

3 “(19) *MENTORING.*—*The term ‘mentoring’, when*
4 *used with respect to mentoring other than teacher*
5 *mentoring, means a program in which an adult*
6 *works with a child or youth on a 1-to-1 basis, estab-*
7 *lishing a supportive relationship, providing academic*
8 *assistance, and introducing the child or youth to new*
9 *experiences that enhance the child or youth’s ability*
10 *to excel in school and become a responsible citizen.*

11 “(20) *OTHER STAFF.*—*The term ‘other staff’*
12 *means pupil services personnel, librarians, career*
13 *guidance and counseling personnel, education aides,*
14 *and other instructional and administrative personnel.*

15 “(21) *OUTLYING AREA.*—*The term ‘outlying*
16 *area’ means the United States Virgin Islands, Guam,*
17 *American Samoa, the Commonwealth of the Northern*
18 *Mariana Islands, and for the purpose of section 1121*
19 *and any other discretionary grant program under*
20 *this Act, the Republic of the Marshall Islands, the*
21 *Federated States of Micronesia, and the Republic of*
22 *Palau.*

23 “(22) *PARENT.*—*The term ‘parent’ includes a*
24 *legal guardian or other person standing in loco*
25 *parentis.*

1 “(23) *PARENTAL INVOLVEMENT.*—*The term ‘pa-*
2 *rental involvement’ means the participation of par-*
3 *ents in regular, two-way, and meaningful commu-*
4 *nication, including ensuring—*

5 “(A) *that parenting skills are promoted and*
6 *supported;*

7 “(B) *that parents play an integral role in*
8 *assisting student learning;*

9 “(C) *that parents are welcome in the*
10 *schools;*

11 “(D) *that parents are included in decision-*
12 *making and advisory committees; and*

13 “(E) *the carrying out of other activities de-*
14 *scribed in section 1118.*

15 “(24) *PUBLIC TELECOMMUNICATIONS ENTITY.*—
16 *The term ‘public telecommunication entity’ has the*
17 *same meaning given to such term in section 397 of*
18 *the Communications Act of 1934.*

19 “(25) *PUPIL SERVICES PERSONNEL; PUPIL SERV-*
20 *ICES.*—

21 “(A) *PUPIL SERVICES PERSONNEL.*—*The*
22 *term ‘pupil services personnel’ means school*
23 *counselors, school social workers, school psycholo-*
24 *gists, and other qualified professional personnel*
25 *involved in providing assessment, diagnosis,*

1 *counseling, educational, therapeutic, and other*
2 *necessary services (including related services as*
3 *such term is defined in section 602 of the Indi-*
4 *viduals with Disabilities Education Act) as part*
5 *of a comprehensive program to meet student*
6 *needs.*

7 “(B) *PUPIL SERVICES.*—*The term ‘pupil*
8 *services’ means the services provided by pupil*
9 *services personnel.*

10 “(26) *SCIENTIFICALLY BASED RESEARCH.*—*The*
11 *term ‘scientifically based research’ used with respect*
12 *to an activity or a program, means an activity based*
13 *on specific strategies and implementation of such*
14 *strategies that, based on theory, research and evalua-*
15 *tion, are effective in improving student achievement*
16 *and performance and other program objectives.*

17 “(27) *SECONDARY SCHOOL.*—*The term ‘sec-*
18 *ondary school’ means a nonprofit institutional day or*
19 *residential school, including a public secondary char-*
20 *ter school, that provides secondary education, as de-*
21 *termined under State law, except that such term does*
22 *not include any education beyond grade 12.*

23 “(28) *SECRETARY.*—*The term ‘Secretary’ means*
24 *the Secretary of Education.*

1 “(29) *STATE*.—The term ‘State’ means each of
2 the 50 States, the District of Columbia, the Common-
3 wealth of Puerto Rico, and each of the outlying areas.

4 “(30) *STATE EDUCATIONAL AGENCY*.—The term
5 ‘State educational agency’ means the agency pri-
6 marily responsible for the State supervision of public
7 elementary schools and secondary schools.

8 “(31) *TEACHER MENTORING*.—The term ‘teacher
9 mentoring’ means activities that—

10 “(A) consist of structured guidance and reg-
11 ular and ongoing support for beginning teachers,
12 that—

13 “(i) are designed to help the teachers
14 continue to improve their practice of teach-
15 ing and to develop their instructional skills;
16 and

17 “(ii) as part of a multiyear, develop-
18 mental induction process—

19 “(I) involve the assistance of a
20 mentor teacher and other appropriate
21 individuals from a school, local edu-
22 cational agency, or institution of high-
23 er education; and

1 “(II) may include coaching, class-
2 room observation, team teaching, and
3 reduced teaching loads; and

4 “(B) may include the establishment of a
5 partnership by a local educational agency with
6 an institution of higher education, another local
7 educational agency, a teacher organization, or
8 another organization.

9 “(32) *TECHNOLOGY*.—The term ‘technology’
10 means state-of-the-art technology products and serv-
11 ices, such as closed circuit television systems, edu-
12 cational television and radio programs and services,
13 cable television, satellite, copper and fiber optic trans-
14 mission, computer hardware and software, servers
15 and storage devices, video and audio laser and CD-
16 ROM discs, video and audio tapes, web-based and
17 other digital learning resources, including online
18 classes, interactive tutorials, and interactive tools and
19 virtual learning environments, hand-held devices,
20 wireless technology, voice recognition systems, and
21 high-quality digital video, distance learning networks,
22 visualization, modeling, and simulation software, and
23 learning focused digital libraries and information re-
24 trieval systems.

1 **“SEC. 4. MAINTENANCE OF EFFORT.**

2 “(a) *IN GENERAL.*—A local educational agency may
3 receive funds under a covered program for any fiscal year
4 only if the State educational agency finds that either the
5 combined fiscal effort per student or the aggregate expendi-
6 tures of such agency and the State with respect to the provi-
7 sion of free public education by such agency for the pre-
8 ceding fiscal year was not less than 90 percent of such com-
9 bined fiscal effort or aggregate expenditures for the second
10 preceding fiscal year.

11 “(b) *REDUCTION IN CASE OF FAILURE TO MEET.*—

12 “(1) *IN GENERAL.*—The State educational agen-
13 cy shall reduce the amount of the allocation of funds
14 under a covered program in any fiscal year in the
15 exact proportion to which a local educational agency
16 fails to meet the requirement of subsection (a) by fall-
17 ing below 90 percent of both the combined fiscal effort
18 per student and aggregate expenditures (using the
19 measure most favorable to such local agency).

20 “(2) *SPECIAL RULE.*—No such lesser amount
21 shall be used for computing the effort required under
22 subsection (a) for subsequent years.

23 “(c) *WAIVER.*—The Secretary may waive the require-
24 ments of this section if the Secretary determines that such
25 a waiver would be equitable due to—

1 “(1) *exceptional or uncontrollable circumstances*
2 *such as a natural disaster; or*

3 “(2) *a precipitous decline in the financial re-*
4 *sources of the local educational agency.*

5 **“SEC. 5. PROHIBITION REGARDING STATE AID.**

6 *“A State shall not take into consideration payments*
7 *under this Act (other than under title VIII) in determining*
8 *the eligibility of any local educational agency in such State*
9 *for State aid, or the amount of State aid, with respect to*
10 *free public education of children.*

11 **“SEC. 6. PARTICIPATION BY PRIVATE SCHOOL CHILDREN**
12 **AND TEACHERS.**

13 “(a) *PRIVATE SCHOOL PARTICIPATION.—*

14 “(1) *IN GENERAL.—Except as otherwise provided*
15 *in this Act, to the extent consistent with the number*
16 *of eligible children in a State educational agency,*
17 *local educational agency, or educational service agen-*
18 *cy or consortium of such agencies receiving financial*
19 *assistance under a program specified in subsection*
20 *(b), who are enrolled in private elementary and sec-*
21 *ondary schools in such agency or consortium, such*
22 *agency or consortium shall, after timely and mean-*
23 *ingful consultation with appropriate private school*
24 *officials provide, on an equitable basis, such children*
25 *special educational services or other benefits under*

1 *such program, and provide their teachers and other*
2 *education personnel serving such children training*
3 *and professional development services under such pro-*
4 *gram.*

5 *“(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL*
6 *SERVICES OR BENEFITS.—Educational services or*
7 *other benefits, including materials and equipment,*
8 *provided under this section, shall be secular, neutral,*
9 *and nonideological.*

10 *“(3) SPECIAL RULE.—Educational services and*
11 *other benefits provided under this section for such pri-*
12 *vate school children, teachers, and other educational*
13 *personnel shall be equitable in comparison to services*
14 *and other benefits for public school children, teachers,*
15 *and other educational personnel participating in such*
16 *program.*

17 *“(4) EXPENDITURES.—Expenditures for edu-*
18 *cational services and other benefits provided under*
19 *this section to eligible private school children, their*
20 *teachers, and other educational personnel serving such*
21 *children shall be equal, taking into account the num-*
22 *ber and educational needs of the children to be served,*
23 *to the expenditures for participating public school*
24 *children.*

1 “(5) *PROVISION OF SERVICES.*—*Such agency or*
2 *consortium described in subsection (a)(1) may pro-*
3 *vide such services directly or through contracts with*
4 *public and private agencies, organizations, and insti-*
5 *tutions.*

6 “(b) *APPLICABILITY.*—

7 “(1) *IN GENERAL.*—*This section applies to pro-*
8 *grams under—*

9 “(A) *subpart 2 of part B of title I;*

10 “(B) *part C of title I (migrant education);*

11 “(C) *parts A, (B) and C of title II;*

12 “(D) *title III; and*

13 “(E) *part A of title IV (other than section*
14 *4114).*

15 “(2) *DEFINITION.*—*For the purposes of this sec-*
16 *tion, the term “eligible children” means children eli-*
17 *gible for services under a program described in para-*
18 *graph (1).*

19 “(c) *CONSULTATION.*—

20 “(1) *IN GENERAL.*—*To ensure timely and mean-*
21 *ingful consultation, a State educational agency, local*
22 *educational agency, educational service agency or*
23 *consortium of such agencies shall consult with appro-*
24 *priate private school officials during the design and*

1 *development of the programs under this Act, on issues*
2 *such as—*

3 “(A) *how the children’s needs will be identi-*
4 *fied;*

5 “(B) *what services will be offered;*

6 “(C) *how and where the services will be pro-*
7 *vided; and*

8 “(D) *how the services will be assessed.*

9 “(2) *TIMING.—Such consultation shall occur be-*
10 *fore the agency or consortium makes any decision*
11 *that affects the opportunities of eligible private school*
12 *children, teachers, and other educational personnel to*
13 *participate in programs under this Act.*

14 “(3) *DISCUSSION REQUIRED.—Such consultation*
15 *shall include a discussion of service delivery mecha-*
16 *nisms that the agency or consortium could use to pro-*
17 *vide equitable services to eligible private school chil-*
18 *dren, teachers, administrators, and other staff.*

19 “(d) *PUBLIC CONTROL OF FUNDS.—*

20 “(1) *IN GENERAL.—The control of funds used to*
21 *provide services under this section, and title to mate-*
22 *rials, equipment, and property purchased with such*
23 *funds, shall be in a public agency for the uses and*
24 *purposes provided in this Act, and a public agency*
25 *shall administer such funds and property.*

1 “(2) *PROVISION OF SERVICES.—(A) The provi-*
2 *sion of services under this section shall be provided—*

3 *“(i) by employees of a public agency; or*

4 *“(ii) through contract by such public agency*
5 *with an individual, association, agency, or orga-*
6 *nization.*

7 “(B) *In the provision of such services, such em-*
8 *ployee, person, association, agency, or organization*
9 *shall be independent of such private school and of any*
10 *religious organization, and such employment or con-*
11 *tract shall be under the control and supervision of*
12 *such public agency.*

13 “(C) *Funds used to provide services under this*
14 *section shall not be commingled with non-Federal*
15 *funds.*

16 **“SEC. 7. STANDARDS FOR BY-PASS.**

17 *“If, by reason of any provision of law, a State edu-*
18 *cational agency, local educational agency, educational serv-*
19 *ice agency or consortium of such agencies is prohibited from*
20 *providing for the participation in programs of children en-*
21 *rolled in, or teachers or other educational personnel from,*
22 *private elementary and secondary schools, on an equitable*
23 *basis, or if the Secretary determines that such agency or*
24 *consortium has substantially failed or is unwilling to pro-*

1 *vide* for such participation, as required by section 6, the
2 Secretary shall—

3 “(1) waive the requirements of that section for
4 such agency or consortium; and

5 “(2) arrange for the provision of equitable serv-
6 ices to such children, teachers, or other educational
7 personnel through arrangements that shall be subject
8 to the requirements of this section and of sections 6,
9 8, and 9.

10 **“SEC. 8. COMPLAINT PROCESS FOR PARTICIPATION OF PRI-**
11 **VATE SCHOOL CHILDREN.**

12 “(a) *PROCEDURES FOR COMPLAINTS.*—The Secretary
13 shall develop and implement written procedures for receiv-
14 ing, investigating, and resolving complaints from parents,
15 teachers, or other individuals and organizations concerning
16 violations of section 6 by a State educational agency, local
17 educational agency, educational service agency, or consor-
18 tium of such agencies. Such individual or organization
19 shall submit such complaint to the State educational agency
20 for a written resolution by the State educational agency
21 within a reasonable period of time.

22 “(b) *APPEALS TO THE SECRETARY.*—Such resolution
23 may be appealed by an interested party to the Secretary
24 not later than 30 days after the State educational agency
25 resolves the complaint or fails to resolve the complaint with-

1 *in a reasonable period of time. Such appeal shall be accom-*
2 *panied by a copy of the State educational agency's resolu-*
3 *tion, and a complete statement of the reasons supporting*
4 *the appeal. The Secretary shall investigate and resolve each*
5 *such appeal not later than 120 days after receipt of the*
6 *appeal.*

7 **“SEC. 9. BY-PASS DETERMINATION PROCESS.**

8 “(a) *REVIEW.—*

9 “(1) *IN GENERAL.—(A) The Secretary shall not*
10 *take any final action under section 7 until the State*
11 *educational agency, local educational agency, edu-*
12 *cational service agency, or consortium of such agen-*
13 *cies affected by such action has had an opportunity,*
14 *for not less than 45 days after receiving written no-*
15 *tice thereof, to submit written objections and to ap-*
16 *pear before the Secretary to show cause why that ac-*
17 *tion should not be taken.*

18 “(B) *Pending final resolution of any investiga-*
19 *tion or complaint that could result in a determina-*
20 *tion under this section, the Secretary may withhold*
21 *from the allocation of the affected State or local edu-*
22 *cational agency the amount estimated by the Sec-*
23 *retary to be necessary to pay the cost of those services.*

24 “(2) *PETITION FOR REVIEW.—(A) If such af-*
25 *ected agency or consortium is dissatisfied with the*

1 *Secretary’s final action after a proceeding under*
2 *paragraph (1), such agency or consortium may, with-*
3 *in 60 days after notice of such action, file with the*
4 *United States court of appeals for the circuit in*
5 *which such State is located a petition for review of*
6 *that action.*

7 *“(B) A copy of the petition shall be forthwith*
8 *transmitted by the clerk of the court to the Secretary.*

9 *“(C) The Secretary upon receipt of the copy of*
10 *the petition shall file in the court the record of the*
11 *proceedings on which the Secretary based this action,*
12 *as provided in section 2112 of title 28, United States*
13 *Code.*

14 *“(3) FINDINGS OF FACT.—(A) The findings of*
15 *fact by the Secretary, if supported by substantial evi-*
16 *dence, shall be conclusive, but the court, for good*
17 *cause shown, may remand the case to the Secretary*
18 *to take further evidence and the Secretary may then*
19 *make new or modified findings of fact and may mod-*
20 *ify the Secretary’s previous action, and shall file in*
21 *the court the record of the further proceedings.*

22 *“(B) Such new or modified findings of fact shall*
23 *likewise be conclusive if supported by substantial evi-*
24 *dence.*

1 “(4) *JURISDICTION.*—(A) *Upon the filing of such*
2 *petition, the court shall have jurisdiction to affirm the*
3 *action of the Secretary or to set such action aside, in*
4 *whole or in part.*

5 “(B) *The judgment of the court shall be subject*
6 *to review by the Supreme Court of the United States*
7 *upon certiorari or certification as provided in section*
8 *1254 of title 28, United States Code.*

9 “(b) *DETERMINATION.*—*Any determination by the*
10 *Secretary under this section shall continue in effect until*
11 *the Secretary determines, in consultation with such agency*
12 *or consortium and representatives of the affected private*
13 *school children, teachers, or other educational personnel that*
14 *there will no longer be any failure or inability on the part*
15 *of such agency or consortium to meet the applicable require-*
16 *ments of section 6 or any other provision of this Act.*

17 “(c) *PAYMENT FROM STATE ALLOTMENT.*—*When the*
18 *Secretary arranges for services pursuant to this section, the*
19 *Secretary shall, after consultation with the appropriate*
20 *public and private school officials, pay the cost of such serv-*
21 *ices, including the administrative costs of arranging for*
22 *those services, from the appropriate allocation or allocations*
23 *under this Act.*

24 “(d) *PRIOR DETERMINATION.*—*Any by-pass deter-*
25 *mination by the Secretary under this Act as in effect on*

1 *the day preceding the date of enactment of the Improving*
2 *America’s Schools Act of 1994 shall remain in effect to the*
3 *extent the Secretary determines that such determination is*
4 *consistent with the purpose of this section.*

5 **“SEC. 10. PROHIBITION AGAINST FUNDS FOR RELIGIOUS**
6 **WORSHIP OR INSTRUCTION.**

7 *“Nothing contained in this Act shall be construed to*
8 *authorize the making of any payment under this Act for*
9 *religious worship or instruction.*

10 **“SEC. 11. APPLICABILITY TO HOME SCHOOLS.**

11 *“Nothing in this Act shall be construed to affect home*
12 *schools.*

13 **“SEC. 12. GENERAL PROVISION REGARDING NONRECIPIENT**
14 **NONPUBLIC SCHOOLS.**

15 *“Nothing in this Act shall be construed to permit,*
16 *allow, encourage, or authorize any Federal control over any*
17 *aspect of any private, religious, or home school, whether or*
18 *not a home school is treated as a private school or home*
19 *school under State law. This section shall not be construed*
20 *to bar private, religious, or home schools from participation*
21 *in programs or services under this Act.*

22 **“SEC. 13. SCHOOL PRAYER.**

23 *“Any State or local educational agency that is ad-*
24 *judged by a Federal court of competent jurisdiction to have*
25 *willfully violated a Federal court order mandating that*

1 *such local educational agency remedy a violation of the con-*
2 *stitutional right of any student with respect to prayer in*
3 *public schools, in addition to any other judicial remedies,*
4 *shall be ineligible to receive Federal funds under this Act*
5 *until such time as the local educational agency complies*
6 *with such order. Funds that are withheld under this section*
7 *shall not be reimbursed for the period during which the local*
8 *educational agency was in willful noncompliance.*

9 **“SEC. 14. GENERAL PROHIBITIONS.**

10 “(a) *PROHIBITION.—None of the funds authorized*
11 *under this Act shall be used—*

12 “(1) *to develop or distribute materials, or oper-*
13 *ate programs or courses of instruction directed at*
14 *youth that are designed to promote or encourage, sex-*
15 *ual activity, whether homosexual or heterosexual;*

16 “(2) *to distribute or to aid in the distribution by*
17 *any organization of legally obscene materials to mi-*
18 *nors on school grounds;*

19 “(3) *to provide sex education or HIV prevention*
20 *education in schools unless such instruction is age ap-*
21 *propriate and includes the health benefits of absti-*
22 *nence; or*

23 “(4) *to operate a program of condom distribu-*
24 *tion in schools.*

1 “(b) *LOCAL CONTROL.*—*Nothing in this section shall*
2 *be construed to—*

3 “(1) *authorize an officer or employee of the Fed-*
4 *eral Government to mandate, direct, review, or con-*
5 *trol a State, local educational agency, or schools’ in-*
6 *structional content, curriculum, and related activities;*

7 “(2) *limit the application of the General Edu-*
8 *cation Provisions Act;*

9 “(3) *require the distribution of scientifically or*
10 *medically false or inaccurate materials or to prohibit*
11 *the distribution of scientifically or medically true or*
12 *accurate materials; or*

13 “(4) *create any legally enforceable right.*

14 **“SEC. 15. PROHIBITION ON FEDERAL MANDATES, DIREC-**
15 **TION, AND CONTROL.**

16 “*Nothing in this Act shall be construed to authorize*
17 *an officer or employee of the Federal Government to man-*
18 *date, direct, or control a State, local educational agency,*
19 *or school’s curriculum, program of instruction, or allocation*
20 *of State or local resources, or mandate a State or any sub-*
21 *division thereof to spend any funds or incur any costs not*
22 *paid for under this Act.*

23 **“SEC. 16. ADDITIONAL LIMITATIONS ON NATIONAL TEST-**
24 **ING.**

25 “(a) *NATIONAL TESTING.*—

1 “(1) *IN GENERAL.*—Notwithstanding any other
2 *provision of this Act or any other provision of law,*
3 *and except as provided in paragraph (2), no funds*
4 *available to the Department or otherwise available*
5 *under this Act may be used for any purpose relating*
6 *to a nationwide test in reading, mathematics, or any*
7 *other subject, including test development, pilot testing,*
8 *field testing, test implementation, test administration,*
9 *test distribution, or any other purpose.*

10 “(2) *EXCEPTION.*—Paragraph (1) shall not
11 *apply to the following:*

12 “(A) *The National Assessment of Edu-*
13 *cational Progress carried out under sections 411*
14 *through 413 of the Improving America’s Schools*
15 *Act of 1994 (20 U.S.C. 9010–9012).*

16 “(B) *The Third International Math and*
17 *Science Study (TIMSS).*

18 “(b) *MANDATORY NATIONAL TESTING OR CERTIFI-*
19 *CATION OF TEACHERS.*—Notwithstanding any other provi-
20 *sion of this Act or any other provision of law, no funds*
21 *available to the Department or otherwise available under*
22 *this Act may be used for any purpose relating to a manda-*
23 *tory nationwide test or certification of teachers or education*
24 *paraprofessionals, including any planning, development,*

1 *implementation, or administration of such test or certifi-*
2 *cation.*

3 “(c) *DEVELOPMENT OF DATABASE OF PERSONALLY*
4 *IDENTIFIABLE INFORMATION.—Nothing in this Act (other*
5 *than section 1308(b)) shall be construed to authorize the de-*
6 *velopment of a nationwide database of personally identifi-*
7 *able information on individuals involved in studies or other*
8 *collections of data under this Act.*

9 “**SEC. 17. ADDITIONAL LIMITATIONS AND PROTECTIONS RE-**
10 **GARDING PRIVATE, RELIGIOUS, AND HOME**
11 **SCHOOLS.**

12 “(a) *APPLICABILITY TO HOME SCHOOLS.—(1) Nothing*
13 *in this Act shall be construed to affect home schools, whether*
14 *or not a home school is treated as a home school or a private*
15 *school under State law or to require any home schooled stu-*
16 *dent to participate in any assessment referenced in this Act.*

17 “(2) *CONSTRUCTION OF SUPERSEDED PROVISION.—*
18 *Section 11 shall have no force or effect.*

19 “(b) *APPLICABILITY TO PRIVATE SCHOOLS.—Nothing*
20 *in this Act shall be construed to affect any private school*
21 *that does not receive funds or services under this Act, or*
22 *to require any student who attends a private school that*
23 *does not receive funds or services under this Act to partici-*
24 *pate in any assessment referenced in this Act.*

1 “(c) *APPLICABILITY TO PRIVATE, RELIGIONS, AND*
2 *HOME SCHOOLS OF GENERAL PROVISION REGARDING RE-*
3 *CIPIENT NONPUBLIC SCHOOLS.—*

4 “(1) *IN GENERAL.—Nothing in this Act or any*
5 *other Act administered by the Secretary shall be con-*
6 *strued to permit, allow, encourage, or authorize any*
7 *Federal control over any aspect of any private, reli-*
8 *gious, or home school, whether or not a home school*
9 *is treated as a private school or home school under*
10 *State law. This section shall not be construed to bar*
11 *private, religious, and home schools from participa-*
12 *tion in programs and services under this Act.*

13 “(2) *CONSTRUCTION OF SUPERSEDED PROVI-*
14 *SION.—Section 12 shall have no force or effect.*

15 “(d) *APPLICABILITY OF GUN-FREE SCHOOL PROVI-*
16 *SIONS TO HOME SCHOOLS.—Notwithstanding any provi-*
17 *sion of part B of title IV, for purposes of that part, the*
18 *term ‘school’ shall not include a home school, regardless of*
19 *whether or not a home school is treated as a private school*
20 *or home school under State law.*

21 “(e) *STATE AND LOCAL EDUCATIONAL AGENCY MAN-*
22 *DATES REGARDING PRIVATE AND HOME SCHOOL CUR-*
23 *RICULA.—Nothing in this Act shall be construed to require*
24 *any State or local educational agency that receives funds*
25 *under this Act from mandating, directing, or controlling*

1 *the curriculum of a private or home school, regardless of*
 2 *whether or not a home school is treated as a private school*
 3 *or home school under State law, nor shall any funds under*
 4 *this Act be used for this purpose.*

5 **“SEC. 18. PROHIBITION ON DISCRIMINATION.**

6 *“Nothing in this Act shall be construed to require, au-*
 7 *thorize, or permit, the Secretary, or a State, local edu-*
 8 *cational agency, or school to grant to a student, or deny*
 9 *or impose upon a student, any financial or educational ben-*
 10 *efit or burden, in violation of the fifth or 14th amendments*
 11 *to the Constitution or other law relating to discrimination*
 12 *in the provision of federally funded programs or activi-*
 13 *ties.”.*

14 **TITLE I—BETTER RESULTS FOR**
 15 **DISADVANTAGED CHILDREN**

16 **SEC. 101. POLICY AND PURPOSE.**

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

19 **“SEC. 1001. STATEMENT OF PURPOSE.**

20 *“The purpose of this title is to enable schools to provide*
 21 *opportunities for children served under this title to acquire*
 22 *the knowledge and skills contained in the challenging State*
 23 *content standards and to meet the challenging State student*
 24 *performance standards developed for all children. This pur-*
 25 *pose should be accomplished by—*

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

5 “(2) providing children an enriched and acceler-
6 ated educational program, including the use of
7 schoolwide programs or additional services that in-
8 crease the amount and quality of instructional time
9 so that children served under this title receive at least
10 the classroom instruction that other children receive;

11 “(3) promoting schoolwide reform and ensuring
12 access of children (from the earliest grades, including
13 prekindergarten) to effective instructional strategies
14 and challenging academic content that includes inten-
15 sive complex thinking and problem-solving experi-
16 ences;

17 “(4) significantly elevating the quality of in-
18 struction by providing staff in participating schools
19 with substantial opportunities for professional devel-
20 opment;

21 “(5) coordinating services under all parts of this
22 title with each other, with other educational services,
23 and to the extent feasible, with other agencies pro-
24 viding services to youth, children, and families that
25 are funded from other sources;

1 “(6) *affording parents substantial and meaning-*
2 *ful opportunities to participate in the education of*
3 *their children at home and at school;*

4 “(7) *distributing resources in amounts sufficient*
5 *to make a difference to local educational agencies and*
6 *schools where needs are greatest;*

7 “(8) *improving and strengthening account-*
8 *ability, teaching, and learning by using State assess-*
9 *ment systems designed to measure how well children*
10 *served under this title are achieving challenging State*
11 *student performance standards expected of all chil-*
12 *dren; and*

13 “(9) *providing greater decisionmaking authority*
14 *and flexibility to schools and teachers in exchange for*
15 *greater responsibility for student performance.”.*

16 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

17 *Section 1002 (20 U.S.C. 6302) is amended to read as*
18 *follows:*

19 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) *LOCAL EDUCATIONAL AGENCY GRANTS.—*

21 “(1) *SHORT TITLE.—This subsection may be*
22 *cited as the ‘Equal Educational Opportunity Act’.*

23 “(2) *AUTHORIZATION.—For the purpose of car-*
24 *rying out part A, other than section 1120(e), there are*
25 *authorized to be appropriated—*

1 “(A) \$15,000,000,000 for fiscal year 2002;

2 “(B) \$18,240,000,000 for fiscal year 2003;

3 “(C) \$21,480,000,000 for fiscal year 2004;

4 “(D) \$24,720,000,000 for fiscal year 2005;

5 “(E) \$27,960,000,000 for fiscal year 2006;

6 “(F) \$31,200,000,000 for fiscal year 2007;

7 “(G) \$34,440,000,000 for fiscal year 2008;

8 “(H) \$37,680,000,000 for fiscal year 2009;

9 “(I) \$40,920,000,000 for fiscal year 2010;

10 and

11 “(J) \$44,164,000,000 for fiscal year 2011.

12 “(b) *READING FIRST.*—

13 “(1) *EVEN START.*—For the purpose of carrying
14 out subpart 1 of part B, there are authorized to be
15 appropriated \$250,000,000 for fiscal year 2002 and
16 such sums as may be necessary for each of the 6 suc-
17 ceeding fiscal years.

18 “(2) *READING FIRST.*—For the purpose of car-
19 rying out subpart 2 of part B, there are authorized
20 to be appropriated \$900,000,000 for fiscal year 2002
21 and such sums as may be necessary for each of the
22 6 succeeding fiscal years.

23 “(3) *EARLY READING FIRST.*—For the purpose of
24 carrying out subpart 3 of part B, there are authorized
25 to be appropriated \$75,000,000 for fiscal year 2002

1 *and such sums as may be necessary for each of the*
2 *6 succeeding fiscal years.*

3 “(c) *EDUCATION OF MIGRATORY CHILDREN.—For the*
4 *purpose of carrying out part C, there are authorized to be*
5 *appropriated \$400,000,000 for fiscal year 2002 and such*
6 *sums as may be necessary for each of the 6 succeeding fiscal*
7 *years.*

8 “(d) *PREVENTION AND INTERVENTION PROGRAMS FOR*
9 *YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK*
10 *OF DROPPING OUT.—For the purpose of carrying out part*
11 *D, there are authorized to be appropriated \$50,000,000 for*
12 *fiscal year 2002 and such sums as may be necessary for*
13 *each of the 6 succeeding fiscal years.*

14 “(e) *CAPITAL EXPENSES.—For the purpose of carrying*
15 *out section 1120(e), there are authorized to be appropriated*
16 *\$15,000,000 for fiscal year 2002, \$15,000,000 for fiscal year*
17 *2003, and \$5,000,000 for fiscal year 2004.*

18 “(f) *FEDERAL ACTIVITIES.—*

19 “(1) *SECTION 1501.—For the purpose of carrying*
20 *out section 1501, there are authorized to be appro-*
21 *priated \$10,000,000 for fiscal year 2002 and such*
22 *sums as may be necessary for each of the 6 succeeding*
23 *fiscal years.*

24 “(2) *SECTION 1502.—For the purpose of carrying*
25 *out section 1502, there are authorized to be appro-*

1 *appropriated \$25,000,000 for fiscal year 2002 and such*
2 *sums as may be necessary for each of the 6 succeeding*
3 *fiscal years.*

4 *“(g) 21ST CENTURY LEARNING CENTERS.—For the*
5 *purpose of carrying out part F, there are authorized to be*
6 *appropriated \$1,500,000,000 for fiscal year 2002 and such*
7 *sums as may be necessary for each of the 6 succeeding fiscal*
8 *years.*

9 *“(h) COMPREHENSIVE SCHOOL REFORM.—For the*
10 *purpose of carrying out part G, there are authorized to be*
11 *appropriated \$250,000,000 for fiscal year 2002 and such*
12 *sums as may be necessary for each of the 6 succeeding fiscal*
13 *years.*

14 *“(i) SCHOOL DROPOUT PREVENTION.—For the pur-*
15 *pose of carrying out part H, there are authorized to be ap-*
16 *propriated \$500,000,000 for fiscal year 2002 and such sums*
17 *as may be necessary for each of the 6 succeeding fiscal years,*
18 *of which—*

19 *“(1) 10 percent shall be available to carry out*
20 *subpart 1 of part H for each fiscal year; and*

21 *“(2) 90 percent shall be available to carry out*
22 *subpart 2 of part H for each fiscal year.”.*

1 **SEC. 103. RESERVATION AND ALLOCATION FOR SCHOOL IM-**
2 **PROVEMENT.**

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

5 **“SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.**

6 *“(a) STATE RESERVATION.—Each State educational*
7 *agency shall reserve 3.5 percent of the amount the State*
8 *educational agency receives under subpart 2 of part A for*
9 *each of the fiscal years 2002 and 2003, and 5 percent of*
10 *that amount for each of the fiscal years 2004 through 2008,*
11 *to carry out subsection (b) and to carry out the State edu-*
12 *cational agency’s responsibilities under sections 1116 and*
13 *1117, including carrying out the State educational agency’s*
14 *statewide system of technical assistance and support for*
15 *local educational agencies.*

16 *“(b) USES.—Of the amount reserved under subsection*
17 *(a) for any fiscal year, the State educational agency shall*
18 *make available not less than 50 percent of that amount di-*
19 *rectly to local educational agencies for schools identified for*
20 *school improvement, corrective action, or reconstitution*
21 *under section 1116(c).*

22 *“(c) STATE PLAN.—Each State educational agency, in*
23 *consultation with the Governor, shall prepare a plan to*
24 *carry out the responsibilities of the State under sections*
25 *1116 and 1117, including carrying out the State edu-*

1 *cational agency’s statewide system of technical assistance*
 2 *and support for local educational agencies.”.*

3 **PART A—BETTER RESULTS FOR DISADVANTAGED**
 4 **CHILDREN**

5 **SEC. 111. STATE PLANS.**

6 *Section 1111 (20 U.S.C. 6311) is amended to read as*
 7 *follows:*

8 **“SEC. 1111. STATE PLANS.**

9 **“(a) PLANS REQUIRED.—**

10 *“(1) IN GENERAL.—Any State desiring to receive*
 11 *a grant under this part shall submit to the Secretary,*
 12 *by March 1, 2002, a plan prepared by the chief State*
 13 *school official, in consultation with the Governor, that*
 14 *satisfies the requirements of this section and that is*
 15 *coordinated with other programs under this Act, the*
 16 *Individuals with Disabilities Education Act, the Carl*
 17 *D. Perkins Vocational and Technical Education Act*
 18 *of 1998, the Adult Education and Family Literacy*
 19 *Act, and the Head Start Act.*

20 *“(2) CONSOLIDATION PLAN.—A State plan sub-*
 21 *mitted under paragraph (1) may be submitted as*
 22 *part of a consolidation plan under section 5506.*

23 **“(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-**
 24 **ABILITY.—**

1 “(1) *CHALLENGING STANDARDS.—(A) Each*
2 *State plan shall demonstrate that the State has*
3 *adopted challenging content standards and chal-*
4 *lenging student performance standards that will be*
5 *used by the State, its local educational agencies, and*
6 *its schools to carry out this part, except that a State*
7 *shall not be required to submit such standards to the*
8 *Secretary.*

9 “(B) *The standards required by subparagraph*
10 *(A) shall be the same standards that the State applies*
11 *to all schools and children in the State.*

12 “(C) *The State shall have the standards de-*
13 *scribed in subparagraph (A) for all public elementary*
14 *school and secondary school children in subjects deter-*
15 *mined by the State, but including at least mathe-*
16 *matics, reading or language arts, history, and science,*
17 *except that—*

18 “(i) *any State which does not have stand-*
19 *ards in mathematics or reading or language*
20 *arts, for public elementary school and secondary*
21 *school children who are not served under this*
22 *part, on the date of enactment of the Better Edu-*
23 *cation for Students and Teachers Act shall apply*
24 *the standards described in subparagraph (A) to*

1 *such students not later than the beginning of the*
2 *school year 2002–2003; and*

3 “(i) *no State shall be required to meet the*
4 *requirements under this part relating to history*
5 *or science standards until the beginning of the*
6 *2005–2006 school year.*

7 “(D) *Standards under this paragraph shall*
8 *include—*

9 “(i) *challenging content standards in aca-*
10 *demic subjects that—*

11 “(I) *specify what children are expected*
12 *to know and be able to do;*

13 “(II) *contain coherent and rigorous*
14 *content; and*

15 “(III) *encourage the teaching of ad-*
16 *vanced skills; and*

17 “(i) *challenging student performance*
18 *standards that—*

19 “(I) *are aligned with the State’s con-*
20 *tent standards; and*

21 “(II) *describe 2 levels of high perform-*
22 *ance, proficient and advanced, that deter-*
23 *mine how well children are mastering the*
24 *material in the State content standards.*

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

9 “(2) ACCOUNTABILITY.—(A) Each State plan
10 shall demonstrate that the State has developed and is
11 implementing a single, statewide State accountability
12 system that has been or will be effective in ensuring
13 that all local educational agencies, elementary schools,
14 and secondary schools make adequate yearly progress
15 as defined under subparagraphs (B) and (D). Each
16 State accountability system shall—

17 “(i) be based on the standards and assess-
18 ments adopted under paragraphs (1) and (3)
19 and take into account the performance of all stu-
20 dents;

21 “(ii) be used for all schools or all local edu-
22 cational agencies in the State, except that schools
23 and local educational agencies not participating
24 under this part are not subject to the require-
25 ments of section 1116(c);

1 “(iii) include performance indicators for
2 local educational agencies and schools to measure
3 student performance consistent with subpara-
4 graph (B); and

5 “(iv) include sanctions and rewards, such
6 as bonuses or recognition, the State will use to
7 hold local educational agencies and schools ac-
8 countable for student achievement and perform-
9 ance and for ensuring that the agencies and
10 schools make adequate yearly progress in accord-
11 ance with the State’s definition under subpara-
12 graph (B).

13 “(B) Adequate yearly progress shall be defined in
14 accordance with subparagraph (D) and in a manner
15 that—

16 “(i) applies the same high standards of aca-
17 demic performance to all students in the State;

18 “(ii) is statistically valid and reliable;

19 “(iii) results in continuous and substantial
20 academic improvement for all students;

21 “(iv) measures the progress of schools and
22 local educational agencies based primarily on the
23 assessments described in paragraph (3);

1 “(v) includes annual measurable objectives
2 for continuing and significant improvement
3 in—

4 “(I) the achievement of all students;
5 and

6 “(II) the achievement of economically
7 disadvantaged students, students with dis-
8 abilities, students with limited English pro-
9 ficiency, migrant students, students by ra-
10 cial and ethnic group, and students by gen-
11 der, except that such disaggregation shall
12 not be required in any case in which the
13 number of students in a category is insuffi-
14 cient to yield statistically reliable informa-
15 tion or the results would reveal individually
16 identifiable information about an indi-
17 vidual student;

18 “(vi) includes a timeline for meeting the
19 goal that each group of students described in
20 clause (v) will meet or exceed the State’s pro-
21 ficient level of performance on the State assess-
22 ment used for the purposes of this section and
23 section 1116 not later than 10 years after the
24 date of enactment of the Better Education for
25 Students and Teachers Act; and

1 “(vii) includes school completion or gradua-
2 tion rates for secondary school students and at
3 least 1 other academic indicator, as determined
4 by the State, for elementary school students, ex-
5 cept that inclusion of such indicators shall not
6 decrease the number of schools or local edu-
7 cational agencies that would otherwise be subject
8 to identification for improvement or corrective
9 action if the indicators were not included.

10 “(C)(i) Each State plan shall include a detailed
11 description of an objective system or formula that in-
12 corporates and gives appropriate weight to each of the
13 elements described in subparagraph (B), including the
14 progress of each of the groups of students described in
15 subparagraph (B)(v)(II), in meeting the State’s an-
16 nual measurable objectives for continuing and signifi-
17 cant improvement under subparagraph (B)(v) and in
18 making progress toward the 10-year goal described in
19 subparagraph (B)(vi), and that is primarily based on
20 academic progress as demonstrated by the assessments
21 described in paragraph (3) in subjects for which as-
22 sessments are required under this section, except that
23 the State shall give greater weight to the groups—

24 “(I) performing at a level furthest from the
25 proficient level; and

1 “(II) that make the greatest improvement.

2 “(ii) The system or formula shall be subject to
3 peer review and approval by the Secretary under sub-
4 section (e). The Secretary shall not approve the sys-
5 tem or formula unless the Secretary determines that
6 the system or formula is sufficiently rigorous and re-
7 liable to ensure continuous and significant progress
8 toward the goal of having all students proficient with-
9 in 10 years.

10 “(D) A State shall define adequate yearly
11 progress for the purpose of making determinations
12 under this Act so that—

13 “(i) a school, local educational agency, or
14 State, respectively, has failed to make adequate
15 yearly progress if the school, local educational
16 agency, or State, respectively, has not—

17 “(I) made adequate progress as deter-
18 mined by the system or formula described
19 in subparagraph (C); or

20 “(II) for each group of students de-
21 scribed in subparagraph (B)(v)(II) (other
22 than those groups formed by gender and mi-
23 grant status), achieved an increase of not
24 less than 1 percent, in the percentage of stu-
25 dents served by the school, local educational

1 agency, or State, respectively, meeting the
2 State’s proficient level of performance in
3 reading or language arts and mathematics,
4 for a school year compared to the preceding
5 school year; and

6 “(i) for the purpose of making determina-
7 tions under clause (i) (I) or (II), the State may
8 establish a uniform procedure for averaging data
9 from the school year for which the determination
10 is made and 1 or 2 school years preceding such
11 school year.

12 “(E) Each State shall ensure that in developing
13 its plan, the State diligently seeks public comment
14 from a range of institutions and individuals in the
15 State with an interest in improved student achieve-
16 ment and performance, including parents, teachers,
17 local educational agencies, pupil services personnel,
18 administrators (including those described in other
19 parts of this title), and other staff, and that the State
20 will continue to make a substantial effort to ensure
21 that information under this part is widely known
22 and understood by the public, parents, teachers, and
23 school administrators throughout the State. Such ef-
24 forts shall include, at a minimum, publication of such
25 information and explanatory text, broadly to the pub-

1 *lic through such means as the Internet, the media,*
2 *and public agencies.*

3 *“(F) If a State educational agency provides evi-*
4 *dence, which is satisfactory to the Secretary, that nei-*
5 *ther the State educational agency nor any other State*
6 *government official, agency, or entity has sufficient*
7 *authority, under State law, to adopt content and stu-*
8 *dent performance standards, and assessments aligned*
9 *with such standards, which will be applicable to all*
10 *students enrolled in the State’s public schools, the*
11 *State educational agency may meet the requirements*
12 *of this subsection by—*

13 *“(i) adopting standards and assessments*
14 *that meet the requirements of this subsection, on*
15 *a statewide basis, and limiting the applicability*
16 *of the standards and assessments to students*
17 *served under this part; or*

18 *“(ii) adopting and implementing policies*
19 *that ensure that each local educational agency in*
20 *the State which receives a grant under this part*
21 *will adopt content and student performance*
22 *standards, and assessments aligned with such*
23 *standards, which meet all of the criteria of this*
24 *subsection.*

1 “(G) Each State plan shall provide that in order
2 for a school to make adequate yearly progress under
3 subparagraph (B), not less than 95 percent of each
4 group of students described in subparagraph
5 (B)(v)(II), who are enrolled in the school at the time
6 of the administration of the assessments, shall take the
7 assessments (in accordance with paragraphs
8 (3)(H)(ii) and (3)(I), and with accommodations,
9 guidelines and alternate assessments provided in the
10 same manner as they are provided under section
11 612(a)(17)(A) of the Individuals with Disabilities
12 Education Act) on which adequate yearly progress is
13 based, except that nothing in this subparagraph shall
14 be construed to limit the requirement under para-
15 graph (3)(H)(i) to assess all students.

16 “(H) Each State plan shall provide an assur-
17 ance that the State’s accountability requirements for
18 charter schools (as defined in section 5120), such as
19 requirements established under the State’s charter
20 school law and overseen by the State’s authorized
21 chartering agencies for such schools, are at least as
22 rigorous as the accountability requirements estab-
23 lished under this Act, such as the requirements re-
24 garding standards, assessments, adequate yearly
25 progress, school identification, receipt of technical as-

1 *sistance, and corrective action, that are applicable to*
2 *other schools in the State under this Act.*

3 *“(3) ASSESSMENTS.—Each State plan shall*
4 *demonstrate that the State, in consultation with local*
5 *educational agencies, has a system of high-quality,*
6 *yearly student assessments in subjects that include, at*
7 *a minimum, mathematics, reading or language arts,*
8 *and science that will be used as the primary means*
9 *of determining the yearly performance of each local*
10 *educational agency and school in enabling all chil-*
11 *dren to meet the State’s student performance stand-*
12 *ards, except that no State shall be required to meet*
13 *the requirements of this part relating to science as-*
14 *essments until the beginning of the 2007–2008 school*
15 *year. Such assessments shall—*

16 *“(A) be the same assessments used to meas-*
17 *ure the performance of all children;*

18 *“(B) be aligned with the State’s challenging*
19 *content and student performance standards and*
20 *provide coherent information about student at-*
21 *tainment of such standards;*

22 *“(C) be used for purposes for which such as-*
23 *essments are valid and reliable, and be con-*
24 *sistent with relevant, nationally recognized pro-*
25 *fessional and technical standards for such assess-*

1 *ments developed and used by national experts on*
2 *educational testing;*

3 “(D) *be used only if the State provides to*
4 *the Secretary evidence from the test publisher or*
5 *other relevant sources that the assessment used is*
6 *of adequate technical quality for each purpose re-*
7 *quired under this Act, and such evidence is made*
8 *public by the Secretary upon request;*

9 “(E) *involve multiple up-to-date measures*
10 *of student performance, including measures that*
11 *assess higher order thinking skills and under-*
12 *standing;*

13 “(F)(i) *beginning not later than school year*
14 *2001–2002, measure the proficiency of students*
15 *served under this part in mathematics and read-*
16 *ing or language arts and be administered not*
17 *less than one time during—*

18 “(I) *grades 3 through 5;*

19 “(II) *grades 6 through 9; and*

20 “(III) *grades 10 through 12;*

21 “(ii) *beginning not later than school year*
22 *2002–2003, measure the proficiency of all stu-*
23 *dents in mathematics and reading or language*
24 *arts and be administered not less than one time*
25 *during—*

1 “(I) grades 3 through 5;

2 “(II) grades 6 through 9; and

3 “(III) grades 10 through 12;

4 “(iii) beginning not later than school year
5 2007–2008, measure the proficiency of all stu-
6 dents in science and be administered not less
7 than one time during—

8 “(I) grades 3 through 5;

9 “(II) grades 6 through 9; and

10 “(III) grades 10 through 12;

11 “(G) beginning not later than school year
12 2005–2006, measure the performance of students
13 against the challenging State content and stu-
14 dent performance standards annually in grades
15 3 through 8, and at least once in grades 10
16 through 12, in at least mathematics and reading
17 or language arts, if the tests are aligned with
18 State standards, except that—

19 “(i) a State may defer the commence-
20 ment, or suspend the administration, of the
21 assessments described in this paragraph,
22 that were not required prior to the date of
23 enactment of the Better Education for Stu-
24 dents and Teachers Act, for 1 year, for each

1 *year for which the amount appropriated for*
2 *grants under section 6204(c) is less than—*

3 *“(I) \$370,000,000 for fiscal year*
4 *2002;*

5 *“(II) \$380,000,000 for fiscal year*
6 *2003;*

7 *“(III) \$390,000,000 for fiscal year*
8 *2004;*

9 *“(IV) \$400,000,000 for fiscal year*
10 *2005;*

11 *“(V) \$410,000,000 for fiscal year*
12 *2006;*

13 *“(VI) \$420,000,000 for fiscal year*
14 *2007; and*

15 *“(VII) \$430,000,000 for fiscal*
16 *year 2008; and*

17 *“(ii) the Secretary may permit a State*
18 *to commence the assessments, that were re-*
19 *quired by amendments made to this para-*
20 *graph by the Better Education for Students*
21 *and Teachers Act, in school year 2006–*
22 *2007, if the State demonstrates to the Sec-*
23 *retary that exceptional or uncontrollable*
24 *circumstances, such as a natural disaster or*
25 *a precipitous or unforeseen decline in the fi-*

1 *nancial resources of the local educational*
2 *agency or school, prevent full implementa-*
3 *tion of the assessments in school year 2005–*
4 *2006 and that the State will administer*
5 *such assessments during school year 2006–*
6 *2007;*

7 *“(H) at the discretion of the State, measure*
8 *the proficiency of students in academic subjects*
9 *not described in subparagraphs (E), (F), and*
10 *(G) in which the State has adopted challenging*
11 *content and student performance standards;*

12 *“(I) provide for—*

13 *“(i) the participation in such assess-*
14 *ments of all students;*

15 *“(ii) the reasonable adaptations and*
16 *accommodations for students with disabil-*
17 *ities defined under section 602(3) of the In-*
18 *dividuals with Disabilities Education Act*
19 *necessary to measure the achievement of*
20 *such students relative to State content and*
21 *State student performance standards;*

22 *“(iii) the inclusion of limited English*
23 *proficient students who shall be assessed, to*
24 *the extent practicable, in the language and*
25 *form most likely to yield accurate and reli-*

1 *able information on what such students*
2 *know and can do in content areas; and*
3 *“(iv) notwithstanding clause (iii), the*
4 *assessment (using tests written in English)*
5 *of reading or language arts of any student*
6 *who has attended school in the United*
7 *States (excluding the Commonwealth of*
8 *Puerto Rico) for 3 or more consecutive*
9 *years, except that if a local educational*
10 *agency demonstrates to the State edu-*
11 *cational agency that assessments in another*
12 *language and form is likely to yield more*
13 *accurate and reliable information on what*
14 *such a student knows and can do, then the*
15 *State educational agency, on a case-by-case*
16 *basis, may waive the requirement to use*
17 *tests written in English for those students*
18 *and permit those students to be assessed in*
19 *the appropriate language for one or more*
20 *additional years, but only if the total num-*
21 *ber of students so assessed does not exceed*
22 *one-third of the number of students in the*
23 *State who were not required to be assessed*
24 *using tests written in English in the pre-*
25 *vious year because the students were in the*

1 *third year of the 3-year period described in*
2 *this clause;*

3 “(J) beginning not later than school year
4 2002–2003, provide for the annual assessment of
5 the development of English proficiency (appro-
6 priate to students’ oral language, reading, and
7 writing skills in English) of students with lim-
8 ited English proficiency who are served under
9 this part or under title III and who do not par-
10 ticipate in the assessment described in clause (iv)
11 of subparagraph (I);

12 “(K) include students who have attended
13 schools in a local educational agency for a full
14 academic year but have not attended a single
15 school for a full academic year, except that the
16 performance of students who have attended more
17 than 1 school in the local educational agency in
18 any academic year shall be used only in deter-
19 mining the progress of the local educational
20 agency;

21 “(L) produce individual student interpre-
22 tive and descriptive reports to be provided to
23 parents of all students, which shall include per-
24 formance on assessments aligned with State
25 standards, and other information on the attain-

1 *ment of student performance standards, such as*
2 *measures of student course work over time, stu-*
3 *dent attendance rates, student dropout rates, and*
4 *student participation in advanced level courses;*

5 *“(M) enable results to be disaggregated*
6 *within each State, local educational agency, and*
7 *school by gender, by racial and ethnic group, by*
8 *English proficiency status, by migrant status, by*
9 *students with disabilities as compared to non-*
10 *disabled students, and by economically disadvan-*
11 *tagged students as compared to students who are*
12 *not economically disadvantaged, except that in*
13 *the case of a local educational agency or a school*
14 *such disaggregation shall not be required in a*
15 *case in which the number of students in a cat-*
16 *egory is insufficient to yield statistically reliable*
17 *information or the results would reveal individ-*
18 *ually identifiable information about an indi-*
19 *vidual student; and*

20 *“(N) enable itemized score analyses to be re-*
21 *ported to schools and local educational agencies*
22 *in a way that parents, teachers, schools, and*
23 *local educational agencies can interpret and ad-*
24 *dress the specific academic needs of individual*

1 *students as indicated by the students' perform-*
2 *ance on assessment items.*

3 “(4) *SPECIAL RULES.—(A) Additional measures*
4 *that do not meet the requirements of paragraph*
5 *(3)(C) may be included in the assessments if a State*
6 *includes in the State plan information regarding the*
7 *State’s efforts to validate such measures, but such*
8 *measures shall not be the primary or sole indicator*
9 *of student progress toward meeting State standards.*

10 “(B) *Consistent with section 1112(b)(1)(D)*
11 *States may measure the proficiency of students in the*
12 *academic subjects in which a State has adopted chal-*
13 *lenging content and student performance standards 1*
14 *or more times during grades kindergarten through 2.*

15 “(5) *LANGUAGE ASSESSMENTS.—Each State*
16 *plan shall identify the languages other than English*
17 *that are present in the participating student popu-*
18 *lation and indicate the languages for which yearly*
19 *student assessments are not available and are needed.*
20 *The State shall make every effort to develop such as-*
21 *sessments and may request assistance from the Sec-*
22 *retary if linguistically accessible assessment measures*
23 *are needed. Upon request, the Secretary shall assist*
24 *with the identification of appropriate assessment*

1 *measures in the needed languages but shall not man-*
2 *date a specific assessment or mode of instruction.*

3 “(6) *REQUIREMENT.—Each State plan shall*
4 *describe—*

5 “(A) *how the State educational agency will*
6 *help each local educational agency and school af-*
7 *ected by the State plan to develop the capacity*
8 *to comply with each of the requirements of sec-*
9 *tions 1112(c)(4), 1114(b), and 1115(c) that is*
10 *applicable to such agency or school;*

11 “(B) *the specific steps the State educational*
12 *agency will take to ensure that both schoolwide*
13 *programs and targeted assistance schools provide*
14 *instruction by highly qualified instructional staff*
15 *as required by sections 1114(b)(1)(C) and*
16 *1115(c)(1)(F), including steps that the State*
17 *educational agency will take to ensure that poor*
18 *and minority children are not taught at higher*
19 *rates than other children by inexperienced, un-*
20 *qualified, or out of field teachers, and the meas-*
21 *ures that the State educational agency will use*
22 *to evaluate and publicly report the progress of*
23 *the State educational agency with respect to such*
24 *steps;*

1 “(C) *how the State educational agency will*
2 *develop or identify high quality effective cur-*
3 *riculum models aligned with State standards*
4 *and how the State educational agency will dis-*
5 *seminate such models to each local educational*
6 *agency and school within the State; and*

7 “(D) *such other factors the State deems ap-*
8 *propriate to provide students an opportunity to*
9 *achieve the knowledge and skills described in the*
10 *challenging content standards adopted by the*
11 *State.*

12 “(7) *ED-FLEX.—A State shall not be eligible for*
13 *designation under the Ed-Flex Partnership Act of*
14 *1999 until the State develops assessments aligned*
15 *with the State’s content standards in at least mathe-*
16 *matics and reading or language arts.*

17 “(8) *FACTORS IMPACTING STUDENT ACHIEVE-*
18 *MENT.—Each State plan shall include a description*
19 *of the process that will be used with respect to any*
20 *school within the State that is identified for school*
21 *improvement or corrective action under section 1116*
22 *to identify the academic and other factors that have*
23 *significantly impacted student achievement at the*
24 *school.*

1 “(c) *OTHER PROVISIONS TO SUPPORT TEACHING AND*
2 *LEARNING.—Each State plan shall contain assurances*
3 *that—*

4 “(1) *the State will meet the requirements of sub-*
5 *section (j)(1) and, beginning with the 2002–2003*
6 *school year, will produce the annual State report*
7 *cards described in such subsection;*

8 “(2) *the State will, beginning in school year*
9 *2002–2003, participate in annual State assessments*
10 *of 4th and 8th grade reading and mathematics under*
11 *the National Assessment of Educational Progress car-*
12 *ried out under section 411(b)(2) of the National Edu-*
13 *cation Statistics Act of 1994 if the Secretary pays the*
14 *costs of administering such assessments, except that a*
15 *State in which less than 0.25 percent of the total*
16 *number of poor, school-aged children in the United*
17 *States is located shall be required to comply with the*
18 *requirement of this paragraph on a biennial basis;*

19 “(3) *the State educational agency will work with*
20 *other agencies, including educational service agencies*
21 *or other local consortia, and institutions to provide*
22 *technical assistance to local educational agencies and*
23 *schools to carry out the State educational agency’s re-*
24 *sponsibilities under this part, including technical as-*
25 *sistance in providing professional development under*

1 *section 1119, technical assistance under section 1117,*
2 *and parental involvement under section 1118;*

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

7 *“(B) where educational service agencies do not*
8 *exist, the State educational agency will consider pro-*
9 *viding professional development and technical assist-*
10 *ance through other cooperative agreements such as*
11 *through a consortium of local educational agencies;*

12 *“(5) the State educational agency will notify*
13 *local educational agencies and the public of the con-*
14 *tent and student performance standards and assess-*
15 *ments developed under this section, and of the author-*
16 *ity to operate schoolwide programs, and will fulfill*
17 *the State educational agency’s responsibilities regard-*
18 *ing local educational agency improvement and school*
19 *improvement under section 1116, including such cor-*
20 *rective actions as are necessary;*

21 *“(6) the State educational agency will provide*
22 *the least restrictive and burdensome regulations for*
23 *local educational agencies and individual schools par-*
24 *ticipating in a program assisted under this part;*

1 “(7) the State educational agency will inform
2 the Secretary and the public of how Federal laws, if
3 at all, hinder the ability of States to hold local edu-
4 cational agencies and schools accountable for student
5 academic performance;

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

10 “(9) the State educational agency will modify or
11 eliminate State fiscal and accounting barriers so that
12 schools can easily consolidate funds from other Fed-
13 eral, State, and local sources for schoolwide programs
14 under section 1114;

15 “(10) the State educational agency has involved
16 the committee of practitioners established under sec-
17 tion 1903(b) in developing the plan and monitoring
18 its implementation;

19 “(11) the State educational agency will inform
20 local educational agencies of the local educational
21 agency’s authority to obtain waivers under subpart 3
22 of part B of title V and, if the State is an Ed-Flex
23 Partnership State, waivers under the Education
24 Flexibility Partnership Act of 1999; and

1 “(12) the State will coordinate activities funded
2 under this part with other Federal activities as ap-
3 propriate.

4 “(d) *PARENTAL INVOLVEMENT.*—Each State plan shall
5 describe how the State will support the collection and dis-
6 semination to local educational agencies and schools of ef-
7 fective parental involvement practices. Such practices
8 shall—

9 “(1) be based on the most current research on ef-
10 fective parental involvement that fosters achievement
11 to high standards for all children; and

12 “(2) be geared toward lowering barriers to great-
13 er participation in school planning, review, and im-
14 provement experienced by parents.

15 “(e) *PEER REVIEW AND SECRETARIAL APPROVAL.*—

16 “(1) *SECRETARIAL DUTIES.*—The Secretary
17 shall—

18 “(A) establish a peer review process to assist
19 in the review of State plans;

20 “(B) appoint individuals to the peer review
21 process who are representative of parents, teach-
22 ers, State educational agencies, local educational
23 agencies, and who are familiar with educational
24 standards, assessments, accountability, and other
25 diverse educational needs of students;

1 “(C) approve a State plan within 120 days
2 of its submission unless the Secretary determines
3 that the plan does not meet the requirements of
4 this section;

5 “(D) if the Secretary determines that the
6 State plan does not meet the requirements of sub-
7 section (a), (b), or (c), immediately notify the
8 State of such determination and the reasons for
9 such determination;

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

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

14 “(ii) providing technical assistance in
15 order to assist the State to meet the require-
16 ments under subsections (a), (b), and (c);
17 and

18 “(iii) providing a hearing; and

19 “(F) have the authority to disapprove a
20 State plan for not meeting the requirements of
21 this part, but shall not have the authority to re-
22 quire a State, as a condition of approval of the
23 State plan, to include in, or delete from, such
24 plan 1 or more specific elements of the State’s

1 *content standards or to use specific assessment*
2 *instruments or items.*

3 “(2) *STATE REVISIONS.*—*States shall revise their*
4 *plans if necessary to satisfy the requirements of this*
5 *section.*

6 “(f) *PROVISION OF TESTING RESULTS TO PARENTS*
7 *AND TEACHERS.*—*Each State plan shall demonstrate how*
8 *the State educational agency will assist local educational*
9 *agencies in assuring that results from the assessments re-*
10 *quired under this section will be provided to parents and*
11 *teachers as soon as is practicably possible after the test is*
12 *taken, in a manner and form that is understandable and*
13 *easily accessible to parents and teachers.*

14 “(g) *DURATION OF THE PLAN.*—

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

16 “(A) *remain in effect for the duration of the*
17 *State’s participation under this part; and*

18 “(B) *be periodically reviewed and revised*
19 *by the State, as necessary, to reflect changes in*
20 *the State’s strategies and programs under this*
21 *part.*

22 “(2) *ADDITIONAL INFORMATION.*—*If the State*
23 *makes significant changes in its plan, such as the*
24 *adoption of new State content standards and State*
25 *student performance standards, new assessments, or a*

1 *new definition of adequate progress, the State shall*
2 *submit such information to the Secretary.*

3 “(h) *LIMITATION ON CONDITIONS.—Nothing in this*
4 *part shall be construed to authorize an officer or employee*
5 *of the Federal Government to mandate, direct, or control*
6 *a State, local educational agency, or school’s specific in-*
7 *structional content or student performance standards and*
8 *assessments, curriculum, or program of instruction, as a*
9 *condition of eligibility to receive funds under this part.*

10 “(i) *PENALTY.—If a State fails to meet the statutory*
11 *deadlines for demonstrating that it has in place challenging*
12 *content standards and student performance standards, a set*
13 *of high quality annual student assessments aligned to the*
14 *standards, and a system for measuring and monitoring*
15 *adequate yearly progress, the Secretary shall withhold funds*
16 *for State administration and activities under section 1117*
17 *and take such other steps as are needed to assist the State*
18 *in coming into compliance with this section until the Sec-*
19 *retary determines that the State plan meets the require-*
20 *ments of this section.*

21 “(j) *REPORTS.—*

22 “(1) *ANNUAL STATE REPORT CARD.—*

23 “(A) *IN GENERAL.—Not later than the be-*
24 *ginning of the 2002–2003 school year, a State*
25 *that receives assistance under this Act shall pre-*

1 *pare and disseminate an annual State report*
2 *card.*

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

5 “(i) *concise; and*

6 “(ii) *presented in a format and man-*
7 *ner that parents can understand, and*
8 *which, to the extent practicable, shall be in*
9 *a language the parents can understand.*

10 “(C) *PUBLIC DISSEMINATION.*—*The State*
11 *shall widely disseminate the information de-*
12 *scribed in subparagraph (D) to all schools and*
13 *local educational agencies in the State and make*
14 *the information broadly available through public*
15 *means, such as posting on the Internet, distribu-*
16 *tion to the media, and distribution through pub-*
17 *lic agencies.*

18 “(D) *REQUIRED INFORMATION.*—*The State*
19 *shall include in its annual State report card—*

20 “(i) *information, in the aggregate, on*
21 *student achievement and performance at*
22 *each proficiency level on the State assess-*
23 *ments described in subsection (b)(3)(G)*
24 *(disaggregated by race, ethnicity, gender,*

1 *disability status, migrant status, English*
2 *proficiency, and socioeconomic status);*

3 “(ii) *the percentage of students not*
4 *tested (disaggregated by the same categories*
5 *described in clause (i));*

6 “(iii) *the most recent 2-year trend in*
7 *student performance in each subject area,*
8 *and for each grade level, for which assess-*
9 *ments under section 1111 are required;*

10 “(iv) *aggregate information included*
11 *in all other indicators used by the State to*
12 *determine the adequate yearly progress of*
13 *students in achieving State content and stu-*
14 *dent performance standards;*

15 “(v) *average 4-year graduation rates*
16 *and annual school dropout rates*
17 *disaggregated by race, ethnicity, gender,*
18 *disability status, migrant status, English*
19 *proficiency, and socioeconomic status, ex-*
20 *cept that such disaggregation shall not be*
21 *required in a case in which the number of*
22 *students in a category is insufficient to*
23 *yield statistically reliable information or*
24 *the results would reveal individually identi-*

1 *fiable information about an individual stu-*
2 *dent;*

3 *“(vi) the percentage of teachers teach-*
4 *ing with emergency or provisional creden-*
5 *tials (disaggregated by high poverty and*
6 *low poverty schools which for purposes of*
7 *this clause means schools in which 50 per-*
8 *cent or more, or less than 50 percent, re-*
9 *spectively, of the students are from low-in-*
10 *come families), and the percentage of classes*
11 *not taught by highly qualified teachers in*
12 *such high poverty schools;*

13 *“(vii) the number and names of each*
14 *school identified for school improvement, in-*
15 *cluding schools identified under section*
16 *1116(c); and*

17 *“(viii) information on the performance*
18 *of local educational agencies in the State re-*
19 *garding making adequate yearly progress,*
20 *including the number and percentage of*
21 *schools in the State that did not make ade-*
22 *quate yearly progress.*

23 *“(E) PERMISSIVE INFORMATION.—The*
24 *State may include in its annual State report*
25 *card such other information as the State believes*

1 *will best provide parents, students, and other*
2 *members of the public with information regard-*
3 *ing the progress of each of the State’s public ele-*
4 *mentary schools and secondary schools. Such in-*
5 *formation may include information regarding—*

6 “(i) *school attendance rates;*

7 “(ii) *average class size in each grade;*

8 “(iii) *academic achievement and gains*
9 *in English proficiency of limited English*
10 *proficient students;*

11 “(iv) *the incidence of school violence,*
12 *drug abuse, alcohol abuse, student suspen-*
13 *sions, and student expulsions;*

14 “(v) *the extent of parental participa-*
15 *tion in the schools;*

16 “(vi) *parental involvement activities;*

17 “(vii) *extended learning time programs*
18 *such as after-school and summer programs;*

19 “(viii) *the percentage of students com-*
20 *pleting advanced placement courses;*

21 “(ix) *the percentage of students com-*
22 *pleting college preparatory curricula; and*

23 “(x) *student access to technology in*
24 *school.*

1 “(F) *PROTECTION OF PUPIL RIGHTS.*—In
2 *meeting the requirements of this section, States,*
3 *local educational agencies, and schools shall com-*
4 *ply with the provisions of section 445 of the Gen-*
5 *eral Education Provisions Act.*

6 “(2) *ANNUAL LOCAL EDUCATIONAL AGENCY RE-*
7 *PORT CARDS.*—

8 “(A) *IN GENERAL.*—Not later than the be-
9 *ginning of the 2002–2003 school year, a local*
10 *educational agency that receives assistance under*
11 *this Act shall prepare and disseminate an an-*
12 *nual local educational agency report card.*

13 “(B) *MINIMUM REQUIREMENTS.*—The State
14 *shall ensure that each local educational agency*
15 *collects appropriate data and includes in the*
16 *local educational agency’s annual report the in-*
17 *formation described in paragraph (1)(D) as ap-*
18 *plied to the local educational agency and each*
19 *school served by the local educational agency,*
20 *and—*

21 “(i) *in the case of a local educational*
22 *agency—*

23 “(I) *the number and percentage of*
24 *schools identified for school improve-*
25 *ment and how long they have been so*

1 *identified, including schools identified*
2 *under section 1116(c); and*

3 “*(II) information that shows how*
4 *students served by the local educational*
5 *agency perform on the statewide assess-*
6 *ment compared to students in the State*
7 *as a whole; and*

8 “*(ii) in the case of a school—*

9 “*(I) whether the school has been*
10 *identified for school improvement; and*

11 “*(II) information that shows how*
12 *the school’s students performed on the*
13 *statewide assessment compared to stu-*
14 *dents in the local educational agency*
15 *and the State as a whole.*

16 “*(C) OTHER INFORMATION.—A local edu-*
17 *cational agency may include in its annual re-*
18 *ports any other appropriate information whether*
19 *or not such information is included in the an-*
20 *nuual State report.*

21 “*(D) DATA.—A local educational agency or*
22 *school shall only include in its annual local edu-*
23 *cational agency report card data that is suffi-*
24 *cient to yield statistically reliable information,*
25 *as determined by the State, and does not reveal*

1 *individually identifiable information about an*
2 *individual student.*

3 “(E) *PUBLIC DISSEMINATION.*—*The local*
4 *educational agency shall, not later than the be-*
5 *ginning of the 2002–2003 school year, publicly*
6 *disseminate the information described in this*
7 *paragraph to all schools in the school district*
8 *and to all parents of students attending those*
9 *schools, and make the information broadly avail-*
10 *able through public means, such as posting on*
11 *the Internet, distribution to the media, and dis-*
12 *tribution through public agencies, except that if*
13 *a local educational agency issues a report card*
14 *for all students, the local educational agency*
15 *may include the information under this section*
16 *as part of such report.*

17 “(3) *PREEXISTING REPORT CARDS.*—*A State or*
18 *local educational agency that was providing public*
19 *report cards on the performance of students, schools,*
20 *local educational agencies, or the State, may continue*
21 *to use those reports for the purpose of this subsection,*
22 *if such report is modified, as may be necessary, to*
23 *contain the information required by this subsection.*

24 “(4) *ANNUAL STATE REPORT TO THE SEC-*
25 *RETARY.*—*Each State receiving assistance under this*

1 *Act shall report annually to the Secretary, and make*
2 *widely available within the State—*

3 *“(A) beginning with school year 2001–2002,*
4 *information on the State’s progress in developing*
5 *and implementing the assessments described in*
6 *subsection (b)(3);*

7 *“(B) beginning not later than school year*
8 *2004–2005, information on the achievement of*
9 *students on the assessments required by that sec-*
10 *tion, including the disaggregated results for the*
11 *categories of students identified in subsection*
12 *(b)(2)(B)(v)(II);*

13 *“(C) the number and names of each school*
14 *identified for school improvement, including*
15 *schools identified under section 1116(c), the rea-*
16 *son why each school was so identified, and the*
17 *measures taken to address the performance prob-*
18 *lems of such schools; and*

19 *“(D) in any year before the State begins to*
20 *provide the information described in subpara-*
21 *graph (B), information on the results of student*
22 *assessments (including disaggregated results) re-*
23 *quired under this section.*

24 *“(5) PARENTS RIGHT-TO-KNOW.—*

1 “(A) *QUALIFICATIONS.*—A local educational
2 agency that receives funds under this part shall
3 provide and notify the parents of each student
4 attending any school receiving funds under this
5 part that the parents may request, and will be
6 provided on request, information regarding the
7 professional qualifications of the student’s class-
8 room teachers, including, at a minimum, the fol-
9 lowing:

10 “(i) Whether the teacher has met State
11 qualification and licensing criteria for the
12 grade levels and subject areas in which the
13 teacher provides instruction.

14 “(ii) Whether the teacher is teaching
15 under emergency or other provisional status
16 through which State qualification or licens-
17 ing criteria have been waived.

18 “(iii) The baccalaureate degree major
19 of the teacher and any other graduate cer-
20 tification or degree held by the teacher, and
21 the field of discipline of the certification or
22 degree.

23 “(iv) Whether the child is provided
24 services by a paraprofessional and the
25 qualifications of such paraprofessional.

1 “(B) *ADDITIONAL INFORMATION.*—A school
2 that receives funds under this part shall provide
3 to parents information on the level of perform-
4 ance, of the individual student for whom they
5 are the parent, in each of the State assessments
6 as required under this part.

7 “(C) *FORMAT.*—The notice and information
8 provided to parents shall be in an understand-
9 able and uniform format.

10 “(6) *REPORT TO CONGRESS.*—The Secretary
11 shall report annually to Congress—

12 “(A) beginning with school year 2001–2002,
13 information on the State’s progress in developing
14 and implementing the assessments described in
15 subsection (b)(3);

16 “(B) beginning not later than school year
17 2004–2005, information on the achievement of
18 students on the assessments described in sub-
19 section (b)(3), including the disaggregated results
20 for the categories of students described in sub-
21 section (b)(2)(B)(v)(II);

22 “(C) in any year before the States begin to
23 provide the information described in paragraph
24 (B) to the Secretary, information on the results

1 *of student assessments (including disaggregated*
2 *results) required under this section.*

3 “(k) *PRIVACY.—Information collected under this sec-*
4 *tion shall be collected and disseminated in a manner that*
5 *protects the privacy of individuals.*

6 “(l) *TECHNICAL ASSISTANCE.—The Secretary shall*
7 *provide a State educational agency, at the State edu-*
8 *cational agency’s request, technical assistance in meeting*
9 *the requirements of this section, including the provision of*
10 *advice by experts in the development of high-quality assess-*
11 *ments, the setting of State performance standards, the devel-*
12 *opment of measures of adequate yearly progress that are*
13 *valid and reliable, and other relevant areas.*

14 “(m) *VOLUNTARY PARTNERSHIPS.—A State may enter*
15 *into a voluntary partnership with another State to develop*
16 *and implement the assessments and standards required*
17 *under this section.”.*

18 **SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.**

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

20 *(1) in subsection (a)—*

21 *(A) in paragraph (1), by striking “the*
22 *Goals” and all that follows through “section*
23 *14306” and inserting “the Individuals with Dis-*
24 *abilities Education Act, the Carl D. Perkins Vo-*
25 *cational and Technical Education Act of 1998,*

1 *the Head Start Act, and other Acts, as appro-*
2 *priate”; and*

3 *(B) in paragraph (2), by striking “14304”*
4 *and inserting “5504”;*

5 *(2) in subsection (b)—*

6 *(A) in paragraph (1)—*

7 *(i) in subparagraph (B), by striking*
8 *“and” after the semicolon;*

9 *(ii) in subparagraph (C), by inserting*
10 *“and” after the semicolon; and*

11 *(iii) by adding at the end the fol-*
12 *lowing:*

13 *“(D) determine the literacy levels of first*
14 *graders and their needs for interventions, includ-*
15 *ing a description of how the agency will ensure*
16 *that any such assessments—*

17 *“(i) are developmentally appropriate;*

18 *“(ii) use multiple measures to provide*
19 *information about the variety of skills that*
20 *research has identified as leading to early*
21 *reading; and*

22 *“(iii) are administered to students in*
23 *the language most likely to yield valid re-*
24 *sults;”;*

1 (B) in paragraph (3), by inserting “, which
2 strategy shall be coordinated with activities
3 under title II if the local educational agency re-
4 ceives funds under title II” before the semicolon;

5 (C) in paragraph (4)—

6 (i) in subparagraph (A)—

7 (I) by striking “programs, voca-
8 tional” and inserting “programs and
9 vocational”; and

10 (II) by striking “, and school-to-
11 work transition programs”; and

12 (ii) in subparagraph (B)—

13 (I) by striking “served under part
14 C” and all that follows through
15 “1994”; and

16 (II) by striking “served under
17 part D”; and

18 (D) by striking paragraph (9) and insert-
19 ing the following:

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

1 “(10) a description of the strategy the local edu-
2 cational agency will use to implement effective paren-
3 tal involvement under section 1118;

4 “(11) a description of the process that will be
5 used with respect to any school identified for school
6 improvement or corrective action that is served by the
7 local educational agency to determine the academic
8 and other factors that have significantly impacted
9 student achievement at the school; and

10 “(12) where appropriate, a description of how
11 the local educational agency will use funds under this
12 part to support school year extension programs under
13 section 1120C for low-performing schools.”;

14 (3) by amending subsection (c) to read as fol-
15 lows:

16 “(c) ASSURANCES.—Each local educational agency
17 plan shall provide assurances that the local educational
18 agency will—

19 “(1) inform eligible schools and parents of
20 schoolwide project authority;

21 “(2) provide technical assistance and support to
22 schoolwide programs;

23 “(3) work in consultation with schools as the
24 schools develop the schools’ plans pursuant to section
25 1114 and assist schools as the schools implement such

1 *plans or undertake activities pursuant to section 1115*
2 *so that each school can make adequate yearly progress*
3 *toward meeting the State content standards and State*
4 *student performance standards;*

5 *“(4) fulfill such agency’s school improvement re-*
6 *sponsibilities under section 1116, including taking*
7 *corrective actions under section 1116(c)(5);*

8 *“(5) work in consultation with schools as the*
9 *schools develop and implement their plans or activi-*
10 *ties under sections 1118 and 1119;*

11 *“(6) coordinate and collaborate, to the extent fea-*
12 *sible and necessary as determined by the local edu-*
13 *cational agency, with other agencies providing serv-*
14 *ices to children, youth, and families, including health*
15 *and social services;*

16 *“(7) provide services to eligible children attend-*
17 *ing private elementary and secondary schools in ac-*
18 *cordance with section 1120, and timely and meaning-*
19 *ful consultation with private school officials regarding*
20 *such services;*

21 *“(8) take into account the experience of model*
22 *programs for the educationally disadvantaged, and*
23 *the findings of relevant research indicating that serv-*
24 *ices may be most effective if focused on students in the*

1 *earliest grades at schools that receive funds under this*
2 *part;*

3 *“(9) comply with the requirements of section*
4 *1119 regarding professional development;*

5 *“(10) inform eligible schools of the local edu-*
6 *cational agency’s authority to obtain waivers on the*
7 *school’s behalf under subpart 3 of part B of title V,*
8 *and if the State is an Ed-Flex Partnership State,*
9 *waivers under the Education Flexibility Partnership*
10 *Act of 1999;*

11 *“(11) ensure, through incentives for voluntary*
12 *transfers, the provision of professional development,*
13 *recruitment programs, or other effective strategies,*
14 *that low-income students and minority students are*
15 *not taught at higher rates than other students by un-*
16 *qualified, out-of-field, or inexperienced teachers;*

17 *“(12) use the results of the student assessments*
18 *required under section 1111(b)(3), and other measures*
19 *or indicators available to the agency, to review annu-*
20 *ally the progress of each school served by the agency*
21 *and receiving funds under this title to determine*
22 *whether or not all of the schools are making the an-*
23 *ual progress necessary to ensure that all students*
24 *will meet the State’s proficient level of performance*
25 *on the State assessments described in section*

1 1111(b)(3) within 10 years of the date of enactment
2 of the Better Education for Students and Teachers
3 Act;

4 “(13) ensure that the results from the assessments
5 required under section 1111 will be provided to par-
6 ents and teachers as soon as is practicably possible
7 after the test is taken, in a manner and form that is
8 understandable and easily accessible to parents and
9 teachers; and

10 “(14) make available to each school served by the
11 agency and assisted under this part models of high
12 quality, effective curriculum that are aligned with the
13 State’s standards and developed or identified by the
14 State.”; and

15 (4) in subsection (e)—

16 (A) in paragraph (1), by striking “, except
17 that” and all that follows through “finally ap-
18 proved by the State educational agency”; and

19 (B) in paragraph (3)—

20 (i) by striking “professional develop-
21 ment”; and

22 (ii) by striking “section 1119” and in-
23 serting “sections 1118 and 1119”.

1 **SEC. 113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

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

4 *(1) in subparagraph (B), by striking “and” after*
5 *the semicolon;*

6 *(2) in subparagraph (C)(iii), by striking the pe-*
7 *riod and inserting “; and”; and*

8 *(3) by adding at the end the following:*

9 *“(D) designate and serve a school attend-*
10 *ance area or school that is not an eligible school*
11 *attendance area under subsection (a)(2), but that*
12 *was an eligible school attendance area and was*
13 *served in the fiscal year preceding the fiscal year*
14 *for which the determination is made, but only*
15 *for 1 additional fiscal year.”.*

16 **SEC. 114. SCHOOLWIDE PROGRAMS.**

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

18 *(1) in subsection (a)—*

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

21 *“(1) IN GENERAL.—A local educational agency*
22 *may use funds under this part, together with other*
23 *Federal, State, and local funds, to upgrade the entire*
24 *educational program of a school that serves an eligible*
25 *school attendance area in which not less than 40 per-*
26 *cent of the children are from low-income families, or*

1 *not less than 40 percent of the children enrolled in the*
2 *school are from such families, for the initial year of*
3 *the schoolwide program.”; and*

4 *(B) in paragraph (4)—*

5 *(i) by amending the heading to read as*
6 *follows: “EXEMPTION FROM STATUTORY AND*
7 *REGULATORY REQUIREMENTS.—”; and*

8 *(ii) by adding at the end the following:*

9 *“(C) A school that chooses to use funds from such*
10 *other programs under this section shall not be re-*
11 *quired to maintain separate fiscal accounting records,*
12 *by program, that identify the specific activities sup-*
13 *ported by those particular funds as long as the school*
14 *maintains records that demonstrate that the*
15 *schoolwide program, considered as a whole, addresses*
16 *the intent and purposes of each of the programs that*
17 *were consolidated to support the schoolwide pro-*
18 *gram.”; and*

19 *(2) in subsection (b)—*

20 *(A) in paragraph (1)—*

21 *(i) in subparagraph (B)(vii), by strik-*
22 *ing “, if any, approved under title III of*
23 *the Goals 2000: Educate America Act”;*

24 *(ii) in subparagraph (E), by striking*
25 *“, such as family literacy services” and in-*

1 serting “(including activities described in
2 section 1118), such as family literacy serv-
3 ices, in-school volunteer opportunities, or
4 parent membership on school-based leader-
5 ship or management teams.”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(I) Coordination and integration of Fed-
9 eral, State, and local services and programs, in-
10 cluding programs supported under this Act, vio-
11 lence prevention programs, nutrition programs,
12 housing programs, Head Start, adult education,
13 and job training.”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A)—

16 (I) in the matter preceding clause
17 (i), by striking “Improving America’s
18 Schools Act of 1994” and inserting
19 “Better Education for Students and
20 Teachers Act”;

21 (II) in clause (iv), by inserting
22 “in a language the family can under-
23 stand” after “assessment results”;

24 (III) in clause (vi), by striking
25 “and” after the semicolon;

1 (IV) in clause (vii), by striking
2 the period and inserting “; and”; and

3 (V) by adding at the end the fol-
4 lowing:

5 “(viii) describes how the school will co-
6 ordinate and collaborate with other agencies
7 providing services to children and families,
8 including programs supported under this
9 Act, violence prevention programs, nutrition
10 programs, housing programs, Head Start,
11 adult education, and job training.”; and

12 (ii) in subparagraph (C)—

13 (I) in clause (i)(II), by striking
14 “Improving America’s Schools Act of
15 1994” and inserting “Better Education
16 for Students and Teachers Act”; and

17 (II) in clause (v), by striking “the
18 School-to-Work Opportunities Act of
19 1994”.

20 **SEC. 115. TARGETED ASSISTANCE SCHOOLS.**

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

22 (1) in subsection (b)—

23 (A) in paragraph (1)(A)(ii), by striking “,
24 yet” and all that follows through “setting”; and

25 (B) in paragraph (2)—

1 (i) in subparagraph (B), insert “or in
2 early childhood education services under
3 this title,” after “program,”; and

4 (ii) in subparagraph (C)(i), by strik-
5 ing “under part D (or its predecessor au-
6 thority)”; and

7 (2) in subsection (c)(1)—

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

10 “(G) provide opportunities for professional
11 development with resources provided under this
12 part, and to the extent practicable, from other
13 sources, for teachers, principals, administrators,
14 paraprofessionals, pupil services personnel, and
15 parents, who work with participating children
16 in programs under this section or in the regular
17 education program;”;

18 (B) in subparagraph (H), by striking “,
19 such as family literacy services” and inserting
20 “(including activities described in section 1118),
21 such as family literacy services, in-school volun-
22 teer opportunities, or parent membership on
23 school-based leadership or management teams;
24 and”; and

25 (C) by adding at the end the following:

1 “(I) coordinate and integrate Federal,
2 State, and local services and programs, includ-
3 ing programs supported under this Act, violence
4 prevention programs, nutrition programs, hous-
5 ing programs, Head Start, adult education, and
6 job training.”.

7 **SEC. 116. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

8 Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.)
9 is amended by inserting after section 1115A (20 U.S.C.
10 6316) the following:

11 **“SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

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

15 “(1) becomes a victim of a violent criminal of-
16 fense while in or on the grounds of a public elemen-
17 tary school or secondary school that the student at-
18 tends and that receives assistance under this part,
19 then the local educational agency shall allow such stu-
20 dent to transfer to another public school or public
21 charter school in the same State as the school where
22 the criminal offense occurred, that is selected by the
23 student’s parent unless allowing such transfer is
24 prohibited—

1 “(A) under the provisions of a State or local
2 law; or

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

5 “(2) the public school that the student attends
6 and that receives assistance under this part has been
7 designated as an unsafe public school, then the local
8 educational agency may allow such student to trans-
9 fer to another public school or public charter school
10 in the same State as the school where the criminal of-
11 fense occurred, that is selected by the student’s parent.

12 “(b) STATE EDUCATIONAL AGENCY DETERMINA-
13 TIONS.—

14 “(1) The State educational agency shall deter-
15 mine, based upon State law, what actions constitute
16 a violent criminal offense for purposes of this section.

17 “(2) The State educational agency shall deter-
18 mine which schools in the State are unsafe public
19 schools.

20 “(3) The term ‘unsafe public schools’ means a
21 public school that has serious crime, violence, illegal
22 drug, and discipline problems, as indicated by condi-
23 tions that may include high rates of—

24 “(A) expulsions and suspensions of students
25 from school;

1 “(B) referrals of students to alternative
2 schools for disciplinary reasons, to special pro-
3 grams or schools for delinquent youth, or to juve-
4 nile court;

5 “(C) victimization of students or teachers
6 by criminal acts, including robbery, assault and
7 homicide;

8 “(D) enrolled students who are under court
9 supervision for past criminal behavior;

10 “(E) possession, use, sale or distribution of
11 illegal drugs;

12 “(F) enrolled students who are attending
13 school while under the influence of illegal drugs
14 or alcohol;

15 “(G) possession or use of guns or other
16 weapons;

17 “(H) participation in youth gangs; or

18 “(I) crimes against property, such as theft
19 or vandalism.

20 “(c) *TRANSPORTATION COSTS.*—The local educational
21 agency that serves the public school in which the violent
22 criminal offense occurred or that serves the designated un-
23 safe public school may use funds provided under this part
24 to provide transportation services or to pay the reasonable

1 *costs of transportation for the student to attend the school*
 2 *selected by the student’s parent.*

3 “(d) *SPECIAL RULE.—Any school receiving assistance*
 4 *provided under this section shall comply with title VI of*
 5 *the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and*
 6 *not discriminate on the basis of race, color, or national ori-*
 7 *gin.*

8 “(e) *PART B OF THE INDIVIDUALS WITH DISABILITIES*
 9 *EDUCATION ACT.—Nothing in this section shall be con-*
 10 *strued to affect the requirements of part B of the Individ-*
 11 *uals with Disabilities Education Act (20 U.S.C. 1411 et*
 12 *seq.).”.*

13 **SEC. 117. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**
 14 **AND SCHOOL IMPROVEMENT.**

15 *Section 1116 (20 U.S.C. 6317) is amended to read as*
 16 *follows:*

17 **“SEC. 1116. ASSESSMENT AND LOCAL EDUCATIONAL AGEN-**
 18 **CY AND SCHOOL IMPROVEMENT.**

19 “(a) *LOCAL REVIEW.—Each local educational agency*
 20 *receiving funds under this part shall—*

21 “(1) *use the State assessments described in the*
 22 *State plan;*

23 “(2) *use any additional measures or indicators*
 24 *described in the local educational agency’s plan to re-*
 25 *view annually the progress of each school served under*

1 *this part to determine whether the school is meeting,*
2 *or making adequate progress as defined in sections*
3 *1111(b)(2) (B) and (D) toward enabling its students*
4 *to meet the State’s student performance standards de-*
5 *scribed in the State plan;*

6 *“(3) provide the results of the local annual re-*
7 *view to schools so that the schools, principals, teach-*
8 *ers, and other staff in an instructionally useful man-*
9 *ner can continually refine the program of instruction*
10 *to help all children served under this part in those*
11 *schools meet the State’s student performance stand-*
12 *ards; and*

13 *“(4) annually review the effectiveness of the ac-*
14 *tions and activities the schools are carrying out under*
15 *this part with respect to parental involvement activi-*
16 *ties under section 1118, professional development ac-*
17 *tivities under section 1119, and other activities as-*
18 *sisted under this Act.*

19 *“(b) DESIGNATION OF DISTINGUISHED SCHOOLS.—*
20 *Each State educational agency and local educational agen-*
21 *cy receiving funds under this part shall designate distin-*
22 *guished schools in accordance with section 1117.*

23 *“(c) SCHOOL IMPROVEMENT.—*

24 *“(1) SCHOOL IMPROVEMENT.—(A) Subject to*
25 *subparagraph (B), a local educational agency shall*

1 *identify for school improvement any elementary*
2 *school or secondary school served under this part that*
3 *fails, for any year, to make adequate yearly progress*
4 *as defined in the State's plan under sections*
5 *1111(b)(2) (B) and (D).*

6 *“(B) Subparagraph (A) shall not apply to a*
7 *school if almost every student in such school is meet-*
8 *ing the State's proficient level of performance.*

9 *“(C) To determine if an elementary school or a*
10 *secondary school that is conducting a targeted assist-*
11 *ance program under section 1115 should be identified*
12 *for school improvement under this subsection, a local*
13 *educational agency may choose to review the progress*
14 *of only the students in the school who are served, or*
15 *are eligible for services, under this part.*

16 *“(2) OPPORTUNITY TO REVIEW AND PRESENT*
17 *EVIDENCE; TIME LIMIT.—(A) Before identifying an el-*
18 *ementary school or a secondary school for school im-*
19 *provement under paragraph (1), for corrective action*
20 *under paragraph (7), or for reconstitution under*
21 *paragraph (8), the local educational agency shall pro-*
22 *vide the school with an opportunity to review the*
23 *school-level data, including assessment data, on which*
24 *such identification is based.*

1 “(B) *If the principal of a school proposed for*
2 *identification under paragraph (1), (7), or (8) be-*
3 *lieves that the proposed identification is in error for*
4 *statistical or other substantive reasons, the principal*
5 *may provide supporting evidence to the local edu-*
6 *cational agency, which shall consider that evidence*
7 *before making a final determination.*

8 “(C) *Not later than 30 days after a local edu-*
9 *cational agency makes an initial determination con-*
10 *cerning identifying a school under paragraph (1), (7),*
11 *or (8), the local educational agency shall make public*
12 *a final determination on the status of the school.*

13 “(3) *SCHOOL PLAN.—(A) Each school identified*
14 *under paragraph (1) for school improvement shall,*
15 *not later than 3 months after being so identified, de-*
16 *velop or revise a school plan, in consultation with*
17 *parents, school staff, the local educational agency*
18 *servicing the school, the local school board, and other*
19 *outside experts, for approval by such local educational*
20 *agency. The school plan shall cover a 2-year period*
21 *and—*

22 “(i) *incorporate scientifically based research*
23 *strategies that strengthen the core academic sub-*
24 *jects in the school and address the specific aca-*
25 *demie issues that caused the school to be identi-*

1 *fied for school improvement and may include a*
2 *strategy for the implementation of a comprehen-*
3 *sive school reform model that meets each of the*
4 *components described in section 1706(a);*

5 *“(i) adopt policies and practices con-*
6 *cerning the school’s core academic subjects that*
7 *have the greatest likelihood of ensuring that all*
8 *groups of students specified in section*
9 *1111(b)(2)(B)(v)(II) and enrolled in the school*
10 *will meet the State’s proficient level of perform-*
11 *ance on the State assessment described in section*
12 *1111(b)(3) within 10 years after the date of en-*
13 *actment of the Better Education for Students*
14 *and Teachers Act;*

15 *“(iii) provide an assurance that the school*
16 *will reserve not less than 10 percent of the funds*
17 *made available to the school under this part for*
18 *each fiscal year that the school is in school im-*
19 *provement status, for the purpose of providing to*
20 *the school’s teachers and principal high-quality*
21 *professional development that—*

22 *“(I) directly addresses the academic*
23 *performance problem that caused the school*
24 *to be identified for school improvement; and*

1 “(II) meets the requirements for profes-
2 sional development activities under section
3 1119;

4 “(iv) specify how the funds described in
5 clause (iii) will be used to remove the school from
6 school improvement status;

7 “(v) establish specific annual, objective
8 goals for continuous and significant progress by
9 each group of students specified in section 1111
10 (b)(2)(B)(v)(II) and enrolled in the school that
11 will ensure that all such groups of students will
12 make continuous and significant progress to-
13 wards meeting the goal of all students reaching
14 the State’s proficient level of performance on the
15 State assessment described in section 1111(b)(3)
16 within 10 years after the date of enactment of
17 the Better Education for Students and Teachers
18 Act;

19 “(vi) identify how the school will provide
20 written notification about the identification to
21 the parents of each student enrolled in such
22 school, in a format and, to the extent practicable,
23 in a language the parents can understand;

24 “(vii) specify the responsibilities of the
25 school, the local educational agency, and the

1 *State educational agency serving the school*
2 *under the plan, including the technical assist-*
3 *ance to be provided by the local educational*
4 *agency under paragraph (4); and*

5 *“(viii) include strategies to promote effective*
6 *parental involvement in the school.*

7 *“(B) The local educational agency may condi-*
8 *tion approval of a school plan on inclusion of 1 or*
9 *more of the corrective actions specified in paragraph*
10 *(7)(D)(ii).*

11 *“(C) A school shall implement the school plan*
12 *(including a revised plan) expeditiously, but not later*
13 *than the beginning of the school year following the*
14 *school year in which the school was identified for*
15 *school improvement.*

16 *“(D) The local educational agency, within 45*
17 *days after receiving a school plan, shall—*

18 *“(i) establish a peer-review process to assist*
19 *with review of a school plan prepared by a*
20 *school served by the local educational agency;*
21 *and*

22 *“(ii) promptly review the school plan, work*
23 *with the school as necessary, and approve the*
24 *school plan if the plan meets the requirements of*
25 *this paragraph.*

1 “(4) *TECHNICAL ASSISTANCE.*—(A) *For each*
2 *school identified for school improvement under para-*
3 *graph (1), the local educational agency serving the*
4 *school shall provide technical assistance as the school*
5 *develops and implements the school plan.*

6 “(B) *Such technical assistance—*

7 “(i) *shall include assistance in analyzing*
8 *data from the assessments required under section*
9 *1111(b)(3), and other samples of student work, to*
10 *identify and address instructional problems in-*
11 *cluding problems, if any, in implementing the*
12 *parental involvement requirements described in*
13 *section 1118, the professional development re-*
14 *quirements described in section 1119, and the re-*
15 *sponsibilities of the school and local educational*
16 *agency under the school plan and solutions;*

17 “(ii) *shall include assistance in identifying*
18 *and implementing instructional strategies and*
19 *methods that are tied to scientifically based re-*
20 *search and that have proven effective in address-*
21 *ing the specific instructional issues that caused*
22 *the school to be identified for school improve-*
23 *ment;*

24 “(iii) *shall include assistance in analyzing*
25 *and revising the school’s budget so that the school*

1 *resources are more effectively allocated for the ac-*
2 *tivities most likely to increase student perform-*
3 *ance and to remove the school from school im-*
4 *provement status; and*

5 “(iv) may be provided—

6 “(I) by the local educational agency,
7 *through mechanisms authorized under sec-*
8 *tion 1117; or*

9 “(II) by the State educational agency,
10 *an institution of higher education (in full*
11 *compliance with all the reporting provisions*
12 *of title II of the Higher Education Act of*
13 *1965), a private not-for-profit organization*
14 *or for-profit organization, an educational*
15 *service agency, or another entity with expe-*
16 *rience in helping schools improve perform-*
17 *ance.*

18 “(C) *Technical assistance provided under this*
19 *section by a local educational agency or an entity ap-*
20 *proved by that agency shall be based on scientifically*
21 *based research.*

22 “(5) *FAILURE TO MAKE ADEQUATE YEARLY*
23 *PROGRESS AFTER IDENTIFICATION.—In the case of*
24 *any school served under this part that fails to make*
25 *adequate yearly progress, as defined by the State*

1 *under sections 1111(b)(2) (B) and (D), at the end of*
2 *the first year after the school year for which the school*
3 *was identified under paragraph (1), the local edu-*
4 *cational agency serving such school—*

5 *“(A) shall provide all students enrolled in*
6 *the school with the option to transfer to another*
7 *public school within the local educational agen-*
8 *cy, including a public charter school, that has*
9 *not been identified for school improvement under*
10 *paragraph (1), unless—*

11 *“(i) such an option is prohibited by*
12 *State law or local law, which includes*
13 *school board approved local educational*
14 *agency policy; or*

15 *“(ii) the local educational agency dem-*
16 *onstrates to the satisfaction of the State*
17 *educational agency that the local edu-*
18 *cational agency lacks the capacity to pro-*
19 *vide that option to all students in the school*
20 *who request the option, in which case the*
21 *local educational agency shall permit as*
22 *many students as possible (selected by the*
23 *agency on an equitable basis and giving*
24 *priority to the lowest achieving students) to*
25 *make such a transfer, after giving notice to*

1 *the parents of affected children that it is not*
2 *possible, consistent with State and local*
3 *law, to accommodate the transfer request of*
4 *every student;*

5 *“(B) may identify the school for, and take,*
6 *corrective action under paragraph (7); and*

7 *“(C) shall continue to provide technical as-*
8 *sistance while instituting any corrective action.*

9 *“(6) NOTIFICATION TO PARENTS.—A local edu-*
10 *cational agency shall promptly provide (in a format*
11 *and, to the extent practicable, in a language the par-*
12 *ents can understand) the parents of each student in*
13 *an elementary school or a secondary school identified*
14 *for school improvement under paragraph (1), for cor-*
15 *rective action under paragraph (7), or for reconstitu-*
16 *tion under paragraph (8)—*

17 *“(A) an explanation of what the identifica-*
18 *tion means, and how the school compares in*
19 *terms of academic performance to other elemen-*
20 *tary schools or secondary schools served by the*
21 *State educational agency and the local edu-*
22 *cational agency involved;*

23 *“(B) the reasons for the identification;*

24 *“(C) an explanation of what the school is*
25 *doing to address the problem of low performance;*

1 “(D) an explanation of what the State edu-
2 cational agency or local educational agency is
3 doing to help the school address the performance
4 problem;

5 “(E) an explanation of how parents de-
6 scribed in this paragraph can become involved in
7 addressing the academic issues that caused the
8 school to be identified; and

9 “(F) when the school is identified for correc-
10 tive action under paragraph (7) or for recon-
11 stitution under paragraph (8), an explanation of
12 the parents’ option to transfer their child to an-
13 other public school (with transportation provided
14 by the agency when required by paragraph (9))
15 or to obtain supplemental services for the child,
16 in accordance with those paragraphs.

17 “(7) CORRECTIVE ACTION.—(A) In this sub-
18 section, the term ‘corrective action’ means action, con-
19 sistent with State and local law, that—

20 “(i) substantially and directly responds
21 to—

22 “(I) the consistent academic failure of
23 a school that caused the local educational
24 agency to take such action; and

1 “(II) any underlying staffing, cur-
2 riculum, or other problem in the school; and

3 “(i) is designed to increase substantially
4 the likelihood that students enrolled in the school
5 identified for corrective action will perform at
6 the State’s proficient and advanced levels of per-
7 formance on the State assessment described in
8 section 1111(b)(3).

9 “(B) In order to help students served under this
10 part meet challenging State standards, each local edu-
11 cational agency shall implement a system of correc-
12 tive action in accordance with subparagraphs (C)
13 through (F) and paragraph (8).

14 “(C) In the case of any school served by the local
15 educational agency under this part that fails to make
16 adequate yearly progress, as defined by the State
17 under sections 1111(b)(2) (B) and (D), at the end of
18 the second year after the school year for which the
19 school was identified under paragraph (1), the local
20 educational agency shall—

21 “(i)(I) provide all students enrolled in the
22 school with the option to transfer to another pub-
23 lic school within the local educational agency,
24 including a public charter school, that has not

1 *been identified for school improvement under*
2 *paragraph (1); and*

3 *“(II) if all public schools in the local edu-*
4 *cational agency to which children may transfer*
5 *are identified under paragraph (1) or this para-*
6 *graph, the agency shall, to the extent practicable,*
7 *establish a cooperative agreement with other*
8 *local educational agencies in the area for the*
9 *transfer of as many of those children as possible,*
10 *selected by the agency on an equitable basis;*

11 *“(i) make supplemental educational serv-*
12 *ices available, in accordance with subsection (f),*
13 *to children who remain in the school;*

14 *“(iii) identify the school for corrective ac-*
15 *tion and take at least one of the following correc-*
16 *tive actions:*

17 *“(I) Make alternative governance ar-*
18 *rangements, such as reopening the school as*
19 *a public charter school.*

20 *“(II) Replace the relevant school staff.*

21 *“(III) Institute and fully implement a*
22 *new curriculum, including providing ap-*
23 *propriate professional development for all*
24 *relevant staff, that is tied to scientifically*
25 *based research and offers substantial prom-*

1 *ise of improving educational performance*
2 *for low-performing students; and*

3 *“(iv) continue to provide technical assist-*
4 *ance to the school.*

5 *“(D) A local educational agency may delay, for*
6 *a period not to exceed one year, implementation of*
7 *corrective action only if the school’s failure to make*
8 *adequate yearly progress was justified due to excep-*
9 *tional or uncontrollable circumstances, such as a nat-*
10 *ural disaster or a precipitous and unforeseen decline*
11 *in the financial resources of the local educational*
12 *agency or school.*

13 *“(E) The local educational agency shall publish*
14 *and disseminate information regarding any corrective*
15 *action the local educational agency takes under this*
16 *paragraph at a school to the public through such*
17 *means as the Internet, the media, and public agen-*
18 *cies.*

19 *“(8) RECONSTITUTION.—(A) If, after one year of*
20 *corrective action under paragraph (7), a school sub-*
21 *ject to such corrective action continues to fail to make*
22 *adequate yearly progress then the local educational*
23 *agency shall—*

24 *“(i) provide all students enrolled in the*
25 *school with the option to transfer to another pub-*

1 *lic school in accordance with paragraph*
2 *(7)(C)(i);*

3 *“(ii) make supplemental educational serv-*
4 *ices available, in accordance with subsection (f),*
5 *to children who remain in the school; and*

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

8 *“(B)(i) Not later than the beginning of the school*
9 *year following the year in which the local educational*
10 *agency implements subparagraph (A), the local edu-*
11 *cational agency shall implement at least one of the*
12 *following alternative governance arrangements for the*
13 *school, consistent with State law:*

14 *“(I) Reopening the school as a public char-*
15 *ter school.*

16 *“(II) Replacing all or most of the school*
17 *staff.*

18 *“(III) Turning the operation of the school*
19 *over to another entity, such as a private con-*
20 *tractor, with a demonstrated record of success.*

21 *“(IV) Turning the operation of the school*
22 *over to the State, if agreed to by the State.*

23 *“(V) Any other major restructuring of the*
24 *school’s governance arrangement.*

1 “(ii) A rural local agency, as described in sec-
2 tion 5231(b), may apply to the Secretary for a waiver
3 of the requirements of this subparagraph if the agency
4 submits to the Secretary an alternative plan for mak-
5 ing significant changes to improve student perform-
6 ance in the school, such as providing an academically
7 focused after school program for all students, chang-
8 ing school administration, or implementing a re-
9 search based, proven effective, whole school reform
10 program. The Secretary shall approve or reject an ap-
11 plication for a waiver under this subparagraph not
12 later than 30 days after the submission of informa-
13 tion required by the Secretary to apply for the waiv-
14 er. If the Secretary fails to make a determination
15 with respect to the waiver application within such 30
16 days, the application shall be considered approved by
17 the Secretary.

18 “(C) The local educational agency shall provide
19 prompt notice to teachers and parents whenever sub-
20 paragraph (A) or (B) applies, shall provide the teach-
21 ers and parents an adequate opportunity to comment
22 before taking any action under those subparagraphs
23 and to participate in developing any plan under sub-
24 paragraph (A)(iii).

1 “(9) *TRANSPORTATION.*—*In any case described*
2 *in paragraph (7)(C), the local educational agency—*

3 “(A) *shall provide, or shall pay for the pro-*
4 *vision of, transportation for the student to the*
5 *school the child attends, notwithstanding sub-*
6 *section (f)(1)(C)(ii); and*

7 “(B) *may use not more than a total of 15*
8 *percent of the local educational agency’s alloca-*
9 *tion under this part for a fiscal year for that*
10 *transportation or for supplemental services*
11 *under subsection (f).*

12 “(10) *DURATION OF RECONSTITUTION.*—*If any*
13 *school identified for reconstitution under paragraph*
14 *(8) makes adequate yearly progress for two consec-*
15 *utive years, the local educational agency need no longer*
16 *subject the school to corrective action or identify the*
17 *school as in need of improvement for the succeeding*
18 *school year.*

19 “(11) *SPECIAL RULES.*—*A local educational*
20 *agency shall permit a child who transferred to an-*
21 *other school under this subsection to remain in that*
22 *school, and shall continue to provide or provide for*
23 *transportation for the child to attend that school to*
24 *the extent required by paragraph (9)(B) until the*
25 *child leaves that school.*

1 “(12) *SCHOOLS PREVIOUSLY IDENTIFIED FOR*
2 *SCHOOL IMPROVEMENT OR CORRECTIVE ACTION.*—

3 “(A) *SCHOOL IMPROVEMENT.*—(i) *Except as*
4 *provided in clauses (ii) and (iii), any school that*
5 *was in school improvement status under this*
6 *subsection on the day preceding the date of en-*
7 *actment of the Better Education for Students*
8 *and Teachers Act shall be treated by the local*
9 *educational agency, at the beginning of the next*
10 *school year following such day, as a school that*
11 *is in the first year of school improvement under*
12 *paragraph (1).*

13 “(ii) *Any school that was in school im-*
14 *provement status under this subsection for the*
15 *two school years preceding the date of enactment*
16 *of the Better Education for Students and Teach-*
17 *ers Act shall be treated by the local educational*
18 *agency, at the beginning of the next school year*
19 *following such day, as a school described in*
20 *paragraph (5).*

21 “(iii) *Any school described in clause (ii)*
22 *that fails to make adequate yearly progress for*
23 *the first full school year following the date of en-*
24 *actment of the Better Education for Students*

1 *and Teachers Act shall be subject to paragraph*
2 *(7)(C) at the beginning of the next school year.*

3 *“(iv) Any school described in clause (iii)*
4 *that fails to make adequate yearly progress for*
5 *the second full school year following the date of*
6 *enactment of the Better Education for Students*
7 *and Teachers Act shall be subject to paragraph*
8 *(8) at the beginning of the next school year.*

9 *“(B) CORRECTIVE ACTION.—(i) Any school*
10 *that was in corrective action status under this*
11 *subsection on the day preceding the date of en-*
12 *actment of the Better Education for Students*
13 *and Teachers Act, and that fails to make ade-*
14 *quate yearly progress for the school year fol-*
15 *lowing such date, shall be subject to paragraph*
16 *(7)(C) at the beginning of the next school year.*

17 *“(i) Any school described in clause (i) that*
18 *fails to make adequate yearly progress for the*
19 *second school year following such date shall be*
20 *subject to paragraph (8) at the beginning of the*
21 *next school year.*

22 *“(13) STATE EDUCATIONAL AGENCY RESPON-*
23 *SIBILITIES.—The State educational agency shall—*

24 *“(A) make technical assistance under sec-*
25 *tion 1117 available to all schools identified for*

1 *school improvement and corrective action under*
2 *this subsection, to the extent possible with funds*
3 *reserved under section 1003;*

4 “(B) if the State educational agency deter-
5 *mines that a local educational agency failed to*
6 *carry out its responsibilities under this sub-*
7 *section, take such corrective actions as the State*
8 *educational agency determines appropriate and*
9 *in compliance with State law;*

10 “(C) for each school in the State that is
11 *identified for school improvement or corrective*
12 *action, notify the Secretary of academic and*
13 *other factors that were determined by the State*
14 *educational agency under section 1111(b)(8) as*
15 *significantly impacting student achievement;*
16 *and*

17 “(D) if a school in the State is identified for
18 *school improvement or corrective action, encour-*
19 *age appropriate State and local agencies and*
20 *community groups to develop a consensus plan*
21 *to address any factors that significantly im-*
22 *acted student achievement.*

23 “(d) *STATE REVIEW AND LOCAL EDUCATIONAL AGEN-*
24 *CY IMPROVEMENT.—*

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

3 “(A) the progress of each local educational
4 agency receiving funds under this part to deter-
5 mine whether schools receiving assistance under
6 this part are making adequate progress as de-
7 fined in sections 1111(b)(2) (B) and (D) toward
8 meeting the State’s student performance stand-
9 ards and to determine whether each local edu-
10 cational agency is carrying out its responsibil-
11 ities under section 1116 and section 1117; and

12 “(B) the effectiveness of the activities car-
13 ried out under this part by each local edu-
14 cational agency that receives funds under this
15 part and is served by the State educational agen-
16 cy with respect to parental involvement, profes-
17 sional development, and other activities assisted
18 under this part.

19 “(2) *REWARDS.*—In the case of a local edu-
20 cational agency that for 3 consecutive years has met
21 or exceeded the State’s definition of adequate progress
22 as defined in sections 1111(b)(2) (B) and (D), the
23 State may make institutional and individual rewards
24 of the kinds described for individual schools in para-
25 graph (2) of section 1117(c).

1 “(3) *IDENTIFICATION.*—(A) *A State educational*
2 *agency shall identify for improvement any local edu-*
3 *cational agency that for 2 consecutive years, is not*
4 *making adequate progress as defined in sections*
5 *1111(b)(2) (B) and (D) in schools served under this*
6 *part toward meeting the State’s student performance*
7 *standards, except that schools served by the local edu-*
8 *cational agency that are operating targeted assistance*
9 *programs may be reviewed on the basis of the progress*
10 *of only those students served under this part.*

11 “(B) *Before identifying a local educational agen-*
12 *cy for improvement under this paragraph, the State*
13 *educational agency shall provide the local educational*
14 *agency with an opportunity to review the school-level*
15 *data, including assessment data, on which such iden-*
16 *tification is based. If the local educational agency be-*
17 *lieves that such identification for improvement is in*
18 *error due to statistical or other substantive reasons,*
19 *such local educational agency may provide evidence*
20 *to the State educational agency to support such belief.*

21 “(C) *Not later than 30 days after a State edu-*
22 *cational agency makes an initial determination under*
23 *subparagraph (A), the State educational agency shall*
24 *make public a final determination regarding the im-*
25 *provement status of the local educational agency.*

1 “(4) *LOCAL EDUCATIONAL AGENCY REVISIONS.*—

2 (A) *Each local educational agency identified under*
3 *paragraph (3) shall, not later than 3 months after*
4 *being so identified, revise and implement a local edu-*
5 *cational agency plan as described under section 1112.*

6 *The plan shall—*

7 “(i) *include specific State-determined year-*
8 *ly progress requirements in subjects and grades*
9 *to ensure that all students will make continuous*
10 *and significant progress towards meeting the*
11 *goal of all students reaching the proficient level*
12 *of performance within 10 years;*

13 “(ii) *address the fundamental teaching and*
14 *learning needs in the schools of that agency, and*
15 *the specific academic problems of low-performing*
16 *students including a determination of why the*
17 *local educational agency’s prior plan failed to*
18 *bring about increased student achievement and*
19 *performance;*

20 “(iii) *incorporate scientifically based re-*
21 *search strategies that strengthen the core aca-*
22 *ademic program in the local educational agency;*

23 “(iv) *address the professional development*
24 *needs of the instructional staff by committing to*
25 *spend not less than 10 percent of the funds re-*

1 *ceived by the local educational agency under this*
2 *part during 1 fiscal year for professional devel-*
3 *opment (including funds reserved for professional*
4 *development under subsection (c)(3)(A)(iii)),*
5 *which funds shall supplement and not supplant*
6 *professional development that instructional staff*
7 *would otherwise receive, and which professional*
8 *development shall increase the content knowledge*
9 *of teachers and build the capacity of the teachers*
10 *to align classroom instruction with challenging*
11 *content standards and to bring all students to*
12 *proficient or advanced levels of performance as*
13 *determined by the State;*

14 *“(v) identify specific goals and objectives*
15 *the local educational agency will undertake for*
16 *making adequate yearly progress, which goals*
17 *and objectives shall be consistent with State*
18 *standards;*

19 *“(vi) identify how the local educational*
20 *agency will provide written notification regard-*
21 *ing the identification to parents of students en-*
22 *rolled in elementary schools and secondary*
23 *schools served by the local educational agency in*
24 *a format, and to the extent practicable, in a lan-*
25 *guage that the parents can understand;*

1 “(vii) specify the responsibilities of the
2 State educational agency and the local edu-
3 cational agency under the plan, including tech-
4 nical assistance to be provided by the State edu-
5 cational agency under paragraph (5); and

6 “(viii) include strategies to promote effective
7 parental involvement in the school.

8 “(5) STATE EDUCATIONAL AGENCY RESPONSI-
9 BILITY.—(A) For each local educational agency iden-
10 tified under paragraph (3), the State educational
11 agency shall provide technical or other assistance, as
12 authorized under section 1117, to better enable the
13 local educational agency to—

14 “(i) develop and implement the local edu-
15 cational agency’s revised plan; and

16 “(ii) work with schools needing improve-
17 ment.

18 “(B) Technical assistance provided under this
19 section by the State educational agency or an entity
20 authorized by such agency shall be supported by effec-
21 tive methods and instructional strategies tied to sci-
22 entifically based research. Such technical assistance
23 shall address problems, if any, in implementing the
24 parental involvement activities described in section

1 *1118 and the professional development activities de-*
2 *scribed in section 1119.”;*

3 “(6) *CORRECTIVE ACTION.—(A)(i) Except as*
4 *provided in subparagraph (E), after providing tech-*
5 *nical assistance pursuant to paragraph (5) and tak-*
6 *ing other remediation measures, the State educational*
7 *agency may take corrective action at any time with*
8 *respect to a local educational agency that has been*
9 *identified under paragraph (3), but shall take such*
10 *action, consistent with State and local law, with re-*
11 *spect to any local educational agency that continues*
12 *to fail to make adequate progress at the end of the sec-*
13 *ond year following identification under paragraph*
14 *(3).*

15 “(i) *The State educational agency shall continue*
16 *to provide technical assistance while implementing*
17 *any corrective action.*

18 “(B) *Consistent with State and local law, in the*
19 *case of a local educational agency subject to corrective*
20 *action under this paragraph, the State educational*
21 *agency shall not take less than 1 of the following cor-*
22 *rective actions:*

23 “(i) *Instituting and fully implementing a*
24 *new curriculum that is based on State and local*
25 *standards, including appropriate professional*

1 *development tied to scientifically based research*
2 *for all relevant staff that offers substantial prom-*
3 *ise of improving educational achievement for*
4 *low-performing students.*

5 “(i) *Restructuring or abolishing the local*
6 *educational agency.*

7 “(iii) *Reconstituting school district per-*
8 *sonnel.*

9 “(iv) *Removal of particular schools from the*
10 *jurisdiction of the local educational agency and*
11 *establishment of alternative arrangements for*
12 *public governance and supervision of such*
13 *schools.*

14 “(v) *Appointment by the State educational*
15 *agency of a receiver or trustee to administer the*
16 *affairs of the local educational agency in place*
17 *of the superintendent and school board.*

18 “(vi) *Deferring, reducing, or withholding*
19 *funds.*

20 “(C) *HEARING.*—*Prior to implementing any cor-*
21 *rective action under this paragraph, the State edu-*
22 *cational agency shall provide notice and a hearing to*
23 *the affected local educational agency, if State law pro-*
24 *vides for such notice and hearing. The hearing shall*

1 *take place not later than 45 days following the deci-*
2 *sion to implement corrective action.*

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

8 “(E) *DELAY.*—*A State educational agency may*
9 *delay, for a period not to exceed one year, implemen-*
10 *tation of corrective action under this paragraph only*
11 *if the local educational agency’s failure to make ade-*
12 *quate yearly progress was justified due to exceptional*
13 *or uncontrollable circumstances, such as a natural*
14 *disaster or a precipitous and unforeseen decline in the*
15 *financial resources of the local educational agency.*

16 “(F) *WAIVERS.*—*The State educational agency*
17 *shall review any waivers approved prior to the date*
18 *of enactment of the Better Education for Students*
19 *and Teachers Act for a local educational agency des-*
20 *ignated for improvement or corrective action and*
21 *shall terminate any waiver approved by the State*
22 *under the Educational Flexibility Partnership Act of*
23 *1999 if the State determines, after notice and an op-*
24 *portunity for a hearing, that the waiver is not help-*
25 *ing the local educational agency make yearly progress*

1 to meet the objectives and specific goals described in
2 the local educational agency's improvement plan.

3 “(7) *SPECIAL RULES.*—If a local educational
4 agency makes adequate progress toward meeting the
5 State's standards for two consecutive years following
6 identification under paragraph (6), the State edu-
7 cational agency need no longer subject the local edu-
8 cational agency to corrective action for the succeeding
9 school year.

10 “(e) *CONSTRUCTION.*—Nothing in this section shall be
11 construed to alter or otherwise affect the rights, remedies,
12 and procedures afforded school or school district employees
13 under Federal, State, or local laws (including applicable
14 regulations or court orders) or under the terms of collective
15 bargaining agreements, memoranda of understanding, or
16 other agreements between such employees and their employ-
17 ers.

18 “(f) *SUPPLEMENTAL SERVICES.*—

19 “(1) *IN GENERAL.*—

20 “(A) *REQUIREMENT.*—In the case of any
21 school described in subsection (c)(7)(C) or
22 (c)(8)(A), the local educational agency serving
23 such school shall, subject to subparagraphs (B)
24 through (E), arrange for the provision of supple-
25 mental educational services to children in the

1 *school whose parents request those services, from*
2 *providers approved for that purpose by the State*
3 *educational agency and selected by the parents.*

4 “(B) *MAXIMUM ALLOCATION.*—*The amount*
5 *that a local educational agency shall make avail-*
6 *able for supplemental educational services for*
7 *each child receiving those services under this sub-*
8 *section is equal to the lesser of—*

9 “(i) *the amount of the agency’s alloca-*
10 *tion under subpart 2 of this part, divided*
11 *by the number of children from low-income*
12 *families enrolled in the agency’s schools; or*

13 “(ii) *the actual costs of the supple-*
14 *mental educational services received by the*
15 *child.*

16 “(C) *FINANCIAL OBLIGATION OF LEA.*—*The*
17 *local educational agency shall enter into agree-*
18 *ments with such approved providers to provide*
19 *services under this subsection to all children*
20 *whose parents request the services, except that—*

21 “(i) *the local educational agency may*
22 *use not more than a total of 15 percent of*
23 *its allocation under this part for any fiscal*
24 *year to pay for services under this sub-*

1 *section or to provide or provide for trans-*
2 *portation under subsection (c)(9); and*

3 *“(ii) the total amount described in*
4 *clause (i) is the maximum amount the local*
5 *educational agency is required to spend*
6 *under this part on those services.*

7 *“(D) INSUFFICIENT FUNDS.—If the amount*
8 *of funds described in subparagraph (C) available*
9 *to provide services under this subsection is insuf-*
10 *ficient to provide those services to each child*
11 *whose parents request the services, then the local*
12 *educational agency shall give priority to pro-*
13 *viding the services to the lowest-achieving chil-*
14 *dren.*

15 *“(E) PROHIBITION.—A local educational*
16 *agency shall not, as a result of the application*
17 *of this paragraph, reduce by more than 15 per-*
18 *cent the total amount made available under this*
19 *part to a school described in subsection (c)(7)(C)*
20 *or (c)(8)(A).*

21 *“(2) ADDITIONAL LOCAL EDUCATIONAL AGENCY*
22 *RESPONSIBILITIES.—Each local educational agency*
23 *subject to this subsection shall—*

1 “(A) provide annual notice to parents (in a
2 format and, to the extent practicable, in a lan-
3 guage the parents can understand) of—

4 “(i) the availability of services under
5 this subsection;

6 “(ii) the eligible providers of those
7 services that are within the school district
8 served by the agency or whose services are
9 reasonably available in neighboring school
10 districts; and

11 “(iii) a brief description of the services,
12 qualifications, and demonstrated effective-
13 ness of each such provider;

14 “(B) provide annual notice to potential pro-
15 viders of supplemental services in the school dis-
16 trict of the agency of the opportunity to provide
17 services under this subsection and of the applica-
18 ble procedures for obtaining approval from the
19 State educational agency to be a provider of
20 those services;

21 “(C) if requested, assist parents to choose a
22 provider from the list of approved providers
23 maintained by the State;

1 “(D) apply fair and equitable procedures
2 for serving students if spaces at eligible providers
3 are not sufficient to serve all students;

4 “(E) enter into an agreement with each se-
5 lected provider that includes a statement for each
6 child, developed with the parents of the child and
7 the provider, of specific performance goals for the
8 student, how the student’s progress will be meas-
9 ured, and how the parents and the child’s teach-
10 ers will be regularly informed of the child’s
11 progress and that, in the case of a child with dis-
12 abilities, is consistent with the child’s individ-
13 ualized education program under section 614(d)
14 of the Individuals with Disabilities Education
15 Act; and

16 “(F) not disclose to the public the identity
17 of any child eligible for, or receiving, supple-
18 mental services under this subsection without the
19 written permission of the parents of the child.

20 “(3) *ADDITIONAL STATE EDUCATIONAL AGENCY*
21 *RESPONSIBILITIES.*—Each State educational agency
22 shall, in consultation with local educational agencies,
23 parents, teachers, and other interested members of the
24 public—

1 “(A) promote maximum participation
2 under this subsection by service providers to en-
3 sure, to the extent practicable, that parents have
4 as many choices of those providers as possible;

5 “(B) develop and apply objective criteria to
6 potential service providers that are based on
7 demonstrated effectiveness in increasing the aca-
8 demic proficiency of students in subjects relevant
9 to meeting the State content and student per-
10 formance standards adopted under section
11 1111(b)(1);

12 “(C) maintain an updated list of approved
13 service providers in school districts served by
14 local educational agencies subject to this sub-
15 section, from which parents may select;

16 “(D) develop and implement standards and
17 techniques for monitoring, and publicly report-
18 ing on, the quality and effectiveness of the serv-
19 ices offered by service providers, and for with-
20 drawing approval from providers that fail, for
21 two consecutive years, to contribute to increasing
22 the academic proficiency of students served under
23 this subsection as described in subparagraph (B);
24 and

1 “(E) ensure that all approved providers
2 meet applicable health and safety codes.

3 “(4) WAIVER.—A State educational agency may
4 waive the requirements of this subsection for a local
5 educational agency that demonstrates to the State
6 educational agency’s satisfaction that its list of ap-
7 proved service providers does not include any pro-
8 viders whose services are reasonably available geo-
9 graphically to children in that local educational agen-
10 cy.

11 “(5) SPECIAL RULE.—If State law prohibits a
12 State educational agency from carrying out any of its
13 responsibilities under this subsection, each local edu-
14 cational agency in the State shall carry out those pro-
15 hibited responsibilities with respect to those who pro-
16 vide, or seek approval to provide, services to students
17 who attend schools served by the local educational
18 agency.

19 “(6) DEFINITION.—In this subsection, the term
20 ‘supplemental educational services’ means tutoring
21 and other supplemental academic enrichment services
22 that—

23 “(A) are of high quality, research-based, fo-
24 cused on academic content, and directed exclu-
25 sively at raising student proficiency in meeting

1 *the State’s challenging content and student per-*
2 *formance standards; and*

3 “(B) *are provided outside of regular school*
4 *hours.*

5 “(g) *OTHER AGENCIES.—If a school is identified for*
6 *school improvement, the Secretary may notify other rel-*
7 *evant Federal agencies regarding the academic and other*
8 *factors determined by the State educational agency under*
9 *section 1111(b)(8) as significantly impacting student per-*
10 *formance.”.*

11 **SEC. 118. ASSISTANCE FOR SCHOOL SUPPORT AND IM-**
12 **PROVEMENT.**

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

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

16 “(3) *PRIORITIES.—In carrying out this section,*
17 *a State educational agency shall—*

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

24 “(B) *second, provide support and assistance*
25 *to other local educational agencies and schools*

1 *identified as in need of improvement under sec-*
2 *tion 1116; and*

3 “(C) *third, provide support and assistance*
4 *to other local educational agencies and schools*
5 *participating under this part that need support*
6 *and assistance in order to achieve the purpose of*
7 *this part.”;*

8 (2) *in subsection (b), by striking “the com-*
9 *prehensive regional technical assistance centers under*
10 *part A of title XIII and” and inserting “comprehen-*
11 *sive regional technical assistance centers, and”;* and

12 (3) *in subsection (c)—*

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

15 “(1) *APPROACHES.—*

16 “(A) *IN GENERAL.—In order to achieve the*
17 *purpose described in subsection (a), each such*
18 *system shall give priority to using funds made*
19 *available to carry out this section—*

20 “(i) *to establish school support teams*
21 *for assignment to and working in schools in*
22 *the State that are described in subsection*
23 *(a)(3)(A); and*

24 “(ii) *to provide such support as the*
25 *State educational agency determines to be*

1 *necessary and available to assure the effec-*
2 *tiveness of such teams.*

3 “(B) *COMPOSITION.*—*Each school support*
4 *team shall be composed of persons knowledgeable*
5 *about successful schoolwide projects, school re-*
6 *form, and improving educational opportunities*
7 *for low-achieving students, including—*

8 “(i) *teachers;*

9 “(ii) *pupil services personnel;*

10 “(iii) *parents;*

11 “(iv) *distinguished teachers or prin-*
12 *cipals;*

13 “(v) *representatives of institutions of*
14 *higher education;*

15 “(vi) *regional educational laboratories*
16 *or research centers;*

17 “(vii) *outside consultant groups; or*

18 “(viii) *other individuals as the State*
19 *educational agency, in consultation with the*
20 *local educational agency, may determine*
21 *appropriate.*

22 “(C) *FUNCTIONS.*—*Each school support*
23 *team assigned to a school under this section*
24 *shall—*

1 “(i) review and analyze all facets of
2 the school’s operation, including the design
3 and operation of the instructional program,
4 and assist the school in developing rec-
5 ommendations for improving student per-
6 formances in that school;

7 “(ii) collaborate, with school staff and
8 the local educational agency serving the
9 school, in the design, implementation, and
10 monitoring of a plan that, if fully imple-
11 mented, can reasonably be expected to im-
12 prove student performance and help the
13 school meet its goals for improvement, in-
14 cluding adequate yearly progress under sec-
15 tion 1111(b)(2)(B);

16 “(iii) evaluate, at least semiannually,
17 the effectiveness of school personnel assigned
18 to the school, including identifying out-
19 standing teachers and principals, and make
20 findings and recommendations (including
21 the need for additional resources, profes-
22 sional development, or compensation) to the
23 school, the local educational agency, and,
24 where appropriate, the State educational
25 agency; and

1 “(iv) make additional recommenda-
2 tions as the school implements the plan de-
3 scribed in clause (ii) to the local edu-
4 cational agency and the State educational
5 agency concerning additional assistance
6 and resources that are needed by the school
7 or the school support team.

8 “(D) CONTINUATION OF ASSISTANCE.—After
9 1 school year, the school support team may rec-
10 ommend that the school support team continue to
11 provide assistance to the school, or that the local
12 educational agency or the State educational
13 agency, as appropriate, take alternative actions
14 with regard to the school.”;

15 (B) in paragraph (2)—

16 (i) in subparagraph (A), by striking
17 “part which” and all that follows through
18 the period and inserting “part.”; and

19 (ii) in subparagraph (C)—

20 (I) by striking “and may” and
21 inserting “(and may”;

22 (II) by striking “exemplary per-
23 formance” and inserting “exemplary
24 performance)”; and

25 (C) in paragraph (3)—

1 (i) in the paragraph heading, by strik-
2 ing “EDUCATORS” and inserting “TEACH-
3 ERS AND PRINCIPALS”;

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

6 “(A) The State may also recognize and pro-
7 vide financial awards to teachers or principals
8 in a school described in paragraph (2) whose
9 students consistently make significant gains in
10 academic achievement.”;

11 (iii) in subparagraph (B), by striking
12 “educators” and inserting “teachers or
13 principals”; and

14 (iv) by striking subparagraph (C).

15 **SEC. 118A. GRANTS FOR ENHANCED ASSESSMENT INSTRU-**
16 **MENTS.**

17 Part A of title I (20 U.S.C. 6311 et seq.) is amended
18 by inserting after section 1117 (20 U.S.C. 6318) the fol-
19 lowing:

20 **“SEC. 1117A. GRANTS FOR ENHANCED ASSESSMENT IN-**
21 **STRUMENTS.**

22 “(a) PURPOSE.—The purpose of this section is to—

23 “(1) enable States (or consortia or States) and
24 local educational agencies (or consortia of local edu-
25 cational agencies) to collaborate with institutions of

1 *higher education, other research institutions, and*
2 *other organizations to improve the quality and fair-*
3 *ness of State assessment systems beyond the basic re-*
4 *quirements for assessment systems described in section*
5 *1111(b)(3);*

6 *“(2) characterize student achievement in terms of*
7 *multiple aspects of proficiency;*

8 *“(3) chart student progress over time;*

9 *“(4) closely track curriculum and instruction;*

10 *and*

11 *“(5) monitor and improve judgments based on*
12 *informed evaluations of student performance.*

13 *“(b) AUTHORIZATION OF APPROPRIATIONS.—There*
14 *are authorized to be appropriated to carry out this section*
15 *\$200,000,000 for fiscal year 2002 and such sums as may*
16 *be necessary for each of the 6 succeeding fiscal years.*

17 *“(c) GRANTS AUTHORIZED.—The Secretary is author-*
18 *ized to award grants to States and local educational agen-*
19 *cies to enable the States and local educational agencies to*
20 *carry out the purpose described in subsection (a).*

21 *“(d) APPLICATION.—In order to receive a grant under*
22 *this section for any fiscal year, a State or local educational*
23 *agency shall submit an application to the Secretary at such*
24 *time and containing such information as the Secretary may*
25 *require.*

1 “(e) *AUTHORIZED USE OF FUNDS.*—A State or local
2 educational agency having an application approved under
3 subsection (d) shall use the grant funds received under this
4 section to collaborate with institutions of higher education
5 or other research institutions, experts on curriculum, teach-
6 ers, administrators, parents, and assessment developers for
7 the purpose of developing enhanced assessments that are
8 aligned with standards and curriculum, are valid and reli-
9 able for the purposes for which the assessments are to be
10 used, are grade-appropriate, include multiple measures of
11 student achievement from multiple sources, and otherwise
12 meet the requirements of section 1111(b)(3). Such assess-
13 ments shall strive to better measure higher order thinking
14 skills, understanding, analytical ability, and learning over
15 time through the development of assessment tools that in-
16 clude techniques such as performance, curriculum-, and
17 technology-based assessments.

18 “(f) *ANNUAL REPORTS.*—Each State or local edu-
19 cational agency receiving a grant under this section shall
20 report to the Secretary at the end of the fiscal year for which
21 the State or local educational agency received the grant on
22 the progress of the State or local educational agency in im-
23 proving the quality and fairness of assessments with respect
24 to the purpose described in subsection (a).”.

1 **SEC. 119. PARENTAL INVOLVEMENT.**

2 (a) *IN GENERAL.*—Section 1118 (20 U.S.C. 6319) is
3 amended—

4 (1) *in subsection (a)(2)(B), by inserting “activi-*
5 *ties to improve student achievement and student and*
6 *school performance” after “involvement”;*

7 (2) *in subsection (b)(1)—*

8 (A) *in the first sentence, by inserting “(in*
9 *a language parents can understand)” after “dis-*
10 *tribute”;* and

11 (B) *in the second sentence, insert “shall be*
12 *made available to the local community and”*
13 *after “Such policy”;*

14 (3) *in subsection (e)—*

15 (A) *in paragraph (1), by striking “partici-*
16 *parting parents in such areas as understanding*
17 *the National Education Goals,” and inserting*
18 *“parents of children served by the school or local*
19 *educational agency, as appropriate, in under-*
20 *standing”;*

21 (B) *in paragraph (2)—*

22 (i) *in subparagraph (A), by striking*
23 *“and” after the semicolon;*

24 (ii) *in subparagraph (B), by inserting*
25 *“and” after the semicolon; and*

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) using technology, as appropriate, to
4 foster parental involvement;”;

5 (C) in paragraph (14), by striking “and”
6 after the semicolon;

7 (D) by amending paragraph (15) to read as
8 follows:

9 “(15) may establish a school district wide parent
10 advisory council to advise the school and local edu-
11 cational agency on all matters related to parental in-
12 volvement in programs supported under this section;
13 and”;

14 (E) by adding at the end the following:

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

19 (4) in subsection (f), by striking “or with” and
20 inserting “, parents of migratory children, or parents
21 with”; and

22 (5) by striking subsection (g) and inserting the
23 following:

24 “(g) *INFORMATION FROM PARENTAL INFORMATION*
25 *AND RESOURCE CENTERS.*—In a State where a parental

1 *information and resource center is established to provide*
2 *training, information, and support to parents and individ-*
3 *uals who work with local parents, local educational agen-*
4 *cies, and schools receiving assistance under this part, each*
5 *school or local educational agency that receives assistance*
6 *under this part and is located in the State, shall assist par-*
7 *ents and parental organizations by informing such parents*
8 *and organizations of the existence and purpose of such cen-*
9 *ters, providing such parents and organizations with a de-*
10 *scription of the services and programs provided by such cen-*
11 *ters, advising parents on how to use such centers, and help-*
12 *ing parents to contact such centers.*

13 “(h) *REVIEW.*—*The State educational agency shall re-*
14 *view the local educational agency’s parental involvement*
15 *policies and practices to determine if the policies and prac-*
16 *tices meet the requirements of this section.”.*

17 “(b) *GRANTS.*—*Section 1118(a)(3) (20 U.S.C.*
18 *6319(a)(3)) is amended by adding at the end the following:*

19 “(C)(i)(I) *The Secretary is authorized to award*
20 *grants to local educational agencies to enable the local*
21 *educational agencies to supplement the implementa-*
22 *tion of the provisions of this section and to allow for*
23 *the expansion of other recognized and proven initia-*
24 *tives and policies to improve student achievement*
25 *through the involvement of parents.*

1 “(II) Each local educational agency desiring a
2 grant under this subparagraph shall submit to the
3 Secretary an application at such time, in such man-
4 ner, and containing such information as the Sec-
5 retary may require.

6 “(ii) Each application submitted under clause
7 (i)(II) shall describe the activities to be undertaken
8 using funds received under this subparagraph, shall
9 set forth the process by which the local educational
10 agency will annually evaluate the effectiveness of the
11 agency’s activities in improving student achievement
12 and increasing parental involvement shall include an
13 assurance that the local educational agency will no-
14 tify parents of the option to transfer their child to an-
15 other public school under section 1116(c)(7) or to ob-
16 tain supplemental services for their child under sec-
17 tion 1116(c)(8), in accordance with those sections.

18 “(iii) Each grant under this subparagraph shall
19 be awarded for a 5-year period.

20 “(iv) The Secretary shall conduct a review of the
21 activities carried out by each local educational agency
22 using funds received under this subparagraph to de-
23 termine whether the local educational agency dem-
24 onstrates improvement in student achievement and an
25 increase in parental involvement.

1 “(v) *The Secretary shall terminate grants to a*
2 *local educational agency under this subparagraph*
3 *after the fourth year if the Secretary determines that*
4 *the evaluations conducted by such agency and the re-*
5 *views conducted by the Secretary show no improve-*
6 *ment in the local educational agency’s student*
7 *achievement and no increase in such agency’s paren-*
8 *tal involvement.*

9 “(vi) *There are authorized to be appropriated to*
10 *carry out this subparagraph \$100,000,000 for fiscal*
11 *year 2002, and such sums as may be necessary for*
12 *each subsequent fiscal year.*”.

13 **SEC. 120. PROFESSIONAL DEVELOPMENT.**

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

15 *(1) in subsection (b)(1)—*

16 *(A) by amending subparagraph (A) to read*
17 *as follows:*

18 *“(A) support professional development ac-*
19 *tivities that give teachers, principals, adminis-*
20 *trators, paraprofessionals, pupil services per-*
21 *sonnel, and parents the knowledge and skills to*
22 *provide students with the opportunity to meet*
23 *challenging State or local content standards and*
24 *student performance standards;”;*

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

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

6 “(B) advance teacher understanding of ef-
7 fective instructional strategies, based on research
8 for improving student achievement, at a min-
9 imum in reading or language arts and mathe-
10 matics;

11 “(C) be of sufficient intensity and duration
12 (not to include 1-day or short-term workshops
13 and conferences) to have a positive and lasting
14 impact on the teacher’s performance in the class-
15 room, except that this subparagraph shall not
16 apply to an activity if such activity is 1 compo-
17 nent of a long-term comprehensive professional
18 development plan established by the teacher and
19 the teacher’s supervisor based upon an assess-
20 ment of the needs of the teacher, the needs of stu-
21 dents, and the needs of the local educational
22 agency;”;

23 (D) in subparagraph (E) (as so redesign-
24 ated), by striking “title III of the Goals 2000:
25 Educate America Act,”;

1 *(E) in subparagraph (F) (as so redesignated), by striking “and” after the semicolon;*

2
3 *(F) in subparagraph (G) (as so redesignated), by striking the period and inserting a semicolon; and*

4
5
6 *(G) by adding at the end the following:*

7 *“(H) to the extent appropriate, provide*
8 *training for teachers in the use of technology and*
9 *the applications of technology that are effectively*
10 *used—*

11 *“(i) in the classroom to improve teaching and learning in the curriculum; and*

12
13 *“(ii) in academic content areas in*
14 *which the teachers provide instruction;*

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

20 *“(J) provide assistance to teachers for the*
21 *purpose of meeting certification, licensing, or*
22 *other requirements needed to become highly*
23 *qualified as defined in section 2102(4).”;*

1 (2) *in subsection (g), by striking “title III of the*
2 *Goals 2000: Educate America Act,” and inserting*
3 *“other Acts”; and*

4 (3) *by adding at the end the following:*

5 “(j) *REQUIREMENT.—Each local educational agency*
6 *that receives funds under this part and serves a school in*
7 *which 50 percent or more of the children are from low in-*
8 *come families shall use not less than 5 percent of the funds*
9 *for each of fiscal years 2002 and fiscal year 2003, and not*
10 *less than 10 percent of the funds for each subsequent fiscal*
11 *year, for professional development activities to ensure that*
12 *teachers who are not highly qualified become highly quali-*
13 *fied within 4 years.”.*

14 **SEC. 120A. PARTICIPATION OF CHILDREN ENROLLED IN**
15 **PRIVATE SCHOOLS.**

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

18 (1) *in subsection (a)—*

19 (A) *in paragraph (1), by inserting “that*
20 *address their needs, and shall ensure that teach-*
21 *ers and families of such children participate, on*
22 *an equitable basis, in services and activities*
23 *under sections 1118 and 1119” before the period;*

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

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

7 (2) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (C), by striking
10 “and where” and inserting “, where, and by
11 whom”;

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

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

17 (iii) in subparagraph (E), by striking
18 the period and inserting “; and”; and

19 (iv) by adding at the end the following:

20 “(F) how and when the local educational
21 agency will make decisions about the delivery of
22 services to eligible private school children, in-
23 cluding a thorough consideration and analysis of
24 the views of private school officials regarding the
25 provision of contract services through potential

1 *third party providers, and if the local edu-*
2 *cational agency disagrees with the views of the*
3 *private school officials on such provision of serv-*
4 *ices, the local educational agency shall provide*
5 *in writing to such private school officials an*
6 *analysis of the reasons why the local educational*
7 *agency has chosen not to so provide such serv-*
8 *ices.”; and*

9 *(B) by adding at the end the following:*

10 “(4) *CONSULTATION.—Each local educational*
11 *agency shall provide to the State educational agency,*
12 *and maintain in the local educational agency’s*
13 *records, a written affirmation signed by officials of*
14 *each participating private school that the consultation*
15 *required by this section has occurred. If a private*
16 *school declines in writing to have eligible children in*
17 *the private school participate in services provided*
18 *under this section, the local educational agency is not*
19 *required to further consult with the private school of-*
20 *icials or to document the local educational agency’s*
21 *consultation with the private school officials until the*
22 *private school officials request in writing such con-*
23 *sultation. The local educational agency shall inform*
24 *the private school each year of the opportunity for eli-*

1 *gible children to participate in services provided*
2 *under this section.*

3 “(5) *COMPLIANCE.—A private school official*
4 *shall have the right to appeal to the State educational*
5 *agency the decision of a local educational agency as*
6 *to whether consultation provided for in this section*
7 *was meaningful and timely, and whether due consid-*
8 *eration was given to the views of the private school*
9 *official. If the private school official wishes to appeal*
10 *the decision, the basis of the claim of noncompliance*
11 *with this section by the local educational agencies*
12 *shall be provided to the State educational agency, and*
13 *the local educational agency shall forward the appro-*
14 *priate documentation to the State educational agen-*
15 *cy.”;*

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

18 (4) *by inserting after subsection (b) the fol-*
19 *lowing:*

20 “(c) *ALLOCATION FOR EQUITABLE SERVICE TO PRI-*
21 *VATE SCHOOL STUDENTS.—*

22 “(1) *CALCULATION.—A local educational agency*
23 *shall have the final authority, consistent with this sec-*
24 *tion, to calculate the number of private school chil-*
25 *dren, ages 5 through 17, who are low-income by—*

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

3 “(B) using the results of a survey that, to
4 the extent possible, protects the identity of fami-
5 lies of private school students, and allowing such
6 survey results to be extrapolated if complete ac-
7 tual data are unavailable; or

8 “(C) applying the low-income percentage of
9 each participating public school attendance area,
10 determined pursuant to this section, to the num-
11 ber of private school children who reside in that
12 school attendance area.

13 “(2) COMPLAINT PROCESS.—Any dispute regard-
14 ing low-income data for private school students shall
15 be subject to the complaint process authorized in sec-
16 tion 8.”;

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

18 (A) in paragraph (2), by striking “14505
19 and 14506” and inserting “8 and 9”;

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

23 (C) by striking “If a” and inserting the fol-
24 lowing:

25 “(1) IN GENERAL.—If a”; and

1 (D) by adding at the end the following:

2 “(2) *DETERMINATION.*—In making the deter-
3 mination under paragraph (1), the Secretary shall
4 consider 1 or more factors, including the quality, size,
5 scope, or location of the program, or the opportunity
6 of eligible children to participate in the program.”;
7 and

8 (6) by repealing subsection (f) (as so redesignig-
9 nated).

10 (b) *EFFECTIVE DATE.*—The amendment made by sub-
11 section (a)(4) shall take effect on September 30, 2003.

12 (c) *CONFORMING AMENDMENT.*—Section 1120A(a) (20
13 U.S.C. 6322(a)) is amended by striking “14501 of this Act”
14 and inserting “4”.

15 **SEC. 120B. EARLY CHILDHOOD EDUCATION.**

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

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

19 **“SEC. 1120B. COORDINATION REQUIREMENTS; EARLY**
20 **CHILDHOOD EDUCATION SERVICES.”;**

21 (2) in subsection (c), by striking “Head Start
22 Act Amendments of 1994” and inserting “Head Start
23 Amendments of 1998”; and

24 (3) by adding at the end the following:

1 “(d) *EARLY CHILDHOOD SERVICES.*—A local edu-
2 *cational agency may use funds received under this part to*
3 *provide preschool services—*

4 “(1) *directly to eligible preschool children in all*
5 *or part of its school district;*

6 “(2) *through any school participating in the*
7 *local educational agency’s program under this part;*
8 *or*

9 “(3) *through a contract with a local Head Start*
10 *agency, an eligible entity operating an Even Start*
11 *program, a State-funded preschool program, or a*
12 *comparable public early childhood development pro-*
13 *gram.*

14 “(e) *EARLY CHILDHOOD EDUCATION PROGRAMS.*—
15 *Early childhood education programs operated with funds*
16 *provided under this part may be operated and funded joint-*
17 *ly with Even Start programs under part B of this title,*
18 *Head Start programs, or State-funded preschool programs.*
19 *Early childhood education programs funded under this part*
20 *shall—*

21 “(1) *focus on the developmental needs of partici-*
22 *pating children, including their social, cognitive, and*
23 *language-development needs, and use scientifically*
24 *based research approaches that build on competencies*

1 *that lead to school success, particularly in language*
2 *and literacy development and in reading;*

3 “(2) *teach children to understand and use lan-*
4 *guage in order to communicate for various purposes;*

5 “(3) *enable children to develop and demonstrate*
6 *an appreciation of books; and*

7 “(4) *in the case of children with limited English*
8 *proficiency, enable the children to progress toward ac-*
9 *quisition of the English language.”.*

10 **SEC. 120C. LIMITATIONS ON FUNDS.**

11 *Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.)*
12 *is amended by inserting after section 1120B (20 U.S.C.*
13 *6323) the following:*

14 **“SEC. 1120C. LIMITATION ON FUNDS.**

15 *“A local educational agency may not use funds re-*
16 *ceived under this subpart for—*

17 “(1) *purchase or lease of privately owned facili-*
18 *ties;*

19 “(2) *purchase or provision of facilities mainte-*
20 *nance, gardening, landscaping, or janitorial services,*
21 *or the payment of utility costs;*

22 “(3) *the construction of facilities;*

23 “(4) *the acquisition of real property;*

1 “(5) the payment of travel and attendance costs
 2 at conferences or other meetings other than travel and
 3 attendance necessary for professional development; or
 4 “(6) the purchase or lease of vehicles.”.

5 **SEC. 120D. ALLOCATIONS.**

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

8 **“Subpart 2—Allocations**

9 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**
 10 **SECRETARY OF THE INTERIOR.**

11 “(a) *RESERVATION OF FUNDS.*—From the amount ap-
 12 propriated for any fiscal year under section 1002(a), the
 13 Secretary shall reserve a total of 1 percent to provide assist-
 14 ance to—

15 “(1) the outlying areas on the basis of their re-
 16 spective need for such assistance according to such
 17 criteria as the Secretary determines will best carry
 18 out the purpose of this part; and

19 “(2) the Secretary of the Interior in the amount
 20 necessary to make payments pursuant to subsection
 21 (c).

22 “(b) *ASSISTANCE TO THE OUTLYING AREAS.*—

23 “(1) *IN GENERAL.*—From amounts made avail-
 24 able under subsection (a)(1) in each fiscal year the

1 *Secretary shall make grants to local educational agen-*
2 *cies in the outlying areas.*

3 *“(2) COMPETITIVE GRANTS.—*

4 *“(A) IN GENERAL.—For fiscal year 2002*
5 *and each of the 6 succeeding fiscal years, the Sec-*
6 *retary shall reserve \$5,000,000 from the amounts*
7 *made available under subsection (a)(1) to award*
8 *grants, on a competitive basis, to local edu-*
9 *catinal agencies in the Freely Associated States.*
10 *The Secretary shall award such grants taking*
11 *into consideration the recommendations of the*
12 *Pacific Region Educational Laboratory which*
13 *shall conduct a competition for such grants.*

14 *“(B) USES.—Except as provided in sub-*
15 *paragraph (C), grant funds awarded under this*
16 *paragraph only may be used—*

17 *“(i) for programs described in this Act,*
18 *including teacher training, curriculum de-*
19 *velopment, instructional materials, or gen-*
20 *eral school improvement and reform; and*

21 *“(ii) to provide direct educational serv-*
22 *ices.*

23 *“(C) ADMINISTRATIVE COSTS.—The Sec-*
24 *retary may provide 5 percent of the amount*
25 *made available for grants under this paragraph*

1 *to the Pacific Region Educational Laboratory to*
2 *pay the administrative costs of the Pacific Re-*
3 *gion Educational Laboratory regarding activi-*
4 *ties assisted under this paragraph.*

5 “(c) *ALLOTMENT TO THE SECRETARY OF THE INTE-*
6 *RIOR.—*

7 “(1) *IN GENERAL.—The amount reserved for*
8 *payments to the Secretary of the Interior under sub-*
9 *section (a)(2) for any fiscal year shall be, as deter-*
10 *mined pursuant to criteria established by the Sec-*
11 *retary, the amount necessary to meet the special edu-*
12 *cational needs of—*

13 “(A) *Indian children on reservations served*
14 *by elementary schools and secondary schools for*
15 *Indian children operated or supported by the De-*
16 *partment of the Interior; and*

17 “(B) *out-of-State Indian children in ele-*
18 *mentary schools and secondary schools in local*
19 *educational agencies under special contracts with*
20 *the Department of the Interior.*

21 “(2) *PAYMENTS.—From the amount reserved for*
22 *payments to the Secretary of the Interior under sub-*
23 *section (a)(2), the Secretary of the Interior shall make*
24 *payments to local educational agencies, upon such*
25 *terms as the Secretary determines will best carry out*

1 *the purposes of this part, with respect to out-of-State*
2 *Indian children described in paragraph (1)(B). The*
3 *amount of such payment may not exceed, for each*
4 *such child, the greater of—*

5 *“(A) 40 percent of the average per-pupil ex-*
6 *penditure in the State in which the agency is lo-*
7 *cated; or*

8 *“(B) 48 percent of such expenditure in the*
9 *United States.*

10 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**
11 **TION GRANTS, AND TARGETED GRANTS.**

12 *“(a) IN GENERAL.—For each of the fiscal years 2002*
13 *through 2008—*

14 *“(1) the amount appropriated to carry out this*
15 *part that is less than or equal to the amount appro-*
16 *priated to carry out section 1124 for fiscal year 2001,*
17 *shall be allocated in accordance with section 1124;*

18 *“(2) the amount appropriated to carry out this*
19 *part that is not used under paragraph (1) that equals*
20 *the amount appropriated to carry out section 1124A*
21 *for fiscal year 2001, shall be allocated in accordance*
22 *with section 1124A; and*

23 *“(3) any amount appropriated to carry out this*
24 *part for the fiscal year for which the determination*
25 *is made that is not used to carry out paragraphs (1)*

1 *and (2) shall be allocated in accordance with section*
2 *1125.*

3 “(b) *ADJUSTMENTS WHERE NECESSITATED BY AP-*
4 *PROPRIATIONS.—*

5 “(1) *IN GENERAL.—If the sums made available*
6 *under this part for any fiscal year are insufficient to*
7 *pay the full amounts that all local educational agen-*
8 *cies in States are eligible to receive under sections*
9 *1124, 1124A, and 1125 for such year, the Secretary*
10 *shall ratably reduce the allocations to such local edu-*
11 *cational agencies, subject to subsections (c) and (d).*

12 “(2) *ADDITIONAL FUNDS.—If additional funds*
13 *become available for making payments under sections*
14 *1124, 1124A, and 1125 for such fiscal year, alloca-*
15 *tions that were reduced under paragraph (1) shall be*
16 *increased on the same basis as the allocations were re-*
17 *duced.*

18 “(c) *HOLD-HARMLESS AMOUNTS.—*

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

23 “(A) *IN GENERAL.—Notwithstanding any*
24 *other provision of this Act, the amount made*
25 *available for each local educational agency under*

1 *sections 1124 and 1124A for the fiscal year shall*
2 *not be less than the greater of—*

3 “(i) 100 percent of the amount the
4 local educational agency received for fiscal
5 year 2001 under sections 1124 and 1124A,
6 respectively; or

7 “(ii) 100 percent of the amount cal-
8 culated for the local educational agency for
9 the fiscal year under sections 1124 and
10 1124A, respectively, determined without ap-
11 plying the hold harmless provisions of this
12 subparagraph.

13 “(B) *APPLICABILITY.—Notwithstanding*
14 *any other provision of law, the Secretary shall*
15 *not take into consideration the hold harmless*
16 *provisions of this subsection for any fiscal year*
17 *for purposes of calculating State or local alloca-*
18 *tions for the fiscal year under any program ad-*
19 *ministered by the Secretary other than a pro-*
20 *gram authorized under this part.*

21 “(C) *POPULATION UPDATES.—*

22 “(i) *IN GENERAL.—Notwithstanding*
23 *paragraph (4), in fiscal year 2001 and each*
24 *subsequent year, the Secretary shall use up-*
25 *dated data, for purposes of carrying out sec-*

1 *tion 1124, on the number of children, aged*
2 *5 to 17, inclusive, from families below the*
3 *poverty level for counties or local edu-*
4 *cational agencies, published by the Depart-*
5 *ment of Commerce, unless the Secretary and*
6 *the Secretary of Commerce determine that*
7 *use of the updated population data would be*
8 *inappropriate or unreliable.*

9 *“(ii) INAPPROPRIATE OR UNRELIABLE*
10 *DATA.—If the Secretary and the Secretary*
11 *of Commerce determine that some or all of*
12 *the data referred to in this subparagraph*
13 *are inappropriate or unreliable, the Sec-*
14 *retary and the Secretary of Commerce*
15 *shall—*

16 *“(I) publicly disclose their rea-*
17 *sons;*

18 *“(II) provide an opportunity for*
19 *States to submit updated data on the*
20 *number of children described in clause*
21 *(i); and*

22 *“(III) review the data and, if the*
23 *data are appropriate and reliable, use*
24 *the data, for the purposes of section*

1 1124, to determine the number of chil-
2 dren described in clause (i).

3 “(iii) *CRITERIA OF POVERTY.*—In de-
4 termining the families that are below the
5 poverty level, the Secretary shall utilize the
6 criteria of poverty used by the Bureau of
7 the Census in compiling the most recent de-
8 cennial census, as the criteria have been up-
9 dated by increases in the Consumer Price
10 Index for All Urban Consumers, published
11 by the Bureau of Labor Statistics.

12 “(iv) *AUTHORIZATION OF APPROPRIA-*
13 *TIONS.*—There are authorized to be appro-
14 priated to the Department of Commerce for
15 each fiscal year such sums as may be nec-
16 essary to update the data described in
17 clause (i).

18 “(2) *SPECIAL RULES.*—If sufficient funds are
19 appropriated, the hold-harmless amounts described in
20 paragraph (1) shall be paid to all local educational
21 agencies that received grants under section 1124,
22 1124A, or 1125 for the preceding fiscal year, regard-
23 less of whether the local educational agency meets the
24 minimum eligibility criteria provided in section
25 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, ex-

1 *cept that a local educational agency that does not*
2 *meet such minimum eligibility criteria for 5 consec-*
3 *utive years shall no longer be eligible to receive a hold-*
4 *harmless amount under this subsection.*

5 “(3) COUNTY CALCULATION BASIS.—*For any fis-*
6 *cal year for which the Secretary calculates grants on*
7 *the basis of population data for counties, the Sec-*
8 *retary shall apply the hold-homeless percentages in*
9 *paragraphs (1) and (2) to counties, and if the Sec-*
10 *retary’s allocation for a county is not sufficient to*
11 *meet the hold-harmless requirements of this subsection*
12 *for every local educational agency within that county,*
13 *then the State educational agency shall reallocate*
14 *funds proportionately from all other local educational*
15 *agencies in the State that receive funds for the fiscal*
16 *year in excess of the hold-harmless amounts specified*
17 *in this paragraph.*

18 “(d) RATABLE REDUCTIONS.—

19 “(1) IN GENERAL.—*If the sums made available*
20 *under this part for any fiscal year are insufficient to*
21 *pay the full amounts that all States are eligible to re-*
22 *ceive under subsection (c) for such year, the Secretary*
23 *shall ratably reduce such amounts for such year.*

24 “(2) ADDITIONAL FUNDS.—*If additional funds*
25 *become available for making payments under sub-*

1 *section (c) for such fiscal year, amounts that were re-*
2 *duced under paragraph (1) shall be increased on the*
3 *same basis as such amounts were reduced.*

4 **“SEC. 1123. DEFINITIONS.**

5 *“In this subpart:*

6 *“(1) FREELY ASSOCIATED STATES.—The term*
7 *‘Freely Associated States’ means the Republic of the*
8 *Marshall Islands, the Federated States of Micronesia,*
9 *and the Republic of Palau.*

10 *“(2) OUTLYING AREAS.—The term ‘outlying*
11 *areas’ means the United States Virgin Islands, Guam,*
12 *American Samoa, and the Commonwealth of the*
13 *Northern Mariana Islands.*

14 *“(3) STATE.—The term ‘State’ means each of the*
15 *several States of the United States, the District of Co-*
16 *lumbia, and the Commonwealth of Puerto Rico.*

17 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
18 **CIES.**

19 *“(a) AMOUNT OF GRANTS.—*

20 *“(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-*
21 *CIES AND PUERTO RICO.—Except as provided in*
22 *paragraph (4) and in section 1126, the grant that a*
23 *local educational agency is eligible to receive under*
24 *this section for a fiscal year is the amount determined*
25 *by multiplying—*

1 “(A) *the number of children counted under*
2 *subsection (c); and*

3 “(B) *40 percent of the average per-pupil ex-*
4 *penditure in the State, except that the amount*
5 *determined under this subparagraph shall not be*
6 *less than 32 percent, and not more than 48 per-*
7 *cent, of the average per-pupil expenditure in the*
8 *United States.*

9 “(2) *CALCULATION OF GRANTS.—*

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

19 “(i) *the Secretary and the Secretary of*
20 *Commerce shall publicly disclose the reasons*
21 *for their determination in detail; and*

22 “(ii) *paragraph (3) shall apply.*

23 “(B) *ALLOCATIONS TO LARGE AND SMALL*
24 *LOCAL EDUCATIONAL AGENCIES.—*

1 “(i) *LARGE LOCAL EDUCATIONAL*
2 *AGENCIES.—In the case of an allocation*
3 *under this section to a large local edu-*
4 *cational agency, the amount of the grant*
5 *under this section for the large local edu-*
6 *cational agency shall be the amount deter-*
7 *mined under paragraph (1).*

8 “(ii) *SMALL LOCAL EDUCATIONAL*
9 *AGENCIES.—*

10 “(I) *IN GENERAL.—In the case of*
11 *an allocation under this section to a*
12 *small local educational agency the*
13 *State educational agency may—*

14 “(aa) *distribute grants under*
15 *this section in amounts deter-*
16 *mined by the Secretary under*
17 *paragraph (1); or*

18 “(bb) *use an alternative*
19 *method approved by the Secretary*
20 *to distribute the portion of the*
21 *State’s total grants under this sec-*
22 *tion that is based on those small*
23 *local educational agencies.*

24 “(II) *ALTERNATIVE METHOD.—*
25 *An alternative method under subclause*

1 *(I)(bb) shall be based on population*
2 *data that the State educational agency*
3 *determines best reflect the current dis-*
4 *tribution of children in poor families*
5 *among the State’s small local edu-*
6 *cational agencies that meet the min-*
7 *imum number of children to qualify*
8 *described in subsection (b).*

9 *“(III) APPEAL.—If a small local*
10 *educational agency is dissatisfied with*
11 *the determination of the amount of its*
12 *grant by the State educational agency*
13 *under subclause (I)(bb), the small local*
14 *educational agency may appeal the de-*
15 *termination to the Secretary, who shall*
16 *respond within 45 days of receiving the*
17 *appeal.*

18 *“(iii) DEFINITIONS.—In this*
19 *subparagraph—*

20 *“(I) the term ‘large local edu-*
21 *cational agency’ means a local edu-*
22 *cational agency serving a school dis-*
23 *trict with a total population of 20,000*
24 *or more; and*

1 “(II) the term ‘small local edu-
2 cational agency’ means a local edu-
3 cational agency serving a school dis-
4 trict with a total population of less
5 than 20,000.

6 “(3) ALLOCATIONS TO COUNTIES.—

7 “(A) IN GENERAL.—For any fiscal year to
8 which this paragraph applies, the Secretary shall
9 calculate grants under this section on the basis
10 of the number of children counted under section
11 1124(c) for counties, and State educational agen-
12 cies shall allocate county amounts to local edu-
13 cational agencies, in accordance with regulations
14 promulgated by the Secretary.

15 “(B) APPLICATION.—In any State in which
16 a large number of local educational agencies
17 overlap county boundaries, or for which the
18 State believes the State has data that would bet-
19 ter target funds than allocating the funds by
20 county, the State educational agency may apply
21 to the Secretary for authority to make the alloca-
22 tions under this part for a particular fiscal year
23 directly to local educational agencies without re-
24 gard to counties.

1 “(C) *ALLOCATIONS TO LOCAL EDUCATIONAL*
2 *AGENCIES.—If the Secretary approves its appli-*
3 *cation under subparagraph (B), the State edu-*
4 *cational agency shall provide the Secretary an*
5 *assurance that the allocations will be made—*

6 “(i) *using precisely the same factors*
7 *for determining a grant as are used under*
8 *this section; or*

9 “(ii) *using data that the State edu-*
10 *cational agency submits to the Secretary for*
11 *approval that more accurately target pov-*
12 *erty.*

13 “(D) *APPEAL.—The State educational agen-*
14 *cy shall provide the Secretary an assurance that*
15 *a procedure is or will be established through*
16 *which local educational agencies that are dissat-*
17 *isfied with determinations under subparagraph*
18 *(B) may appeal directly to the Secretary for a*
19 *final determination.*

20 “(4) *PUERTO RICO.—For each fiscal year, the*
21 *Secretary shall determine the percentage which the*
22 *average per-pupil expenditure in the Commonwealth*
23 *of Puerto Rico is of the lowest average per-pupil ex-*
24 *penditure of any of the 50 States. The grant which*
25 *the Commonwealth of Puerto Rico shall be eligible to*

1 *receive under this section for a fiscal year shall be the*
2 *amount arrived at by multiplying the number of chil-*
3 *dren counted under subsection (c) for the Common-*
4 *wealth of Puerto Rico by the product of—*

5 *“(A) the percentage determined under the*
6 *preceding sentence; and*

7 *“(B) 32 percent of the average per-pupil ex-*
8 *penditure in the United States.*

9 *“(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—*

10 *A local educational agency is eligible for a basic grant*
11 *under this section for any fiscal year only if the number*
12 *of children counted under subsection (c) for that agency is—*

13 *“(1) 10 or more; and*

14 *“(2) more than 2 percent of the total school-age*
15 *population in the school district of the local edu-*
16 *cational agency.*

17 *“(c) CHILDREN TO BE COUNTED.—*

18 *“(1) CATEGORIES OF CHILDREN.—The number*
19 *of children to be counted for purposes of this section*
20 *is the aggregate of—*

21 *“(A) the number of children aged 5 to 17,*
22 *inclusive, in the school district of the local edu-*
23 *cational agency from families below the poverty*
24 *level as determined under paragraphs (2) and*
25 *(3);*

1 “(B) the number of children aged 5 to 17,
2 inclusive, in the school district of such agency
3 from families above the poverty level as deter-
4 mined under paragraph (4); and

5 “(C) the number of children determined
6 under paragraph (4) for the preceding year (as
7 described in that paragraph, or for the second
8 preceding year, as the Secretary finds appro-
9 priate) aged 5 to 17, inclusive, in the school dis-
10 trict of such agency in institutions for neglected
11 and delinquent children and youth (other than
12 such institutions operated by the United States),
13 but not counted pursuant to chapter 1 of subpart
14 1 of part D for the purposes of a grant to a
15 State agency, or being supported in foster homes
16 with public funds.

17 “(2) DETERMINATION OF NUMBER OF CHIL-
18 DREN.—For the purposes of this section, the Secretary
19 shall determine the number of children aged 5 to 17,
20 inclusive, from families below the poverty level on the
21 basis of the most recent satisfactory data, described in
22 paragraph (3), available from the Department of
23 Commerce. The District of Columbia and the Com-
24 monwealth of Puerto Rico shall be treated as indi-
25 vidual local educational agencies. If a local edu-

1 *cational agency contains 2 or more counties in their*
2 *entirety, then each county shall be treated as if such*
3 *county were a separate local educational agency for*
4 *purposes of calculating grants under this part. The*
5 *total of grants for such counties shall be allocated to*
6 *such a local educational agency, which local edu-*
7 *cational agency shall distribute to schools in each*
8 *county within such agency a share of the local edu-*
9 *cational agency's total grant that is no less than the*
10 *county's share of the population counts used to cal-*
11 *culate the local educational agency's grant.*

12 *“(3) POPULATION UPDATES.—In fiscal year*
13 *2001 and every 2 years thereafter, the Secretary shall*
14 *use updated data on the number of children, aged 5*
15 *to 17, inclusive, from families below the poverty level*
16 *for counties or local educational agencies, published*
17 *by the Department of Commerce, unless the Secretary*
18 *and the Secretary of Commerce determine that use of*
19 *the updated population data would be inappropriate*
20 *or unreliable. If the Secretary and the Secretary of*
21 *Commerce determine that some or all of the data re-*
22 *ferred to in this paragraph are inappropriate or un-*
23 *reliable, the Secretary and the Secretary of Commerce*
24 *shall publicly disclose their reasons. In determining*
25 *the families which are below the poverty level, the Sec-*

1 *retary shall utilize the criteria of poverty used by the*
2 *Bureau of the Census in compiling the most recent de-*
3 *centennial census, in such form as those criteria have*
4 *been updated by increases in the Consumer Price*
5 *Index for all urban consumers, published by the Bu-*
6 *reau of Labor Statistics.*

7 *“(4) OTHER CHILDREN TO BE COUNTED.—For*
8 *purposes of this section, the Secretary shall determine*
9 *the number of children aged 5 to 17, inclusive, from*
10 *families above the poverty level on the basis of the*
11 *number of such children from families receiving an*
12 *annual income, in excess of the current criteria of*
13 *poverty, from payments under a State program fund-*
14 *ed under part A of title IV of the Social Security Act.*
15 *In making such determinations the Secretary shall*
16 *utilize the criteria of poverty used by the Bureau of*
17 *the Census in compiling the most recent decennial*
18 *census for a family of 4 in such form as those criteria*
19 *have been updated by increases in the Consumer Price*
20 *Index for all urban consumers, published by the Bu-*
21 *reau of Labor Statistics. The Secretary shall deter-*
22 *mine the number of such children and the number of*
23 *children aged 5 through 17 living in institutions for*
24 *neglected or delinquent children, or being supported*
25 *in foster homes with public funds, on the basis of the*

1 *caseload data for the month of October of the pre-*
2 *ceding fiscal year (using, in the case of children de-*
3 *scribed in the preceding sentence, the criteria of pov-*
4 *erty and the form of such criteria required by such*
5 *sentence which were determined for the calendar year*
6 *preceding such month of October) or, to the extent*
7 *that such data are not available to the Secretary be-*
8 *fore January of the calendar year in which the Sec-*
9 *retary's determination is made, then on the basis of*
10 *the most recent reliable data available to the Sec-*
11 *retary at the time of such determination. The Sec-*
12 *retary of Health and Human Services shall collect*
13 *and transmit the information required by this sub-*
14 *paragraph to the Secretary not later than January 1*
15 *of each year. For the purpose of this section, the Sec-*
16 *retary shall consider all children who are in correc-*
17 *tional institutions to be living in institutions for de-*
18 *linquent children.*

19 *“(5) ESTIMATE.—When requested by the Sec-*
20 *retary, the Secretary of Commerce shall make a spe-*
21 *cial updated estimate of the number of children of*
22 *such ages who are from families below the poverty*
23 *level (as determined under paragraph (2)) in each*
24 *school district, and the Secretary is authorized to pay*
25 *(either in advance or by way of reimbursement) the*

1 *Secretary of Commerce the cost of making this special*
2 *estimate. The Secretary of Commerce shall give con-*
3 *sideration to any request of the chief executive of a*
4 *State for the collection of additional census informa-*
5 *tion.*

6 *“(d) STATE MINIMUM.—Notwithstanding section 1122,*
7 *the aggregate amount allotted for all local educational agen-*
8 *cies within a State may not be less than the lesser of—*

9 *“(1) 0.25 percent of the total amount made*
10 *available to carry out this section for such fiscal year;*
11 *or*

12 *“(2) the average of—*

13 *“(A) 0.25 percent of the total amount made*
14 *available to carry out this section for such fiscal*
15 *year; and*

16 *“(B) the number of children in such State*
17 *counted under subsection (c) in the fiscal year*
18 *multiplied by 150 percent of the national aver-*
19 *age per-pupil payment made with funds avail-*
20 *able under this section for that fiscal year.*

21 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**
22 **CATIONAL AGENCIES.**

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

24 *“(1) ELIGIBILITY.—*

1 “(A) *IN GENERAL.*—*Except as otherwise*
2 *provided in this paragraph, each local edu-*
3 *cational agency in a State that is eligible for a*
4 *grant under section 1124 for any fiscal year is*
5 *eligible for an additional grant under this sec-*
6 *tion for that fiscal year if the number of children*
7 *counted under section 1124(c) who are served by*
8 *the agency exceeds—*

9 “(i) 6,500; or

10 “(ii) 15 percent of the total number of
11 *children aged 5 through 17 served by the*
12 *agency.*

13 “(B) *MINIMUM.*—*Notwithstanding section*
14 *1122, no State shall receive under this section an*
15 *amount that is less than the lesser of—*

16 “(i) 0.25 percent of the total amount
17 *made available to carry out this section for*
18 *such fiscal year; or*

19 “(ii) the average of—

20 “(I) 0.25 percent of the sums
21 *available to carry out this section for*
22 *such fiscal year; and*

23 “(II) the greater of—

24 “(aa) \$340,000; or

1 “(bb) the number of children
2 in such State counted for purposes
3 of this section in that fiscal year
4 multiplied by 150 percent of the
5 national average per-pupil pay-
6 ment made with funds available
7 under this section for that fiscal
8 year.

9 “(2) DETERMINATION.—For each county or local
10 educational agency eligible to receive an additional
11 grant under this section for any fiscal year the Sec-
12 retary shall determine the product of—

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

15 “(B) the amount in section 1124(a)(1)(B)
16 for all States except the Commonwealth of Puerto
17 Rico, and the amount in section 1124(a)(3) for
18 the Commonwealth of Puerto Rico.

19 “(3) AMOUNT.—The amount of the additional
20 grant for which an eligible local educational agency
21 or county is eligible under this section for any fiscal
22 year shall be an amount that bears the same ratio to
23 the amount available to carry out this section for that
24 fiscal year as the product determined under para-
25 graph (2) for such local educational agency for that

1 *fiscal year bears to the sum of such products for all*
2 *local educational agencies in the United States for*
3 *that fiscal year.*

4 “(4) *LOCAL ALLOCATIONS.*—

5 “(A) *IN GENERAL.*—*Grant amounts under*
6 *this section shall be calculated in the same man-*
7 *ner as grant amounts are calculated under sec-*
8 *tion 1124(a) (2) and (3).*

9 “(B) *SPECIAL RULE.*—*For any fiscal year*
10 *for which the Secretary allocates funds under*
11 *this section on the basis of counties, a State may*
12 *reserve not more than 2 percent of the amount*
13 *made available to the State under this section for*
14 *any fiscal year to make grants to local edu-*
15 *cational agencies that meet the criteria in para-*
16 *graph (1)(A) (i) or (ii) but that are in ineligible*
17 *counties.*

18 “(b) *RATABLE REDUCTION RULE.*—*If the sums avail-*
19 *able under subsection (a) for any fiscal year for making*
20 *payments under this section are not sufficient to pay in*
21 *full the total amounts which all States are eligible to receive*
22 *under subsection (a) for such fiscal year, the maximum*
23 *amounts that all States are eligible to receive under sub-*
24 *section (a) for such fiscal year shall be ratably reduced. In*
25 *the case that additional funds become available for making*

1 *such payments for any fiscal year during which the pre-*
2 *ceding sentence is applicable, such reduced amounts shall*
3 *be increased on the same basis as they were reduced.*

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

9 “(1) *in accordance with paragraphs (2) and (4)*
10 *of subsection (a); or*

11 “(2) *based on their respective concentrations and*
12 *numbers of children counted under section 1124(c),*
13 *except that only those local educational agencies with*
14 *concentrations or numbers of children counted under*
15 *section 1124(c) that exceed the statewide average per-*
16 *centage of such children or the statewide average*
17 *number of such children shall receive any funds on*
18 *the basis of this paragraph.*

19 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**
20 **AGENCIES.**

21 “(a) *ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-*
22 *CIES.—*

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

1 “(A) *the number of children in the local*
2 *educational agency counted under section*
3 *1124(c), before application of the weighted child*
4 *count described in subsection (c), is at least 10;*
5 *and*

6 “(B) *if the number of children counted for*
7 *grants under section 1124(c), before application*
8 *of the weighted child count described in sub-*
9 *section (c), is at least 5 percent of the total num-*
10 *ber of children aged 5 to 17 years, inclusive, in*
11 *the school district of the local educational agen-*
12 *cy.*

13 “(2) *SPECIAL RULE.—For any fiscal year for*
14 *which the Secretary allocates funds under this section*
15 *on the basis of counties, funds made available as a re-*
16 *sult of applying this subsection shall be reallocated by*
17 *the State educational agency to other eligible local*
18 *educational agencies in the State in proportion to the*
19 *distribution of other funds under this section.*

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

23 “(1) *IN GENERAL.—The amount of the grant*
24 *that a local educational agency in a State (other than*
25 *the Commonwealth of Puerto Rico) is eligible to re-*

1 *ceive under this section for any fiscal year shall be*
2 *the product of—*

3 *“(A) the weighted child count determined*
4 *under subsection (c); and*

5 *“(B) the amount determined under section*
6 *1124(a)(1)(B).*

7 *“(2) PUERTO RICO.—For each fiscal year, the*
8 *amount of the grant the Commonwealth of Puerto*
9 *Rico is eligible to receive under this section shall be*
10 *equal to the number of children counted under sub-*
11 *section (c) for the Commonwealth of Puerto Rico,*
12 *multiplied by the amount determined in section*
13 *1124(a)(4) for the Commonwealth of Puerto Rico.*

14 *“(c) WEIGHTED CHILD COUNT.—*

15 *“(1) WEIGHTS FOR ALLOCATIONS TO COUN-*
16 *TIES.—*

17 *“(A) IN GENERAL.—For each fiscal year for*
18 *which the Secretary uses county population data*
19 *to calculate grants, the weighted child count used*
20 *to determine a county’s allocation under this sec-*
21 *tion is the larger of the 2 amounts determined*
22 *under subparagraphs (B) and (C).*

23 *“(B) BY PERCENTAGE OF CHILDREN.—The*
24 *amount referred to in subparagraph (A) is deter-*
25 *mined by adding—*

1 “(i) the number of children determined
2 under section 1124(c) for that county who
3 constitute not more than 15.00 percent, in-
4 clusive, of the county’s total population
5 aged 5 to 17, inclusive, multiplied by 1.0;

6 “(ii) the number of such children who
7 constitute more than 15.00 percent, but not
8 more than 19.00 percent, of such popu-
9 lation, multiplied by 1.75;

10 “(iii) the number of such children who
11 constitute more than 19.00 percent, but not
12 more than 24.20 percent, of such popu-
13 lation, multiplied by 2.5;

14 “(iv) the number of such children who
15 constitute more than 24.20 percent, but not
16 more than 29.20 percent, of such popu-
17 lation, multiplied by 3.25; and

18 “(v) the number of such children who
19 constitute more than 29.20 percent of such
20 population, multiplied by 4.0.

21 “(C) *BY NUMBER OF CHILDREN.*—The
22 amount referred to in subparagraph (A) is deter-
23 mined by adding—

24 “(i) the number of children determined
25 under section 1124(c) who constitute not

1 *more than 2,311, inclusive, of the county's*
2 *total population aged 5 to 17, inclusive,*
3 *multiplied by 1.0;*

4 “(ii) *the number of such children be-*
5 *tween 2,312 and 7,913, inclusive, in such*
6 *population, multiplied by 1.5;*

7 “(iii) *the number of such children be-*
8 *tween 7,914 and 23,917, inclusive, in such*
9 *population, multiplied by 2.0;*

10 “(iv) *the number of such children be-*
11 *tween 23,918 and 93,810, inclusive, in such*
12 *population, multiplied by 2.5; and*

13 “(v) *the number of such children in ex-*
14 *cess of 93,811 in such population, multi-*
15 *plied by 3.0.*

16 “(D) *PUERTO RICO.—Notwithstanding sub-*
17 *paragraph (A), the weighting factor for the Com-*
18 *monwealth of Puerto Rico under this paragraph*
19 *shall not be greater than the total number of*
20 *children counted under section 1124(c) multi-*
21 *plied by 1.72.*

22 “(2) *WEIGHTS FOR ALLOCATIONS TO LOCAL EDU-*
23 *CATIONAL AGENCIES.—*

24 “(A) *IN GENERAL.—For each fiscal year for*
25 *which the Secretary uses local educational agen-*

1 *cy data, the weighted child count used to deter-*
2 *mine a local educational agency's grant under*
3 *this section is the larger of the 2 amounts deter-*
4 *mined under subparagraphs (B) and (C).*

5 *“(B) BY PERCENTAGE OF CHILDREN.—The*
6 *amount referred to in subparagraph (A) is deter-*
7 *mined by adding—*

8 *“(i) the number of children determined*
9 *under section 1124(c) for that local edu-*
10 *cational agency who constitute not more*
11 *than 15.233 percent, inclusive, of the agen-*
12 *cy's total population aged 5 to 17, inclusive,*
13 *multiplied by 1.0;*

14 *“(ii) the number of such children who*
15 *constitute more than 15.233 percent, but not*
16 *more than 22.706 percent, of such popu-*
17 *lation, multiplied by 1.75;*

18 *“(iii) the number of such children who*
19 *constitute more than 22.706 percent, but not*
20 *more than 32.213 percent, of such popu-*
21 *lation, multiplied by 2.5;*

22 *“(iv) the number of such children who*
23 *constitute more than 32.213 percent, but not*
24 *more than 41.452 percent, of such popu-*
25 *lation, multiplied by 3.25; and*

1 “(v) *the number of such children who*
2 *constitute more than 41.452 percent of such*
3 *population, multiplied by 4.0.*

4 “(C) *BY NUMBER OF CHILDREN.—The*
5 *amount referred to in subparagraph (A) is deter-*
6 *mined by adding—*

7 “(i) *the number of children determined*
8 *under section 1124(c) who constitute not*
9 *more than 710, inclusive, of the agency’s*
10 *total population aged 5 to 17, inclusive,*
11 *multiplied by 1.0;*

12 “(ii) *the number of such children be-*
13 *tween 711 and 2,384, inclusive, in such*
14 *population, multiplied by 1.5;*

15 “(iii) *the number of such children be-*
16 *tween 2,385 and 9,645, inclusive, in such*
17 *population, multiplied by 2.0;*

18 “(iv) *the number of such children be-*
19 *tween 9,646 and 54,600, inclusive, in such*
20 *population, multiplied by 2.5; and*

21 “(v) *the number of such children in ex-*
22 *cess of 54,600 in such population, multi-*
23 *plied by 3.0.*

24 “(D) *PUERTO RICO.—Notwithstanding sub-*
25 *paragraph (A), the weighting factor for the Com-*

1 *monwealth of Puerto Rico under this paragraph*
2 *shall not be greater than the total number of*
3 *children counted under section 1124(c) multi-*
4 *plied by 1.72.*

5 “(d) *CALCULATION OF GRANT AMOUNTS.—Grant*
6 *amounts under this section shall be calculated in the same*
7 *manner as grant amounts are calculated under section*
8 *1124(a) (2) and (3).*

9 “(e) *STATE MINIMUM.—Notwithstanding any other*
10 *provision of this section or section 1122, from the total*
11 *amount available for any fiscal year to carry out this sec-*
12 *tion, each State shall be allotted not less than 0.5 percent*
13 *of the total amount made available to carry out this section*
14 *for such fiscal year.*

15 **“SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.**

16 “(a) *GRANTS.—From funds appropriated under sub-*
17 *section (e) the Secretary is authorized to make grants to*
18 *States, from allotments under subsection (b), to carry out*
19 *the purposes of this part.*

20 “(b) *DISTRIBUTION BASED UPON FISCAL EFFORT AND*
21 *EQUITY.—*

22 “(1) *IN GENERAL.—*

23 “(A) *IN GENERAL.—Except as provided in*
24 *subparagraph (B), funds appropriated pursuant*
25 *to subsection (e) shall be allotted to each State*

1 based upon the number of children counted under
2 section 1124(c) in such State multiplied by the
3 product of—

4 “(i) such State’s effort factor described
5 in paragraph (2); multiplied by

6 “(ii) 1.30 minus such State’s equity
7 factor described in paragraph (3).

8 “(B) MINIMUM.—For each fiscal year no
9 State shall receive under this section less than
10 0.5 percent of the total amount appropriated
11 under subsection (e) for the fiscal year.

12 “(2) EFFORT FACTOR.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the effort factor for a State
15 shall be determined in accordance with the suc-
16 ceeding sentence, except that such factor shall not
17 be less than 0.95 nor greater than 1.05. The ef-
18 fort factor determined under this sentence shall
19 be a fraction the numerator of which is the prod-
20 uct of the 3-year average per-pupil expenditure
21 in the State multiplied by the 3-year average per
22 capita income in the United States and the de-
23 nominator of which is the product of the 3-year
24 average per capita income in such State multi-

1 *plied by the 3-year average per-pupil expendi-*
2 *ture in the United States.*

3 “(B) *COMMONWEALTH OF PUERTO RICO.—*
4 *The effort factor for the Commonwealth of Puerto*
5 *Rico shall be equal to the lowest effort factor cal-*
6 *culated under subparagraph (A) for any State.*

7 “(3) *EQUITY FACTOR.—*

8 “(A) *DETERMINATION.—*

9 “(i) *IN GENERAL.—Except as provided*
10 *in subparagraph (B), the Secretary shall*
11 *determine the equity factor under this sec-*
12 *tion for each State in accordance with*
13 *clause (ii).*

14 “(ii) *COMPUTATION.—*

15 “(I) *IN GENERAL.—For each*
16 *State, the Secretary shall compute a*
17 *weighted coefficient of variation for the*
18 *per-pupil expenditures of local edu-*
19 *cational agencies in accordance with*
20 *subclauses (II), (III), and (IV).*

21 “(II) *VARIATION.—In computing*
22 *coefficients of variation, the Secretary*
23 *shall weigh the variation between per-*
24 *pupil expenditures in each local edu-*
25 *cational agency and the average per-*

1 *pupil expenditures in the State accord-*
2 *ing to the number of pupils served by*
3 *the local educational agency.*

4 “(III) *NUMBER OF PUPILS.—In*
5 *determining the number of pupils*
6 *under this paragraph served by each*
7 *local educational agency and in each*
8 *State, the Secretary shall multiply the*
9 *number of children from low-income*
10 *families by a factor of 1.4.*

11 “(IV) *ENROLLMENT REQUIRE-*
12 *MENT.—In computing coefficients of*
13 *variation, the Secretary shall include*
14 *only those local educational agencies*
15 *with an enrollment of more than 200*
16 *students.*

17 “(B) *SPECIAL RULE.—The equity factor for*
18 *a State that meets the disparity standard de-*
19 *scribed in section 222.162 of title 34, Code of*
20 *Federal Regulations (as such section was in ef-*
21 *fect on the day preceding the date of enactment*
22 *of the Better Education for Students and Teach-*
23 *ers Act) or a State with only 1 local educational*
24 *agency shall be not greater than 0.10.*

1 “(C) *REVISIONS.*—*The Secretary may revise*
2 *each State’s equity factor as necessary based on*
3 *the advice of independent education finance*
4 *scholars to reflect other need-based costs of local*
5 *educational agencies in addition to low-income*
6 *student enrollment, such as differing geographic*
7 *costs, costs associated with students with disabil-*
8 *ities, children with limited English-proficiency*
9 *or other meaningful educational needs, which de-*
10 *serve additional support. In addition, after ob-*
11 *taining the advice of independent education fi-*
12 *nance scholars, the Secretary may revise each*
13 *State’s equity factor to incorporate other valid*
14 *and accepted methods to achieve adequacy of*
15 *educational opportunity that may not be re-*
16 *flected in a coefficient of variation method.*

17 “(c) *USE OF FUNDS.*—*All funds awarded to each State*
18 *under this section shall be allocated to local educational*
19 *agencies and schools on a basis consistent with the distribu-*
20 *tion of other funds to such agencies and schools under sec-*
21 *tions 1124, 1124A, and 1125 to carry out activities under*
22 *this part.*

23 “(d) *MAINTENANCE OF EFFORT.*—

24 “(1) *IN GENERAL.*—*Except as provided in para-*
25 *graph (2), a State is entitled to receive its full allot-*

1 *ment of funds under this section for any fiscal year*
2 *if the Secretary finds that either the combined fiscal*
3 *effort per student or the aggregate expenditures within*
4 *the State with respect to the provision of free public*
5 *education for the fiscal year preceding the fiscal year*
6 *for which the determination is made was not less*
7 *than 90 percent of such combined fiscal effort or ag-*
8 *gregate expenditures for the second fiscal year pre-*
9 *ceding the fiscal year for which the determination is*
10 *made.*

11 *“(2) REDUCTION OF FUNDS.—The Secretary*
12 *shall reduce the amount of funds awarded to any*
13 *State under this section in any fiscal year in the*
14 *exact proportion to which the State fails to meet the*
15 *requirements of paragraph (1) by falling below 90*
16 *percent of both the fiscal effort per student and aggre-*
17 *gate expenditures (using the measure most favorable*
18 *to the State), and no such lesser amount shall be used*
19 *for computing the effort required under paragraph (1)*
20 *for subsequent years.*

21 *“(3) WAIVERS.—The Secretary may waive, for 1*
22 *fiscal year only, the requirements of this subsection if*
23 *the Secretary determines that such a waiver would be*
24 *equitable due to exceptional or uncontrollable cir-*
25 *cumstances such as a natural disaster or a precipi-*

1 *tous and unforeseen decline in the financial resources*
2 *of the State.*

3 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
4 *authorized to be appropriated to carry out this section*
5 *\$200,000,000 for fiscal year 2002 and such sums as may*
6 *be necessary for each of the 6 succeeding fiscal years.*

7 “(f) *STUDY, EVALUATION AND REPORT OF SCHOOL FI-*
8 *NANCE EQUALIZATION.—(1) The Secretary shall conduct a*
9 *study to evaluate and report to the Congress on the degree*
10 *of disparity in expenditures per pupil among local edu-*
11 *cational agencies within and across each of the fifty States*
12 *and the District of Columbia. The Secretary shall also ana-*
13 *lyze the trends in State school finance legislation and judi-*
14 *cial action requiring that States equalize resources. The*
15 *Secretary shall evaluate and report to the Congress whether*
16 *or not it can be determined if these actions have resulted*
17 *in an improvement in student performance.*

18 “(2) *In preparing this report, the Secretary may also*
19 *consider the following: Various measures of determining*
20 *disparity; the relationship between education expenditures*
21 *and student performance; the effect of Federal education as-*
22 *sistance programs on the equalization of school finance re-*
23 *sources; and the effects of school finance equalization on*
24 *local and State tax burdens.*

1 “(3) *Such reports shall be submitted to the Congress*
2 *not later than one year after the date of enactment of the*
3 *Better Education for Students and Teachers Act.*

4 **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

5 “(a) *ALLOCATIONS FOR NEGLECTED CHILDREN.—*

6 “(1) *IN GENERAL.—If a State educational agen-*
7 *cy determines that a local educational agency in the*
8 *State is unable or unwilling to provide for the special*
9 *educational needs of children who are living in insti-*
10 *tutions for neglected or delinquent children as de-*
11 *scribed in section 1124(c)(1)(C), the State educational*
12 *agency shall, if such agency assumes responsibility for*
13 *the special educational needs of such children, receive*
14 *the portion of such local educational agency’s alloca-*
15 *tion under sections 1124, 1124A, and 1125 that is at-*
16 *tributable to such children.*

17 “(2) *SPECIAL RULE.—If the State educational*
18 *agency does not assume such responsibility, any other*
19 *State or local public agency that does assume such re-*
20 *sponsibility shall receive that portion of the local edu-*
21 *cational agency’s allocation.*

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

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

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

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

9 “(c) *REALLOCATION.*—If a State educational agency
10 determines that the amount of a grant a local educational
11 agency would receive under sections 1124, 1124A, and 1125
12 is more than such local educational agency will use, the
13 State educational agency shall make the excess amount
14 available to other local educational agencies in the State
15 that need additional funds in accordance with criteria es-
16 tablished by the State educational agency.

17 “**SEC. 1127. CARRYOVER AND WAIVER.**

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

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

4 “(1) the agency determines that the request of a
 5 local educational agency is reasonable and necessary;
 6 or

7 “(2) supplemental appropriations for this sub-
 8 part become available.

9 “(c) *EXCLUSION.*—The percentage limitation under
 10 subsection (a) shall not apply to any local educational
 11 agency that receives less than \$50,000 under this subpart
 12 for any fiscal year.”.

13 **SEC. 120E. SCHOOL YEAR EXTENSION ACTIVITIES.**

14 Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.)
 15 is amended by adding at the end the following:

16 **“SEC. 1120C. SCHOOL YEAR EXTENSION ACTIVITIES.**

17 “(a) *USE OF FUNDS.*—

18 “(1) *IN GENERAL.*—A local educational agency
 19 may use funds received under this part to—

20 “(A) to extend the length of the school year
 21 to 210 days, including necessary increases in
 22 compensation to employees;

23 “(B) conduct outreach to and consult with
 24 community members, including parents, stu-
 25 dents, and other stakeholders, to develop a plan

1 to extend learning time within or beyond the
2 school day or year; and

3 “(C) research, develop, and implement
4 strategies, including changes in curriculum and
5 instruction.

6 “(b) *APPLICATION*.—A local educational agency desir-
7 ing to use funds under this section shall submit an applica-
8 tion to the State educational agency at such time, in such
9 manner, and accompanied by such information as the agen-
10 cy may require. Each application shall describe—

11 “(1) the activities to be carried out under this
12 section;

13 “(2) any study or other information-gathering
14 project for which funds will be used;

15 “(3) the strategies and methods the applicant
16 will use to enrich and extend learning time for all
17 students and to maximize high quality instruction in
18 the core academic areas during the school day, such
19 as block scheduling, team teaching, longer school days
20 or years, and extending learning time through new
21 distance-learning technologies;

22 “(4) the strategies and methods the applicant
23 will use, including changes in curriculum and in-
24 struction, to challenge and engage students and to
25 maximize the productiveness of common core learning

1 *time, as well as the total time students spend in*
2 *school and in school-related enrichment activities;*

3 *“(5) the strategies and methods the applicant in-*
4 *tends to employ to provide continuing financial sup-*
5 *port for the implementation of any extended school*
6 *day or school year;*

7 *“(6) with respect to any application to carry out*
8 *activities described in subsection (b)(1)(A), a descrip-*
9 *tion of any feasibility or other studies demonstrating*
10 *the sustainability of a longer school year;*

11 *“(7) the extent of involvement of teachers and*
12 *other school personnel in investigating, designing, im-*
13 *plementing and sustaining the activities assisted*
14 *under this section;*

15 *“(8) the process to be used for involving parents*
16 *and other stakeholders in the development and imple-*
17 *mentation of the activities assistance under this sec-*
18 *tion;*

19 *“(9) any cooperation or collaboration among*
20 *public housing authorities, libraries, businesses, muse-*
21 *ums, community-based organizations, and other com-*
22 *munity groups and organizations to extend engaging,*
23 *high-quality, standards-based learning time outside of*
24 *the school day or year, at the school or at some other*
25 *site;*

1 “(10) the training and professional development
2 activities that will be offered to teachers and others
3 involved in the activities assisted under this section;

4 “(11) the goals and objectives of the activities as-
5 sisted under this section, including a description of
6 how such activities will assist all students to reach
7 State standards;

8 “(12) the methods by which the applicant will
9 assess progress in meeting such goals and objectives;
10 and

11 “(13) how the applicant will use funds provided
12 under this section in coordination with funds pro-
13 vided under other Federal laws.

14 **SEC. 120F. ADEQUACY OF FUNDING OF TARGETED GRANTS**
15 **TO LOCAL EDUCATIONAL AGENCIES IN FIS-**
16 **CAL YEARS AFTER FISCAL YEAR 2001.**

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

18 (1) *The current Basic Grant Formula for the*
19 *distribution of funds under part A of title I of the El-*
20 *ementary and Secondary Education Act of 1965 (20*
21 *U.S.C. 6311 et seq.), often does not provide funds for*
22 *the economically disadvantaged students for which*
23 *such funds are targeted.*

24 (2) *Any school district in which at least two per-*
25 *cent of the students live below the poverty level quali-*

1 *fies for funding under the Basic Grant Formula. As*
2 *a result, 9 out of every 10 school districts in the coun-*
3 *try receive some form of aid under the Formula.*

4 (3) *Fifty-eight percent of all schools receive at*
5 *least some funding under title I of the Elementary*
6 *and Secondary Education Act of 1965, including*
7 *many suburban schools with predominantly well-off*
8 *students.*

9 (4) *One out of every 5 schools with concentra-*
10 *tions of poor students between 50 and 75 percent re-*
11 *ceive no funding at all under title I of the Elemen-*
12 *tary and Secondary Education Act of 1965.*

13 (5) *In passing the Improving America's Schools*
14 *Act in 1994, Congress declared that grants under title*
15 *I of the Elementary and Secondary Education Act of*
16 *1965 would more sharply target high poverty schools*
17 *by using the Targeted Grant Formula, but annual*
18 *appropriation Acts have prevented the use of that*
19 *Formula.*

20 (6) *The advantage of the Targeted Grant For-*
21 *mula over other funding formulas under title I of the*
22 *Elementary and Secondary Education Act of 1965 is*
23 *that the Targeted Grant Formula provides increased*
24 *grants per poor child as the percentage of economi-*

1 *cally disadvantaged children in a school district in-*
2 *creases.*

3 *(7) Studies have found that the poverty of a*
4 *child's family is much more likely to be associated*
5 *with educational disadvantage if the family lives in*
6 *an area with large concentrations of poor families.*

7 *(8) States with large populations of high poverty*
8 *students would receive significantly more funding if*
9 *more funds under title I of the Elementary and Sec-*
10 *ondary Education Act of 1965 were allocated through*
11 *the Targeted Grant Formula.*

12 *(9) Congress has an obligation to allocate funds*
13 *under title I of the Elementary and Secondary Edu-*
14 *cation Act of 1965 so that such funds will positively*
15 *affect the largest number of economically disadvan-*
16 *taged students.*

17 *(b) LIMITATION ON ALLOCATION OF TITLE I FUNDS*
18 *CONTINGENT ON ADEQUATE FUNDING OF TARGETED*
19 *GRANTS.—Notwithstanding any other provision of law, the*
20 *total amount allocated in any fiscal year after fiscal year*
21 *2001 for programs and activities under part A of title I*
22 *of the Elementary and Secondary Education Act of 1965*
23 *(20 U.S.C. 6311 et seq.) may not exceed the amount allo-*
24 *cated in fiscal year 2001 for such programs and activities*
25 *unless the amount available for targeted grants to local edu-*

1 cational agencies under section 1125 of that Act (20 U.S.C.
2 6335) in the applicable fiscal year is sufficient to meet the
3 purposes of grants under that section.

4 **PART B—LITERACY FOR CHILDREN AND**
5 **FAMILIES**

6 **SEC. 121. READING FIRST.**

7 *Part B of title I (20 U.S.C. 6361 et seq.) is amended—*

8 *(1) by striking the part heading and inserting*
9 *the following:*

10 **“PART B—LITERACY FOR CHILDREN AND**
11 **FAMILIES”;**

12 *(2) by inserting after the part heading the fol-*
13 *lowing:*

14 **“Subpart 1—William F. Goodling Even Start Family**
15 **Literacy Programs”;**

16 *(3) in sections 1201 through 1212, by striking*
17 *“this part” each place such term appears and insert-*
18 *ing “this subpart”; and*

19 *(4) by adding at the end the following:*

20 **“Subpart 2—Reading First”**

21 **“SEC. 1221. PURPOSES.**

22 *“The purposes of this subpart are as follows:*

23 *“(1) To provide assistance to States and local*
24 *educational agencies in establishing reading programs*
25 *for students in grades kindergarten through 3 that are*

1 *grounded in scientifically based reading research, in*
2 *order to ensure that every student can read at grade*
3 *level or above by the end of the third grade.*

4 *“(2) To provide assistance to States and local*
5 *educational agencies in preparing teachers, through*
6 *professional development and other support, so the*
7 *teachers can identify specific reading barriers facing*
8 *their students and so the teachers have the tools effec-*
9 *tively to help their student to learn to read.*

10 *“(3) To provide assistance to States and local*
11 *educational agencies in selecting or developing screen-*
12 *ing instruments, rigorous diagnostic reading assess-*
13 *ments, and classroom-based instructional assessments.*

14 *“(4) To provide assistance to States and local*
15 *educational agencies in selecting or developing effec-*
16 *tive instructional materials, programs, and strategies*
17 *to implement methods that have been proven to pre-*
18 *vent or remediate reading failure within a State or*
19 *States.*

20 *“(5) To strengthen coordination among schools,*
21 *early literacy programs, and family literacy pro-*
22 *grams in order to improve reading achievement for*
23 *all children.*

1 **“SEC. 1222. FORMULA GRANTS TO STATES; COMPETITIVE**
2 **SUBGRANTS TO LOCAL AGENCIES.**

3 “(a) *IN GENERAL.*—*In the case of each State edu-*
4 *cational agency that in accordance with section 1224 sub-*
5 *mits to the Secretary an application for a 5-year period,*
6 *the Secretary, subject to the application’s approval, shall*
7 *make a grant to the State educational agency for the uses*
8 *specified in subsections (c) and (d). The grant shall consist*
9 *of the allotment determined for the State under subsection*
10 *(b).*

11 “(b) *DETERMINATION OF AMOUNT OF ALLOTMENT.*—

12 “(1) *IN GENERAL.*—*From the total amount made*
13 *available to carry out this subpart for any fiscal year*
14 *and not reserved under section 1226, the Secretary*
15 *shall allot among each of the 50 States, the District*
16 *of Columbia, and the Commonwealth of Puerto Rico,*
17 *in accordance with paragraph (2)—*

18 “(A) *100 percent of such remaining amount*
19 *for each of the fiscal years 2002 and 2003; and*

20 “(B) *75 percent of such remaining amount*
21 *for each of the fiscal years 2004 through 2008.*

22 “(2) *STATE ALLOTMENTS.*—*The Secretary shall*
23 *allot the amount made available under paragraph (1)*
24 *for a fiscal year among the States in proportion to*
25 *the amount all local educational agencies in a State*
26 *would receive under section 1124.*

1 “(3) *REALLOTMENT.*—*If any State does not*
2 *apply for an allotment under this section for any fis-*
3 *cal year, or if the State’s application is not approved,*
4 *the Secretary shall reallocate such amount to the remain-*
5 *ing States in accordance with paragraph (2).*

6 “(4) *RESERVATION FROM APPROPRIATIONS.*—
7 *From the amounts appropriated under section*
8 *1002(b)(2) to carry out this subpart for a fiscal year,*
9 *the Secretary shall—*

10 “(A) *reserve ½ of 1 percent for allotments*
11 *for the Virgin Islands, Guam, American Samoa*
12 *and the Commonwealth of the Northern Mariana*
13 *Islands, to be distributed among these outlying*
14 *areas on the basis of their relative need, as deter-*
15 *mined by the Secretary in accordance with the*
16 *purposes of this subpart; and*

17 “(B) *reserve ½ of 1 percent for allotments*
18 *for the Secretary of the Interior for programs*
19 *under this subpart in schools operated or funded*
20 *by the Bureau of Indian Affairs.*

21 “(c) *SUBGRANTS TO LOCAL EDUCATIONAL AGEN-*
22 *CIES.*—

23 “(1) *DISTRIBUTION OF SUBGRANTS.*—*The Sec-*
24 *retary may make a grant to a State under this sec-*
25 *tion only if the State agrees to expend at least 80 per-*

1 *cent of the amount of the funds provided under the*
2 *grant for the purpose of making, in accordance with*
3 *this subsection, competitive subgrants to eligible local*
4 *educational agencies.*

5 *“(2) NOTICE.—A State receiving a grant under*
6 *this section shall provide notice to all eligible local*
7 *educational agencies in the State of the availability*
8 *of competitive subgrants under this subsection and of*
9 *the requirements for applying for the subgrants.*

10 *“(3) LOCAL APPLICATION.—To be eligible to re-*
11 *ceive a subgrant under this subsection, an eligible*
12 *local educational agency shall submit an application*
13 *to the State at such time, in such manner, and con-*
14 *taining such information as the State may reasonably*
15 *require.*

16 *“(4) DEFINITION OF ELIGIBLE LOCAL EDU-*
17 *CATIONAL AGENCY.—In this subpart the term ‘eligible*
18 *local educational agency’ means a local educational*
19 *agency that—*

20 *“(A) has a high number or percentage of*
21 *students in grades kindergarten through 3 read-*
22 *ing below grade level; and*

23 *“(B) has—*

24 *“(i) jurisdiction over a geographic area*
25 *that includes an area designated as an em-*

1 *powerment zone, or an enterprise commu-*
2 *nity, under part I of subchapter U of chap-*
3 *ter 1 of the Internal Revenue Code of 1986;*

4 *“(ii) jurisdiction over at least 1 school*
5 *that is identified for school improvement*
6 *under section 1116(c); or*

7 *“(iii) a high number or percentage of*
8 *children who are counted under section*
9 *1124(c), in comparison to other local edu-*
10 *cational agencies in the State.*

11 *“(5) STATE REQUIREMENT.—In distributing*
12 *subgrant funds to local educational agencies, a State*
13 *shall—*

14 *“(A) provide the funds in sufficient*
15 *amounts to enable the local educational agencies*
16 *to improve reading; and*

17 *“(B) provide the funds in amounts related*
18 *to the number or percentage of students in kin-*
19 *dergarten through grade 3 who are reading below*
20 *grade level.*

21 *“(6) LOCAL ELIGIBILITY.—In distributing*
22 *subgrant funds under this subsection, a local edu-*
23 *cational agency shall provide funds only to schools*
24 *that—*

1 “(A) have a high percentage of students in
2 grades kindergarten through 3 reading below
3 grade level;

4 “(B) are identified for school improvement
5 under section 1116(c); or

6 “(C) have a high percentage of children
7 counted under section 1124(c).

8 “(7) LOCAL USES OF FUNDS.—Subject to para-
9 graph (8), a local educational agency that receives a
10 subgrant under this subsection shall use the funds
11 provided under the subgrant to carry out the fol-
12 lowing activities:

13 “(A) Selecting or developing, and admin-
14 istering, screening instruments, rigorous diag-
15 nostic reading assessments, and classroom-based
16 instructional assessments.

17 “(B) Selecting or developing, and imple-
18 menting, a program or programs of reading in-
19 struction grounded on scientifically based read-
20 ing research that—

21 “(i) includes the major components of
22 reading instruction; and

23 “(ii) provides such instruction to all
24 children, including children who—

25 “(I) may have reading difficulties;

1 “(II) are at risk of being referred
2 to special education based on these dif-
3 ficulties;

4 “(III) have been evaluated under
5 section 614 of the Individuals with
6 Disabilities Education Act but, in ac-
7 cordance with section 614(b)(5) of such
8 Act, and have not been identified as
9 being a child with a disability (as de-
10 fined in section 602 of such Act);

11 “(IV) are being served under such
12 Act primarily due to being identified
13 as being a child with a specific learn-
14 ing disability (as defined in section
15 602 of such Act) related to reading; or

16 “(V) are identified as having lim-
17 ited English proficiency (as defined in
18 section 3501).

19 “(C) Procuring and implementing instruc-
20 tional materials, including education technology
21 such as software and other digital curricula,
22 grounded on scientifically based reading re-
23 search.

24 “(D) Providing professional development for
25 teachers of grades kindergarten through 3 that—

1 “(i) will prepare these teachers in all
2 of the major components of reading instruc-
3 tion;

4 “(ii) shall include—

5 “(I) information on instructional
6 materials, programs, strategies, and
7 approaches grounded on scientifically
8 based reading research, including early
9 intervention and reading remediation
10 materials, programs, and approaches;
11 and

12 “(II) instruction in the use of rig-
13 orous diagnostic reading assessments
14 and other procedures that effectively
15 identify students who may be at risk
16 for reading failure or who are having
17 difficulty reading; and

18 “(iii) shall be provided by eligible pro-
19 fessional development providers.

20 “(E) Promoting reading and library pro-
21 grams that provide access to engaging reading
22 material.

23 “(F) Providing training to individuals who
24 volunteer to be reading tutors for students to en-
25 able the volunteers to support instructional prac-

1 *tices that are based on scientific reading research*
2 *and being used by the student’s teacher.*

3 “(G) *Assisting parents, through the use of*
4 *materials, programs, strategies and approaches*
5 *(including family literacy services), that are*
6 *based on scientific reading research, to help sup-*
7 *port their children’s reading development.*

8 “(H) *Collecting and summarizing data—*

9 “(i) *to document the effectiveness of*
10 *this subpart in individual schools and in*
11 *the local educational agency as a whole; and*

12 “(ii) *to stimulate and accelerate im-*
13 *provement by identifying the schools that*
14 *produce significant gains in reading*
15 *achievement.*

16 “(I) *Reporting data for all students and*
17 *categories of students identified under section*
18 *1111(b)(2)(B)(v).*

19 “(9) *LOCAL PLANNING AND ADMINISTRATION.—A local*
20 *educational agency that receives a subgrant under this sub-*
21 *section may use not more than 5 percent of the funds pro-*
22 *vided under the subgrant for planning and administration.*

23 “(d) *OTHER STATE USES OF FUNDS.—*

24 “(1) *IN GENERAL.—A State educational agency*
25 *that receives a grant under this section may expend*

1 *not more than a total of 20 percent of the grant funds*
2 *to carry out the activities described in paragraphs*
3 *(3), (4), and (5).*

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

8 “(3) *PROFESSIONAL DEVELOPMENT.*—*A State*
9 *may expend not more than 100 percent of the amount*
10 *of the funds made available under paragraph (1) to*
11 *develop and implement a program of professional de-*
12 *velopment for teachers of grades kindergarten through*
13 *3 that—*

14 “(A) *will prepare these teachers in all of the*
15 *major components of reading instruction;*

16 “(B) *shall include—*

17 “(i) *information on instructional ma-*
18 *terials, programs, strategies, and ap-*
19 *proaches grounded on scientifically based*
20 *reading research, including early interven-*
21 *tion and reading remediation materials,*
22 *programs, and approaches; and*

23 “(ii) *instruction in the use of rigorous*
24 *diagnostic reading assessments and other*
25 *procedures that effectively identify students*

1 *who may be at risk for reading failure or*
2 *who are having difficulty reading; and*

3 “(C) shall be provided by eligible profes-
4 sional development providers.

5 “(4) *TECHNICAL ASSISTANCE FOR LOCAL EDU-*
6 *CATIONAL AGENCIES AND SCHOOLS.—A State may ex-*
7 *pend not more than 25 percent of the amount of the*
8 *funds made available under paragraph (1) for one or*
9 *more of the following authorized State activities:*

10 “(A) *Assisting local educational agencies in*
11 *accomplishing the tasks required to design and*
12 *implement a program under this subpart,*
13 *including—*

14 “(i) *selecting and implementing a pro-*
15 *gram or programs of reading instruction*
16 *grounded on scientifically based reading re-*
17 *search;*

18 “(ii) *selecting or developing rigorous*
19 *diagnostic reading assessments; and*

20 “(iii) *identifying eligible professional*
21 *development providers to help prepare read-*
22 *ing teachers to teach students using the pro-*
23 *grams and assessments described in sub-*
24 *paragraphs (A) and (B).*

1 “(B) *Providing expanded opportunities to*
2 *students in grades kindergarten through 3 within*
3 *eligible local educational agencies for receiving*
4 *reading assistance from alternative providers*
5 *that includes—*

6 “(i) *a rigorous diagnostic reading as-*
7 *essment; and*

8 “(ii) *instruction in the major compo-*
9 *nents of reading that is based on scientific*
10 *reading research.*

11 “(5) *PLANNING, ADMINISTRATION, AND REPORT-*
12 *ING.—*

13 “(A) *IN GENERAL.—A State may expend*
14 *not more than 25 percent of the amount of the*
15 *funds made available under paragraph (1) for*
16 *the activities described in this paragraph.*

17 “(B) *PLANNING AND ADMINISTRATION.—A*
18 *State that receives a grant under this section*
19 *may expend funds made available under sub-*
20 *paragraph (A) for planning and administration*
21 *relating to the State uses of funds authorized*
22 *under this subpart, including the following:*

23 “(i) *Administering the distribution of*
24 *competitive subgrants to local educational*
25 *agencies under sections 1222 and 1223.*

1 “(ii) *Collecting and summarizing*
2 *data—*

3 “(I) *to document the effectiveness*
4 *of this subpart in individual local edu-*
5 *cational agencies and in the State as a*
6 *whole; and*

7 “(II) *to stimulate and accelerate*
8 *improvement by identifying the local*
9 *educational agencies that produce sig-*
10 *nificant gains in reading achievement.*

11 “(C) *ANNUAL REPORTING.—*

12 “(i) *IN GENERAL.—A State that re-*
13 *ceives a grant under this section shall ex-*
14 *pend funds provided under the grant to pro-*
15 *vide the Secretary annually with a report*
16 *on the implementation of this subpart. The*
17 *report shall include evidence that the State*
18 *is fulfilling its obligations under this sub-*
19 *part. The report shall also include the data*
20 *required under subsections (c)(7) (H) and*
21 *(I) to be reported to the State by local edu-*
22 *cational agencies. The report shall include a*
23 *specific identification of those local edu-*
24 *cational agencies that report significant*
25 *gains in reading achievement overall and*

1 *agency that received a grant under section 1222, for the*
2 *use specified in subsection (c).*

3 “(b) *AMOUNT AVAILABLE FOR GRANTS; CRITERIA FOR*
4 *GRANTS.—*

5 “(1) *AMOUNT.—From the total amount made*
6 *available to carry out this subpart for fiscal year*
7 *2004 or any succeeding fiscal year that is not used*
8 *under section 1222 or reserved under section 1226, the*
9 *Secretary shall award grants under this section ac-*
10 *cording to the criteria described in paragraph (2) or*
11 *(3).*

12 “(2) *CRITERIA FOR AWARDING COMPETITIVE*
13 *GRANTS TO STATES.—In carrying out this section, the*
14 *Secretary shall award grants to those State edu-*
15 *cational agencies that—*

16 “(A) *for 2 consecutive years, make or exceed*
17 *adequate yearly progress in reading for all third*
18 *graders, in the aggregate, who attend schools*
19 *served by the local educational agencies receiving*
20 *funding under this subpart;*

21 “(B) *for each of the same such consecutive*
22 *2 years, demonstrate that an increasing percent-*
23 *age of third graders in each of the groups de-*
24 *scribed in section 1111(b)(2)(B)(v)(II) in the*
25 *schools served by the local educational agencies*

1 *receiving funds under this subpart are reaching*
2 *the proficient level in reading; and*

3 “(C) *for each of the same such consecutive*
4 *2 years, demonstrate that schools receiving funds*
5 *under this subpart are improving the reading*
6 *skills of students in the first and second grades*
7 *based on screening, diagnostic, or classroom-*
8 *based instructional assessments.*

9 “(3) *INTERIM CRITERIA FOR AWARDING COM-*
10 *PETITIVE GRANTS TO STATES.—If a State has not de-*
11 *finied adequate yearly progress and implemented an*
12 *assessment of reading in grade 3 as required under*
13 *subsection 1111(b), then the Secretary shall award*
14 *grants to such State educational agency on the basis*
15 *of evidence supplied by the State that, for 2 consec-*
16 *utive years, increasing percentages of students are*
17 *reading at grade level or above in grades 1 through*
18 *3 in schools receiving funds under this subpart.*

19 “(4) *CONTINUATION OF PERFORMANCE*
20 *AWARDS.—For any State that receives a competitive*
21 *grant under this section, the Secretary shall make an*
22 *award for each of the following, consecutive years that*
23 *the State demonstrates it is continuing to meet the*
24 *criteria described in paragraph (2) or (3).*

1 “(5) *DISTRIBUTION OF PERFORMANCE*
2 *GRANTS.—*

3 “(A) *IN GENERAL.—The Secretary shall*
4 *make a grant to each State with an application*
5 *approved under this section in proportion to the*
6 *number of poor children determined under sec-*
7 *tion 1124(c)(1)(A) for the State as compared to*
8 *the number of such poor children in all States*
9 *with applications approved in that year.*

10 “(B) *APPLICATION CONTENTS.—A State*
11 *that desires to receive a grant under this section*
12 *shall submit an application to the Secretary at*
13 *such time, in such manner, and accompanied by*
14 *such information as the Secretary may require.*
15 *Each such application shall include the fol-*
16 *lowing:*

17 “(i) *Evidence that the State has car-*
18 *ried out its obligations under this subpart.*

19 “(ii) *Evidence that the State has met*
20 *the criteria described in paragraph (2) or*
21 *(3).*

22 “(iii) *The amount of funds being re-*
23 *quested by the State and a description of*
24 *the criteria the State intends to use in dis-*
25 *tributing subgrants to local educational*

1 *agencies under this section to continue or*
2 *expand activities under this subpart.*

3 *“(iv) Any additional evidence that*
4 *demonstrates success in the implementation*
5 *of this subpart.*

6 *“(c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-*
7 *CIES.—*

8 *“(1) IN GENERAL.—The Secretary may make a*
9 *grant to a State under this section only if the State*
10 *agrees to expend 100 percent of the amount of the*
11 *funds provided under the grant for the purpose of*
12 *making competitive subgrants in accordance with this*
13 *subsection to local educational agencies.*

14 *“(2) NOTICE.—A State receiving a grant under*
15 *this section shall provide notice to all eligible local*
16 *educational agencies in the State of the availability*
17 *of competitive subgrants under this subsection and of*
18 *the requirements for applying for the subgrants.*

19 *“(3) APPLICATION.—To apply for a subgrant*
20 *under this subsection, an eligible local educational*
21 *agency shall submit an application to the State at*
22 *such time, in such manner, and containing such in-*
23 *formation as the State may reasonably require.*

1 “(4) *DISTRIBUTION.*—A State shall distribute
2 funds under this section, on a competitive basis, based
3 on the following criteria:

4 “(A) Evidence that a local educational
5 agency has carried out its obligations under this
6 subpart.

7 “(B) Evidence that a local educational
8 agency has, for 2 consecutive years, made or ex-
9 ceeded adequate yearly progress in reading for
10 all third graders, in the aggregate, who attend
11 schools receiving funds under this subpart.

12 “(C) Evidence that a local educational
13 agency has, for each of the same such consecutive
14 2 years, demonstrated that an increasing per-
15 centage of the third graders in each of the groups
16 described in section 1111(b)(2)(B)(v)(II) in
17 schools receiving funds under this subpart are
18 reaching the proficient level in reading.

19 “(D) Evidence that a local educational
20 agency has, for each of the same such consecutive
21 2 years, demonstrated that schools receiving
22 funds under this subpart are improving the
23 reading skills of students in the first and second
24 grades based on screening, diagnostic, or class-
25 room-based instructional assessments.

1 “(E) *The amount of funds being requested*
2 *by a local educational agency in its application*
3 *under paragraph (3) and the description in such*
4 *application of how such funds will be used to*
5 *support the continuation or expansion of the*
6 *agency’s programs under this subpart.*

7 “(F) *Evidence that the local educational*
8 *agency will work with other eligible local edu-*
9 *ational agencies in the State who have not re-*
10 *ceived a subgrant under this subsection to assist*
11 *such nonreceiving agencies in increasing the*
12 *reading achievement of students.*

13 “(G) *Any additional evidence in a local*
14 *educational agency’s application under para-*
15 *graph (3) that demonstrates success in the imple-*
16 *mentation of this subpart.*

17 “(5) *INTERIM CRITERIA FOR DISTRIBUTING*
18 *FUNDS.—If a State has not defined adequate yearly*
19 *progress or implemented an assessment of reading in*
20 *grade 3 as required under subsection 1111(b), then*
21 *such State shall award grants, on a competitive basis*
22 *according to the criteria described in paragraphs (4)*
23 *(A), (E), (F), and (G), to local educational agencies*
24 *that for 2 consecutive years increased the percentage*
25 *of students reading at grade level or above in grades*

1 1 through 3 in schools receiving funds under this sub-
2 part.

3 “(6) *LOCAL USES OF FUNDS.*—A local edu-
4 cational agency that receives a subgrant under this
5 subsection shall use the funds provided under the
6 subgrant to carry out the activities described in sub-
7 paragraphs (A) through (G) of section 1222(c)(7).

8 **“SEC. 1224. STATE APPLICATIONS.**

9 “(a) *APPLICATIONS.*—

10 “(1) *IN GENERAL.*—A State educational agency
11 that desires to receive a grant under section 1222
12 shall submit an application to the Secretary at such
13 time and in such form as the Secretary may require.
14 The application shall contain the information de-
15 scribed in subsection (b).

16 “(2) *SPECIAL APPLICATION PROVISIONS.*—For
17 those States that have received a grant under part C
18 of title II (as such part was in effect on the day pre-
19 ceding the date of enactment of the *Better Education*
20 *for Students and Teachers Act*), the Secretary shall
21 establish a modified set of requirements for an appli-
22 cation under this section that takes into account the
23 information already submitted and approved under
24 that program and minimizes the duplication of effort
25 on the part of such States.

1 “(b) *CONTENTS.*—*An application under this section*
2 *shall contain the following:*

3 “(1) *An assurance that the Governor of the*
4 *State, in consultation with the State educational*
5 *agency, has established a reading and literacy part-*
6 *nership described in subsection (d), and a description*
7 *of how such partnership—*

8 “(A) *coordinated the development of the ap-*
9 *plication; and*

10 “(B) *will assist in the oversight and evalua-*
11 *tion of the State’s activities under this subpart.*

12 “(2) *A description of a strategy to expand, con-*
13 *tinue, or modify activities commenced under part C*
14 *of title II of this Act (as such part was in effect on*
15 *the day before the date of the enactment of the Better*
16 *Education for Students and Teachers Act).*

17 “(3) *An assurance that the State will submit to*
18 *the Secretary, at such time and in such manner as*
19 *the Secretary may reasonably require, a State plan*
20 *containing a description of the following:*

21 “(A) *How the State will assist local edu-*
22 *cational agencies in identifying rigorous diag-*
23 *nostic reading assessments.*

24 “(B) *How the State will assist local edu-*
25 *cational agencies in identifying instructional*

1 *materials, programs, strategies, and approaches,*
2 *grounded on scientifically based reading re-*
3 *search, including early intervention and reading*
4 *remediation materials, programs and ap-*
5 *proaches.*

6 “(C) *How the State educational agency will*
7 *ensure that professional development activities*
8 *related to reading instruction and provided*
9 *under this subpart are—*

10 “(i) *coordinated with other Federal,*
11 *State and local level funds and used effec-*
12 *tively to improve instructional practices for*
13 *reading; and*

14 “(ii) *based on scientifically based read-*
15 *ing research.*

16 “(D) *How the activities assisted under this*
17 *subpart will address the needs of teachers and*
18 *other instructional staff in schools receiving as-*
19 *sistance under this subpart and will effectively*
20 *teach students to read.*

21 “(E) *The extent to which the activities will*
22 *prepare teachers in all the major components of*
23 *reading instruction.*

24 “(F) *How subgrants made by the State edu-*
25 *cational agency under this subpart will meet the*

1 *requirements of this subpart, including how the*
2 *State educational agency will ensure that local*
3 *educational agencies receiving subgrants under*
4 *this subpart will use practices based on scientif-*
5 *ically based reading research.*

6 *“(G) How the State educational agency*
7 *will, to the extent practicable, make grants to*
8 *subgrantees in both rural and urban areas.*

9 *“(H) How the State educational agency—*

10 *“(i) will build on, and promote coordi-*
11 *nation among, literacy programs in the*
12 *State (including federally funded programs*
13 *such as the Adult Education and Family*
14 *Literacy Act and the Individuals with Dis-*
15 *abilities Education Act), in order to in-*
16 *crease the effectiveness of the programs in*
17 *improving reading for adults and children*
18 *and to avoid duplication of the efforts of the*
19 *program; and*

20 *“(ii) will assess and evaluate, on a reg-*
21 *ular basis, local educational agency activi-*
22 *ties assisted under this subpart, with respect*
23 *to whether they have been effective in*
24 *achieving the purposes of this subpart.*

25 *“(c) APPROVAL OF APPLICATIONS.—*

1 “(1) *IN GENERAL.*—*The Secretary shall approve*
2 *an application of a State under this section only if*
3 *such application meets the requirement of this section.*

4 “(2) *PEER REVIEW.*—

5 “(A) *IN GENERAL.*—*The Secretary, in con-*
6 *sultation with the National Institute for Lit-*
7 *eracy, shall convene a panel to evaluate applica-*
8 *tions under this section. At a minimum, the*
9 *panel shall include—*

10 “(i) *3 individuals selected by the Sec-*
11 *retary;*

12 “(ii) *3 individuals selected by the Na-*
13 *tional Institute for Literacy;*

14 “(iii) *3 individuals selected by the Na-*
15 *tional Research Council of the National*
16 *Academy of Sciences; and*

17 “(iv) *3 individuals selected by the Na-*
18 *tional Institute of Child Health and*
19 *Human Development.*

20 “(B) *EXPERTS.*—*The panel shall include*
21 *experts who are competent, by virtue of their*
22 *training, expertise, or experience, to evaluate ap-*
23 *plications under this section, and experts who*
24 *provide professional development to teachers of*
25 *reading to children and adults, and experts who*

1 *provide professional development to other in-*
2 *structional staff, based on scientifically based*
3 *reading research.*

4 “(C) *RECOMMENDATIONS.*—*The panel shall*
5 *recommend grant applications from States under*
6 *this section to the Secretary for funding or for*
7 *disapproval.*

8 “(d) *READING AND LITERACY PARTNERSHIPS.*—

9 “(1) *REQUIRED PARTICIPANTS.*—*In order for a*
10 *State to receive a grant under this subpart, the Gov-*
11 *ernor of the State, in consultation with the State edu-*
12 *cational agency, shall establish a reading and literacy*
13 *partnership consisting of at least the following par-*
14 *ticipants:*

15 “(A) *The Governor of the State.*

16 “(B) *The chief State school officer.*

17 “(C) *The chairman and the ranking mem-*
18 *ber of each committee of the State legislature*
19 *that is responsible for education policy.*

20 “(D) *A representative, selected jointly by the*
21 *Governor and the chief State school officer, of at*
22 *least one local educational agency that is eligible*
23 *to receive a subgrant under section 1222.*

24 “(E) *A representative, selected jointly by the*
25 *Governor and the chief State school officer, of a*

1 *community-based organization working with*
2 *children to improve their reading skills, particu-*
3 *larly a community-based organization using tu-*
4 *tors and scientifically based reading research.*

5 “(F) *State directors of appropriate Federal*
6 *or State programs with a strong reading compo-*
7 *nent.*

8 “(G) *A parent of a public or private school*
9 *student or a parent who educates their child or*
10 *children in their home, selected jointly by the*
11 *Governor and the chief State school officer.*

12 “(H) *A teacher who successfully teaches*
13 *reading and an instructional staff member, se-*
14 *lected jointly by the Governor and the chief State*
15 *school officer.*

16 “(I) *A family literacy service provider se-*
17 *lected jointly by the Governor and the chief State*
18 *school officer.*

19 “(2) *OPTIONAL PARTICIPANTS.—A reading and*
20 *literacy partnership may include additional partici-*
21 *pants, who shall be selected jointly by the Governor*
22 *and the chief State school officer, and who may in-*
23 *clude a representative of—*

24 “(A) *an institution of higher education op-*
25 *erating a program of teacher preparation based*

1 *on scientifically based reading research in the*
2 *State;*

3 “(B) *a local educational agency;*

4 “(C) *a private nonprofit or for-profit eligi-*
5 *ble professional development provider providing*
6 *instruction based on scientifically based reading*
7 *research;*

8 “(D) *an adult education provider;*

9 “(E) *a volunteer organization that is in-*
10 *involved in reading programs; or*

11 “(F) *a school library or a public library*
12 *that offers reading or literacy programs for chil-*
13 *dren or families.*

14 “(3) *PREEXISTING PARTNERSHIP.—If, before the*
15 *date of the enactment of the Better Education for Stu-*
16 *dents and Teachers Act, a State established a consor-*
17 *tium, partnership, or any other similar body that*
18 *was considered a reading and literacy partnership for*
19 *purposes of part C of title II of this Act (as such part*
20 *was in effect on the day before the date of the enact-*
21 *ment of the Better Education for Students and Teach-*
22 *ers Act), that consortium, partnership, or body may*
23 *be considered a reading and literacy partnership for*
24 *purposes of this subpart notwithstanding that it does*
25 *not satisfy the requirements of paragraph (1).*

1 **“SEC. 1225. ACCOUNTABILITY FOR RESULTS.**

2 “(a) *STATE ACCOUNTABILITY.*—

3 “(1) *REDUCTIONS.*—*If the Secretary makes the*
4 *determination described in paragraphs (2) or (3) for*
5 *2 consecutive years, then the Secretary shall reduce*
6 *the size of a State’s grant under this subpart for the*
7 *subsequent fiscal year.*

8 “(2) *DETERMINATION.*—*The determination re-*
9 *ferred to in paragraph (1) is the determination, made*
10 *on the basis of data from the State assessment system*
11 *described in section 1111, that a State—*

12 “(A) *failed to make adequate yearly*
13 *progress in reading (as defined in the State’s*
14 *plan under section 1111) for all third graders, in*
15 *the aggregate, who attend schools receiving funds*
16 *under this subpart; and*

17 “(B) *failed to increase the percentage of*
18 *third graders within each of the groups described*
19 *in section 1111(b)(2)(B)(v)(II) who attend*
20 *schools receiving funds under this subpart in*
21 *reaching the proficient level in reading as com-*
22 *pared to the previous school year.*

23 “(3) *INTERIM CRITERIA FOR DETERMINATION.*—
24 *If a State has not defined adequate yearly progress*
25 *and implemented an assessment of reading in grade*
26 *3 as required under subsection 1111(b), then the de-*

1 *termination referred to in paragraph (1) is the deter-*
2 *mination that such State failed to increase the per-*
3 *centage of students reading at grade level or above in*
4 *grades 1 through 3 in schools receiving funds under*
5 *this subpart.*

6 *“(4) CONTINUED REDUCTIONS.—If the Secretary*
7 *makes the determination described in paragraph (2)*
8 *or (3) for a third or subsequent consecutive year, then*
9 *the Secretary shall continue to reduce a States’s grant*
10 *under this subpart in each such consecutive year.*

11 *“(b) LOCAL EDUCATIONAL AGENCY ACCOUNT-*
12 *ABILITY.—*

13 *“(1) REDUCTIONS.—If the State educational*
14 *agency makes the determination described in para-*
15 *graph (2) or (3) for a local educational agency receiv-*
16 *ing funds under this subpart for 2 consecutive years,*
17 *then the State shall make that local educational agen-*
18 *cy a priority for professional development and tech-*
19 *nical assistance provided under section 1222(d) (3)*
20 *and (4).*

21 *“(2) DETERMINATION.—The determination re-*
22 *ferred to in paragraph (1) is the determination, made*
23 *on the basis of data from the State assessment system*
24 *described in section 1111, that a local educational*
25 *agency—*

1 “(A) failed to make adequate yearly
2 progress in reading (as defined in the State plan
3 under section 1111) for all third graders, in the
4 aggregate, who attend schools that are served by
5 the agency and receive funds under this subpart;
6 and

7 “(B) failed to increase the percentage of
8 third graders, within each of the groups de-
9 scribed in section 1111(b)(2)(B)(v)(II), who at-
10 tend schools that are served by the agency and
11 receive funds under this subpart, reaching the
12 proficient level in reading as compared to the
13 previous school year.

14 “(3) *INTERIM CRITERIA FOR DETERMINATION.*—
15 If a State has not defined adequate yearly progress
16 and implemented an assessment of reading in grade
17 3 as required under subsection 1111(b), then the de-
18 termination referred to in paragraph (1) is the deter-
19 mination that a local educational agency failed to in-
20 crease the percentage of students reading at grade
21 level or above in grades 1 through 3 in schools receiv-
22 ing funds under this subpart.

23 “(4) *CONTINUED REDUCTIONS.*—If the State
24 makes the determination described in paragraph (2)
25 for a third or subsequent consecutive year, then the

1 *State shall continue to provide professional develop-*
2 *ment and technical assistance and may require the*
3 *local educational agency to institute a new reading*
4 *curriculum that has demonstrated success in improv-*
5 *ing the reading skills of students in kindergarten*
6 *through third grade, replace school district or school*
7 *staff involved in the planning or implementation of*
8 *the reading curriculum, or take some other action or*
9 *actions to address the cause or causes for such failure*
10 *to demonstrate progress. If the local educational agen-*
11 *cy refuses to take such action, then the State may re-*
12 *duce or eliminate the grant to that local educational*
13 *agency.*

14 **“SEC. 1226. RESERVATIONS FROM APPROPRIATIONS.**

15 *“From the amounts appropriated to carry out this*
16 *subpart for a fiscal year, the Secretary—*

17 *“(1) may reserve not more than 1 percent to*
18 *carry out section 1227 (relating to national activi-*
19 *ties); and*

20 *“(2) shall reserve \$5,000,000 to carry out section*
21 *1228 (relating to information dissemination).*

22 **“SEC. 1227. NATIONAL ACTIVITIES.**

23 *“(a) IN GENERAL.—From funds reserved under section*
24 *1226, the Secretary—*

1 “(1) shall contract with an independent outside
2 organization for a 5-year, rigorous, scientifically
3 valid, quantitative evaluation of this subpart;

4 “(2) may provide technical assistance in achiev-
5 ing the purposes of this subpart to States, local edu-
6 cational agencies, and schools requesting such assist-
7 ance; and

8 “(3) shall, at a minimum, evaluate the impact
9 of services provided to children under this subpart
10 with respect to their referral to and eligibility for spe-
11 cial education services under the Individuals with
12 Disabilities Education Act (based on their difficulties
13 learning to read).

14 “(b) *PROCESS*.—Such evaluation shall be conducted by
15 an organization outside of the Department that is capable
16 of designing and carrying out an independent evaluation
17 that identifies the effects of specific activities carried out
18 by States and local educational agencies under this subpart
19 on improving reading instruction. Such evaluation shall
20 use only data relating to students served under this subpart
21 and shall take into account factors influencing student per-
22 formance that are not controlled by teachers or education
23 administrators.

24 “(c) *ANALYSIS*.—Such evaluation shall include the fol-
25 lowing:

1 “(1) *An analysis of the relationship between each*
2 *of the essential components of reading instruction and*
3 *overall reading proficiency.*

4 “(2) *An analysis of whether assessment tools*
5 *used by States and local educational agencies measure*
6 *the essential components of reading instruction.*

7 “(3) *An analysis of how State reading standards*
8 *correlate with the essential components of reading in-*
9 *struction.*

10 “(4) *An analysis of whether the receipt of a dis-*
11 *cretionary grant under this subpart results in an in-*
12 *crease in the number of children who read pro-*
13 *ficiently.*

14 “(5) *A measurement of the extent to which spe-*
15 *cific instructional materials improve reading pro-*
16 *ficiency.*

17 “(6) *A measurement of the extent to which spe-*
18 *cific rigorous diagnostic reading and screening assess-*
19 *ment tools assist teachers in identifying specific read-*
20 *ing deficiencies.*

21 “(7) *A measurement of the extent to which pro-*
22 *fessional development programs implemented by*
23 *States using funds received under this subpart im-*
24 *prove reading instruction.*

1 “(8) *A measurement of how well students pre-*
2 *paring to enter the teaching profession are prepared*
3 *to teach the essential components of reading instruc-*
4 *tion.*

5 “(9) *An analysis of changes in students’ interest*
6 *in reading and time spent reading outside of school.*

7 “(10) *Any other analysis or measurement perti-*
8 *nent to this subpart that is determined to be appro-*
9 *priate by the Secretary.*

10 “(d) *PROGRAM IMPROVEMENT.—The findings of the*
11 *evaluation conducted under this section shall be provided*
12 *to States and local educational agencies on a periodic basis*
13 *for use in program improvement.*

14 “**SEC. 1228. INFORMATION DISSEMINATION.**

15 “(a) *IN GENERAL.—From funds reserved under section*
16 *1226(2), the National Institute for Literacy, in collabora-*
17 *tion with the Departments of Education and Health and*
18 *Human Services, including the National Institute for Child*
19 *Health and Human Development, shall—*

20 “(1) *disseminate information on scientifically*
21 *based reading research pertaining to children, youth,*
22 *and adults;*

23 “(2) *identify and disseminate information about*
24 *schools, local educational agencies, and States that ef-*
25 *fectively developed and implemented reading pro-*

1 grams that meet the requirements of this subpart, in-
2 cluding those effective States, local educational agen-
3 cies, and schools identified through the evaluation and
4 peer review provisions of this subpart; and

5 “(3) support the continued identification of sci-
6 entifically based reading research that can lead to im-
7 proved reading outcomes for children, youth, and
8 adults through evidenced-based assessments of the sci-
9 entific research literature.

10 “(b) *DISSEMINATION AND COORDINATION.*—At a min-
11 imum, the National Institute for Literacy shall disseminate
12 such information to recipients of Federal financial assist-
13 ance under titles I and III, the Head Start Act, the Individ-
14 uals With Disabilities Education Act, and the Adult Edu-
15 cation and Family Literacy Act. In carrying out this sec-
16 tion, the National Institute for Literacy shall, to the extent
17 practicable, utilize existing information and dissemination
18 networks developed and maintained through other public
19 and private entities including through the Department and
20 the National Center for Family Literacy.

21 “(c) *USE OF FUNDS.*—The National Institute for Lit-
22 eracy may use not more than 5 percent of the funds made
23 available under section 1226(2) for administrative purposes
24 directly related to carrying out of activities authorized by
25 this section.

1 **“SEC. 1229. IMPROVING LITERACY THROUGH SCHOOL LI-**
2 **BRARIES.**

3 “(a) *IN GENERAL.*—From funds made available under
4 subsection (d) for a fiscal year, the Secretary shall allot to
5 each State educational agency having an application ap-
6 proved under subsection (c)(1) an amount that bears the
7 same relation to the funds as the amount the State edu-
8 cational agency received under part A for the preceding fis-
9 cal year bears to the amount all such State educational
10 agencies received under part A for the preceding fiscal year,
11 to increase literacy and reading skills by improving school
12 libraries.

13 “(b) *WITHIN-STATE ALLOCATIONS.*—Each State edu-
14 cational agency receiving an allotment under subsection (a)
15 for a fiscal year—

16 “(1) may reserve not more than 3 percent to pro-
17 vide technical assistance, disseminate information
18 about school library media programs that are effective
19 and based on scientifically based research, and pay
20 administrative costs, related to activities under this
21 section; and

22 “(2) shall allocate the allotted funds that remain
23 after making the reservation under paragraph (1) to
24 each local educational agency in the State having an
25 application approved under subsection (c)(2) (for ac-
26 tivities described in subsection (f)) in an amount that

1 *bears the same relation to such remainder as the*
2 *amount the local educational agency received under*
3 *part A for the fiscal year bears to the amount received*
4 *by all such local educational agencies in the State for*
5 *the fiscal year.*

6 “(c) *APPLICATIONS.*—

7 “(1) *STATE EDUCATIONAL AGENCY.*—*Each State*
8 *educational agency desiring assistance under this sec-*
9 *tion shall submit to the Secretary an application at*
10 *such time, in such manner, and containing such in-*
11 *formation as the Secretary shall require. The applica-*
12 *tion shall contain a description of—*

13 “(A) *how the State educational agency will*
14 *assist local educational agencies in meeting the*
15 *requirements of this section and in using sci-*
16 *entifically based research to implement effective*
17 *school library media programs; and*

18 “(B) *the standards and techniques the State*
19 *educational agency will use to evaluate the qual-*
20 *ity and impact of activities carried out under*
21 *this section by local educational agencies to de-*
22 *termine the need for technical assistance and*
23 *whether to continue funding the agencies under*
24 *this section.*

1 “(2) *LOCAL EDUCATIONAL AGENCY.*—*Each local*
2 *educational agency desiring assistance under this sec-*
3 *tion shall submit to the State educational agency an*
4 *application at such time, in such manner, and con-*
5 *taining such information as the State educational*
6 *agency shall require. The application shall contain a*
7 *description of—*

8 “(A) *a needs assessment relating to the need*
9 *for school library media improvement, based on*
10 *the age and condition of school library media re-*
11 *sources, including book collections, access of*
12 *school library media centers to advanced tech-*
13 *nology, and the availability of well-trained, pro-*
14 *fessionally certified school library media special-*
15 *ists, in schools served by the local educational*
16 *agency;*

17 “(B) *how the local educational agency will*
18 *extensively involve school library media special-*
19 *ists, teachers, administrators, and parents in the*
20 *activities assisted under this section, and the*
21 *manner in which the local educational agency*
22 *will carry out the activities described in sub-*
23 *section (f) using programs and materials that*
24 *are grounded in scientifically based research;*

1 “(C) *the manner in which the local edu-*
2 *cational agency will effectively coordinate the*
3 *funds and activities provided under this section*
4 *with Federal, State, and local funds and activi-*
5 *ties under this subpart and other literacy, li-*
6 *brary, technology, and professional development*
7 *funds and activities; and*

8 “(D) *the manner in which the local edu-*
9 *cational agency will collect and analyze data on*
10 *the quality and impact of activities carried out*
11 *under this section by schools served by the local*
12 *educational agency.*

13 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There*
14 *are authorized to be appropriated to carry out this section*
15 *\$500,000,000 for fiscal year 2002 and such sums as may*
16 *be necessary for each of the 6 succeeding fiscal years.*

17 “(e) *WITHIN-LEA DISTRIBUTION.—Each local edu-*
18 *cational agency receiving funds under this section shall*
19 *distribute—*

20 “(1) *50 percent of the funds to schools served by*
21 *the local educational agency that are in the top quar-*
22 *tile in terms of percentage of students enrolled from*
23 *families with incomes below the poverty line; and*

24 “(2) *50 percent of the funds to schools that have*
25 *the greatest need for school library media improve-*

1 *ment based on the needs assessment described in sub-*
2 *section (c)(2)(A).*

3 *“(f) LOCAL ACTIVITIES.—Funds under this section*
4 *may be used to—*

5 *“(1) acquire up-to-date school library media re-*
6 *sources, including books;*

7 *“(2) acquire and utilize advanced technology, in-*
8 *corporated into the curricula of the school, to develop*
9 *and enhance the information literacy, information re-*
10 *trieval, and critical thinking skills of students;*

11 *“(3) facilitate Internet links and other resource-*
12 *sharing networks among schools and school library*
13 *media centers, and public and academic libraries,*
14 *where possible;*

15 *“(4) provide professional development described*
16 *in 1222(c)(7)(D) for school library media specialists,*
17 *and activities that foster increased collaboration be-*
18 *tween school library media specialists, teachers, and*
19 *administrators; and*

20 *“(5) provide students with access to school li-*
21 *braries during nonschool hours, including the hours*
22 *before and after school, during weekends, and during*
23 *summer vacation periods.*

24 *“(g) ACCOUNTABILITY AND CONTINUATION OF*
25 *FUNDS.—Each local educational agency that receives fund-*

1 *ing under this section for a fiscal year shall be eligible to*
2 *continue to receive the funding for a third or subsequent*
3 *fiscal year only if the local educational agency demonstrates*
4 *to the State educational agency that the local educational*
5 *agency has increased—*

6 “(1) *the availability of, and the access to, up-to-*
7 *date school library media resources in the elementary*
8 *schools and secondary schools served by the local edu-*
9 *cational agency; and*

10 “(2) *the number of well-trained, professionally*
11 *certified school library media specialists in those*
12 *schools.*

13 “(h) *APPLICABILITY.—The provisions of this subpart*
14 *(other than this section) shall not apply to this section.*

15 “(i) *SUPPLEMENT NOT SUPPLANT.—Funds made*
16 *available under this section shall be used to supplement and*
17 *not supplant other Federal, State, and local funds expended*
18 *to carry out activities relating to library, technology, or*
19 *professional development activities.*

20 “(j) *NATIONAL ACTIVITIES.—From the total amount*
21 *made available under subsection (d) for each fiscal year,*
22 *the Secretary shall reserve not more than 1 percent for an-*
23 *ual, independent, national evaluations of the activities as-*
24 *sisted under this section. The evaluations shall be conducted*
25 *not later than 3 years after the date of enactment of the*

1 *Better Education for Students and Teachers Act, and each*
2 *year thereafter.*

3 **“SEC. 1230. DEFINITIONS.**

4 *“For purposes of this subpart:*

5 *“(1) ELIGIBLE PROFESSIONAL DEVELOPMENT*
6 *PROVIDER.—The term ‘eligible professional develop-*
7 *ment provider’ means a provider of professional devel-*
8 *opment in reading instruction to teachers that is*
9 *based on scientifically based reading research.*

10 *“(2) INSTRUCTIONAL STAFF.—The term ‘instruc-*
11 *tional staff’—*

12 *“(A) means individuals who have responsi-*
13 *bility for teaching children to read; and*

14 *“(B) includes principals, teachers, super-*
15 *visors of instruction, librarians, library school*
16 *media specialists, teachers of academic subjects*
17 *other than reading, and other individuals who*
18 *have responsibility for assisting children to learn*
19 *to read.*

20 *“(3) MAJOR COMPONENTS OF READING INSTRU-*
21 *CTION.—The term ‘major components of reading in-*
22 *struction’ means systematic instruction that*
23 *includes—*

24 *“(A) phonemic awareness;*

25 *“(B) phonics;*

1 “(C) *vocabulary development;*

2 “(D) *reading fluency; and*

3 “(E) *reading comprehension strategies.*

4 “(4) *READING.—The term ‘reading’ means a*
5 *complex system of deriving meaning from print that*
6 *requires all of the following:*

7 “(A) *The skills and knowledge to under-*
8 *stand how phonemes, or speech sounds, are con-*
9 *nected to print.*

10 “(B) *The ability to decode unfamiliar*
11 *words.*

12 “(C) *The ability to read fluently.*

13 “(D) *Sufficient background information*
14 *and vocabulary to foster reading comprehension.*

15 “(E) *The development of appropriate active*
16 *strategies to construct meaning from print.*

17 “(F) *The development and maintenance of a*
18 *motivation to read.*

19 “(5) *RIGOROUS DIAGNOSTIC READING ASSESS-*
20 *MENT.—The term ‘rigorous diagnostic reading assess-*
21 *ment’ means a diagnostic reading assessment that—*

22 “(A) *is valid, reliable, and grounded in sci-*
23 *entifically based reading research;*

1 “(B) measures progress in phonemic aware-
2 ness and phonics, vocabulary development, read-
3 ing fluency, or reading comprehension; and

4 “(C) identifies students who may be at risk
5 for reading failure or who are having difficulty
6 reading.

7 “(6) *SCIENTIFICALLY BASED READING RE-*
8 *SEARCH.*—The term ‘scientifically based reading
9 research’—

10 “(A) means research that applies rigorous,
11 systematic, and objective procedures to obtain
12 valid knowledge relevant to reading development,
13 reading instruction, and reading difficulties; and

14 “(B) shall include research that—

15 “(i) employs systematic, empirical
16 methods that draw on observation or experi-
17 ment;

18 “(ii) involves rigorous data analyses
19 that are adequate to test the stated
20 hypotheses and justify the general conclu-
21 sions drawn;

22 “(iii) relies on measurements or obser-
23 vational methods that provide valid data
24 across evaluators and observers and across

1 *multiple measurements and observations;*
2 *and*
3 *“(iv) has been accepted by a peer-re-*
4 *viewed journal or approved by a panel of*
5 *independent experts through a comparably*
6 *rigorous, objective, and scientific review.”.*

7 **SEC. 122. EARLY READING INITIATIVE.**

8 *Part B of title I (20 U.S.C. 6361 et seq.) is amended*
9 *further by adding at the end the following:*

10 **“Subpart 3—Early Reading First**

11 **“SEC. 1241. PURPOSES.**

12 *“The purposes of this subpart are as follows:*

13 *“(1) To support local efforts to enhance the early*
14 *language, literacy, and prereading development of*
15 *preschool age children, particularly those from low-in-*
16 *come families, through strategies and professional de-*
17 *velopment that are based on scientifically based re-*
18 *search.*

19 *“(2) To provide preschool age children with cog-*
20 *nitive learning opportunities in high-quality lan-*
21 *guage and literature-rich environments, so that the*
22 *children can attain the fundamental knowledge and*
23 *skills necessary for optimal reading development in*
24 *kindergarten and beyond.*

1 “(3) *To demonstrate language and literacy ac-*
2 *tivities based on scientifically based research that*
3 *support the age-appropriate development of—*

4 “(A) *spoken language and oral comprehen-*
5 *sion abilities;*

6 “(B) *understanding that spoken language*
7 *can be analyzed into discrete words, and aware-*
8 *ness that words can be broken into sequences of*
9 *syllables and phonemes;*

10 “(C) *automatic recognition of letters of the*
11 *alphabet and understanding that letters or*
12 *groups of letters systematically represent the*
13 *component sounds of the language; and*

14 “(D) *knowledge of the purposes and conven-*
15 *tions of print.*

16 “(4) *To integrate these learning opportunities*
17 *with learning opportunities at preschools, child care*
18 *agencies, and Head Start agencies, and with family*
19 *literacy services.*

20 **“SEC. 1242. LOCAL EARLY READING FIRST GRANTS.**

21 “(a) *PROGRAM AUTHORIZED.—From amounts appro-*
22 *priated under section 1002(b)(3), the Secretary shall award*
23 *grants, on a competitive basis, for periods of not more than*
24 *5 years, to eligible applicants to enable the eligible appli-*

1 *cants to carry out the authorized activities described in sub-*
2 *section (e).*

3 “(b) *DEFINITION OF ELIGIBLE APPLICANT.*—*In this*
4 *subpart the term ‘eligible applicant’ means—*

5 “(1) *one or more local educational agencies that*
6 *are eligible to receive a subgrant under subpart 2;*

7 “(2) *one or more public or private organizations*
8 *or agencies, acting on behalf of 1 or more programs*
9 *that serve preschool age children (such as a program*
10 *at a Head Start center, a child care program, or a*
11 *family literacy program), which organizations or*
12 *agencies shall be located in a community served by a*
13 *local educational agency described in paragraph (1);*
14 *or*

15 “(3) *one or more local educational agencies de-*
16 *scribed in paragraph (1) in collaboration with one or*
17 *more organizations or agencies described in para-*
18 *graph (2).*

19 “(c) *APPLICATIONS.*—*An eligible applicant that de-*
20 *sires to receive a grant under this section shall submit an*
21 *application to the Secretary which shall include a descrip-*
22 *tion of—*

23 “(1) *the programs to be served by the proposed*
24 *project, including demographic and socioeconomic in-*

1 *formation on the preschool age children enrolled in*
2 *the programs;*

3 *“(2) how the proposed project will prepare and*
4 *provide ongoing assistance to staff in the programs,*
5 *through professional development and other support,*
6 *to provide high-quality language, literacy and*
7 *prereading activities using scientifically based re-*
8 *search, for preschool age children;*

9 *“(3) how the proposed project will provide serv-*
10 *ices and utilize materials that are based on scientif-*
11 *ically based research on early language acquisition,*
12 *prereading activities, and the development of spoken*
13 *language skills;*

14 *“(4) how the proposed project will help staff in*
15 *the programs to meet the diverse needs of preschool*
16 *age children in the community better, including such*
17 *children with limited English proficiency, disabilities,*
18 *or other special needs;*

19 *“(5) how the proposed project will help preschool*
20 *age children, particularly such children experiencing*
21 *difficulty with spoken language, prereading, and lit-*
22 *eracy skills, to make the transition from preschool to*
23 *formal classroom instruction in school;*

24 *“(6) if the eligible applicant has received a*
25 *subgrant under subpart 2, how the activities con-*

1 *ducted under this subpart will be coordinated with*
2 *the eligible applicant’s activities under subpart 2 at*
3 *the kindergarten through third-grade level;*

4 *“(7) how the proposed project will evaluate the*
5 *success of the activities supported under this subpart*
6 *in enhancing the early language, literacy, and*
7 *prereading development of preschool age children*
8 *served by the project; and*

9 *“(8) such other information as the Secretary*
10 *may require.*

11 *“(d) APPROVAL OF APPLICATIONS.—The Secretary*
12 *shall select applicants for funding under this subpart on*
13 *the basis of the quality of the applications, in consultation*
14 *with the National Institute for Child Health and Human*
15 *Development, the National Institute for Literacy, and the*
16 *National Academy of Sciences. The Secretary shall select*
17 *applications for approval under this subpart on the basis*
18 *of a peer review process.*

19 *“(e) AUTHORIZED ACTIVITIES.— An eligible applicant*
20 *that receives a grant under this subpart shall use the funds*
21 *provided under the grant to carry out the following activi-*
22 *ties:*

23 *“(A) Providing preschool age children with*
24 *high-quality oral language and literature-rich*

1 *environments in which to acquire language and*
2 *prereading skills.*

3 *“(B) Providing professional development*
4 *that is based on scientifically based research*
5 *knowledge of early language and reading devel-*
6 *opment for the staff of the eligible applicant and*
7 *that will assist in developing the preschool age*
8 *children’s—*

9 *“(i) spoken language (including vocabu-*
10 *lary, the contextual use of speech, and syn-*
11 *tax) and oral comprehension abilities;*

12 *“(ii) understanding that spoken lan-*
13 *guage can be analyzed into discrete words,*
14 *and awareness that words can be broken*
15 *into sequences of syllables and phonemes;*

16 *“(iii) automatic recognition of letters*
17 *of the alphabet and understanding that let-*
18 *ters or groups of letters systematically rep-*
19 *resent the component sounds of the lan-*
20 *guage; and*

21 *“(iv) knowledge of the purposes and*
22 *conventions of print.*

23 *“(C) Identifying and providing activities*
24 *and instructional materials that are based on*
25 *scientifically based research for use in developing*

1 *the skills and abilities described in subparagraph*
2 *(B).*

3 “(D) *Acquiring, providing training for, and*
4 *implementing screening tools or other appro-*
5 *propriate measures that are based on scientifically*
6 *based research to determine whether preschool*
7 *age children are developing the skills described in*
8 *this subsection.*

9 “(E) *Integrating such instructional mate-*
10 *rials, activities, tools, and measures into the pro-*
11 *grams offered by the eligible applicant.*

12 “(f) *AWARD AMOUNTS.—The Secretary may establish*
13 *a maximum award amount, or ranges of award amounts,*
14 *for grants under this subpart.*

15 **“SEC. 1243. FEDERAL ADMINISTRATION.**

16 *“The Secretary shall consult with the Secretary of*
17 *Health and Human Services in order to coordinate the ac-*
18 *tivities undertaken under this subpart with preschool age*
19 *programs administered by the Department of Health and*
20 *Human Services.*

21 **“SEC. 1244. INFORMATION DISSEMINATION.**

22 *“From the funds the National Institute for Literacy*
23 *receives under section 1228, the National Institute for Lit-*
24 *eracy, in consultation with the Secretary, shall disseminate*

1 *information regarding projects assisted under this subpart*
2 *that have proven effective.*

3 **“SEC. 1245. REPORTING REQUIREMENTS.**

4 *“Each eligible applicant receiving a grant under this*
5 *subpart shall report annually to the Secretary regarding*
6 *the eligible applicant’s progress in addressing the purposes*
7 *of this subpart. Such report shall include, at a minimum,*
8 *a description of—*

9 *“(1) the activities, materials, tools, and measures*
10 *used by the eligible applicant;*

11 *“(2) the professional development activities of-*
12 *fered to the staff of the eligible applicant who serve*
13 *preschool age children and the amount of such profes-*
14 *sional development;*

15 *“(3) the types of programs and ages of children*
16 *served; and*

17 *“(4) the results of the evaluation described in sec-*
18 *tion 1242(c)(7).*

19 **“SEC. 1246. EVALUATIONS.**

20 *“From the total amount appropriated under section*
21 *1002(b)(3) for the period beginning October 1, 2002 and*
22 *ending September 30, 2008, the Secretary shall reserve not*
23 *more than \$5,000,000 to conduct an independent evaluation*
24 *of the effectiveness of this subpart.*

1 **“SEC. 1247. ADDITIONAL RESEARCH.**

2 *“From the amount appropriated under section*
3 *1002(b)(3) for each of the fiscal years 2002 through 2006,*
4 *the Secretary shall reserve not more than \$3,000,000 to con-*
5 *duct, in consultation with National Institute for Child*
6 *Health and Human Development, the National Institute for*
7 *Literacy, and the Department of Health and Human Serv-*
8 *ices, additional research on language and literacy develop-*
9 *ment for preschool age children.”.*

10 **PART C—EDUCATION OF MIGRATORY CHILDREN**

11 **SEC. 131. PROGRAM PURPOSE.**

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

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

15 *(2) by inserting after paragraph (1) the fol-*
16 *lowing:*

17 *“(2) ensure that migratory children who move*
18 *among the States are not penalized in any manner*
19 *by disparities among the States in curriculum, grad-*
20 *uation requirements, and State student performance*
21 *and content standards;”;*

22 *(3) in paragraph (5) (as so redesignated), by*
23 *striking “and” after the semicolon;*

24 *(4) in paragraph (6) (as so redesignated), by*
25 *striking the period and inserting “; and”; and*

26 *(5) by adding at the end the following:*

1 “(7) ensure that migratory children receive full
2 and appropriate opportunities to meet the same chal-
3 lenging State content and student performance stand-
4 ards that all children are expected to meet.”.

5 **SEC. 132. STATE APPLICATION.**

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

7 (1) in subsection (b)—

8 (A) in paragraph (1), by striking “a com-
9 prehensive” and all that follows through “1306;”
10 and inserting “the full range of services that are
11 available for migratory children from appro-
12 priate local, State, and Federal educational pro-
13 grams;”;

14 (B) by redesignating paragraphs (2)
15 through (6) as paragraphs (3) through (7), re-
16 spectively; and

17 (C) by inserting after paragraph (1) the fol-
18 lowing:

19 “(2) a description of joint planning efforts that
20 will be made with respect to programs assisted under
21 this Act, local, State, and Federal programs, and bi-
22 lingual education programs under subpart 1 of part
23 A of title III;”;

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

1 “(3) in the planning and operation of programs
2 and projects at both the State and local agency oper-
3 ating level there is consultation with parent advisory
4 councils for programs of one school year in duration,
5 and that all such programs and projects are carried
6 out—

7 “(A) in a manner consistent with section
8 1118 unless extraordinary circumstances make
9 implementation with such section impractical;
10 and

11 “(B) in a format and language understand-
12 able to the parents;”.

13 **SEC. 133. COMPREHENSIVE PLAN.**

14 (a) *COMPREHENSIVE PLAN.*—Section 1306(a)(1) (20
15 *U.S.C. 6396(a)(1)*) is amended—

16 (1) in subparagraph (A)—

17 (A) by striking “the Goals 2000: Educate
18 America Act,”; and

19 (B) by striking “14306” and inserting
20 “5506”; and

21 (2) in subparagraph (B), by striking “14302;”
22 and inserting “5502, if—

23 “(i) the special needs of migratory
24 children are specifically addressed in the
25 comprehensive State plan;

1 “(ii) the comprehensive State plan is
2 developed in collaboration with parents of
3 migratory children; and

4 “(iii) the comprehensive State plan-
5 ning is not used to supplant State efforts
6 regarding, or administrative funding for,
7 this part;”.

8 (b) *AUTHORIZED ACTIVITIES.*—Section 1306(b)(3) (20
9 U.S.C. 6396(b)(3)) is amended by inserting “, and shall
10 meet the special educational needs of migrant children be-
11 fore using funds under this part for schoolwide programs
12 under section 1114” before the period.

13 **SEC. 134. COORDINATION.**

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

15 (1) by amending subsection (b) to read as fol-
16 lows:

17 “(b) *ACCESS TO INFORMATION ON MIGRANT STU-*
18 *DENTS.*—

19 “(1) *INFORMATION SYSTEM.*—(A) *The Secretary*
20 *shall establish an information system for electroni-*
21 *cally exchanging, among the States, health and edu-*
22 *cational information regarding all students served*
23 *under this part. Such information may include—*

24 “(i) immunization records and other health
25 information;

1 “(ii) elementary and secondary academic
2 history (including partial credit), credit accrual,
3 and results from State assessments required
4 under this title;

5 “(iii) other academic information essential
6 to ensuring that migrant children achieve to
7 high standards; and

8 “(iv) eligibility for services under the Indi-
9 viduals with Disabilities Education Act.

10 “(B) The Secretary shall publish, not later than
11 120 days after the date of enactment of the Better
12 Education for Students and Teachers Act, a notice in
13 the Federal Register seeking public comment on the
14 proposed data elements that each State receiving
15 funds under this part shall be required to collect for
16 purposes of electronic transfer of migrant student in-
17 formation, the requirements for immediate electronic
18 access to such information, and the educational agen-
19 cies eligible to access such information.

20 “(C) Such system of electronic access to migrant
21 student information shall be operational not later
22 than 1 year after the date of enactment of the Better
23 Education for Students and Teachers Act.

24 “(D) For the purpose of carrying out this sub-
25 section in any fiscal year, the Secretary shall reserve

1 *not more than \$10,000,000 of the amount appro-*
2 *priated to carry out this part for such year.*

3 *“(2) REPORT TO CONGRESS.—(A) Not later than*
4 *April 30, 2003, the Secretary shall report to the Com-*
5 *mittee on Health, Education, Labor, and Pensions of*
6 *the Senate and the Committee on Education and the*
7 *Workforce of the House of Representatives the Sec-*
8 *retary’s findings and recommendations regarding*
9 *services under this part, and shall include in this re-*
10 *port, recommendations for the interim measures that*
11 *may be taken to ensure continuity of services under*
12 *this part.*

13 *“(B) The Secretary shall assist States in devel-*
14 *oping effective methods for the transfer of student*
15 *records and in determining the number of students or*
16 *full-time equivalent students in each State if such in-*
17 *terim measures are required.”.*

18 *(2) in subsection (c), by striking “\$6,000,000”*
19 *and inserting “\$10,000,000”;*

20 *(3) in subsection (d)(1), by striking*
21 *“\$1,500,000” and inserting “\$3,000,000”; and*

22 *(4) by adding at the end the following:*

23 *“(e) DATA COLLECTION.—The Secretary shall direct*
24 *the National Center for Education Statistics to collect data*
25 *on migratory children.”.*

1 **PART D—INITIATIVES FOR NEGLECTED,**
2 **DELINQUENT, OR AT RISK YOUTH**

3 **SEC. 141. INITIATIVES FOR NEGLECTED, DELINQUENT, OR**
4 **AT RISK YOUTH.**

5 *Part D of title I (20 U.S.C. 6421 et seq.) is amended*
6 *to read as follows:*

7 **“PART D—INITIATIVES FOR NEGLECTED,**
8 **DELINQUENT, OR AT RISK STUDENTS**

9 **“Subpart 1—Prevention and Intervention Programs**
10 **for Children and Youth Who Are Neglected, De-**
11 **linquent, or at Risk of Dropping Out**

12 **“SEC. 1401. PURPOSE; PROGRAM AUTHORIZED.**

13 “(a) *PURPOSE.—It is the purpose of this subpart—*

14 “(1) *to improve educational services for children*
15 *in local and State institutions for neglected or delin-*
16 *quent children and youth so that such children and*
17 *youth have the opportunity to meet the same chal-*
18 *lenging State content standards and challenging State*
19 *student performance standards that all children in*
20 *the State are expected to meet;*

21 “(2) *to provide such children and youth with the*
22 *services needed to make a successful transition from*
23 *institutionalization to further schooling or employ-*
24 *ment; and*

25 “(3) *to prevent at-risk youth from dropping out*
26 *of school and to provide dropouts and youth returning*

1 *from institutions with a support system to ensure*
2 *their continued education.*

3 *“(b) PROGRAM AUTHORIZED.—In order to carry out*
4 *the purpose of this subpart the Secretary shall make grants*
5 *to State educational agencies to enable such agencies to*
6 *award subgrants to State agencies and local educational*
7 *agencies to establish or improve programs of education for*
8 *neglected or delinquent children and youth at risk of drop-*
9 *ping out of school before graduation.*

10 **“SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS SUB-**
11 **PART.**

12 *“(a) AGENCY SUBGRANTS.—Based on the allocation*
13 *amount computed under section 1412, the Secretary shall*
14 *allocate to each State educational agency amounts nec-*
15 *essary to make subgrants to State agencies under chapter*
16 *1.*

17 *“(b) LOCAL SUBGRANTS.—Each State shall retain, for*
18 *purposes of carrying out chapter 2, funds generated*
19 *throughout the State under part A of title I based on youth*
20 *residing in local correctional facilities, or attending com-*
21 *munity day programs for delinquent children and youth.*

1 **“Chapter 1—State Agency Programs**

2 **“SEC. 1411. ELIGIBILITY.**

3 *“A State agency is eligible for assistance under this*
4 *chapter if such State agency is responsible for providing*
5 *free public education for children—*

6 *“(1) in institutions for neglected or delinquent*
7 *children and youth;*

8 *“(2) attending community day programs for ne-*
9 *glected or delinquent children and youth; or*

10 *“(3) in adult correctional institutions.*

11 **“SEC. 1412. ALLOCATION OF FUNDS.**

12 *“(a) SUBGRANTS TO STATE AGENCIES.—*

13 *“(1) IN GENERAL.—Each State agency described*
14 *in section 1411 (other than an agency in the Com-*
15 *monwealth of Puerto Rico) is eligible to receive a*
16 *subgrant under this chapter, for each fiscal year, an*
17 *amount equal to the product of—*

18 *“(A) the number of neglected or delinquent*
19 *children and youth described in section 1411*
20 *who—*

21 *“(i) are enrolled for at least 15 hours*
22 *per week in education programs in adult*
23 *correctional institutions; and*

24 *“(ii) are enrolled for at least 20 hours*
25 *per week—*

1 “(I) in education programs in in-
2 stitutions for neglected or delinquent
3 children and youth; or

4 “(II) in community day programs
5 for neglected or delinquent children
6 and youth; and

7 “(B) 40 percent of the average per-pupil ex-
8 penditure in the State, except that the amount
9 determined under this subparagraph shall not be
10 less than 32 percent, nor more than 48 percent,
11 of the average per-pupil expenditure in the
12 United States.

13 “(2) *SPECIAL RULE.*—The number of neglected
14 or delinquent children and youth determined under
15 paragraph (1) shall—

16 “(A) be determined by the State agency by
17 a deadline set by the Secretary, except that no
18 State agency shall be required to determine the
19 number of such children and youth on a specific
20 date set by the Secretary; and

21 “(B) be adjusted, as the Secretary deter-
22 mines is appropriate, to reflect the relative
23 length of such agency’s annual programs.

24 “(b) *SUBGRANTS TO STATE AGENCIES IN PUERTO*
25 *RICO.*—For each fiscal year, the amount of the subgrant

1 *for which a State agency in the Commonwealth of Puerto*
2 *Rico is eligible under this chapter shall be equal to—*

3 “(1) *the number of children and youth counted*
4 *under subsection (a)(1)(A) for the Commonwealth of*
5 *Puerto Rico; multiplied by*

6 “(2) *the product of—*

7 “(A) *the percentage that the average per-*
8 *pupil expenditure in the Commonwealth of Puer-*
9 *to Rico is of the lowest average per-pupil expend-*
10 *iture of any of the 50 States; and*

11 “(B) *32 percent of the average per-pupil ex-*
12 *penditure in the United States.*

13 “(c) *RATABLE REDUCTIONS IN CASE OF INSUFFICIENT*
14 *APPROPRIATIONS.—If the amount appropriated for any fis-*
15 *cal year for subgrants under subsections (a) and (b) is in-*
16 *sufficient to pay the full amount for which all State agen-*
17 *cies are eligible under such subsections, the Secretary shall*
18 *ratably reduce each such amount.*

19 **“SEC. 1413. STATE REALLOCATION OF FUNDS.**

20 *“If a State educational agency determines that a State*
21 *agency does not need the full amount of the subgrant for*
22 *which such State agency is eligible under this chapter for*
23 *any fiscal year, the State educational agency may reallocate*
24 *the amount that will not be needed to other eligible State*
25 *agencies that need additional funds to carry out the purpose*

1 *of this subpart, in such amounts as the State educational*
2 *agency shall determine.*

3 **“SEC. 1414. STATE PLAN AND STATE AGENCY APPLICA-**
4 **TIONS.**

5 *“(a) STATE PLAN.—*

6 *“(1) IN GENERAL.—Each State educational*
7 *agency that desires to receive a grant under this*
8 *chapter shall submit, for approval by the Secretary,*
9 *a plan for meeting the needs of neglected and delin-*
10 *quent children and youth and, where applicable, chil-*
11 *dren and youth at risk of dropping out of school, that*
12 *is integrated with other programs under this Act, or*
13 *other Acts, as appropriate, consistent with section*
14 *5506.*

15 *“(2) CONTENTS.—Each such State plan shall—*

16 *“(A) describe the program goals, objectives,*
17 *and performance measures established by the*
18 *State that will be used to assess the effectiveness*
19 *of the program in improving academic and voca-*
20 *tional skills of children in the program;*

21 *“(B) provide that, to the extent feasible,*
22 *such children will have the same opportunities to*
23 *learn as such children would have if such chil-*
24 *dren were in the schools of local educational*
25 *agencies in the State; and*

1 “(C) contain assurances that the State edu-
2 cational agency will—

3 “(i) ensure that programs assisted
4 under this subpart will be carried out in ac-
5 cordance with the State plan described in
6 this subsection;

7 “(ii) carry out the evaluation require-
8 ments of section 1431;

9 “(iii) ensure that the State agencies re-
10 ceiving subgrants under this chapter comply
11 with all applicable statutory and regulatory
12 requirements; and

13 “(iv) provide such other information as
14 the Secretary may reasonably require.

15 “(3) DURATION OF THE PLAN.—Each State plan
16 shall—

17 “(A) remain in effect for the duration of the
18 State’s participation under this subpart; and

19 “(B) be periodically reviewed and revised
20 by the State, as necessary, to reflect changes in
21 the State’s strategies and programs under this
22 subpart.

23 “(b) SECRETARIAL APPROVAL; PEER REVIEW.—

1 “(1) *IN GENERAL.*—*The Secretary shall approve*
2 *each State plan that meets the requirements of this*
3 *part.*

4 “(2) *PEER REVIEW.*—*The Secretary may review*
5 *any State plan with the assistance and advice of in-*
6 *dividuals with relevant expertise.*

7 “(c) *STATE AGENCY APPLICATIONS.*—*Any State agen-*
8 *cy that desires to receive funds to carry out a program*
9 *under this chapter shall submit an application to the State*
10 *educational agency that—*

11 “(1) *describes the procedures to be used, con-*
12 *sistent with the State plan under section 1111, to as-*
13 *sess the educational needs of the children to be served;*

14 “(2) *provides assurances that in making services*
15 *available to youth in adult correctional institutions,*
16 *priority will be given to such youth who are likely to*
17 *complete incarceration within a 2-year period;*

18 “(3) *describes the program, including a budget*
19 *for the first year of the program, with annual updates*
20 *to be provided to the State educational agency;*

21 “(4) *describes how the program will meet the*
22 *goals and objectives of the State plan;*

23 “(5) *describes how the State agency will consult*
24 *with experts and provide the necessary training for*
25 *appropriate staff, to ensure that the planning and op-*

1 *eration of institution-wide projects under section 1416*
2 *are of high quality;*

3 *“(6) describes how the agency will carry out*
4 *evaluation activities and how the results of the most*
5 *recent evaluation are used to plan and improve the*
6 *program;*

7 *“(7) includes data showing that the agency has*
8 *maintained the fiscal effort required of a local edu-*
9 *cational agency, in accordance with section 4;*

10 *“(8) describes how the programs will be coordi-*
11 *nated with other appropriate State and Federal pro-*
12 *grams, such as programs under title I of the Work-*
13 *force Investment Act of 1998, vocational education*
14 *programs, State and local dropout prevention pro-*
15 *grams, and special education programs;*

16 *“(9) describes how appropriate professional de-*
17 *velopment will be provided to teachers and other staff;*

18 *“(10) designates an individual in each affected*
19 *institution to be responsible for issues relating to the*
20 *transition of children and youth from the institution*
21 *to locally operated programs;*

22 *“(11) describes how the agency will, endeavor to*
23 *coordinate with businesses for training and men-*
24 *toring for participating children and youth;*

1 “(12) provides assurances that the agency will
2 assist in locating alternative programs through which
3 students can continue their education if students are
4 not returning to school after leaving the correctional
5 facility;

6 “(13) provides assurances that the agency will
7 work with parents to secure parents’ assistance in im-
8 proving the educational achievement of their children
9 and preventing their children’s further involvement in
10 delinquent activities;

11 “(14) provides assurances that the agency works
12 with special education youth in order to meet an ex-
13 isting individualized education program and an as-
14 surance that the agency will notify the youth’s local
15 school if the youth—

16 “(A) is identified as in need of special edu-
17 cation services while the youth is in the facility;
18 and

19 “(B) intends to return to the local school;

20 “(15) provides assurances that the agency will
21 work with youth who dropped out of school before en-
22 tering the facility to encourage the youth to reenter
23 school once the term of the youth has been completed
24 or provide the youth with the skills necessary to gain
25 employment, continue the education of the youth, or

1 *achieve a secondary school diploma or its recognized*
2 *equivalent if the youth does not intend to return to*
3 *school;*

4 “(16) provides assurances that teachers and other
5 *qualified staff are also trained to work with children*
6 *with disabilities and other students with special needs*
7 *taking into consideration the unique needs of such*
8 *students;*

9 “(17) describes any additional services provided
10 *to children and youth, such as career counseling, and*
11 *assistance in securing student loans and grants; and*

12 “(18) provides assurances that the program
13 *under this chapter will be coordinated with any pro-*
14 *grams operated under the Juvenile Justice and Delin-*
15 *quency Prevention Act of 1974 or other comparable*
16 *programs, if applicable.*

17 **“SEC. 1415. USE OF FUNDS.**

18 “(a) USES.—

19 “(1) IN GENERAL.—A State agency shall use
20 *funds received under this chapter only for programs*
21 *and projects that—*

22 “(A) are consistent with the State plan
23 *under section 1414(a); and*

24 “(B) concentrate on providing participants
25 *with the knowledge and skills needed to make a*

1 *successful transition to secondary school comple-*
2 *tion, further education, or employment.*

3 “(2) *PROGRAMS AND PROJECTS.*—*Such programs*
4 *and projects—*

5 “(A) *may include the acquisition of equip-*
6 *ment;*

7 “(B) *shall be designed to support edu-*
8 *cational services that—*

9 “(i) *except for institution-wide projects*
10 *under section 1416, are provided to children*
11 *and youth identified by the State agency as*
12 *failing, or most at risk of failing, to meet*
13 *the State’s challenging State content stand-*
14 *ards and challenging State student perform-*
15 *ance standards;*

16 “(ii) *supplement and improve the*
17 *quality of the educational services provided*
18 *to such children and youth by the State*
19 *agency; and*

20 “(iii) *afford such children and youth*
21 *an opportunity to learn to such challenging*
22 *State standards;*

23 “(C) *shall be carried out in a manner con-*
24 *sistent with section 1120A and part H of title I;*
25 *and*

1 “(D) may include the costs of evaluation ac-
2 tivities.

3 “(b) *SUPPLEMENT, NOT SUPPLANT.*—A program
4 under this chapter that supplements the number of hours
5 of instruction students receive from State and local sources
6 shall be considered to comply with the supplement, not sup-
7 plant requirement of section 1120A without regard to the
8 subject areas in which instruction is given during those
9 hours.

10 **“SEC. 1416. INSTITUTION-WIDE PROJECTS.**

11 “A State agency that provides free public education
12 for children and youth in an institution for neglected or
13 delinquent children and youth (other than an adult correc-
14 tional institution) or attending a community-day program
15 for such children may use funds received under this part
16 to serve all children in, and upgrade the entire educational
17 effort of, that institution or program if the State agency
18 has developed, and the State educational agency has ap-
19 proved, a comprehensive plan for that institution or pro-
20 gram that—

21 “(1) provides for a comprehensive assessment of
22 the educational needs of all youth in the institution
23 or program serving juveniles;

24 “(2) provides for a comprehensive assessment of
25 the educational needs of youth aged 20 and younger

1 *in adult facilities who are expected to complete incar-*
2 *ceration within a two-year period;*

3 *“(3) describes the steps the State agency has*
4 *taken, or will take, to provide all youth under age 21*
5 *with the opportunity to meet challenging State con-*
6 *tent standards and challenging State student perform-*
7 *ance standards in order to improve the likelihood that*
8 *the youths will complete secondary school, attain a*
9 *secondary diploma or its recognized equivalent, or*
10 *find employment after leaving the institution;*

11 *“(4) describes the instructional program, pupil*
12 *services, and procedures that will be used to meet the*
13 *needs described in paragraph (1), including, to the*
14 *extent feasible, the provision of mentors for students;*

15 *“(5) specifically describes how such funds will be*
16 *used;*

17 *“(6) describes the measures and procedures that*
18 *will be used to assess student progress;*

19 *“(7) describes how the agency has planned, and*
20 *will implement and evaluate, the institution-wide or*
21 *program-wide project in consultation with personnel*
22 *providing direct instructional services and support*
23 *services in institutions or community-day programs*
24 *for neglected or delinquent children and personnel*
25 *from the State educational agency; and*

1 “(8) includes an assurance that the State agency
2 has provided for appropriate training for teachers
3 and other instructional and administrative personnel
4 to enable such teachers and personnel to carry out the
5 project effectively.

6 **“SEC. 1417. THREE-YEAR PROGRAMS OR PROJECTS.**

7 “*If a State agency operates a program or project under*
8 *this chapter in which individual children are likely to par-*
9 *ticipate for more than 1 year, the State educational agency*
10 *may approve the State agency’s application for a subgrant*
11 *under this chapter for a period of not more than 3 years.*

12 **“SEC. 1418. TRANSITION SERVICES.**

13 “(a) *TRANSITION SERVICES.—Each State agency shall*
14 *reserve not less than 5 percent and not more than 30 percent*
15 *of the amount such agency receives under this chapter for*
16 *any fiscal year to support—*

17 “(1) *projects that facilitate the transition of chil-*
18 *dren and youth from State-operated institutions to*
19 *local educational agencies; or*

20 “(2) *the successful reentry of youth offenders,*
21 *who are age 20 or younger and have received a sec-*
22 *ondary school diploma or its recognized equivalent,*
23 *into postsecondary education and vocational training*
24 *programs through strategies designed to expose the*
25 *youth to, and prepare the youth for, postsecondary*

1 *education and vocational training programs, such*
2 *as—*

3 *“(A) preplacement programs that allow ad-*
4 *judicated or incarcerated students to audit or at-*
5 *tend courses on college, university, or community*
6 *college campuses, or through programs provided*
7 *in institutional settings;*

8 *“(B) worksite schools, in which institutions*
9 *of higher education and private or public em-*
10 *ployers partner to create programs to help stu-*
11 *dents make a successful transition to postsec-*
12 *ondary education and employment;*

13 *“(C) essential support services to ensure the*
14 *success of the youth, such as—*

15 *“(i) personal, vocational, and aca-*
16 *demical counseling;*

17 *“(ii) placement services designed to*
18 *place the youth in a university, college, or*
19 *junior college program;*

20 *“(iii) health services;*

21 *“(iv) information concerning, and as-*
22 *sistance in obtaining, available student fi-*
23 *nancial aid;*

24 *“(v) exposure to cultural events; and*

25 *“(vi) job placement services.*

1 “(b) *CONDUCT OF PROJECTS.*—A project supported
2 under this section may be conducted directly by the State
3 agency, or through a contract or other arrangement with
4 one or more local educational agencies, other public agen-
5 cies, or private nonprofit organizations.

6 “(c) *CONSTRUCTION.*—Nothing in this section shall be
7 construed to prohibit a school that receives funds under sub-
8 section (a) from serving neglected and delinquent children
9 and youth simultaneously with students with similar edu-
10 cational needs, in the same educational settings where ap-
11 propriate.

12 **“SEC. 1419. EVALUATION; TECHNICAL ASSISTANCE; ANNUAL**
13 **MODEL PROGRAM.**

14 “The Secretary shall reserve not more than 5 percent
15 of the amount made available to carry out this chapter for
16 a fiscal year—

17 “(1) to develop a uniform model to evaluate the
18 effectiveness of programs assisted under this chapter;

19 “(2) to provide technical assistance to and sup-
20 port the capacity building of State agency programs
21 assisted under this chapter; and

22 “(3) to create an annual model correctional
23 youthful offender program event under which a na-
24 tional award is given to programs assisted under this
25 chapter which demonstrate program excellence in—

1 “(A) transition services for reentry in and
2 completion of regular or other education pro-
3 grams operated by a local educational agency;

4 “(B) transition services to job training pro-
5 grams and employment, utilizing existing sup-
6 port programs such as One Stop Career Centers;

7 “(C) transition services for participation in
8 postsecondary education programs;

9 “(D) the successful reentry into the commu-
10 nity; and

11 “(E) the impact on recidivism reduction for
12 juvenile and adult programs.

13 **“Chapter 2—Local Agency Programs**

14 **“SEC. 1421. PURPOSE.**

15 *“The purpose of this chapter is to support the oper-
16 ation of local educational agency programs that involve col-
17 laboration with locally operated correctional facilities to—*

18 “(1) carry out high quality education programs
19 to prepare youth for secondary school completion,
20 training, and employment, or further education;

21 “(2) provide activities to facilitate the transition
22 of such youth from the correctional program to fur-
23 ther education or employment; and

24 “(3) operate dropout prevention programs in
25 local schools for youth at risk of dropping out of

1 *school and youth returning from correctional facili-*
2 *ties.*

3 **“SEC. 1422. PROGRAMS OPERATED BY LOCAL EDUCATIONAL**
4 **AGENCIES.**

5 “(a) *LOCAL SUBGRANTS.*—*With funds made available*
6 *under section 1412(b), the State educational agency shall*
7 *award subgrants to local educational agencies with high*
8 *numbers or percentages of youth residing in locally operated*
9 *(including county operated) correctional facilities for youth*
10 *(including facilities involved in community day programs).*

11 “(b) *SPECIAL RULE.*—*A local educational agency*
12 *which includes a correctional facility that operates a school*
13 *is not required to operate a dropout prevention program*
14 *if more than 30 percent of the youth attending such facility*
15 *will reside outside the boundaries of the local educational*
16 *agency upon leaving such facility.*

17 “(c) *NOTIFICATION.*—*A State educational agency shall*
18 *notify local educational agencies within the State of the eli-*
19 *gibility of such agencies to receive a subgrant under this*
20 *chapter.*

21 **“SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

22 “*Eligible local educational agencies desiring assistance*
23 *under this chapter shall submit an application to the State*
24 *educational agency, containing such information as the*

1 *State educational agency may require. Each such applica-*
2 *tion shall include—*

3 “(1) *a description of the program to be assisted;*

4 “(2) *a description of formal agreements*
5 *between—*

6 “(A) *the local educational agency; and*

7 “(B) *correctional facilities and alternative*
8 *school programs serving youth involved with the*
9 *juvenile justice system to operate programs for*
10 *delinquent youth;*

11 “(3) *as appropriate, a description of how par-*
12 *ticipating schools will coordinate with facilities work-*
13 *ing with delinquent youth to ensure that such youth*
14 *are participating in an education program com-*
15 *parable to one operating in the local school such*
16 *youth would attend;*

17 “(4) *as appropriate, a description of the dropout*
18 *prevention program operated by participating schools*
19 *and the types of services such schools will provide to*
20 *at-risk youth in participating schools and youth re-*
21 *turning from correctional facilities;*

22 “(5) *as appropriate, a description of the youth*
23 *expected to be served by the dropout prevention pro-*
24 *gram and how the school will coordinate existing edu-*
25 *cational programs to meet unique education needs;*

1 “(6) as appropriate, a description of how schools
2 will coordinate with existing social and health serv-
3 ices to meet the needs of students at risk of dropping
4 out of school and other participating students, includ-
5 ing prenatal health care and nutrition services related
6 to the health of the parent and child, parenting and
7 child development classes, child care, targeted re-entry
8 and outreach programs, referrals to community re-
9 sources, and scheduling flexibility;

10 “(7) as appropriate, a description of any part-
11 nerships with local businesses to develop training and
12 mentoring services for participating students;

13 “(8) as appropriate, a description of how the
14 program will involve parents in efforts to improve the
15 educational achievement of their children, assist in
16 dropout prevention activities, and prevent the involve-
17 ment of their children in delinquent activities;

18 “(9) a description of how the program under this
19 chapter will be coordinated with other Federal, State,
20 and local programs, such as programs under title I
21 of the Workforce Investment Act of 1998 and voca-
22 tional education programs serving at-risk youth;

23 “(10) a description of how the program will be
24 coordinated with programs operated under the Juve-

1 *nile Justice and Delinquency Prevention Act of 1974*
2 *and other comparable programs, if applicable;*

3 “(11) *as appropriate, a description of how*
4 *schools will work with probation officers to assist in*
5 *meeting the needs of youth returning from correc-*
6 *tional facilities;*

7 “(12) *a description of efforts participating*
8 *schools will make to ensure correctional facilities*
9 *working with youth are aware of a child’s existing in-*
10 *dividualized education program; and*

11 “(13) *as appropriate, a description of the steps*
12 *participating schools will take to find alternative*
13 *placements for youth interested in continuing their*
14 *education but unable to participate in a regular pub-*
15 *lic school program.*

16 **“SEC. 1424. USES OF FUNDS.**

17 “*Funds provided to local educational agencies under*
18 *this chapter may be used, where appropriate, for—*

19 “(1) *dropout prevention programs which serve*
20 *youth at educational risk, including pregnant and*
21 *parenting teens, youth who have come in contact with*
22 *the juvenile justice system, youth at least one year be-*
23 *hind their expected grade level, migrant youth, immi-*
24 *grant youth, students with limited-English pro-*
25 *ficiency and gang members;*

1 “(2) the coordination of health and social serv-
2 ices for such individuals if there is a likelihood that
3 the provision of such services, including day care and
4 drug and alcohol counseling, will improve the likeli-
5 hood such individuals will complete their education;
6 and

7 “(3) programs to meet the unique education
8 needs of youth at risk of dropping out of school, which
9 may include vocational education, special education,
10 career counseling, and assistance in securing student
11 loans or grants.

12 **“SEC. 1425. PROGRAM REQUIREMENTS FOR CORRECTIONAL**
13 **FACILITIES RECEIVING FUNDS UNDER THIS**
14 **SECTION.**

15 “Each correctional facility having an agreement with
16 a local educational agency under section 1423(2) to provide
17 services to youth under this chapter shall—

18 “(1) where feasible, ensure educational programs
19 in juvenile facilities are coordinated with the stu-
20 dent’s home school, particularly with respect to spe-
21 cial education students with an individualized edu-
22 cation program;

23 “(2) notify the local school of a youth if the
24 youth is identified as in need of special education
25 services while in the facility;

1 “(3) where feasible, provide transition assistance
2 to help the youth stay in school, including coordina-
3 tion of services for the family, counseling, assistance
4 in accessing drug and alcohol abuse prevention pro-
5 grams, tutoring, and family counseling;

6 “(4) provide support programs which encourage
7 youth who have dropped out of school to reenter school
8 once their term has been completed or provide such
9 youth with the skills necessary for such youth to gain
10 employment or seek a secondary school diploma or its
11 recognized equivalent;

12 “(5) work to ensure such facilities are staffed
13 with teachers and other qualified staff who are
14 trained to work with children with disabilities and
15 other students with special needs taking into consider-
16 ation the unique needs of such children and students;

17 “(6) ensure educational programs in correctional
18 facilities are related to assisting students to meet high
19 educational standards;

20 “(7) use, to the extent possible, technology to as-
21 sist in coordinating educational programs between the
22 juvenile facility and the community school;

23 “(8) where feasible, involve parents in efforts to
24 improve the educational achievement of their children

1 *and prevent the further involvement of such children*
2 *in delinquent activities;*

3 *“(9) coordinate funds received under this pro-*
4 *gram with other local, State, and Federal funds avail-*
5 *able to provide services to participating youth, such*
6 *as funds made available under title I of the Workforce*
7 *Investment Act of 1998, and vocational education*
8 *funds;*

9 *“(10) coordinate programs operated under this*
10 *chapter with activities funded under the Juvenile Jus-*
11 *tice and Delinquency Prevention Act of 1974 and*
12 *other comparable programs, if applicable; and*

13 *“(11) if appropriate, work with local businesses*
14 *to develop training and mentoring programs for par-*
15 *ticipating youth.*

16 **“SEC. 1426. ACCOUNTABILITY.**

17 *“The State educational agency may—*

18 *“(1) reduce or terminate funding for projects*
19 *under this chapter if a local educational agency does*
20 *not show progress in reducing dropout rates for male*
21 *students and for female students over a 3-year period;*
22 *and*

23 *“(2) require juvenile facilities to demonstrate,*
24 *after receiving assistance under this chapter for 3*
25 *years, that there has been an increase in the number*

1 of youth returning to school, obtaining a secondary
2 school diploma or its recognized equivalent, or obtain-
3 ing employment after such youth are released.

4 **“Chapter 3—General Provisions**

5 **“SEC. 1431. PROGRAM EVALUATIONS.**

6 “(a) *SCOPE OF EVALUATION.*—Each State agency or
7 local educational agency that conducts a program under
8 chapter 1 or 2 shall evaluate the program, disaggregating
9 data on participation by sex, and if feasible, by race, eth-
10 nicity, and age, not less than once every 3 years to deter-
11 mine the program’s impact on the ability of participants
12 to—

13 “(1) *maintain and improve educational achieve-*
14 *ment;*

15 “(2) *accrue school credits that meet State re-*
16 *quirements for grade promotion and secondary school*
17 *graduation;*

18 “(3) *make the transition to a regular program or*
19 *other education program operated by a local edu-*
20 *cational agency;*

21 “(4) *complete secondary school (or secondary*
22 *school equivalency requirements) and obtain employ-*
23 *ment after leaving the institution; and*

24 “(5) *participate in postsecondary education and*
25 *job training programs.*

1 “(b) *EVALUATION MEASURES.*—*In conducting each*
2 *evaluation under subsection (a), a State agency or local*
3 *educational agency shall use multiple and appropriate*
4 *measures of student progress.*

5 “(c) *EVALUATION RESULTS.*—*Each State agency and*
6 *local educational agency shall—*

7 “(1) *submit evaluation results to the State edu-*
8 *cational agency and the Secretary; and*

9 “(2) *use the results of evaluations under this sec-*
10 *tion to plan and improve subsequent programs for*
11 *participating children and youth.*

12 **“SEC. 1432. DEFINITIONS.**

13 *“In this subpart:*

14 “(1) *ADULT CORRECTIONAL INSTITUTION.*—*The*
15 *term ‘adult correctional institution’ means a facility*
16 *in which persons are confined as a result of a convic-*
17 *tion for a criminal offense, including persons under*
18 *21 years of age.*

19 “(2) *AT-RISK YOUTH.*—*The term ‘at-risk youth’*
20 *means school aged youth who are at risk of academic*
21 *failure, have drug or alcohol problems, are pregnant*
22 *or are parents, have come into contact with the juve-*
23 *nile justice system in the past, are at least one year*
24 *behind the expected grade level for the age of the*
25 *youth, have limited-English proficiency, are gang*

1 *members, have dropped out of school in the past, or*
2 *have high absenteeism rates at school.*

3 “(3) *COMMUNITY DAY PROGRAM.*—*The term*
4 *‘community day program’ means a regular program*
5 *of instruction provided by a State agency at a com-*
6 *munity day school operated specifically for neglected*
7 *or delinquent children and youth.*

8 “(4) *INSTITUTION FOR NEGLECTED OR DELIN-*
9 *QUENT CHILDREN AND YOUTH.*—*The term ‘institution*
10 *for neglected or delinquent children and youth’*
11 *means—*

12 “(A) *a public or private residential facility,*
13 *other than a foster home, that is operated for the*
14 *care of children who have been committed to the*
15 *institution or voluntarily placed in the institu-*
16 *tion under applicable State law, due to abandon-*
17 *ment, neglect, or death of their parents or guard-*
18 *ians; or*

19 “(B) *a public or private residential facility*
20 *for the care of children who have been adju-*
21 *dicated to be delinquent or in need of super-*
22 *vision.”.*

1 **PART E—NATIONAL ASSESSMENT OF TITLE I**

2 **SEC. 151. NATIONAL ASSESSMENT OF TITLE I.**

3 *Section 1501 (20 U.S.C. 6491) is deleted and replaced*
4 *with the following:*

5 **“SEC. 1501. NATIONAL ASSESSMENT OF TITLE I.**

6 “(a) *NATIONAL ASSESSMENT.—The Secretary shall*
7 *conduct a national assessment of the impact of the policies*
8 *enacted into law under title I of the Better Education for*
9 *Students and Teachers Act on States, local educational*
10 *agencies, schools, and students.*

11 “(1) *Such assessment shall be planned, reviewed,*
12 *and conducted in consultation with an independent*
13 *panel of researchers, State practitioners, local practi-*
14 *tioners, and other appropriate individuals.*

15 “(2) *The assessment shall examine, at a min-*
16 *imum, how schools, local educational agencies, and*
17 *States have—*

18 “(A) *made progress towards the goal of all*
19 *students reaching the proficient level in at least*
20 *reading and math based on a State’s content and*
21 *performance standards and the State assessments*
22 *required under section 1111 and on the National*
23 *Assessment of Educational Progress;*

24 “(B) *implemented scientifically-based read-*
25 *ing instruction;*

1 “(C) implemented the requirements for the
2 development of assessments for students in grades
3 3–8 and administered such assessments, includ-
4 ing the time and cost required for their develop-
5 ment and how well they meet the requirements
6 for assessments described in this title;

7 “(D) defined adequate yearly progress and
8 what has been the impact of applying this stand-
9 ard for adequacy to schools, local educational
10 agencies, and the State in terms of the numbers
11 not meeting the standard and the year to year
12 changes in such identification for individual
13 schools and local educational agencies;

14 “(E) publicized and disseminated the local
15 educational agencies report cards to teachers,
16 school staff, students, and the community;

17 “(F) implemented the school improvement
18 requirements described in section 1116,
19 including—

20 “(i) the number of schools identified for
21 school improvement and how many years
22 schools remain in this status;

23 “(ii) the types of support provided by
24 the State and local educational agencies to
25 schools and local educational agencies iden-

1 *tified as in need of improvement and the*
2 *impact of such support on student achieve-*
3 *ment;*

4 “(iii) *the number of parents who take*
5 *advantage of the public school choice provi-*
6 *sions of this title, the costs associated with*
7 *implementing these provisions, and the im-*
8 *act of attending another school on student*
9 *achievement;*

10 “(iv) *the number of parents who choose*
11 *to take advantage of the supplemental serv-*
12 *ices option, the criteria used by the States*
13 *to determine the quality of providers, the*
14 *kinds of services that are available and uti-*
15 *lized, the costs associated with imple-*
16 *menting this option, and the impact of re-*
17 *ceiving supplemental services on student*
18 *achievement; and*

19 “(v) *the kinds of actions that are taken*
20 *with regards to schools and local edu-*
21 *cational agencies identified for reconstitu-*
22 *tion.*

23 “(G) *used funds under this title to improve*
24 *student achievement, including how schools have*
25 *provided either schoolwide improvement or tar-*

1 *geted assistance and provided professional devel-*
2 *opment to school personnel;*

3 *“(H) used funds made available under this*
4 *title to provide preschool and family literacy*
5 *services and the impact of these services on stu-*
6 *dents’ school readiness;*

7 *“(I) afforded parents meaningful opportuni-*
8 *ties to be involved in the education of their chil-*
9 *dren at school and at home;*

10 *“(J) distributed resources, including the*
11 *State reservation of funds for school improve-*
12 *ment, to target local educational agencies and*
13 *schools with the greatest need;*

14 *“(K) used State and local educational agen-*
15 *cy funds and resources to support schools and*
16 *provide technical assistance to turn around fail-*
17 *ing schools; and,*

18 *“(L) used State and local educational agen-*
19 *cy funds and resources to help schools with 50*
20 *percent or more students living in families below*
21 *the poverty line meet the requirement of having*
22 *all teachers fully qualified in four years.*

23 *“(b) STUDENT ACHIEVEMENT.—As part of the na-*
24 *tional assessment, the Secretary shall evaluate the effective-*
25 *ness of the programs and services carried out under this*

1 *title, especially part A, in improving student achievement.*

2 *Such evaluation shall—*

3 “(1) *provide information on what types of pro-*
4 *grams and services are most likely to help students*
5 *reach the States’ performance standards for proficient*
6 *and advanced;*

7 “(2) *examine the effectiveness of comprehensive*
8 *school reform and improvement strategies for raising*
9 *student achievement;*

10 “(3) *to the extent possible, have a longitudinal*
11 *design that tracks a representative sample of students*
12 *over time; and*

13 “(4) *to the extent possible, report on the achieve-*
14 *ment of the groups of students described in section*
15 *1111(b)(2)(B)(v)(II).*

16 “(c) *DEVELOPMENTALLY APPROPRIATE MEASURES.—*
17 *In conducting the national assessment, the Secretary shall*
18 *use developmentally appropriate measures to assess student*
19 *performance.*

20 “(d) *STUDIES AND DATA COLLECTION.—The Secretary*
21 *may conduct studies and evaluations and collect such data*
22 *as is necessary to carry out this section either directly or*
23 *through grants and contracts to—*

24 “(1) *assess the implementation and effectiveness*
25 *of programs under this title;*

1 “(2) collect the data necessary to comply with the
2 *Government Performance and Results Act of 1993.*

3 “(e) *REPORTING.*—*The Secretary shall provide to the*
4 *relevant committees of the Senate and House—*

5 “(1) *by December 30, 2004, an interim report on*
6 *the progress and any interim results of the national*
7 *assessment of title I; and*

8 “(2) *by December 30, 2007, a final report of the*
9 *results of the assessment.”.*

10 ***PART F—21st CENTURY LEARNING CENTERS;***
11 ***COMPREHENSIVE SCHOOL REFORM; SCHOOL***
12 ***DROPOUT PREVENTION***

13 ***SEC. 161. 21st CENTURY LEARNING CENTERS; COMPREHEN-***
14 ***SIVE SCHOOL REFORM.***

15 *Title I (20 U.S.C. 6301 et seq.) is amended—*

16 (1) *by redesignating part F as part I;*

17 (2) *by redesignating sections 1601 through 1604*
18 *as sections 1901 through 1904, respectively; and*

19 (3) *by inserting after part E the following:*

1 **“PART F—21st CENTURY COMMUNITY LEARNING**

2 **CENTERS**

3 **“Subpart 1—21st Century Community Learning**

4 **Centers**

5 **“SEC. 1601. SHORT TITLE.**

6 *“This subpart may be cited as the ‘21st Century Com-*
7 *munity Learning Centers Act’.*

8 **“SEC. 1602. PURPOSE.**

9 *“The purpose of this subpart is to provide opportuni-*
10 *ties to communities to establish or expand activities in com-*
11 *munity learning centers that—*

12 *“(1) provide opportunities for academic enrich-*
13 *ment, including providing tutorial services to help*
14 *students, particularly students who attend low-per-*
15 *forming schools, to meet State and local student per-*
16 *formance standards in core academic subjects, such as*
17 *reading and mathematics;*

18 *“(2) offer students a broad array of additional*
19 *services, programs, and activities, such as youth de-*
20 *velopment activities, drug and violence prevention*
21 *programs, art, music, and recreation programs, tech-*
22 *nology education programs, and character education*
23 *programs, that are designed to reinforce and com-*
24 *plement the regular academic program of partici-*
25 *pating students; and*

1 “(3) offer families of students enrolled in com-
2 munity learning centers opportunities for lifelong
3 learning and literacy development.

4 **“SEC. 1603. DEFINITIONS.**

5 *“In this subpart:*

6 “(1) *COMMUNITY LEARNING CENTER.*—The term
7 ‘community learning center’ is an entity that—

8 “(A)(i) *assists students to meet State con-*
9 *tent and student performance standards in core*
10 *academic subjects, such as reading and mathe-*
11 *matics, by primarily providing to the students,*
12 *during non-school hours or periods when school*
13 *is not in session, tutorial and other academic en-*
14 *richment services in addition to other activities*
15 *(such as youth development activities, drug and*
16 *violence prevention programs, art, music, and*
17 *recreation programs, technology education pro-*
18 *grams, and character education programs) that*
19 *reinforce and complement the regular academic*
20 *program of the students; and*

21 “(ii) *offers families of students enrolled in*
22 *such center opportunities for lifelong learning*
23 *and literacy development; and*

24 “(B) *is operated by 1 or more local edu-*
25 *cational agencies, community-based organiza-*

1 *tions, units of general purpose local government,*
2 *or other public or private entities.*

3 “(2) *COVERED PROGRAM.*—*The term ‘covered*
4 *program’ means a program for which—*

5 “(A) *the Secretary made a grant under part*
6 *I of title X (as in effect on the day before the*
7 *date of enactment of the Better Education for*
8 *Students and Teachers Act); and*

9 “(B) *the grant period had not ended on that*
10 *date of enactment.*

11 “(3) *ELIGIBLE ORGANIZATION.*—*The term ‘eligi-*
12 *ble organization’ means—*

13 “(A) *a local educational agency, a commu-*
14 *nity-based organization, a unit of general pur-*
15 *pose local government, or another public or pri-*
16 *vate entity; or*

17 “(B) *a consortium of entities described in*
18 *subparagraph (A).*

19 “(4) *STATE.*—*The term ‘State’ means the State*
20 *educational agency of a State (as defined in section*
21 *3).*

22 “(5) *UNIT OF GENERAL PURPOSE LOCAL GOV-*
23 *ERNMENT.*—*The term ‘unit of general purpose local*
24 *government’ means any city, town, township, parish,*
25 *village, or other general purpose political subdivision.*

1 **“SEC. 1604. PROGRAM AUTHORIZED.**

2 *“The Secretary is authorized to award grants to States*
3 *to make awards to eligible organizations to plan, imple-*
4 *ment, or expand community learning centers that serve—*

5 *“(1) students who primarily attend—*

6 *“(A) schools eligible for schoolwide pro-*
7 *grams under section 1114; or*

8 *“(B) schools that serve a high percentage of*
9 *students from low-income families; and*

10 *“(2) the families of students described in para-*
11 *graph (1).*

12 **“SEC. 1605. ALLOTMENTS TO STATES.**

13 *“(a) RESERVATION.—From the funds appropriated*
14 *under section 1002(g) for any fiscal year, the Secretary*
15 *shall reserve—*

16 *“(1) such amount as may be necessary to make*
17 *continuation awards for covered programs to grant*
18 *recipients under part I of title X (under the terms of*
19 *those grants), as in effect on the day before the effec-*
20 *tive date of the Better Education for Students and*
21 *Teachers Act;*

22 *“(2) not more than 1 percent for national activi-*
23 *ties, which the Secretary may carry out directly or*
24 *through grants and contracts, such as providing tech-*
25 *nical assistance to organizations carrying out pro-*

1 *grams under this subpart or conducting a national*
2 *evaluation; and*

3 *“(3) not more than 1 percent for payments to the*
4 *outlying areas and the Bureau of Indian Affairs, to*
5 *be allotted in accordance with their respective needs*
6 *for assistance under this subpart, as determined by*
7 *the Secretary, to enable the areas and the Bureau to*
8 *carry out the objectives of this subpart.*

9 *“(b) STATE ALLOTMENTS.—*

10 *“(1) DETERMINATION.—*

11 *“(A) BASIS.—From the funds appropriated*
12 *under section 1002(g) for any fiscal year and re-*
13 *maining after the Secretary makes reservations*
14 *under subsection (a), the Secretary shall allot to*
15 *each State for the fiscal year an amount that*
16 *bears the same relationship to the remainder as*
17 *the amount the State received under subpart 2 of*
18 *part A for the preceding fiscal year bears to the*
19 *amount all States received under that subpart*
20 *for the preceding fiscal year, except as provided*
21 *in subparagraph (B).*

22 *“(B) EXCEPTION.—No State receiving an*
23 *allotment under subparagraph (A) may receive*
24 *less than $\frac{1}{2}$ of 1 percent of the total amount al-*
25 *lotted under subparagraph (A) for a fiscal year.*

1 “(2) *DEFINITION.*—*In this subsection, the term ‘State’*
2 *means each of the 50 States, the District of Columbia, and*
3 *the Commonwealth of Puerto Rico.*

4 “**SEC. 1606. STATE PLANS.**

5 “*Each State seeking a grant under this subpart shall*
6 *submit to the Secretary a plan, which may be submitted*
7 *as part of a State’s consolidated plan under section 5502,*
8 *at such time, in such manner, and containing such infor-*
9 *mation as the Secretary may reasonably require. At a min-*
10 *imum, the plan shall—*

11 “(1) *describe how the State will use funds re-*
12 *ceived under this subpart, including funds reserved*
13 *for State-level activities;*

14 “(2) *contain an assurance that the State will*
15 *make awards under this subpart for eligible organiza-*
16 *tions only to eligible organizations that propose to*
17 *serve—*

18 “(A) *students who primarily attend—*

19 “(i) *schools eligible for schoolwide pro-*
20 *grams under section 1114; or*

21 “(ii) *schools that serve a high percent-*
22 *age of students from low-income families;*
23 *and*

24 “(B) *the families of students described in*
25 *subparagraph (A);*

1 “(3) describe the procedures and criteria the
2 State will use for reviewing applications and award-
3 ing funds to eligible organizations on a competitive
4 basis, which shall include procedures and criteria that
5 take into consideration the likelihood that a proposed
6 center will help participating students meet local con-
7 tent and performance standards by increasing their
8 academic performance and achievement;

9 “(4) describe how the State will ensure that
10 awards made under this subpart are—

11 “(A) of sufficient size and scope to support
12 high-quality, effective programs that are con-
13 sistent with the purpose of this subpart; and

14 “(B) in amounts that are consistent with
15 section 1608(b);

16 “(5) contain an assurance that the State—

17 “(A) will not make awards for programs
18 that exceed 4 years;

19 “(B) will ensure an equitable distribution of
20 awards among urban and rural areas of the
21 State; and

22 “(C) will require each eligible organization
23 seeking such an award to submit a plan describ-
24 ing how the center to be funded through the

1 *award will continue after funding under this*
2 *subpart ends;*

3 “(6) *describe the State’s performance measures*
4 *for programs carried out under this subpart, includ-*
5 *ing measures relating to increased academic perform-*
6 *ance and achievement, and how the State will evalu-*
7 *ate the effectiveness of those programs;*

8 “(7) *contain an assurance that funds appro-*
9 *priated to carry out this subpart will be used to sup-*
10 *plement, and not supplant, other Federal, State, and*
11 *local public funds expended to provide programs and*
12 *activities authorized under this subpart; and*

13 “(8) *contain an assurance that the State will re-*
14 *quire eligible organizations to describe in their appli-*
15 *cations under section 1609 how the transportation*
16 *needs of participating students will be addressed.*

17 **“SEC. 1607. STATE-LEVEL ACTIVITIES.**

18 “(a) *IN GENERAL.—A State that receives an allotment*
19 *under section 1605 for a fiscal year shall use not more than*
20 *6 percent of the funds made available through the allotment*
21 *for State-level activities described in paragraphs (1) and*
22 *(2) of subsection (b).*

23 “(b) *ACTIVITIES.—*

24 “(1) *PLANNING, PEER REVIEW, AND SUPER-*
25 *VISION.—The State may use not more than 3 percent*

1 of the funds made available through the allotment to
2 pay for the costs of—

3 “(A) establishing and implementing a peer
4 review process for applications described in sec-
5 tion 1609 (including consultation with the Gov-
6 ernor and other State agencies responsible for
7 administering youth development programs and
8 adult learning activities);

9 “(B) supervising the awarding of funds to
10 eligible organizations (in consultation with the
11 Governor and other State agencies responsible for
12 administering youth development programs and
13 adult learning activities);

14 “(C) planning and supervising the use of
15 funds made available under this subpart, and
16 processing the funds; and

17 “(D) monitoring activities.

18 “(2) *EVALUATION, TRAINING, AND TECHNICAL*
19 *ASSISTANCE.*—The State may use not more than 3
20 percent of the funds made available through the allot-
21 ment to pay for the costs of—

22 “(A) comprehensive evaluation (directly, or
23 through a grant or contract) of the effectiveness
24 of programs and activities provided under this
25 subpart; and

1 “(B) providing training and technical as-
2 sistance to eligible organizations who are appli-
3 cants or recipients of awards under this subpart.

4 **“SEC. 1608. AWARDS TO ELIGIBLE ORGANIZATIONS.**

5 “(a) AWARDS.—A State that receives an allotment
6 under section 1605 for a fiscal year shall use not less than
7 94 percent of the funds made available through the allot-
8 ment to make awards on a competitive basis to eligible or-
9 ganizations (including organizations and entities that
10 carry out projects described in section 1609(d)).

11 “(b) AMOUNTS.—The State shall make the awards in
12 amounts of not less than \$50,000.

13 **“SEC. 1609. LOCAL APPLICATION.**

14 “(a) APPLICATION.—To be eligible to receive an award
15 under this subpart, an eligible organization shall submit
16 an application to the State at such time, in such manner,
17 and including such information as the State may reason-
18 ably require. Each such application shall include—

19 “(1) an evaluation of the needs, available re-
20 sources, and goals and objectives for the proposed
21 community learning center and a description of how
22 the program proposed to be carried out in the center
23 will address those needs (including the needs of work-
24 ing families); and

1 “(2) a description of the proposed community
2 learning center, including—

3 “(A) a description of how the eligible orga-
4 nization will ensure that the program proposed
5 to be carried out at the center will reinforce and
6 complement the instructional programs of the
7 schools that students served by the program at-
8 tend;

9 “(B) an identification of Federal, State,
10 and local programs that will be combined or co-
11 ordinated with the proposed program in order to
12 make the most effective use of public resources;

13 “(C) an assurance that the proposed pro-
14 gram was developed, and will be carried out, in
15 active collaboration with the schools the students
16 attend;

17 “(D) evidence that the eligible organization
18 has experience, or demonstrates promise of suc-
19 cess, in providing educational and related activi-
20 ties that will complement and enhance the stu-
21 dents’ academic performance and achievement
22 and positive youth development;

23 “(E) an assurance that the program will
24 take place in a safe and easily accessible school
25 or other facility;

1 “(F) a description of how students partici-
2 pating in the program carried out by the center
3 will travel safely to and from the center and
4 home;

5 “(G) a description of how the eligible orga-
6 nization will disseminate information about the
7 program to the community in a manner that is
8 understandable and accessible;

9 “(H) a description of a preliminary plan
10 for how the center will continue after funding
11 under this subpart ends; and

12 “(I) an assurance that the eligible organiza-
13 tion will, to the maximum extent practicable,
14 carry out the proposed program with commu-
15 nity-based organizations that have experience in
16 providing before and after school programs, such
17 as the Young Men’s Christian Association
18 (YMCA), the Police Athletic and Activities
19 Leagues, Boys and Girls Clubs, and Big Broth-
20 ers/Big Sisters of America.

21 “(b) PRIORITY.—In making awards under this sub-
22 part, the State shall give equal priority to applications—

23 “(1) submitted jointly by schools receiving fund-
24 ing under part A and community-based organizations
25 or other eligible organizations;

1 “(2) submitted by such schools or consortia of
2 such schools; and

3 “(3) submitted by community-based organiza-
4 tions or other eligible organizations serving commu-
5 nities in which such schools are located.

6 “(c) *APPROVAL OF CERTAIN APPLICATIONS.*—The
7 State may approve an application under this subpart for
8 a program to be located in a facility other than an elemen-
9 tary school or secondary school, only if the program—

10 “(1) will be accessible to the students proposed in
11 the application to be served; and

12 “(2) will be as effective as the program would be
13 if the program were located in such a school.

14 “(d) *AFTER SCHOOL SERVICES.*—Grant funds award-
15 ed under this subpart may be used by organizations or enti-
16 ties to implement programs to provide after school services
17 for limited English proficient students that emphasize lan-
18 guage and life skills.

19 **“Subpart 2—Community Technology Centers**

20 **“SEC. 1611. PURPOSE; PROGRAM AUTHORITY.**

21 “(a) *PURPOSE.*—It is the purpose of this subpart to
22 assist eligible applicants to—

23 “(1) create or expand community technology cen-
24 ters that will provide disadvantaged residents of eco-
25 nomically distressed urban and rural communities

1 *with access to information technology and related*
2 *training; and*

3 *“(2) provide technical assistance and support to*
4 *community technology centers.*

5 *“(b) PROGRAM AUTHORITY.—*

6 *“(1) IN GENERAL.—The Secretary is authorized,*
7 *through the Office of Educational Technology, to*
8 *award grants, contracts, or cooperative agreements on*
9 *a competitive basis to eligible applicants in order to*
10 *assist such applicants in—*

11 *“(A) creating or expanding community*
12 *technology centers; or*

13 *“(B) providing technical assistance and*
14 *support to community technology centers.*

15 *“(2) PERIOD OF AWARD.—The Secretary may*
16 *award grants, contracts, or cooperative agreements*
17 *under this subpart for a period of not more than 3*
18 *years.*

19 *“(3) SERVICE OF AMERICORPS PARTICIPANTS.—*
20 *The Secretary may collaborate with the Chief Execu-*
21 *tive Officer of the Corporation for National and Com-*
22 *munity Service on the use of participants in National*
23 *Service programs carried out under subtitle C of title*
24 *I of the National and Community Service Act of 1990*
25 *in community technology centers.*

1 **“SEC. 1612. ELIGIBILITY AND APPLICATION REQUIRE-**
2 **MENTS.**

3 “(a) *ELIGIBLE APPLICANTS.*—*In order to be eligible*
4 *to receive an award under this subpart, an applicant*
5 *shall—*

6 “(1) *have the capacity to expand significantly*
7 *access to computers and related services for disadvan-*
8 *taged residents of economically distressed urban and*
9 *rural communities (who would otherwise be denied*
10 *such access); and*

11 “(2) *be—*

12 “(A) *an entity such as a foundation, mu-*
13 *seum, library, for-profit business, public or pri-*
14 *vate nonprofit organization, or community-based*
15 *organization;*

16 “(B) *an institution of higher education;*

17 “(C) *a State educational agency;*

18 “(D) *a local education agency; or*

19 “(E) *a consortium of entities described in*
20 *subparagraphs (A), (B), (C), or (D).*

21 “(b) *APPLICATION REQUIREMENTS.*—*In order to re-*
22 *ceive an award under this subpart, an eligible applicant*
23 *shall submit an application to the Secretary at such time,*
24 *and containing such information, as the Secretary may re-*
25 *quire. Such application shall include—*

1 “(1) a description of the proposed project, in-
2 cluding a description of the magnitude of the need for
3 the services and how the project would expand access
4 to information technology and related services to dis-
5 advantaged residents of an economically distressed
6 urban or rural community;

7 “(2) a demonstration of—

8 “(A) the commitment, including the finan-
9 cial commitment, of entities such as institutions,
10 organizations, business and other groups in the
11 community that will provide support for the cre-
12 ation, expansion, and continuation of the pro-
13 posed project; and

14 “(B) the extent to which the proposed
15 project establishes linkages with other appro-
16 priate agencies, efforts, and organizations pro-
17 viding services to disadvantaged residents of an
18 economically distressed urban or rural commu-
19 nity;

20 “(3) a description of how the proposed project
21 would be sustained once the Federal funds awarded
22 under this subpart end; and

23 “(4) a plan for the evaluation of the program,
24 which shall include benchmarks to monitor progress
25 toward specific project objectives.

1 “(c) *MATCHING REQUIREMENTS.*—*The Federal share*
2 *of the cost of any project funded under this subpart shall*
3 *not exceed 50 percent. The non-Federal share of such project*
4 *may be in cash or in kind, fairly evaluated, including serv-*
5 *ices.*

6 **“SEC. 1613. USES OF FUNDS.**

7 “(a) *REQUIRED USES.*—*A recipient shall use funds*
8 *under this subpart for—*

9 “(1) *creating or expanding community tech-*
10 *nology centers that expand access to information tech-*
11 *nology and related training for disadvantaged resi-*
12 *dents of distressed urban or rural communities; and*

13 “(2) *evaluating the effectiveness of the project.*

14 “(b) *PERMISSIBLE USES.*—*A recipient may use funds*
15 *under this subpart for activities, described in its applica-*
16 *tion, that carry out the purposes of this subpart, such as—*

17 “(1) *supporting a center coordinator, and staff,*
18 *to supervise instruction and build community part-*
19 *nerships;*

20 “(2) *acquiring equipment, networking capabili-*
21 *ties, and infrastructure to carry out the project; and*

22 “(3) *developing and providing services and ac-*
23 *tivities for community residents that provide access to*
24 *computers, information technology, and the use of*
25 *such technology in support of pre-school preparation,*

1 *academic achievement, lifelong learning, and work-*
2 *force development, such as the following:*

3 *“(A) After-school activities in which chil-*
4 *dren and youths use software that provides aca-*
5 *demic enrichment and assistance with homework,*
6 *develop their technical skills, explore the Inter-*
7 *net, and participate in multimedia activities,*
8 *including web page design and creation.*

9 *“(B) Adult education and family literacy*
10 *activities through technology and the Internet,*
11 *including—*

12 *“(i) General Education Development,*
13 *English as a Second Language, and adult*
14 *basic education classes or programs;*

15 *“(ii) introduction to computers;*

16 *“(iii) intergenerational activities; and*

17 *“(iv) lifelong learning opportunities.*

18 *“(C) Career development and job prepara-*
19 *tion activities, such as—*

20 *“(i) training in basic and advanced*
21 *computer skills;*

22 *“(ii) resume writing workshops; and*

23 *“(iii) access to databases of employ-*
24 *ment opportunities, career information, and*
25 *other online materials.*

1 “(D) *Small business activities, such as—*

2 “(i) *computer-based training for basic*
3 *entrepreneurial skills and electronic com-*
4 *merce; and*

5 “(ii) *access to information on business*
6 *start-up programs that is available online,*
7 *or from other sources.*

8 “(E) *Activities that provide home access to*
9 *computers and technology, such as assistance*
10 *and services to promote the acquisition, installa-*
11 *tion, and use of information technology in the*
12 *home through low-cost solutions such as*
13 *networked computers, web-based television de-*
14 *vices, and other technology.*

15 **“SEC. 1614. AUTHORIZATION OF APPROPRIATIONS.**

16 *“For purposes of carrying out this subpart, there is*
17 *authorized to be appropriated \$100,000,000 for fiscal year*
18 *2002 and such sums as may be necessary for each of the*
19 *6 succeeding fiscal years.*

20 **“PART G—COMPREHENSIVE SCHOOL REFORM**

21 **“SEC. 1701. PURPOSE.**

22 *“The purpose of this part is to provide financial incen-*
23 *tives for schools to develop comprehensive school reforms*
24 *based upon promising and effective practices and scientif-*
25 *ically based research programs that emphasize basic aca-*

1 *demics and parental involvement so that all children can*
2 *meet challenging State content and student performance*
3 *standards.*

4 **“SEC. 1702. PROGRAM AUTHORIZATION.**

5 “(a) *PROGRAM AUTHORIZED.—*

6 “(1) *IN GENERAL.—The Secretary is authorized*
7 *to award grants to State educational agencies, from*
8 *allotments under paragraph (2), to enable the State*
9 *educational agencies to award subgrants to local edu-*
10 *cational agencies to carry out the purpose described*
11 *in section 1701.*

12 “(2) *ALLOTMENTS.—*

13 “(A) *RESERVATIONS.—Of the amount ap-*
14 *propriated under section 1002(h) for a fiscal*
15 *year, the Secretary may reserve—*

16 “(i) *not more than 1 percent to provide*
17 *assistance to schools supported by the Bu-*
18 *reau of Indian Affairs and in the United*
19 *States Virgin Islands, Guam, American*
20 *Samoa, and the Commonwealth of the*
21 *Northern Mariana Islands according to*
22 *their respective needs for assistance under*
23 *this part;*

1 “(ii) not more than 1 percent to con-
2 duct national evaluation activities described
3 in section 1707; and

4 “(iii) 3 percent to promote quality ini-
5 tiatives described in section 1708.

6 “(B) *IN GENERAL.*—Of the amount appro-
7 priated under section 1002(h) that remains after
8 making the reservation under subparagraph (A)
9 for a fiscal year, the Secretary shall allot to each
10 State for the fiscal year an amount that bears
11 the same ratio to the remainder for that fiscal
12 year as the amount made available under section
13 1124 to the State for the preceding fiscal year
14 bears to the total amount made available under
15 section 1124 to all States for that year.

16 “(C) *REALLOTMENT.*—If a State does not
17 apply for funds under this section, the Secretary
18 shall reallocate such funds to other States that do
19 not apply in proportion to the amount allotted
20 to such other States under subparagraph (B).

21 “**SEC. 1703. STATE APPLICATIONS.**

22 “(a) *IN GENERAL.*—Each State educational agency
23 that desires to receive a grant under this section shall sub-
24 mit an application to the Secretary at such time, in such

1 *manner, and containing such information as the Secretary*
2 *may reasonably require.*

3 “(b) *CONTENTS.—Each such application shall*
4 *describe—*

5 “(1) *the process and selection criteria by which*
6 *the State educational agency, using expert review,*
7 *will select local educational agencies to receive sub-*
8 *grants under this section;*

9 “(2) *how the State educational agency will en-*
10 *sure that funds under this part are limited to com-*
11 *prehensive school reform programs that—*

12 “(A) *include each of the components de-*
13 *scribed in section 1706(a);*

14 “(B) *have the capacity to improve the aca-*
15 *ademic achievement of all students in core aca-*
16 *ademic subjects within participating schools; and*

17 “(C) *are supported by technical assistance*
18 *providers that have a successful track record and*
19 *the capacity to deliver high quality materials,*
20 *professional development for school personnel*
21 *and on-site support during the full implementa-*
22 *tion period of the reforms;*

23 “(3) *how the State educational agency will dis-*
24 *seminate information on comprehensive school re-*

1 *forms that are based on promising and effective prac-*
2 *tices and scientifically based research programs;*

3 *“(4) how the State educational agency will an-*
4 *nually evaluate the implementation of such reforms*
5 *and measure the extent to which the reforms have re-*
6 *sulted in increased student academic performance;*
7 *and*

8 *“(5) how the State educational agency will make*
9 *available technical assistance to a local educational*
10 *agency or consortia of local educational agencies in*
11 *evaluating, developing, and implementing comprehen-*
12 *sive school reform.*

13 **“SEC. 1704. STATE USE OF FUNDS.**

14 *“(a) IN GENERAL.—Except as provided in subsection*
15 *(e), a State educational agency that receives a grant under*
16 *this part shall use the grant funds to award subgrants, on*
17 *a competitive basis, to local educational agencies or con-*
18 *sortia of local educational agencies in the State that receive*
19 *funds under part A to support comprehensive school reforms*
20 *in schools that are eligible for funds under part A.*

21 *“(b) SUBGRANT REQUIREMENTS.—A subgrant to a*
22 *local educational agency or consortium shall be—*

23 *“(1) of sufficient size and scope to support the*
24 *initial costs of comprehensive school reforms selected*

1 or designed by each school identified in the applica-
2 tion of the local educational agency or consortium;

3 “(2) in an amount not less than \$50,000 for each
4 participating school; and

5 “(3) renewable for 2 additional 1-year periods
6 after the initial 1-year grant is made if the school is
7 making substantial progress in the implementation of
8 reforms.

9 “(c) *PRIORITY.*—A State educational agency, in
10 awarding subgrants under this part, shall give priority to
11 local educational agencies or consortia that—

12 “(1) plan to use the funds in schools identified
13 as being in need of improvement or corrective action
14 under section 1116(c); and

15 “(2) demonstrate a commitment to assist schools
16 with budget allocation, professional development, and
17 other strategies necessary to ensure the comprehensive
18 school reforms are properly implemented and are sus-
19 tained in the future.

20 “(d) *GRANT CONSIDERATION.*—In awarding subgrants
21 under this part, the State educational agency shall take into
22 consideration the equitable distribution of subgrants to dif-
23 ferent geographic regions within the State, including urban
24 and rural areas, and to schools serving elementary school
25 and secondary students.

1 “(e) *ADMINISTRATIVE COSTS.*—A State educational
2 agency that receives a grant under this part may reserve
3 not more than 5 percent of the grant funds for administra-
4 tive, evaluation, and technical assistance expenses.

5 “(f) *SUPPLEMENT.*—Funds made available under this
6 part shall be used to supplement, and not supplant, any
7 other Federal, State, or local funds that would otherwise
8 be available to carry out the activities assisted under this
9 part.

10 “(g) *REPORTING.*—Each State educational agency
11 that receives a grant under this part shall provide to the
12 Secretary such information as the Secretary may require,
13 including the names of local educational agencies and
14 schools receiving assistance under this part, the amount of
15 the assistance, a description of the comprehensive school re-
16 forms selected and used, and a copy of the State’s evaluation
17 of the implementation of comprehensive school reforms sup-
18 ported under this part and the student results achieved.

19 **“SEC. 1705. LOCAL APPLICATIONS.**

20 “(a) *IN GENERAL.*—Each local educational agency or
21 consortium of local educational agencies desiring a
22 subgrant under this section shall submit an application to
23 the State educational agency at such time, in such manner,
24 and containing such information as the State educational
25 agency may reasonably require.

1 “(b) *CONTENTS.*—*Each such application shall—*

2 “(1) *identify the schools, that are eligible for as-*
3 *sistance under part A, that plan to implement a com-*
4 *prehensive school reform program, including the pro-*
5 *jected costs of such a program;*

6 “(2) *describe the comprehensive school reforms*
7 *based on scientifically-based research and effective*
8 *practices that such schools will implement;*

9 “(3) *describe how the local educational agency or*
10 *consortium will provide technical assistance and sup-*
11 *port for the effective implementation of the promising*
12 *and effective practices and scientifically based re-*
13 *search school reforms selected by such schools; and*

14 “(4) *describe how the local educational agency or*
15 *consortium will evaluate the implementation of such*
16 *comprehensive reforms and measure the results*
17 *achieved in improving student academic performance.*

18 **“SEC. 1706. LOCAL USE OF FUNDS.**

19 “(a) *USES OF FUNDS.*—*A local educational agency or*
20 *consortium that receives a subgrant under this section shall*
21 *provide the subgrant funds to schools, that are eligible for*
22 *assistance under part A and served by the agency, to enable*
23 *the schools to implement a comprehensive school reform pro-*
24 *gram for—*

1 “(1) *employing proven strategies for student*
2 *learning, teaching, and school management that are*
3 *based on promising and effective practices and sci-*
4 *entifically based research programs and have been*
5 *replicated successfully in schools;*

6 “(2) *integrating a comprehensive design for effec-*
7 *tive school functioning, including instruction, assess-*
8 *ment, classroom management, professional develop-*
9 *ment, parental involvement, and school management,*
10 *that aligns the school’s curriculum, technology, and*
11 *professional development into a comprehensive reform*
12 *plan for schoolwide change designed to enable all stu-*
13 *dents to meet challenging State content and student*
14 *performance standards and addresses needs identified*
15 *through a school needs assessment;*

16 “(3) *providing high quality and continuous*
17 *teacher and staff professional development;*

18 “(4) *the inclusion of measurable goals for student*
19 *performance;*

20 “(5) *support for teachers, principals, adminis-*
21 *trators, and other school personnel staff;*

22 “(6) *meaningful community and parental in-*
23 *volvement initiatives that will strengthen school im-*
24 *provement activities;*

1 “(7) *using high quality external technical sup-*
2 *port and assistance from an entity that has experi-*
3 *ence and expertise in schoolwide reform and improve-*
4 *ment, which may include an institution of higher*
5 *education;*

6 “(8) *evaluating school reform implementation*
7 *and student performance; and*

8 “(9) *identification of other resources, including*
9 *Federal, State, local, and private resources, that shall*
10 *be used to coordinate services that will support and*
11 *sustain the comprehensive school reform effort.*

12 “(b) *SPECIAL RULE.—A school that receives funds to*
13 *develop a comprehensive school reform program shall not*
14 *be limited to using nationally available approaches, but*
15 *may develop the school’s own comprehensive school reform*
16 *program for schoolwide change as described in subsection*
17 *(a).*

18 **“SEC. 1707. NATIONAL EVALUATION AND REPORTS.**

19 “(a) *IN GENERAL.—The Secretary shall develop a plan*
20 *for a national evaluation of the programs assisted under*
21 *this part.*

22 “(b) *EVALUATION.—The national evaluation shall—*

23 “(1) *evaluate the implementation and results*
24 *achieved by schools after 3 years of implementing*
25 *comprehensive school reforms; and*

1 “(2) assess the effectiveness of comprehensive
2 school reforms in schools with diverse characteristics.

3 “(c) *REPORTS.*—Prior to the completion of the na-
4 tional evaluation, the Secretary shall submit an interim re-
5 port describing implementation activities for the Com-
6 prehensive School Reform Program, which began in 1998,
7 to the Committee on Education and the Workforce, and the
8 Committee on Appropriations of the House of Representa-
9 tives, and the Committee on Health, Education, Labor, and
10 Pensions, and the Committee on Appropriations of the Sen-
11 ate.

12 **“SEC. 1708. QUALITY INITIATIVES.**

13 “The Secretary, through grants or contracts, shall
14 promote—

15 “(1) a public-private effort, in which funds are
16 matched by the private sector, to assist States, local
17 educational agencies, and schools, in making in-
18 formed decisions upon approving or selecting pro-
19 viders of comprehensive school reform, consistent with
20 the requirements described in section 1706(a); and

21 “(2) activities to foster the development of com-
22 prehensive school reform models and to provide effec-
23 tive capacity building for comprehensive school re-
24 form providers to expand their work in more schools,
25 assure quality, and promote financial stability.

1 **“PART H—SCHOOL DROPOUT PREVENTION**

2 **“SEC. 1801. SHORT TITLE.**

3 *“This part may be cited as the ‘Dropout Prevention*
4 *Act’.*

5 **“SEC. 1802. PURPOSE.**

6 *“The purpose of this part is to provide for school drop-*
7 *out prevention and reentry and to raise academic achieve-*
8 *ment levels by providing grants, to schools through State*
9 *educational agencies, that—*

10 *“(1) challenge all children to attain their highest*
11 *academic potential; and*

12 *“(2) ensure that all students have substantial*
13 *and ongoing opportunities to do so through*
14 *schoolwide programs proven effective in school drop-*
15 *out prevention.*

16 **“Subpart 1—Coordinated National Strategy**

17 **“SEC. 1811. NATIONAL ACTIVITIES.**

18 *“(a) IN GENERAL.—The Secretary is authorized—*

19 *“(1) to collect systematic data on the participa-*
20 *tion in the programs described in paragraph (2)(C)*
21 *of individuals disaggregated within each State, local*
22 *educational agency, and school by gender, by each*
23 *major racial and ethnic group, by English proficiency*
24 *status, by migrant status, by students with disabil-*
25 *ities as compared to nondisabled students, and by eco-*

1 *nomically disadvantaged students as compared to stu-*
2 *dents who are not economically disadvantaged;*

3 *“(2) to establish and to consult with an inter-*
4 *agency working group that shall—*

5 *“(A) address inter- and intra-agency pro-*
6 *gram coordination issues at the Federal level*
7 *with respect to school dropout prevention and*
8 *middle school and secondary school reentry, and*
9 *assess the targeting of existing Federal services to*
10 *students who are most at risk of dropping out of*
11 *school, and the cost-effectiveness of various pro-*
12 *grams and approaches used to address school*
13 *dropout prevention;*

14 *“(B) describe the ways in which State and*
15 *local agencies can implement effective school*
16 *dropout prevention programs using funds from a*
17 *variety of Federal programs, including the pro-*
18 *grams under this title; and*

19 *“(C) address all Federal programs with*
20 *school dropout prevention or school reentry ele-*
21 *ments or objectives, including programs under*
22 *this title, programs under subtitle C of title I of*
23 *the Workforce Investment Act of 1998, and other*
24 *programs; and*

1 “(3) carry out a national recognition program
2 in accordance with subsection (b) that recognizes
3 schools that have made extraordinary progress in low-
4 ering school dropout rates under which a public mid-
5 dle school or secondary school from each State will be
6 recognized.

7 “(b) *RECOGNITION PROGRAM.*—

8 “(1) *NATIONAL GUIDELINES.*—The Secretary
9 shall develop uniform national guidelines for the rec-
10 ognition program that shall be used to recognize
11 schools from nominations submitted by State edu-
12 cational agencies.

13 “(2) *ELIGIBLE SCHOOLS.*—The Secretary may
14 recognize under the recognition program any public
15 middle school or secondary school (including a charter
16 school) that has implemented comprehensive reforms
17 regarding the lowering of school dropout rates for all
18 students at that school.

19 “(3) *SUPPORT.*—The Secretary may make mone-
20 tary awards to schools recognized under the recogni-
21 tion program in amounts determined by the Sec-
22 retary. Amounts received under this section shall be
23 used for dissemination activities within the school
24 district or nationally.

25 “(c) *CAPACITY BUILDING.*—

1 “(1) *IN GENERAL.*—*The Secretary, through a*
2 *contract with a non-Federal entity, may conduct a*
3 *capacity building and design initiative in order to*
4 *increase the types of proven strategies for dropout*
5 *prevention and reentry that address the needs of an*
6 *entire school population rather than a subset of stu-*
7 *dents.*

8 “(2) *NUMBER AND DURATION.*—

9 “(A) *NUMBER.*—*The Secretary may award*
10 *not more than 5 contracts under this subsection.*

11 “(B) *DURATION.*—*The Secretary may*
12 *award a contract under this subsection for a pe-*
13 *riod of not more than 5 years.*

14 “(d) *SUPPORT FOR EXISTING REFORM NETWORKS.*—

15 “(1) *IN GENERAL.*—*The Secretary may provide*
16 *appropriate support to eligible entities to enable the*
17 *eligible entities to provide training, materials, devel-*
18 *opment, and staff assistance to schools assisted under*
19 *this chapter.*

20 “(2) *DEFINITION OF ELIGIBLE ENTITY.*—*In this*
21 *subsection, the term ‘eligible entity’ means an entity*
22 *that, prior to the date of enactment of the Dropout*
23 *Prevention Act—*

1 “(A) provided training, technical assistance,
2 and materials to 100 or more elementary schools
3 or secondary schools; and

4 “(B) developed and published a specific
5 educational program or design for use by the
6 schools.

7 **“Subpart 2—National School Dropout Prevention**

8 **Initiative**

9 **“SEC. 1821. PROGRAM AUTHORIZED.**

10 “(a) GRANTS.—

11 “(1) DISCRETIONARY GRANTS.—If the sum ap-
12 propriated under section 1002(i) for a fiscal year is
13 less than \$250,000,000, then the Secretary shall use
14 such sum to award grants, on a competitive basis, to
15 State educational agencies to enable the State edu-
16 cational agencies to award grants under subsection
17 (b).

18 “(2) FORMULA.—If the sum appropriated under
19 section 1002(i) for a fiscal year equals or exceeds
20 \$250,000,000, then the Secretary shall use such sum
21 to make an allotment to each State in an amount
22 that bears the same relation to the sum as the amount
23 the State received under part A for the preceding fis-
24 cal year bears to the amount received by all States
25 under such part for the preceding fiscal year.

1 “(3) *DEFINITION OF STATE.*—*In this subpart,*
2 *the term ‘State’ means each of the several States of the*
3 *United States, the District of Columbia, the Common-*
4 *wealth of Puerto Rico, the United States Virgin Is-*
5 *lands, Guam, American Samoa, the Commonwealth of*
6 *the Northern Mariana Islands, the Republic of the*
7 *Marshall Islands, the Federated States of Micronesia,*
8 *Republic of Palau, and Bureau of Indian Affairs for*
9 *purposes of serving schools funded by the Bureau.*

10 “(b) *GRANTS.*—*From amounts made available to a*
11 *State under subsection (a), the State educational agency*
12 *may award grants to public middle schools or secondary*
13 *schools that serve students in grades 6 through 12, that have*
14 *school dropout rates that are the highest of all school drop-*
15 *out rates in the State, to enable the schools to pay only*
16 *the startup and implementation costs of effective, sustain-*
17 *able, coordinated, and whole school dropout prevention pro-*
18 *grams that involve activities such as—*

19 “(1) *professional development;*

20 “(2) *obtaining curricular materials;*

21 “(3) *release time for professional staff;*

22 “(4) *planning and research;*

23 “(5) *remedial education;*

24 “(6) *reduction in pupil-to-teacher ratios;*

1 “(7) efforts to meet State student achievement
2 standards;

3 “(8) counseling and mentoring for at-risk stu-
4 dents; and

5 “(9) comprehensive school reform models.

6 “(c) AMOUNT.—

7 “(1) IN GENERAL.—Subject to subsection (d) and
8 except as provided in paragraph (2), a grant under
9 this subpart shall be awarded—

10 “(A) in the first year that a school receives
11 a grant payment under this subpart, based on
12 factors such as—

13 “(i) school size;

14 “(ii) costs of the model or set of preven-
15 tion and reentry strategies being imple-
16 mented; and

17 “(iii) local cost factors such as poverty
18 rates;

19 “(B) in the second such year, in an amount
20 that is not less than 75 percent of the amount the
21 school received under this subpart in the first
22 such year;

23 “(C) in the third year, in an amount that
24 is not less than 50 percent of the amount the

1 *school received under this subpart in the first*
2 *such year; and*

3 “(D) *in each succeeding year in an amount*
4 *that is not less than 30 percent of the amount the*
5 *school received under this subpart in the first*
6 *such year.*

7 “(2) *INCREASES.—The Secretary shall increase*
8 *the amount awarded to a school under this subpart*
9 *by 10 percent if the school creates smaller learning*
10 *communities within the school and the creation is cer-*
11 *tified by the State educational agency.*

12 “(d) *DURATION.—A grant under this subpart shall be*
13 *awarded for a period of 3 years, and may be continued*
14 *for a period of 2 additional years if the State educational*
15 *agency determines, based on the annual reports described*
16 *in section 1827(a), that significant progress has been made*
17 *in lowering the school dropout rate for students partici-*
18 *pating in the program assisted under this subpart com-*
19 *pared to students at similar schools who are not partici-*
20 *pating in the program.*

21 **“SEC. 1822. STRATEGIES AND CAPACITY BUILDING.**

22 “*Each school receiving a grant under this subpart*
23 *shall implement scientifically based research, sustainable,*
24 *and widely replicated strategies for school dropout preven-*
25 *tion and reentry that address the needs of an entire school*

1 *population rather than a subset of students. The strategies*
2 *may include—*

3 “(1) *specific strategies for targeted purposes,*
4 *such as—*

5 “(A) *effective early intervention programs*
6 *designed to identify at-risk students;*

7 “(B) *effective programs encompassing tradi-*
8 *tionally underserved students, including racial*
9 *and ethnic minorities and pregnant and par-*
10 *enting teenagers, designed to prevent such stu-*
11 *dents from dropping out of school; and*

12 “(C) *effective programs to identify and en-*
13 *courage youth who have already dropped out of*
14 *school to reenter school and complete their sec-*
15 *ondary education; and*

16 “(2) *approaches such as breaking larger schools*
17 *down into smaller learning communities and other*
18 *comprehensive reform approaches, creating alternative*
19 *school programs, developing clear linkages to career*
20 *skills and employment, and addressing specific gate-*
21 *keeper hurdles that often limit student retention and*
22 *academic success.*

23 **“SEC. 1823. SELECTION OF SCHOOLS.**

24 “(a) *SCHOOL APPLICATION.—*

1 “(1) *IN GENERAL.*—*Each school desiring a grant*
2 *under this subpart shall submit an application to the*
3 *State educational agency at such time, in such man-*
4 *ner, and accompanied by such information as the*
5 *State educational agency may require.*

6 “(2) *CONTENTS.*—*Each application submitted*
7 *under paragraph (1) shall—*

8 “(A) *contain a certification from the local*
9 *educational agency serving the school that—*

10 “(i) *the school has the highest number*
11 *or rates of school dropouts in the age group*
12 *served by the local educational agency;*

13 “(ii) *the local educational agency is*
14 *committed to providing ongoing operational*
15 *support, for the school’s comprehensive re-*
16 *form plan to address the problem of school*
17 *dropouts, for a period of 5 years; and*

18 “(iii) *the local educational agency will*
19 *support the plan, including—*

20 “(I) *release time for teacher train-*
21 *ing;*

22 “(II) *efforts to coordinate activi-*
23 *ties for feeder schools; and*

1 “(III) encouraging other schools
2 served by the local educational agency
3 to participate in the plan;

4 “(B) demonstrate that the faculty and ad-
5 ministration of the school have agreed to apply
6 for assistance under this subpart, and provide
7 evidence of the school’s willingness and ability to
8 use the funds under this subpart, including pro-
9 viding an assurance of the support of 80 percent
10 or more of the professional staff at the school;

11 “(C) describe the instructional strategies to
12 be implemented, how the strategies will serve all
13 students, and the effectiveness of the strategies;

14 “(D) describe a budget and timeline for im-
15 plementing the strategies;

16 “(E) contain evidence of coordination with
17 existing resources;

18 “(F) provide an assurance that funds pro-
19 vided under this subpart will supplement and
20 not supplant other Federal, State, and local
21 funds available for dropout prevention programs;

22 “(G) describe how the activities to be as-
23 sisted conform with scientifically based research
24 knowledge about school dropout prevention and
25 reentry; and

1 “(H) demonstrate that the school and local
2 educational agency have agreed to conduct a
3 schoolwide program under section 1114.

4 “(b) *STATE AGENCY REVIEW AND AWARD.*—The State
5 educational agency shall review applications and award
6 grants to schools under subsection (a) according to a review
7 by a panel of experts on school dropout prevention.

8 “(c) *ELIGIBILITY.*—A school is eligible to receive a
9 grant under this subpart if the school is—

10 “(1) a public school (including a public alter-
11 native school)—

12 “(A) that is eligible to receive assistance
13 under part A, including a comprehensive sec-
14 ondary school, a vocational or technical sec-
15 ondary school, or a charter school; and

16 “(B)(i) that serves students 50 percent or
17 more of whom are low-income individuals; or

18 “(ii) with respect to which the feeder schools
19 that provide the majority of the incoming stu-
20 dents to the school serve students 50 percent or
21 more of whom are low-income individuals; or

22 “(2) participating in a schoolwide program
23 under section 1114 during the grant period.

24 “(d) *COMMUNITY-BASED ORGANIZATIONS.*—A school
25 that receives a grant under this subpart may use the grant

1 *funds to secure necessary services from a community-based*
2 *organization, including private sector entities, if—*

3 *“(1) the school approves the use;*

4 *“(2) the funds are used to provide school dropout*
5 *prevention and reentry activities related to schoolwide*
6 *efforts; and*

7 *“(3) the community-based organization has dem-*
8 *onstrated the organization’s ability to provide effec-*
9 *tive services as described in section 122 of the Work-*
10 *force Investment Act of 1998.*

11 *“(e) COORDINATION.—Each school that receives a*
12 *grant under this subpart shall coordinate the activities as-*
13 *sisted under this subpart with other Federal programs, such*
14 *as programs assisted under chapter 1 of subpart 2 of part*
15 *A of title IV of the Higher Education Act of 1965.*

16 **“SEC. 1824. DISSEMINATION ACTIVITIES.**

17 *“Each school that receives a grant under this part*
18 *shall provide information and technical assistance to other*
19 *schools within the school district, including presentations,*
20 *document-sharing, and joint staff development.*

21 **“SEC. 1825. PROGRESS INCENTIVES.**

22 *“Notwithstanding any other provision of law, each*
23 *local educational agency that receives funds under this title*
24 *shall use such funds to provide assistance to schools served*
25 *by the agency that have not made progress toward lowering*

1 school dropout rates after receiving assistance under this
2 subpart for 2 fiscal years.

3 **“SEC. 1826. SCHOOL DROPOUT RATE CALCULATION.**

4 “For purposes of calculating a school dropout rate
5 under this subpart, a school shall use—

6 “(1) the annual event school dropout rate for stu-
7 dents leaving a school in a single year determined in
8 accordance with the National Center for Education
9 Statistics’ Common Core of Data, if available; or

10 “(2) in other cases, a standard method for calcu-
11 lating the school dropout rate as determined by the
12 State educational agency.

13 **“SEC. 1827. REPORTING AND ACCOUNTABILITY.**

14 “(a) *REPORTING.*—To receive funds under this subpart
15 for a fiscal year after the first fiscal year that a school re-
16 ceives funds under this subpart, the school shall provide,
17 on an annual basis, to the Secretary and the State edu-
18 cational agency a report regarding the status of the imple-
19 mentation of activities funded under this subpart, the out-
20 come data for students at schools assisted under this subpart
21 disaggregated in the same manner as information under
22 section 1811(a) (such as dropout rates), and a certification
23 of progress from the eligible entity whose strategies the
24 school is implementing.

1 “(b) *ACCOUNTABILITY.*—*On the basis of the reports*
2 *submitted under subsection (a), the Secretary shall evaluate*
3 *the effect of the activities assisted under this subpart on*
4 *school dropout prevention compared to a control group.*

5 “**SEC. 1828. STATE RESPONSIBILITIES.**

6 “(a) *UNIFORM DATA COLLECTION.*—*Within 1 year*
7 *after the date of enactment of the Dropout Prevention Act,*
8 *a State educational agency that receives funds under this*
9 *subpart shall report to the Secretary and statewide, all*
10 *school district and school data regarding school dropout*
11 *rates in the State disaggregated in the same manner as in-*
12 *formation under section 1811(a), according to procedures*
13 *that conform with the National Center for Education Sta-*
14 *tistics’ Common Core of Data.*

15 “(b) *ATTENDANCE-NEUTRAL FUNDING POLICIES.*—
16 *Within 2 years after the date of enactment of the Dropout*
17 *Prevention Act, a State educational agency that receives*
18 *funds under this subpart shall develop and implement edu-*
19 *cation funding formula policies for public schools that pro-*
20 *vide appropriate incentives to retain students in school*
21 *throughout the school year, such as—*

22 “(1) *a student count methodology that does not*
23 *determine annual budgets based on attendance on a*
24 *single day early in the academic year; and*

1 “(2) *specific incentives for retaining enrolled stu-*
2 *dents throughout each year.*

3 “(c) *SUSPENSION AND EXPULSION POLICIES.—Within*
4 *2 years after the date of enactment of the Dropout Preven-*
5 *tion Act, a State educational agency that receives funds*
6 *under this subpart shall develop uniform, long-term suspen-*
7 *sion and expulsion policies (that in the case of a child with*
8 *a disability are consistent with the suspension and expul-*
9 *sion policies under the Individuals with Disabilities Edu-*
10 *cation Act) for serious infractions resulting in more than*
11 *10 days of exclusion from school per academic year so that*
12 *similar violations result in similar penalties.*

13 “(d) *REGULATIONS.—The Secretary shall promulgate*
14 *regulations implementing subsections (a) through (c).*

15 **“Subpart 3—Definitions; Authorization of**
16 **Appropriations**

17 **“SEC. 1831. DEFINITIONS.**

18 *“In this part:*

19 “(1) *LOW-INCOME.—The term ‘low-income’, used*
20 *with respect to an individual, means an individual*
21 *determined to be low-income in accordance with*
22 *measures described in section 1113(a)(5).*

23 “(2) *SCHOOL DROPOUT.—The term ‘school drop-*
24 *out’ means a youth who is no longer attending any*

1 *school and who has not received a secondary school*
 2 *diploma or its recognized equivalent.”.*

3 ***PART G—EDUCATION FOR HOMELESS CHILDREN***
 4 ***AND YOUTH***

5 ***SEC. 171. STATEMENT OF POLICY.***

6 *Section 721(3) of the Stewart B. McKinney Homeless*
 7 *Assistance Act (42 U.S.C. 11431(3)) is amended by striking*
 8 *“should not be” and inserting “is not”.*

9 ***SEC. 172. GRANTS FOR STATE AND LOCAL ACTIVITIES.***

10 *Section 722 of such Act (42 U.S.C. 11432) is*
 11 *amended—*

12 *(1) in subsection (c)—*

13 *(A) in paragraph (2)(A)—*

14 *(i) by inserting “and” after “Samoa,”;*

15 *and*

16 *(ii) by striking “, and Palau” and all*
 17 *that follows through “Palau”;* and

18 *(B) in paragraph (3)—*

19 *(i) by inserting “or” after “Samoa,”;*

20 *and*

21 *(ii) by striking “, or Palau”;*

22 *(2) in subsection (e), by adding at the end the*
 23 *following:*

24 *“(3) PROHIBITION ON SEGREGATING HOMELESS*
 25 *STUDENTS.—*

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B) and section 723(a)(2)(B)(ii),*
3 *in providing a free public education to a home-*
4 *less child or youth, no State receiving funds*
5 *under this subtitle shall segregate such child or*
6 *youth, either in a separate school, or in a sepa-*
7 *rate program within a school, based on such*
8 *child’s or youth’s status as homeless.*

9 “(B) *EXCEPTION.*—*Notwithstanding sub-*
10 *paragraph (A), paragraphs (1)(H) and (3) of*
11 *subsection (g), section 723(a)(2), and any other*
12 *provision of this subtitle relating to the place-*
13 *ment of homeless children or youth in schools, a*
14 *State that has a separate school for homeless*
15 *children or youth that was operated in fiscal*
16 *year 2000 in a covered county shall be eligible*
17 *to receive funds under this subtitle for programs*
18 *carried out in such school if—*

19 “(i) *the school meets the requirements*
20 *of subparagraph (C);*

21 “(ii) *any local educational agency*
22 *servicing a school that the homeless children*
23 *and youth enrolled in the separate school*
24 *are eligible to attend meets the requirements*
25 *of subparagraph (E); and*

1 “(iii) the State is otherwise eligible to
2 receive funds under this subtitle.

3 “(C) SCHOOL REQUIREMENTS.—For the
4 State to be eligible to receive the funds, the school
5 shall—

6 “(i) provide written notice, at the time
7 any child or youth seeks enrollment in such
8 school, and at least twice annually while the
9 child or youth is enrolled in such school, to
10 the parent or guardian of the child or youth
11 (or, in the case of an unaccompanied youth,
12 the youth) that—

13 “(I) shall be signed by the parent
14 or guardian (or, in the case of an un-
15 accompanied youth, the youth);

16 “(II) reviews the general rights
17 provided under this subtitle; and

18 “(III) specifically states—

19 “(aa) the choice of schools
20 homeless children and youth are
21 eligible to attend, as provided in
22 subsection (g)(3)(A);

23 “(bb) that no homeless child
24 or youth is required to attend a

1 *separate school for homeless chil-*
2 *dren or youth;*

3 “(cc) *that homeless children*
4 *and youth shall be provided com-*
5 *parable services described in sub-*
6 *section (g)(4), including transpor-*
7 *tation services, educational serv-*
8 *ices, and meals through school*
9 *meals programs;*

10 “(dd) *that homeless children*
11 *and youth should not be stig-*
12 *matized by school personnel; and*

13 “(ee) *contact information for*
14 *the local liaison for homeless chil-*
15 *dren and youth and State Coordi-*
16 *nator for Education of Homeless*
17 *Children and Youth;*

18 “(ii)(aa) *provide assistance to the par-*
19 *ent or guardian of each homeless child or*
20 *youth (or, in the case of an unaccompanied*
21 *youth, the youth) to exercise the right to at-*
22 *tend the parent’s or guardian’s (or youth’s)*
23 *choice of schools, as provided in subsection*
24 *(g)(3)(A); and*

1 “(bb) coordinate with the local edu-
2 cational agency with jurisdiction for the
3 school selected by the parent or guardian
4 (or youth), to provide transportation and
5 other necessary services;

6 “(iii) ensure that the parent or guard-
7 ian (or youth) shall receive the information
8 required by this subparagraph in a manner
9 and form understandable to such parent or
10 guardian (or youth), including, if necessary
11 and to the extent feasible, in the native lan-
12 guage of such parent or guardian (or
13 youth); and

14 “(iv) demonstrate in the school’s appli-
15 cation for funds under this subtitle that
16 such school—

17 “(I) is complying with clauses (i)
18 and (ii); and

19 “(II) is meeting (as of the date of
20 submission of the application) the
21 same Federal and State standards, reg-
22 ulations, and mandates as other public
23 schools in the State (such as complying
24 with sections 1111 and 1116 of the El-
25 ementary and Secondary Education

1 *Act of 1965 and providing a full range*
2 *of education and related services, in-*
3 *cluding services applicable to students*
4 *with disabilities).*

5 “(D) *SCHOOL INELIGIBILITY.*—*A separate*
6 *school described in subparagraph (B) that fails*
7 *to meet the standards, regulations, and mandates*
8 *described in subparagraph (C)(iv)(II) shall not*
9 *be eligible to receive funds under this subtitle for*
10 *programs carried out in such school after the*
11 *first date of such failure.*

12 “(E) *LOCAL EDUCATIONAL AGENCY RE-*
13 *QUIREMENTS.*—*For the State to be eligible to re-*
14 *ceive the funds described in subparagraph (B),*
15 *the local educational agency described in sub-*
16 *paragraph (B) shall—*

17 “(i) *implement a coordinated system*
18 *for ensuring that homeless children and*
19 *youth—*

20 “(I) *are advised of the choice of*
21 *schools provided in subsection*
22 *(g)(3)(A);*

23 “(II) *are immediately enrolled in*
24 *the school selected in accordance with*
25 *subsection (g)(3)(C); and*

1 “(III) are provided necessary
2 services, including transportation,
3 promptly to allow homeless children
4 and youth to exercise their choices of
5 schools in accordance with subsection
6 (g)(4);

7 “(ii) document that written notice has
8 been provided—

9 “(I) in accordance with subpara-
10 graph (C)(i) for each child or youth
11 enrolled in a separate school described
12 in subparagraph (B); and

13 “(II) in accordance with sub-
14 section (g)(1)(H)(ii);

15 “(iii) prohibit schools within the agen-
16 cy’s jurisdiction from referring homeless
17 children or youth to, or requiring homeless
18 children and youth to enroll in or attend, a
19 separate school described in subparagraph
20 (B);

21 “(iv) identify and remove any barriers
22 that exist in schools within the agency’s ju-
23 risdiction that may have contributed to the
24 creation or existence of separate schools de-
25 scribed in subparagraph (B); and

1 “(v) not use funds received under this
2 subtitle to establish—

3 “(I) new or additional separate
4 schools for homeless children or youth,
5 other than schools described in sub-
6 paragraph (B); or

7 “(II) new or additional sites for
8 separate schools for homeless children
9 or youth, other than the sites occupied
10 by the schools described in subpara-
11 graph (B) in fiscal year 2000.

12 “(F) REPORT.—

13 “(i) PREPARATION.—

14 “(I) IN GENERAL.—The Secretary
15 shall prepare a report on the separate
16 schools and local educational agencies
17 described in subparagraph (B) that re-
18 ceive funds under this subtitle in ac-
19 cordance with this paragraph.

20 “(II) CONTENTS.—The report
21 shall contain, at a minimum, informa-
22 tion on—

23 “(aa) compliance with all re-
24 quirements of this paragraph;

1 “(bb) barriers to school access
2 in the school districts served by
3 the local educational agencies; and

4 “(cc) the progress the sepa-
5 rate schools are making in inte-
6 grating homeless children and
7 youth into the mainstream school
8 environment, including the aver-
9 age length of student enrollment
10 in such schools.

11 “(ii) COMPLIANCE WITH INFORMATION
12 REQUESTS.—For purposes of enabling the
13 Secretary to prepare the report, the separate
14 schools and local educational agencies shall
15 cooperate with the Secretary and the State
16 Coordinators for the Education of Homeless
17 Children and Youth, and shall comply with
18 any requests for information by the Sec-
19 retary and State Coordinators.

20 “(iii) SUBMISSION.—Not later than 2
21 years after the date of enactment of the Bet-
22 ter Education for Students and Teachers
23 Act, the Secretary shall submit the report
24 described in clause (i) to—

25 “(I) the President;

1 “(II) the Committee on Education
2 and the Workforce of the House of Rep-
3 resentatives; and

4 “(III) the Committee on Health,
5 Education, Labor, and Pensions of the
6 Senate.

7 “(G) DEFINITION.—In this paragraph, the
8 term ‘covered county’ means—

9 “(i) San Joaquin County, CA;

10 “(ii) Orange County, CA;

11 “(iii) San Diego County, CA; and

12 “(iv) Maricopa County, AZ.”;

13 (3) by amending subsection (f) to read as follows:

14 “(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—
15 The Coordinator of Education of Homeless Children and
16 Youth established in each State shall—

17 “(1) gather reliable, valid, and comprehensive
18 information on the nature and extent of the problems
19 homeless children and youth have in gaining access to
20 public preschool programs and to public elementary
21 schools and secondary schools, the difficulties in iden-
22 tifying the special needs of such children and youth,
23 any progress made by the State educational agency
24 and local educational agencies in the State in ad-
25 dressing such problems and difficulties, and the suc-

1 *cess of the program under this subtitle in allowing*
2 *homeless children and youth to enroll in, attend, and*
3 *succeed in, school;*

4 *“(2) develop and carry out the State plan de-*
5 *scribed in subsection (g);*

6 *“(3) collect and transmit to the Secretary, at*
7 *such time and in such manner as the Secretary may*
8 *require, such information as the Secretary deems nec-*
9 *essary to assess the educational needs of homeless chil-*
10 *dren and youth within the State;*

11 *“(4) facilitate coordination between the State*
12 *educational agency, the State social services agency,*
13 *and other agencies providing services to homeless chil-*
14 *dren and youth, including homeless children and*
15 *youth who are preschool age, and families of such*
16 *children and youth;*

17 *“(5) in order to improve the provision of com-*
18 *prehensive education and related services to homeless*
19 *children and youth and their families, coordinate and*
20 *collaborate with—*

21 *“(A) educators, including child development*
22 *and preschool program personnel;*

23 *“(B) providers of services to homeless and*
24 *runaway children and youth and homeless fami-*
25 *lies (including domestic violence agencies, shelter*

1 operators, transitional housing facilities, run-
2 away and homeless youth centers, and transi-
3 tional living programs for homeless youth);

4 “(C) local educational agency liaisons for
5 homeless children and youth; and

6 “(D) community organizations and groups
7 representing homeless children and youth and
8 their families; and

9 “(6) provide technical assistance to local edu-
10 cational agencies in coordination with local liaisons
11 established under this subtitle, to ensure that local
12 educational agencies comply with the requirements of
13 section 722(e)(3).”; and

14 (4) in subsection (g)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (E)—

17 (I) by striking “the report” and
18 inserting “the information”; and

19 (II) by striking “(f)(4)” and in-
20 serting “(f)(3)”; and

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

23 “(H) contain assurances that—

24 “(i) the State educational agency and
25 local educational agencies in the State will

1 *adopt policies and practices to ensure that*
2 *homeless children and youth are not seg-*
3 *regated on the basis of their status as home-*
4 *less or stigmatized; and*

5 “(ii) *local educational agencies serving*
6 *school districts in which homeless children*
7 *and youth reside or attend school will—*

8 “(I) *post public notice of the edu-*
9 *catinal rights of such children and*
10 *youth where such children and youth*
11 *receive services under this Act (such as*
12 *family shelters and soup kitchens); and*

13 “(II) *designate an appropriate*
14 *staff person, who may also be a coordi-*
15 *nator for other Federal programs, as a*
16 *liaison for homeless children and*
17 *youth.”;*

18 *(B) by amending paragraph (3) to read as*
19 *follows:*

20 “(3) *LOCAL EDUCATIONAL AGENCY REQUIRE-*
21 *MENTS.—*

22 “(A) *IN GENERAL.—Each local educational*
23 *agency serving a homeless child or youth assisted*
24 *under this subtitle shall, according to the child’s*
25 *or youth’s best interest—*

1 “(i) continue the child’s or youth’s edu-
2 cation in the school of origin—

3 “(I) for the duration of their
4 homelessness;

5 “(II) if the child becomes perma-
6 nently housed, for the remainder of the
7 academic year; or

8 “(III) in any case in which a
9 family becomes homeless between aca-
10 demic years, for the following academic
11 year; or

12 “(ii) enroll the child or youth in any
13 school that nonhomeless students who live in
14 the attendance area in which the child or
15 youth is actually living are eligible to at-
16 tend.

17 “(B) BEST INTEREST.—In determining the
18 best interest of the child or youth under subpara-
19 graph (A), the local educational agency shall—

20 “(i) to the extent feasible, keep a home-
21 less child or youth in the school of origin,
22 except when doing so is contrary to the
23 wishes of the child’s or youth’s parent or
24 guardian, or in the case of an unaccom-

1 panied youth, doing so is contrary to the
2 youth's wish; and

3 “(ii) provide a written explanation to
4 the homeless child's or youth's parent or
5 guardian when the local educational agency
6 sends such child or youth to a school other
7 than the school of origin or a school re-
8 quested by the parent or guardian.

9 “(C) *ENROLLMENT.*—

10 “(i) *DOCUMENTATION.*—The school se-
11 lected in accordance with this paragraph
12 shall immediately enroll the homeless child
13 or youth even if the child or youth is unable
14 to produce records normally required for en-
15 rollment, such as previous academic records,
16 medical records, proof of residency, or other
17 documentation.

18 “(ii) *SPECIAL RULE.*—The enrolling
19 school immediately shall contact the school
20 last attended by the child or youth to obtain
21 relevant academic and other records. If the
22 child or youth needs to obtain immuniza-
23 tions, the enrolling school shall promptly
24 refer the child or youth to the appropriate
25 authorities for such immunizations.

1 “(iii) *DISPUTES.*—If a dispute arises
2 over school selection or enrollment in a
3 school, the child or youth shall be admitted
4 immediately to the school in which the par-
5 ent or guardian (or in the case of an unac-
6 companied youth, the youth) seeks enroll-
7 ment pending resolution of the dispute.

8 “(D) *DEFINITION OF SCHOOL OF ORIGIN.*—
9 For purposes of this paragraph, the term ‘school
10 of origin’ means the school that the child or
11 youth attended when permanently housed, or the
12 school in which the child or youth was last en-
13 rolled.

14 “(E) *PLACEMENT CHOICE.*—The choice re-
15 garding placement shall be made regardless of
16 whether the child or youth lives with the home-
17 less parents or has been temporarily placed else-
18 where by the parents.”;

19 (C) by amending paragraph (6) to read as
20 follows:

21 “(6) *COORDINATION.*—

22 “(A) *IN GENERAL.*—Each local educational
23 agency serving homeless children and youth that
24 receives assistance under this subtitle shall co-
25 ordinate the provision of services under this sub-

1 *title with local services agencies and other agen-*
2 *cies or programs providing services to homeless*
3 *children and youth and their families, including*
4 *services and programs funded under the Run-*
5 *away and Homeless Youth Act (42 U.S.C. 5701*
6 *et seq.).*

7 “(B) *HOUSING ASSISTANCE.*—*If applicable,*
8 *each State and local educational agency that re-*
9 *ceives assistance under this subtitle shall coordi-*
10 *nate with State and local housing agencies re-*
11 *sponsible for developing the comprehensive hous-*
12 *ing affordability strategy described in section*
13 *105 of the Cranston-Gonzales National Afford-*
14 *able Housing Act (42 U.S.C. 12705) to minimize*
15 *educational disruption for children and youth*
16 *who become homeless.*

17 “(C) *COORDINATION PURPOSE.*—*The coordi-*
18 *nation required under subparagraphs (A) and*
19 *(B) shall be designed to—*

20 “(i) *ensure that homeless children and*
21 *youth have access to available education*
22 *and related support services; and*

23 “(ii) *raise the awareness of school per-*
24 *sonnel and service providers of the effects of*
25 *short-term stays in shelters and other chal-*

1 *lenges associated with homeless children and*
2 *youth.”;*

3 *(D) by amending paragraph (7) to read as*
4 *follows:*

5 “(7) *LIAISON.*—

6 “(A) *IN GENERAL.*—*Each local liaison for*
7 *homeless children and youth designated pursuant*
8 *to paragraph (1)(H)(ii)(II) shall ensure that—*

9 “(i) *homeless children and youth en-*
10 *roll, and have a full and equal opportunity*
11 *to succeed, in the schools of the local edu-*
12 *cational agency;*

13 “(ii) *homeless families, children, and*
14 *youth receive educational services for which*
15 *such families, children, and youth are eligi-*
16 *ble, including Head Start and Even Start*
17 *programs and preschool programs adminis-*
18 *tered by the local educational agency, and*
19 *referrals to health care services, dental serv-*
20 *ices, mental health services, and other ap-*
21 *propriate services;*

22 “(iii) *the parents or guardians of*
23 *homeless children and youth are informed of*
24 *the education and related opportunities*
25 *available to their children and are provided*

1 *with meaningful opportunities to partici-*
2 *pate in the education of their children; and*

3 “*(iv) public notice of the educational*
4 *rights of homeless children and youth is*
5 *posted where such children and youth re-*
6 *ceive services under this Act (such as family*
7 *shelters and soup kitchens).*

8 “(B) *INFORMATION.*—*State coordinators in*
9 *States receiving assistance under this subtitle*
10 *and local educational agencies receiving assist-*
11 *ance under this subtitle shall inform school per-*
12 *sonnel, service providers, and advocates working*
13 *with homeless families of the duties of the liai-*
14 *sons for homeless children and youth.*

15 “(C) *LOCAL AND STATE COORDINATION.*—
16 *Liaisons for homeless children and youth shall,*
17 *as a part of their duties, coordinate and collabo-*
18 *rate with State coordinators and community*
19 *and school personnel responsible for the provision*
20 *of education and related services to homeless chil-*
21 *dren and youth.*

22 “(D) *DISPUTE RESOLUTION.*—*Unless an-*
23 *other individual is designated by State law, the*
24 *local liaison for homeless children and youth*
25 *shall provide resource information and assist in*

1 *resolving a dispute under this subtitle if such a*
2 *dispute arises.”; and*

3 *(E) by striking paragraph (9).*

4 **SEC. 173. LOCAL EDUCATIONAL AGENCY GRANTS.**

5 *Section 723 of such Act (42 U.S.C. 11433) is*
6 *amended—*

7 *(1) in subsection (a), by amending paragraph*
8 *(2) to read as follows:*

9 “(2) *SERVICES.—*

10 “(A) *IN GENERAL.—Services provided*
11 *under paragraph (1)—*

12 *“(i) may be provided through pro-*
13 *grams on school grounds or at other facili-*
14 *ties;*

15 *“(ii) shall, to the maximum extent*
16 *practicable, be provided through existing*
17 *programs and mechanisms that integrate*
18 *homeless individuals with nonhomeless indi-*
19 *viduals; and*

20 *“(iii) shall be designed to expand or*
21 *improve services provided as part of a*
22 *school’s regular academic program, but not*
23 *replace that program.*

1 “(B) *SERVICES ON SCHOOL GROUNDS.*—If
2 *services under paragraph (1) are provided on*
3 *school grounds, schools—*

4 “(i) *may use funds under this subtitle*
5 *to provide the same services to other chil-*
6 *dren and youth who are determined by the*
7 *local educational agency to be at risk of*
8 *failing in, or dropping out of, schools, sub-*
9 *ject to clause (ii); and*

10 “(ii) *shall not provide services in set-*
11 *tings within a school that segregates home-*
12 *less children and youth from other children*
13 *and youth, except as is necessary for short*
14 *periods of time—*

15 “(I) *for health and safety emer-*
16 *gencies; or*

17 “(II) *to provide temporary, spe-*
18 *cial, supplementary services to meet*
19 *the unique needs of homeless children*
20 *and youth.”;*

21 (2) *in subsection (b)—*

22 (A) *by redesignating paragraphs (1)*
23 *through (4) as paragraphs (2) through (5), re-*
24 *spectively;*

1 (B) by inserting before paragraph (2) (as so
2 redesignated) the following:

3 “(1) an assessment of the educational and related
4 needs of homeless children and youth in the school
5 district (which may be undertaken as a part of needs
6 assessments for other disadvantaged groups);” and

7 (C) in paragraph (4) (as so redesignated),
8 by striking “(9)” and inserting “(8)”; and
9 (3) in subsection (c)—

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

12 “(1) *IN GENERAL.*—The State educational agen-
13 cy, in accordance with the requirements of this sub-
14 title and from amounts made available to the State
15 educational agency under section 726, shall award
16 grants, on a competitive basis, to local educational
17 agencies that submit applications under subsection
18 (b). Such grants shall be awarded on the basis of the
19 need of such agencies for assistance under this subtitle
20 and the quality of the applications submitted.”;

21 (B) by redesignating paragraph (3) as
22 paragraph (4); and

23 (C) by inserting after paragraph (2) the fol-
24 lowing:

1 “(3) *QUALITY.*—*In determining the quality of*
2 *applications under paragraph (1), the State edu-*
3 *cational agency shall consider—*

4 “(A) *the local educational agency’s needs*
5 *assessment under subsection (b)(1) and the likeli-*
6 *hood that the program to be assisted will meet*
7 *the needs;*

8 “(B) *the types, intensity, and coordination*
9 *of services to be assisted under the program;*

10 “(C) *the involvement of parents or guard-*
11 *ians;*

12 “(D) *the extent to which homeless children*
13 *and youth will be integrated within the regular*
14 *education program;*

15 “(E) *the quality of the local educational*
16 *agency’s evaluation plan for the program;*

17 “(F) *the extent to which services provided*
18 *under this subtitle will be coordinated with other*
19 *available services;*

20 “(G) *the extent to which the local edu-*
21 *cational agency provides case management or re-*
22 *lated services to homeless children and youth who*
23 *are unaccompanied by a parent or guardian;*
24 *and*

1 “(H) such other measures as the State edu-
2 cational agency determines indicative of a high-
3 quality program.”.

4 **SEC. 174. SECRETARIAL RESPONSIBILITIES.**

5 Section 724 of such Act (42 U.S.C. 11434) is
6 amended—

7 (1) in subsection (a), by striking “the State edu-
8 cational” and inserting “State educational”;

9 (2) by striking subsection (f);

10 (3) by redesignating subsections (c) through (e)
11 as subsections (d) through (f), respectively;

12 (4) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) *GUIDELINES.*—The Secretary shall develop, issue,
15 and publish in the Federal Register, not later than 60 days
16 after the date of enactment of the Better Education for Stu-
17 dents and Teachers Act, school enrollment guidelines for
18 States with respect to homeless children and youth. The
19 guidelines shall describe—

20 “(1) successful ways in which a State may assist
21 local educational agencies to enroll immediately
22 homeless children and youth in school; and

23 “(2) how a State can review the State’s require-
24 ments regarding immunization and medical or school
25 records and make revisions to the requirements as are

1 *appropriate and necessary in order to enroll homeless*
2 *children and youth in school more quickly.”; and*

3 *(5) by adding at the end the following:*

4 “(g) *INFORMATION.—*

5 “(1) *IN GENERAL.—From funds appropriated*
6 *under section 726, the Secretary, directly or through*
7 *grants, contracts, or cooperative agreements, shall pe-*
8 *riodically collect and disseminate data and informa-*
9 *tion regarding—*

10 “(A) *the number and location of homeless*
11 *children and youth;*

12 “(B) *the education and related services*
13 *homeless children and youth receive;*

14 “(C) *the extent to which the needs of home-*
15 *less children and youth are met; and*

16 “(D) *such other data and information as*
17 *the Secretary determines necessary and relevant*
18 *to carry out this subtitle.*

19 “(2) *COORDINATION.—The Secretary shall co-*
20 *ordinate such collection and dissemination with other*
21 *agencies and entities that receive assistance and ad-*
22 *minister programs under this subtitle.*

23 “(h) *REPORT.—Not later than 4 years after the date*
24 *of enactment of the Better Education for Students and*
25 *Teachers Act, the Secretary shall prepare and submit to the*

1 *President and the appropriate committees of the House of*
2 *Representatives and the Senate a report on the status of*
3 *the education of homeless children and youth, which shall*
4 *include information regarding—*

5 “(1) *the education of homeless children and*
6 *youth; and*

7 “(2) *the actions of the Department of Education*
8 *and the effectiveness of the programs supported under*
9 *this subtitle.”.*

10 **SEC. 175. DEFINITIONS.**

11 *Section 725 of such Act (42 U.S.C. 11434a) is*
12 *amended—*

13 (1) *by redesignating paragraphs (1) and (2) as*
14 *paragraphs (4) and (5), respectively;*

15 (2) *by inserting before paragraph (4) (as so re-*
16 *designated) the following:*

17 “(1) *the term ‘homeless children and youth’—*

18 “(A) *means individuals who lack a fixed,*
19 *regular, and adequate nighttime residence (with-*
20 *in the meaning of section 103(a)(1)); and*

21 “(B) *includes—*

22 “(i) *children and youth who are shar-*
23 *ing the housing of other persons due to loss*
24 *of housing, economic hardship, or a similar*
25 *reason, are living in motels, hotels, trailer*

1 *parks, or camping grounds due to the lack*
2 *of alternative adequate accommodations, are*
3 *living in emergency or transitional shelters,*
4 *are abandoned in hospitals, or are awaiting*
5 *foster care placement;*

6 *“(ii) children and youth who have a*
7 *primary nighttime residence that is a pub-*
8 *lic or private place not designed for or ordi-*
9 *narily used as a regular sleeping accommo-*
10 *dation for human beings (within the mean-*
11 *ing of section 103(a)(2)(C)); and*

12 *“(iii) children and youth who are liv-*
13 *ing in cars, parks, public spaces, abandoned*
14 *buildings, substandard housing, bus or*
15 *train stations, or similar settings; and*

16 *“(C) migratory children (as such term is*
17 *defined in section 1309(2) of the Elementary and*
18 *Secondary Education Act of 1965) who qualify*
19 *as homeless for the purposes of this subtitle be-*
20 *cause the children are living in circumstances*
21 *described in this paragraph;*

22 *“(2) the terms ‘enroll’ and ‘enrollment’ include*
23 *attending classes and participating fully in school ac-*
24 *tivities;*

1 “(3) the terms ‘local educational agency’ and
2 ‘State educational agency’ have the meanings given
3 the terms in section 3 of the Elementary and Sec-
4 ondary Education Act of 1965;”;

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

7 (4) in paragraph (5) (as so redesignated), by
8 striking the period and inserting “; and”; and

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

10 “(6) the term ‘unaccompanied youth’ includes a
11 youth not in the physical custody of a parent or
12 guardian.”.

13 **SEC. 176. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 726 of such Act (42 U.S.C. 11435) is amended
15 to read as follows:

16 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

17 “*For the purpose of carrying out this subtitle, there*
18 *are authorized to be appropriated \$70,000,000 for fiscal*
19 *year 2002 and such sums as may be necessary for each of*
20 *the 6 succeeding fiscal years.*”.

21 **SEC. 177. CONFORMING AMENDMENTS.**

22 (a) *GRANTS FOR STATE AND LOCAL ACTIVITIES.*—Sec-
23 tion 722 of the Stewart B. McKinney Homeless Assistance
24 Act (42 U.S.C. 11432) is amended—

1 (1) *in subsection (c)(1), by striking “section*
2 *724(c)” and inserting “section 724(d)”*; and

3 (2) *in subsection (g)(2), by striking “paragraphs*
4 *(3) through (9)” and inserting “paragraphs (3)*
5 *through (8)”*.

6 (b) *LOCAL EDUCATIONAL AGENCY GRANTS.—Section*
7 *723(b)(3) of such Act (42 U.S.C. 11433(b)(3)) is amended*
8 *by striking “paragraphs (3) through (9) of section 722(g)”*
9 *and inserting “paragraphs (3) through (8) of section*
10 *722(g)”*.

11 (c) *SECRETARIAL RESPONSIBILITIES.—Section 724(f)*
12 *of such Act (as amended by section 174(3)) is amended by*
13 *striking “subsection (d)” and inserting “subsection (e)”*.

14 **SEC. 178. LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.**

15 (a) *AUDITS.—The Office of the Inspector General of*
16 *the Department of Education shall conduct not less than*
17 *6 audits of local education agencies that receive funds under*
18 *part A of title I of the Elementary and Secondary Edu-*
19 *cation Act of 1965 in each fiscal year to more clearly deter-*
20 *mine specifically how local education agencies are expend-*
21 *ing such funds. Such audits shall be conducted in 6 local*
22 *educational agencies that represent the size, ethnic, eco-*
23 *nomie and geographic diversity of local educational agen-*
24 *cies and shall examine the extent to which funds have been*
25 *expended for academic instruction in the core curriculum*

1 *and activities unrelated to academic instruction in the core*
 2 *curriculum, such as the payment of janitorial, utility and*
 3 *other maintenance services, the purchase and lease of vehi-*
 4 *cles, and the payment for travel and attendance costs at*
 5 *conferences.*

6 (b) *REPORT.—Not later than 3 months after the com-*
 7 *pletion of the audits under subsection (a) in each year, the*
 8 *Office of the Inspector General of the Department of Edu-*
 9 *cation shall submit a report on each audit to the Committee*
 10 *on Education and the Workforce of the House of Representa-*
 11 *tives and the Committee on Health, Education, Labor and*
 12 *Pensions of the Senate.*

13 **TITLE II—TEACHERS**

14 **SEC. 201. TEACHER QUALITY.**

15 *Title II (20 U.S.C. 6601 et seq.) is amended to read*
 16 *as follows:*

17 **“TITLE II—TEACHERS**

18 **“PART A—TEACHER QUALITY**

19 **“SEC. 2101. PURPOSE.**

20 *“The purpose of this part is to provide grants to State*
 21 *educational agencies, local educational agencies, State*
 22 *agencies for higher education, and eligible partnerships in*
 23 *order to—*

24 *“(1) increase student academic achievement and*
 25 *student performance through such strategies as im-*

1 *proving teacher quality and increasing the number of*
2 *highly qualified teachers in the classroom;*

3 *“(2) hold local educational agencies and schools*
4 *accountable so that all teachers teaching core aca-*
5 *ademic subjects in public elementary schools and sec-*
6 *ondary schools, in which not less than 50 percent of*
7 *the students are from low-income families, are highly*
8 *qualified; and*

9 *“(3) hold local educational agencies and schools*
10 *accountable for improvements in student academic*
11 *achievement and student performance.*

12 **“SEC. 2102. DEFINITIONS.**

13 *“In this part:*

14 *“(1) ALL STUDENTS.—The term ‘all students’*
15 *means students from a broad range of backgrounds*
16 *and circumstances, including economically disadvan-*
17 *taged students, students with diverse racial, ethnic,*
18 *and cultural backgrounds, students with disabilities,*
19 *students with limited English proficiency, and aca-*
20 *demically talented students.*

21 *“(2) CHARTER SCHOOL.—The term ‘charter*
22 *school’ has the meaning given the term in section*
23 *5120.*

24 *“(3) CORE ACADEMIC SUBJECTS.—The term ‘core*
25 *academic subjects’ means English, mathematics,*

1 science, foreign languages, civics and government, eco-
2 nomics, arts, history, and geography.

3 “(4) *HIGHLY QUALIFIED*.—The term ‘highly
4 qualified’ means—

5 “(A) with respect to an elementary school
6 teacher, a teacher—

7 “(i)(I) with an academic major in the
8 arts and sciences; or

9 “(II) who can demonstrate competence
10 through a high level of performance in core
11 academic subjects; and

12 “(ii) who is certified or licensed by the
13 State involved, except for a teacher in a
14 charter school in a State that has a charter
15 school law that exempts such a teacher from
16 State certification and licensing require-
17 ments;

18 “(B) with respect to a secondary school
19 teacher hired before the date of enactment of the
20 *Better Education for Students and Teachers Act*,
21 a teacher—

22 “(i)(I) with an academic major (or
23 courses totaling an equivalent number of
24 credit hours) in the academic subject that
25 the teacher teaches or a related field;

1 “(II) who can demonstrate a high level
2 of competence through rigorous academic
3 subject tests and achievement of a high level
4 of competence as described in subclause
5 (III); or

6 “(III) who can demonstrate a high
7 level of competence through a high level of
8 performance in the academic subjects that
9 the teacher teaches, based on a high and ob-
10 jective uniform standard that is—

11 “(aa) set by the State for both
12 grade appropriate academic subject
13 knowledge and teaching skills;

14 “(bb) the same for all teachers in
15 the same academic subject and same
16 grade level throughout the State; and

17 “(cc) a written standard that is
18 developed in consultation with teach-
19 ers, parents, principals, and school ad-
20 ministrators and made available to the
21 public upon request; and

22 “(ii) who is certified or licensed by the
23 State, except for a teacher in a charter
24 school in a State that has a charter school
25 law that exempts such a teacher from State

1 *certification and licensing requirements;*
2 *and*

3 “(C) *with respect to a secondary school*
4 *teacher hired after the date of enactment of the*
5 *Better Education for Students and Teachers Act,*
6 *a teacher that meets the requirements of sub-*
7 *clause (I) or (II) of subparagraph (B)(i).*

8 “(5) *HIGH NEED LOCAL EDUCATIONAL AGEN-*
9 *CY.—The term ‘high need local educational agency’*
10 *has the meaning given the term in section 201(b) of*
11 *the Higher Education Act of 1965.*

12 “(6) *INSTITUTION OF HIGHER EDUCATION.—The*
13 *term ‘institution of higher education’ has the meaning*
14 *given the term in section 101(a) of the Higher Edu-*
15 *cation Act of 1965.*

16 “(7) *OUT-OF-FIELD TEACHER.—The term ‘out-of-*
17 *field teacher’ means a secondary school teacher who is*
18 *teaching an academic subject for which the teacher is*
19 *not highly qualified.*

20 “(8) *POVERTY LINE.—The term ‘poverty line’*
21 *means the poverty line (as defined by the Office of*
22 *Management and Budget and revised annually in ac-*
23 *cordance with section 673(2) of the Community Serv-*
24 *ices Block Grant Act) applicable to a family of the*
25 *size involved.*

1 “(9) *PROFESSIONAL DEVELOPMENT.*—*The term*
2 ‘*professional development*’ *means activities that—*

3 “(A) *are an integral part of broad*
4 *schoolwide and districtwide educational improve-*
5 *ment plans;*

6 “(B) *enhance the ability of teachers and*
7 *other staff to—*

8 “(i) *help all students meet challenging*
9 *State and local content and student per-*
10 *formance standards;*

11 “(ii) *improve understanding and use*
12 *of student assessments by the teachers and*
13 *staff;*

14 “(iii) *improve classroom management*
15 *skills;*

16 “(iv) *as appropriate, integrate tech-*
17 *nology into the curriculum; and*

18 “(v) *encourage and provide instruction*
19 *on how to work with and involve parents to*
20 *foster student achievement;*

21 “(C) *are sustained, intensive, and school-*
22 *embedded;*

23 “(D) *are aligned with—*

1 “(i) State content standards, student
2 performance standards, and assessments;
3 and

4 “(ii) the curricula and programs tied
5 to the standards described in clause (i);

6 “(E) are of high quality and sufficient du-
7 ration to have a positive and lasting impact on
8 classroom instruction, and are not one-time
9 workshops; and

10 “(F) are based on the best available research
11 on teaching and learning.

12 “(10) *TEACHER MENTORING*.—The term ‘teacher
13 mentoring’ means activities that—

14 “(A) consist of structured guidance and reg-
15 ular and ongoing support for beginning teachers,
16 that—

17 “(i) are designed to help the teachers
18 continue to improve their practice of teach-
19 ing and to develop their instructional skills;
20 and

21 “(ii) as part of a multiyear, develop-
22 mental induction process—

23 “(I) involve the assistance of a
24 mentor teacher and other appropriate
25 individuals from a school, local edu-

1 *ational agency, or institution of high-*
2 *er education; and*

3 *“(II) may include coaching, class-*
4 *room observation, team teaching, and*
5 *reduced teaching loads; and*

6 *“(B) may include the establishment of a*
7 *partnership by a local educational agency with*
8 *an institution of higher education, another local*
9 *educational agency, a teacher organization, or*
10 *another organization.*

11 **“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS.**

12 *“(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGEN-*
13 *CIES, AND ELIGIBLE PARTNERSHIPS.—There are author-*
14 *ized to be appropriated to carry out this part (other than*
15 *subpart 5) \$3,000,000,000 for fiscal year 2002 and such*
16 *sums as may be necessary for each of the 6 succeeding fiscal*
17 *years.*

18 *“(b) NATIONAL PROGRAMS.—There are authorized to*
19 *be appropriated to carry out subpart 5 (other than sub-*
20 *sections (b), (e), and (f)) \$100,000,000 for fiscal year 2002*
21 *and such sums as may be necessary for each of the 6 suc-*
22 *ceeding fiscal years.*

1 **“Subpart 1—Grants to States**

2 **“SEC. 2111. ALLOTMENTS TO STATES.**

3 “(a) *IN GENERAL.*—*The Secretary shall make grants*
4 *to States with applications approved under section 2112*
5 *to pay for the Federal share of carrying out the activities*
6 *specified in section 2113. Each grant shall consist of the*
7 *allotment determined for a State under subsection (b).*

8 “(b) *DETERMINATION OF ALLOTMENTS.*—

9 “(1) *RESERVATION OF FUNDS.*—

10 “(A) *IN GENERAL.*—*From the total amount*
11 *appropriated under section 2103(a) for a fiscal*
12 *year, the Secretary shall reserve—*

13 “(i) *1/2 of 1 percent for payments to the*
14 *outlying areas, to be distributed among the*
15 *outlying areas on the basis of their relative*
16 *need, as determined by the Secretary, for*
17 *activities authorized under this part relat-*
18 *ing to teacher quality, including profes-*
19 *sional development and teacher hiring; and*

20 “(ii) *1/2 of 1 percent for payments to*
21 *the Secretary of the Interior for activities*
22 *described in clause (i) in schools operated or*
23 *funded by the Bureau of Indian Affairs.*

24 “(B) *LIMITATION.*—*In reserving an amount*
25 *for the purposes described in clauses (i) and (ii)*
26 *of subparagraph (A) for a fiscal year, the Sec-*

1 *retary shall not reserve more than the total*
2 *amount the outlying areas and the schools oper-*
3 *ated or funded by the Bureau of Indian Affairs*
4 *received for fiscal year 2001 under—*

5 “(i) *section 2202(b) of this Act (as in*
6 *effect on the day before the date of enact-*
7 *ment of the Better Education for Students*
8 *and Teachers Act); and*

9 “(ii) *section 306 of the Department of*
10 *Education Appropriations Act, 2001 (as en-*
11 *acted into law by section 1(a)(1) of Public*
12 *Law 106–554).*

13 “(2) *STATE ALLOTMENTS.—*

14 “(A) *HOLD HARMLESS.—*

15 “(i) *IN GENERAL.—Subject to subpara-*
16 *graph (B), from the total amount appro-*
17 *priated under section 2103(a) for any fiscal*
18 *year and not reserved under paragraph (1),*
19 *the Secretary shall allot to each of the 50*
20 *States, the District of Columbia, and the*
21 *Commonwealth of Puerto Rico an amount*
22 *equal to the total amount that such State*
23 *received for fiscal year 2001 under the au-*
24 *thorities described in paragraph (1)(B).*

1 “(i) *RATABLE REDUCTION.*—If the
2 total amount appropriated under section
3 2103(a) for any fiscal year and not reserved
4 under paragraph (1) is insufficient to pay
5 the full amounts that all States are eligible
6 to receive under clause (i) for the fiscal
7 year, the Secretary shall ratably reduce
8 such amounts for the fiscal year.

9 “(B) *ALLOTMENT OF ADDITIONAL FUNDS.*—

10 “(i) *IN GENERAL.*—Subject to clause
11 (ii), for any fiscal year for which the total
12 amount appropriated under section 2103(a)
13 and not reserved under paragraph (1) ex-
14 ceeds the total amount made available to the
15 50 States, the District of Columbia, and the
16 Commonwealth of Puerto Rico for fiscal
17 year 2001 under the authorities described in
18 paragraph (1)(B), the Secretary shall allot
19 to each of those States the sum of—

20 “(I) an amount that bears the
21 same relationship to 35 percent of the
22 excess amount as the number of indi-
23 viduals age 5 through 17 in the State,
24 as determined by the Secretary on the
25 basis of the most recent satisfactory

1 *data, bears to the number of those indi-*
2 *viduals in all such States, as so deter-*
3 *mined; and*

4 “(II) *an amount that bears the*
5 *same relationship to 65 percent of the*
6 *excess amount as the number of indi-*
7 *viduals age 5 through 17 from families*
8 *with incomes below the poverty line in*
9 *the State, as determined by the Sec-*
10 *retary on the basis of the most recent*
11 *satisfactory data, bears to the number*
12 *of those individuals in all such States,*
13 *as so determined.*

14 “(ii) *EXCEPTION.—No State receiving*
15 *an allotment under clause (i) may receive*
16 *less than $\frac{1}{2}$ of 1 percent of the total excess*
17 *amount allotted under clause (i) for a fiscal*
18 *year.*

19 “(3) *REALLOTMENT.—If any State does not*
20 *apply for an allotment under this subsection for any*
21 *fiscal year, the Secretary shall reallocate the amount of*
22 *the allotment to the remaining States in accordance*
23 *with this subsection.*

1 **“SEC. 2112. STATE APPLICATIONS.**

2 “(a) *IN GENERAL.*—*For a State to be eligible to receive*
3 *a grant under this part, the State educational agency shall*
4 *submit an application to the Secretary at such time, in*
5 *such manner, and containing such information as the Sec-*
6 *retary may reasonably require.*

7 “(b) *CONTENTS.*—*Each application submitted under*
8 *this section shall include the following:*

9 “(1) *A description of how the activities to be car-*
10 *ried out by the State educational agency under this*
11 *subpart will be based on a review of relevant research*
12 *and an explanation of why the activities are expected*
13 *to improve student performance and outcomes.*

14 “(2) *A description of how the State educational*
15 *agency will ensure that activities assisted under this*
16 *subpart are aligned with State content standards, stu-*
17 *dent performance standards, and assessments.*

18 “(3) *A description of how the State educational*
19 *agency will ensure that a local educational agency re-*
20 *ceiving a subgrant to carry out subpart 2 will comply*
21 *with the requirements of such subpart.*

22 “(4) *A description of how the State educational*
23 *agency will use funds made available under this part*
24 *to improve the quality of the State’s teaching force*
25 *and the educational opportunities for students.*

1 “(5) A description of how the State educational
2 agency will coordinate professional development ac-
3 tivities authorized under this part with professional
4 development activities provided under other Federal,
5 State, and local programs, including those authorized
6 under—

7 “(A) title I, part C of this title, part A of
8 title III, and title IV; and

9 “(B) where applicable, the Individuals with
10 Disabilities Education Act, the Carl D. Perkins
11 Vocational and Technical Education Act of 1998,
12 and title II of the Higher Education Act of 1965.

13 “(6) A description of how the activities to be car-
14 ried out by the State educational agency under this
15 subpart will be developed collaboratively based on the
16 input of teachers, principals, paraprofessionals, ad-
17 ministrators, other school personnel, and parents.

18 “(7) A description of how the State educational
19 agency will ensure that the professional development
20 (including teacher mentoring) needs of teachers will
21 be met using funds under this subpart and subpart 2.

22 “(8) A description of the State educational agen-
23 cy’s annual measurable performance objectives under
24 section 2141.

1 “(9) *A plan to ensure that all local educational*
2 *agencies in the State are meeting the performance ob-*
3 *jectives established by the State under section*
4 *2142(a)(1) so that all teachers in the State who are*
5 *teaching core academic subjects in public elementary*
6 *schools and secondary schools, in which not less than*
7 *50 percent of the students are from low-income fami-*
8 *lies, are highly qualified not later than the end of the*
9 *fourth year for which the State receives funds under*
10 *this part (as amended by the Better Education for*
11 *Students and Teachers Act).*

12 “(10) *An assurance that the State educational*
13 *agency will consistently monitor the progress of each*
14 *local educational agency and school in the State in*
15 *achieving the purpose of this part and meeting the*
16 *performance objectives described in section 2142.*

17 “(11) *In the case of a State that has a charter*
18 *school law that exempts teachers from State certifi-*
19 *cation and licensing requirements, a description of*
20 *the basis for the exemption.*

21 “(12) *An assurance that the State educational*
22 *agency will comply with section 6 (regarding partici-*
23 *pation by private school children and teachers).*

24 “(c) *APPROVAL.—The Secretary shall approve a State*
25 *application submitted to the Secretary under this section*

1 *unless the Secretary makes a written determination, within*
2 *90 days after receiving the application, that the application*
3 *does not meet the requirements of this Act.*

4 **“SEC. 2113. STATE USE OF FUNDS.**

5 *“(a) IN GENERAL.—A State that receives a grant*
6 *under section 2111 shall—*

7 *“(1) reserve 2 percent of the funds made avail-*
8 *able through the grant for State activities described in*
9 *subsection (b);*

10 *“(2) reserve 95 percent of the funds to make sub-*
11 *grants to local educational agencies as described in*
12 *subpart 2; and*

13 *“(3) reserve 3 percent of the funds to make sub-*
14 *grants to local partnerships as described in subpart*
15 *3.*

16 *“(b) STATE ACTIVITIES.—The State educational agen-*
17 *cy for a State that receives a grant under section 2111 shall*
18 *use the funds reserved under subsection (a)(1) to carry out*
19 *1 or more of the following activities, including through a*
20 *grant or contract with a for-profit or nonprofit entity:*

21 *“(1) Reforming teacher certification (including*
22 *recertification) or licensing requirements to ensure*
23 *that—*

1 “(A) teachers have the necessary subject
2 matter knowledge and teaching skills in the aca-
3 demic subjects that the teachers teach;

4 “(B) the requirements are aligned with
5 challenging State content standards; and

6 “(C) teachers have the subject matter knowl-
7 edge and teaching skills, including technology lit-
8 eracy, necessary to help students meet chal-
9 lenging State student performance standards.

10 “(2) Carrying out programs that provide sup-
11 port during the initial teaching experience, such as
12 programs that provide teacher mentoring, team teach-
13 ing, reduced schedules, and intensive professional de-
14 velopment.

15 “(3) Carrying out programs that establish, ex-
16 pand, or improve alternative routes for State certifi-
17 cation of teachers for highly qualified individuals
18 with a baccalaureate degree, including mid-career
19 professionals from other occupations, paraprofes-
20 sionals, former military personnel, and recent college
21 or university graduates with records of academic dis-
22 tinction who demonstrate the potential to become
23 highly effective teachers.

24 “(4) Providing assistance to teachers to enable
25 teachers to meet certification, licensing, or other re-

1 *quirements needed to become highly qualified by the*
2 *end of the fourth year described in section 2112(b)(9).*

3 *“(5) Developing and implementing effective*
4 *mechanisms to assist local education agencies and*
5 *schools in effectively recruiting and retaining highly*
6 *qualified teachers and principals, and in cases in*
7 *which a State deems appropriate, pupil services per-*
8 *sonnel.*

9 *“(6) Developing and implementing effective*
10 *mechanisms to assist local educational agencies and*
11 *schools in effectively recruiting and retaining highly*
12 *qualified and effective teachers and principals, in-*
13 *cluding teaching specialists in core academic subjects.*

14 *“(7) Funding projects to promote reciprocity of*
15 *teacher certification or licensure between or among*
16 *States.*

17 *“(8) Testing new teachers for subject matter*
18 *knowledge, and testing the teachers for State certifi-*
19 *cation or licensing, consistent with title II of the*
20 *Higher Education Act of 1965.*

21 *“(9) Supporting activities that ensure that*
22 *teachers are able to use State content standards, stu-*
23 *dent performance standards, and assessments to im-*
24 *prove instructional practices and improve student*
25 *achievement and student performance.*

1 “(10) *Establishing teacher compensation systems*
2 *based on merit and proven performance.*

3 “(11) *Reforming tenure systems.*

4 “(12) *Funding projects and carrying out pro-*
5 *grams to encourage men to become elementary school*
6 *teachers.*

7 “(13) *Establishing and operating a center that—*

8 “(A) *serves as a statewide clearinghouse for*
9 *the recruitment and placement of kindergarten,*
10 *elementary school, and secondary school teachers;*
11 *and*

12 “(B) *establishes and carries out programs to*
13 *improve teacher recruitment and retention with-*
14 *in the State.*

15 “(14) *Supporting the activities of education*
16 *councils and professional development schools, involv-*
17 *ing partnerships described in paragraphs (1) and (3)*
18 *of subsection (c), respectively, for the purpose of—*

19 “(A) *preparing out-of-field teachers to be*
20 *qualified to teach all of the classes that the teach-*
21 *ers are assigned to teach;*

22 “(B) *preparing paraprofessionals to become*
23 *fully qualified teachers in areas served by high*
24 *need local educational agencies;*

1 “(C) supporting teams of master teachers
2 and student teacher interns as a part of an ex-
3 tended teacher education program; and

4 “(D) supporting teams of master teachers to
5 serve in low-performing schools.

6 “(15) Providing professional development for
7 teachers and pupil services personnel.

8 “(16) Encouraging and supporting the training
9 of teachers and administrators to effectively integrate
10 technology into curricula and instruction, including
11 the ability to collect, manage, and analyze data to
12 improve teaching, decision making and school im-
13 provement efforts and accountability.

14 “(17) Developing or supporting programs that
15 encourage or expand the use of technology to provide
16 professional development, including through Internet-
17 based distance education and peer networks.

18 “(18) Fulfilling the State’s responsibilities con-
19 cerning proper and efficient administration of the
20 program carried out under this part.

21 “(c) COORDINATION.—A State that receives a grant to
22 carry out this subpart and a grant under section 202 of
23 the Higher Education Act of 1965 shall coordinate the ac-
24 tivities carried out under this subpart and the activities
25 carried out under that section 202.

1 **“Subpart 2—Subgrants to Local Educational**
2 **Agencies**

3 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
4 **CIES.**

5 “(a) *IN GENERAL.*—A State that receives a grant
6 under section 2111 shall use the funds reserved under sec-
7 tion 2113(a)(2) to make subgrants to eligible local edu-
8 cational agencies to carry out the activities specified in sec-
9 tion 2123. Each subgrant shall consist of the allocation de-
10 termined for a local educational agency under subsection
11 (b).

12 “(b) *DETERMINATION OF ALLOCATIONS.*—From the
13 total amount made available through the grant, the State
14 shall allocate to each of the eligible local educational agen-
15 cies the sum of—

16 “(1) an amount that bears the same relationship
17 to 20 percent of the total amount as the number of
18 individuals age 5 through 17 in the geographic area
19 served by the agency, as determined by the Secretary
20 on the basis of the most recent satisfactory data, bears
21 to the number of those individuals in the geographic
22 areas served by all the local educational agencies in
23 the State, as so determined; and

24 “(2) an amount that bears the same relationship
25 to 80 percent of the total amount as the number of
26 individuals age 5 through 17 from families with in-

1 *comes below the poverty line, in the geographic area*
2 *served by the agency, as determined by the Secretary*
3 *on the basis of the most recent satisfactory data, bears*
4 *to the number of those individuals in the geographic*
5 *areas served by all the local educational agencies in*
6 *the State, as so determined.*

7 **“SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESS-**
8 **MENT.**

9 *“(a) IN GENERAL.—To be eligible to receive a subgrant*
10 *under this subpart, a local educational agency shall submit*
11 *an application to the State educational agency at such*
12 *time, in such manner, and containing such information as*
13 *the State educational agency may reasonably require.*

14 *“(b) CONTENTS.—Each application submitted under*
15 *this section shall be based on the needs assessment required*
16 *in subsection (c) and shall include the following:*

17 *“(1)(A) A description of the activities to be car-*
18 *ried out by the local educational agency under this*
19 *subpart and how these activities will be aligned*
20 *with—*

21 *“(i) State content standards, performance*
22 *standards, and assessments; and*

23 *“(ii) the curricula and programs tied to the*
24 *standards described in clause (i).*

1 “(B) A description of how the activities will be
2 based on a review of relevant research and an expla-
3 nation of why the activities are expected to improve
4 student performance and outcomes.

5 “(2) A description of how the activities will have
6 a substantial, measurable, and positive impact on
7 student academic achievement and student perform-
8 ance and how the activities will be used as part of a
9 broader strategy to eliminate the achievement gap
10 that separates low-income and minority students from
11 other students.

12 “(3) An assurance that the local educational
13 agency will target funds to schools served by the local
14 educational agency that—

15 “(A) have the lowest proportions of highly
16 qualified teachers;

17 “(B) are identified for school improvement
18 under section 1116(c); or

19 “(C) are identified for school improvement
20 in accordance with other measures of school
21 quality as determined and documented by the
22 local educational agency.

23 “(4) A description of how the local educational
24 agency will coordinate professional development ac-
25 tivities authorized under this subpart with profes-

1 *sional development activities provided under other*
2 *Federal, State, and local programs, including those*
3 *authorized under—*

4 *“(A) title I, part C of this title, part A of*
5 *title III, and title IV; and*

6 *“(B) where applicable, the Individuals with*
7 *Disabilities Education Act, the Carl D. Perkins*
8 *Vocational and Technical Education Act of 1998,*
9 *and title II of the Higher Education Act of 1965.*

10 *“(5) A description of how the local educational*
11 *agency will ensure that the professional development*
12 *(including teacher mentoring) needs of teachers and*
13 *principals will be met using funds under this sub-*
14 *part.*

15 *“(6) A description of the professional develop-*
16 *ment (including teacher mentoring) activities that*
17 *will be made available to teachers under this subpart.*

18 *“(7) A description of how the local educational*
19 *agency, teachers, paraprofessionals, principals, other*
20 *relevant school personnel, and parents have collabo-*
21 *rated in the planning of activities to be carried out*
22 *under this subpart and in the preparation of the ap-*
23 *plication.*

24 *“(8) A description of the results of the needs as-*
25 *essment described in subsection (c).*

1 “(9) *A description of how the local educational*
2 *agency will address the ongoing professional develop-*
3 *ment (including teacher mentoring) needs of teachers,*
4 *principals, and administrators.*

5 “(10) *A description of local performance objec-*
6 *tives established under section 2142(a)(2).*

7 “(11) *A description of how the local educational*
8 *agency will provide training to enable teachers to—*

9 “(A) *address the needs of students with dis-*
10 *abilities, students with limited English pro-*
11 *ficiency, and other students with special needs;*

12 “(B) *involve parents in their child’s edu-*
13 *cation; and*

14 “(C) *understand and use data and assess-*
15 *ments to improve classroom practice and student*
16 *learning.*

17 “(12) *An assurance that the local educational*
18 *agency will comply with section 6 (regarding partici-*
19 *ipation by private school children and teachers).*

20 “(c) *NEEDS ASSESSMENT.—*

21 “(1) *IN GENERAL.—To be eligible to receive a*
22 *subgrant under this subpart, a local educational*
23 *agency shall conduct an assessment of local needs for*
24 *professional development and hiring, as identified by*
25 *the local educational agency and school staff.*

1 “(2) *REQUIREMENTS.*—*Such needs assessment*
2 *shall be conducted with the involvement of teachers,*
3 *including teachers receiving assistance under part A*
4 *of title I, and shall take into account the activities*
5 *that need to be conducted in order to give teachers*
6 *and, where appropriate, administrators, the means,*
7 *including subject matter knowledge and teaching*
8 *skills, to provide students with the opportunity to*
9 *meet challenging State and local student performance*
10 *standards.*

11 **“SEC. 2123. LOCAL USE OF FUNDS.**

12 “(a) *SPECIAL RULE.*—

13 “(1) *IN GENERAL.*—*A local educational agency*
14 *that receives a subgrant under section 2121 may use*
15 *the amount described in paragraph (2), of the funds*
16 *made available through the subgrant, to carry out ac-*
17 *tivities described in section 306 of the Department of*
18 *Education Appropriations Act, 2001 (as enacted into*
19 *law by section 1(a)(1) of Public Law 106–554).*

20 “(2) *AMOUNT.*—*The amount referred to in para-*
21 *graph (1) is the amount received by the agency under*
22 *that section 306.*

23 “(b) *LOCAL USE OF FUNDS.*—*A local educational*
24 *agency that receives a subgrant under section 2121 shall*
25 *use the funds made available through the subgrant to carry*

1 *out 1 or more of the following activities, including through*
2 *a grant or contract with a for-profit or nonprofit entity:*

3 “(1) *Providing professional development activi-*
4 *ties that improve the knowledge of teachers and prin-*
5 *cipals concerning—*

6 “(A) *1 or more of the core academic subjects*
7 *that the teachers and principals teach;*

8 “(B) *effective instructional strategies, meth-*
9 *ods, and skills for improving student academic*
10 *achievement and student performance, including*
11 *strategies to implement a year-round school*
12 *schedule that will allow the local educational*
13 *agency to increase pay for veteran teachers;*

14 “(C) *effective use of State content standards,*
15 *student performance standards, and assessments*
16 *to improve instructional practices and improve*
17 *student achievement and student performance;*

18 “(D) *effective integration of technology into*
19 *curricula and instruction to enhance the learn-*
20 *ing environment and improve student academic*
21 *achievement, performance, and technology lit-*
22 *eracy;*

23 “(E) *ability to collect, manage, and analyze*
24 *data, including through use of technology, to in-*
25 *form teaching;*

1 “(F) effective instructional practices that
2 involve collaborative groups of teachers and ad-
3 ministrators, using such strategies as—

4 “(i) provision of dedicated time for col-
5 laborative lesson planning and curriculum
6 development meetings;

7 “(ii) consultation with exemplary
8 teachers;

9 “(iii) team teaching, peer observation,
10 and coaching;

11 “(iv) provision of short-term and long-
12 term visits to classrooms and schools;

13 “(v) establishment and maintenance of
14 local professional development networks that
15 provide a forum for interaction among
16 teachers and administrators about content
17 knowledge and teaching and leadership
18 skills; and

19 “(vi) the provision of release time as
20 needed for the activities; and

21 “(G) teacher advancement initiatives that
22 promote professional growth and emphasize mul-
23 tiple career paths (such as career teacher, mentor
24 teacher, and master teacher career paths) and
25 pay differentiation.

1 “(2) *Teacher mentoring.*

2 “(3) *Providing teachers, principals, and, in cases*
3 *in which a local education agency deems appropriate,*
4 *pupil services personnel with opportunities for profes-*
5 *sional development through institutions of higher edu-*
6 *cation, other for profit or nonprofit entities, and*
7 *through distance education.*

8 “(4) *Providing induction and support for teach-*
9 *ers during their first 3 years of teaching.*

10 “(5) *Recruiting (including recruiting through*
11 *the use of scholarships, signing bonuses, or other fi-*
12 *nancial incentives, as well as accelerated paraprofes-*
13 *sional-to-teacher training programs and programs*
14 *that attract mid-career professionals from other pro-*
15 *fessions), hiring, and training regular and special*
16 *education teachers (which may include hiring special*
17 *education teachers to team-teach in classrooms that*
18 *contain both children with disabilities and non-*
19 *disabled children, and may include recruiting and*
20 *hiring certified or licensed teachers to reduce class*
21 *size), and teachers of special needs children, who are*
22 *highly qualified as well as teaching specialists in core*
23 *academic subjects who will provide increased individ-*
24 *ualized instruction to students served by the local*

1 *educational agency participating in the eligible part-*
2 *nership.*

3 *“(6) Carrying out programs and activities re-*
4 *lated to—*

5 *“(A) reform of teacher tenure systems;*

6 *“(B) provision of merit pay for teachers;*

7 *and*

8 *“(C) testing of elementary school and sec-*
9 *ondary school teachers in the academic subjects*
10 *that the teachers teach.*

11 *“(7) Carrying out programs and activities re-*
12 *lated to master teachers:*

13 *“(A) MASTER TEACHER.—The term ‘master*
14 *teacher’ means a teacher who—*

15 *“(i) is licensed or credentialed under*
16 *State law in the subject or grade in which*
17 *the teacher teaches;*

18 *“(ii) has been teaching for at least 5*
19 *years in a public or private school or insti-*
20 *tution of higher education;*

21 *“(iii) is selected upon application, is*
22 *judged to be an excellent teacher, and is rec-*
23 *ommended by administrators and other*
24 *teachers who are knowledgeable of the indi-*
25 *vidual’s performance;*

1 “(iv) at the time of submission of such
2 application, is teaching and based in a
3 public school;

4 “(v) assists other teachers in improving
5 instructional strategies, improves the skills
6 of other teachers, performs mentoring, devel-
7 ops curriculum, and offers other profes-
8 sional development; and

9 “(vi) enters into a contract with the
10 local educational agency to continue to
11 teach and serve as a master teacher for at
12 least 5 additional years.

13 A contract described in clause (vi) shall include
14 stipends, employee benefits, a description of du-
15 ties and work schedule, and other terms of em-
16 ployment.

17 “(B) STUDY AND REPORT.—

18 “(i) IN GENERAL.—Not later than July
19 1, 2005, the Secretary shall conduct a study
20 and transmit a report to Congress per-
21 taining to the utilization of funds under
22 section 2123 for master teachers.

23 “(ii) CONTENTS OF REPORT.—The re-
24 port shall include—

25 “(I) an analysis of—

1 “(aa) the recruitment and re-
2 tention of experienced teachers;

3 “(bb) the effect of master
4 teachers on teaching by less expe-
5 rienced teachers;

6 “(cc) the impact of men-
7 toring new teachers by master
8 teachers;

9 “(dd) the impact of master
10 teachers on student achievement;
11 and

12 “(ee) the reduction in the
13 rate of attrition of beginning
14 teachers; and

15 “(II) recommendations regarding
16 establishing activities to expand the
17 project to additional local educational
18 agencies and school districts.

19 “(8) Developing and implementing mechanisms
20 to assist schools in effectively recruiting and retaining
21 highly qualified teachers and principals, and, in cases
22 in which a local education agency deems appropriate,
23 pupil services personnel.

1 **“Subpart 3—Subgrants to Eligible Partnerships**

2 **“SEC. 2131. SUBGRANTS.**

3 “(a) *IN GENERAL.*—*The State agency for higher edu-*
4 *cation for a State that receives a grant under section 2111,*
5 *working in conjunction with the State educational agency*
6 *(if such agencies are separate) shall use the funds reserved*
7 *under section 2113(a)(3) to make subgrants, on a competi-*
8 *tive basis, to eligible partnerships to enable such partner-*
9 *ships to carry out the activities described in section 2133.*

10 “(b) *DISTRIBUTION.*—*The State agency for higher edu-*
11 *cation shall ensure that—*

12 “(1) *such subgrants are equitably distributed by*
13 *geographic area within a State; or*

14 “(2) *eligible partnerships in all geographic areas*
15 *within the State are served through the subgrants.*

16 “(c) *SPECIAL RULE.*—*No single participant in an eli-*
17 *gible partnership may use more than 50 percent of the funds*
18 *made available to the partnership under this section.*

19 **“SEC. 2132. APPLICATIONS.**

20 *“To be eligible to receive a subgrant under this sub-*
21 *part, an eligible partnership shall submit an application*
22 *to the State agency for higher education at such time, in*
23 *such manner, and containing such information as the agen-*
24 *cy may require.*

1 **“SEC. 2133. USE OF FUNDS.**

2 “(a) *IN GENERAL.*—*An eligible partnership that re-*
3 *ceives a subgrant under section 2131 shall use the funds*
4 *made available through the subgrant for—*

5 “(1) *professional development activities in core*
6 *academic subjects to ensure that teachers, paraprofes-*
7 *sionals, and, if appropriate, principals have subject*
8 *matter knowledge in the academic subjects that the*
9 *teachers teach, including the use of computer related*
10 *technology to enhance student learning; and*

11 “(2) *developing and providing assistance to local*
12 *educational agencies and individuals who are teach-*
13 *ers, paraprofessionals, or principals of schools served*
14 *by such agencies, for sustained, high-quality profes-*
15 *sional development activities that—*

16 “(A) *ensure that the individuals are able to*
17 *use State content standards, performance stand-*
18 *ards, and assessments to improve instructional*
19 *practices and improve student academic achieve-*
20 *ment and student performance;*

21 “(B) *may include intensive programs de-*
22 *signed to prepare such individuals who will re-*
23 *turn to a school to provide instruction related to*
24 *the professional development described in sub-*
25 *paragraph (A) to other such individuals within*
26 *such school; and*

1 “(C) may include activities carried out
2 jointly with education councils and professional
3 development schools, involving partnerships de-
4 scribed in paragraphs (1) and (3) of subsection
5 (c), respectively, for the purpose of improving
6 teaching and learning at low-performing schools.

7 “(b) COORDINATION.—An eligible partnership that re-
8 ceives a subgrant to carry out this subpart and a grant
9 under section 203 of the Higher Education Act of 1965 shall
10 coordinate the activities carried out under this subpart and
11 the activities carried out under that section 203.

12 “(c) DEFINITIONS.—In this section:

13 “(1) EDUCATION COUNCIL.—The term ‘education
14 council’ means a partnership that—

15 “(A) is established between—

16 “(i) 1 or more local educational agen-
17 cies, acting on behalf of elementary schools
18 or secondary schools served by the agencies;
19 and

20 “(ii) 1 or more institutions of higher
21 education, including community colleges,
22 that meet the requirements applicable to the
23 institutions under title II of the Higher
24 Education Act of 1965 (20 U.S.C. 1021 et
25 seq.); and

1 “(B) provides professional development to
2 teachers to ensure that the teachers are prepared
3 and meet high standards for teaching, particu-
4 larly by educating and preparing prospective
5 teachers in a classroom setting and enhancing
6 the knowledge of in-service teachers while im-
7 proving the education of the classroom students.

8 “(2) *LOW-PERFORMING SCHOOL*.—The term ‘low-
9 performing school’ means an elementary school or sec-
10 ondary school that is identified for school improve-
11 ment under section 1116(c).

12 “(3) *PROFESSIONAL DEVELOPMENT SCHOOL*.—
13 The term ‘professional development school’ means a
14 partnership that—

15 “(A) is established between—

16 “(i) 1 or more local educational agen-
17 cies, acting on behalf of elementary schools
18 or secondary schools served by the agencies;
19 and

20 “(ii) 1 or more institutions of higher
21 education, including community colleges,
22 that meet the requirements applicable to the
23 institutions under title II of the Higher
24 Education Act of 1965; and

1 “(B)(i) provides sustained and high quality
2 preservice clinical experience, including the men-
3 toring of prospective teachers by veteran teachers;

4 “(ii) substantially increases interaction be-
5 tween faculty at institutions of higher education
6 described in subparagraph (A) and new and ex-
7 perienced teachers, principals, and other admin-
8 istrators at elementary schools or secondary
9 schools; and

10 “(iii) provides support, including prepara-
11 tion time, for such interaction.

12 **“SEC. 2134. DEFINITION.**

13 *“In this subpart, the term ‘eligible partnership’ means*
14 *an entity that—*

15 “(1) shall include—

16 “(A) a private or State institution of higher
17 education and the division of the institution that
18 prepares teachers;

19 “(B) a school of arts and sciences; and

20 “(C) a high need local educational agency;
21 and

22 “(2) may include another local educational agen-
23 cy, a public charter school, an elementary school or
24 secondary school, an educational service agency, a
25 nonprofit educational organization, another institu-

1 *tion of higher education, a school of arts and sciences*
 2 *within such an institution, the division of such an in-*
 3 *stitution that prepares teachers, a nonprofit cultural*
 4 *organization, an entity carrying out a prekindergarten*
 5 *program, a teacher organization, or a business.*

6 **“Subpart 4—Accountability**

7 **“SEC. 2141. STATE PERFORMANCE OBJECTIVES AND AC-**
 8 **COUNTABILITY.**

9 *“(a) REQUIRED ACTIVITIES.—Each State educational*
 10 *agency receiving a grant under this part shall establish for*
 11 *the State annual measurable performance objectives, with*
 12 *respect to teachers teaching in the State, that, at a*
 13 *minimum—*

14 *“(1) shall include an annual increase in the per-*
 15 *centage of highly qualified teachers, to ensure that all*
 16 *teachers teaching core academic subjects in public ele-*
 17 *mentary schools and secondary schools, in which not*
 18 *less than 50 percent of the students are from low-in-*
 19 *come families, are highly qualified not later than the*
 20 *end of the fourth year for which the State receives*
 21 *funds under this part (as amended by the Better Edu-*
 22 *cation for Students and Teachers Act);*

23 *“(2) shall include an annual increase in the per-*
 24 *centage of teachers who are receiving high-quality*

1 professional development (including teacher men-
2 toring); and

3 “(3) may include incremental increases in teach-
4 er performance.

5 “(b) *RULE OF APPLICATION.*—For purposes of deter-
6 mining whether teachers in a State meet the criteria speci-
7 fied in the performance objectives referred to in subsection
8 (a), the requirements of subsection (a) shall not apply to
9 teachers in charter schools in the State if the State has a
10 charter school law that exempts such teachers from State
11 certification and licensing requirements.

12 “(c) *REPORTS.*—

13 “(1) *INITIAL REPORTS.*—Not later than the end
14 of the fourth year for which the State receives funds
15 under this part (as amended by the Better Education
16 for Students and Teachers Act), each State edu-
17 cational agency receiving a grant under this part
18 shall prepare and submit to the Secretary an initial
19 report describing the State’s progress with respect to
20 the performance objectives described in this section.

21 “(2) *SUBSEQUENT REPORTS.*—

22 “(A) *STATES SUBJECT TO SANCTIONS.*—The
23 State educational agency for a State that has re-
24 ceived sanctions under subsection (d) shall annu-
25 ally prepare and submit to the Secretary a re-

1 *port describing such progress, until the State is*
2 *no longer subject to the sanctions.*

3 “(B) STATES NOT SUBJECT TO SANC-
4 TIONS.—A State educational agency that is not
5 required to submit annual reports under sub-
6 paragraph (A) shall periodically prepare and
7 submit to the Secretary a report describing such
8 progress, to ensure that the State is in compli-
9 ance with the requirements of this section.

10 “(d) ACCOUNTABILITY.—

11 “(1) REDUCTION OF FUNDS.—

12 “(A) FOURTH YEAR.—If the Secretary de-
13 termines that the State educational agency has
14 failed to meet the performance objectives estab-
15 lished under subsection (a), and has failed to
16 make adequate yearly progress as described
17 under section 1111(b)(2), by the end of the fourth
18 year for which the State receives funds under
19 this part (as amended by the Better Education
20 for Students and Teachers Act), the Secretary
21 shall withhold 15 percent of the amount of funds
22 that the State may reserve for State administra-
23 tion under this part for the fifth year for which
24 the State receives such funds.

1 “(B) *FIFTH OR SIXTH YEAR.*—If the Sec-
2 retary determines that the State educational
3 agency has failed to meet the performance objec-
4 tives established under subsection (a), and has
5 failed to make adequate yearly progress as de-
6 scribed under section 1111(b)(2), by the end of
7 the fifth or sixth year for which the State re-
8 ceives funds under this part (as amended by the
9 *Better Education for Students and Teachers*
10 Act), the Secretary shall withhold 20 percent of
11 the amount of funds that the State may reserve
12 for State administration under this part for the
13 sixth or seventh year, respectively, for which the
14 State receives such funds.

15 “(2) *EXEMPTION.*—After making a determina-
16 tion for a year under paragraph (1), the Secretary
17 may provide the State 1 additional year to meet the
18 performance objectives described in subsection (a) or
19 make such adequate yearly progress, before using a
20 sanction described in paragraph (1), if the State dem-
21 onstrates that exceptional or uncontrollable cir-
22 cumstances have occurred, such as—

23 “(A) a natural disaster; or

24 “(B) a situation in which—

1 “(i) a significant number of teachers
2 has resigned, with insufficient notice, from
3 employment with a local educational agency
4 in the State that has historically had dif-
5 ficulty recruiting and hiring teachers; and

6 “(ii) the remaining local educational
7 agencies in the State, collectively, have met
8 the performance objectives described in sub-
9 section (a) and have made such adequate
10 yearly progress by the end of the year for
11 which the Secretary makes the determina-
12 tion.

13 **“SEC. 2142. LOCAL PERFORMANCE OBJECTIVES AND AC-**
14 **COUNTABILITY.**

15 “(a) *REQUIRED ACTIVITIES.*—

16 “(1) *ESTABLISHMENT BY STATE EDUCATIONAL*
17 *AGENCIES.*—*Each State educational agency receiving*
18 *a grant under this part shall establish for local edu-*
19 *cational agencies in the State annual measurable per-*
20 *formance objectives, with respect to teachers serving*
21 *the local educational agencies, that, at a minimum—*

22 “(A) *shall include the increases described in*
23 *paragraphs (1) and (2) of section 2141(a); and*

24 “(B) *may include the increases described in*
25 *section 2141(a)(3).*

1 “(2) *ESTABLISHMENT BY LOCAL EDUCATIONAL*
2 *AGENCIES.—Each local educational agency receiving*
3 *a subgrant under this part—*

4 “(A) *shall establish for the local educational*
5 *agency an annual measurable performance objec-*
6 *tive for increasing teacher retention among*
7 *teachers in the first 3 years of their teaching ca-*
8 *reers; and*

9 “(B) *may establish other annual measurable*
10 *performance objectives.*

11 “(b) *REPORTS.—Each local educational agency receiv-*
12 *ing a subgrant under this part shall annually prepare and*
13 *submit to the State educational agency a report describing*
14 *the progress of the local educational agency toward achiev-*
15 *ing the purpose of this part and meeting the performance*
16 *objectives described in subsection (a).*

17 “(c) *TECHNICAL ASSISTANCE.—If a State educational*
18 *agency determines that a local educational agency in the*
19 *State has failed to make substantial progress toward achiev-*
20 *ing the purpose and meeting the performance objectives de-*
21 *scribed in subsection (a) and has failed to make adequate*
22 *yearly progress as described under section 1111(b)(2) for*
23 *2 consecutive years for which the local educational agency*
24 *receives funds under this part (as amended by the Better*

1 *Education for Students and Teachers Act), the State edu-*
2 *cational agency shall provide technical assistance—*

3 “(1) *to the local educational agency; and*

4 “(2) *if applicable, to schools served by the local*
5 *educational agency that need assistance to enable the*
6 *local educational agency to achieve the purpose and*
7 *meet the performance objectives.*

8 “(d) *ACCOUNTABILITY.—If the State educational agen-*
9 *cy determines that the local educational agency has failed*
10 *to make substantial progress toward achieving the purpose*
11 *and meeting the performance objectives described in sub-*
12 *section (a), and has failed to make adequate yearly progress*
13 *as described under section 1111(b)(2), for 3 consecutive*
14 *years for which the local educational agency receives funds*
15 *under this part (as amended by the Better Education for*
16 *Students and Teachers Act), the State educational agency*
17 *shall—*

18 “(1) *withhold the allocation described in section*
19 *2121(b) from the local educational agency for 2 fiscal*
20 *years; and*

21 “(2) *use the funds to carry out programs to as-*
22 *assist the local educational agency to achieve the pur-*
23 *pose and meet the performance objectives*

1 **“SEC. 2143. GENERAL ACCOUNTING OFFICE STUDY.**

2 *“Not later than January 1, 2005, the Comptroller Gen-*
3 *eral of the United States shall prepare and submit to Con-*
4 *gress a report setting forth information regarding—*

5 *“(1) the progress of the States in achieving com-*
6 *pliance concerning increasing the percentage of highly*
7 *qualified teachers, for fiscal years 2001 through 2003,*
8 *so that, not later than the end of the fourth year for*
9 *which the States receive funds under this part (as*
10 *amended by the Better Education for Students and*
11 *Teachers Act), all teachers teaching core academic*
12 *subjects in public elementary schools or secondary*
13 *schools, in which not less than 50 percent of the stu-*
14 *dents are from low-income families, are highly quali-*
15 *fied;*

16 *“(2) any significant obstacles that States face in*
17 *achieving that compliance, such as teacher shortages*
18 *in particular academic subjects, grade levels, or geo-*
19 *graphic areas, district-to-district pay differentials,*
20 *and particular provisions of collective bargaining*
21 *agreements; and*

22 *“(3) the approximate percentage of Federal,*
23 *State, and local resources being expended to carry out*
24 *activities to provide professional development for*
25 *teachers, and recruit and retain highly qualified*
26 *teachers, especially in geographic areas and core aca-*

1 *ademic subjects in which a shortage of such teachers ex-*
2 *ists, so that, not later than the end of the fourth year*
3 *for which the States receive funds under this part (as*
4 *amended by the Better Education for Students and*
5 *Teachers Act), all teachers teaching core academic*
6 *subjects in public elementary schools or secondary*
7 *schools, in which not less than 50 percent of the stu-*
8 *dents qualify for free or reduced price lunches under*
9 *the school lunch program established under the Rich-*
10 *ard B. Russell National School Lunch Act (42 U.S.C.*
11 *1751 et seq.), are highly qualified.*

12 **“Subpart 5—National Programs**

13 **“SEC. 2151. NATIONAL PROGRAMS OF DEMONSTRATED EF-**
14 **ECTIVENESS.**

15 *“(a) IN GENERAL.—The Secretary shall use funds*
16 *made available under section 2103(b) to carry out each of*
17 *the activities described in subsections (c) through (d).*

18 *“(b) SCHOOL LEADERSHIP.—*

19 *“(1) DEFINITIONS.—*

20 *“(A) HIGH-NEED LOCAL EDUCATIONAL*
21 *AGENCY.—The term ‘high-need local educational*
22 *agency’ means a local educational agency for*
23 *which more than 30 percent of the students*
24 *served by the local educational agency are stu-*
25 *dents in poverty.*

1 “(B) *POVERTY LINE*.—The term ‘poverty
2 *line*’ means the income official poverty line (as
3 defined by the Office of Management and Budget,
4 and revised annually in accordance with section
5 673(2) of the Community Services Block Grant
6 Act (42 U.S.C. 9902(2)) applicable to a family
7 of the size involved.

8 “(C) *STUDENT IN POVERTY*.—The term ‘stu-
9 *dent in poverty*’ means a student from a family
10 with an income below the poverty line.

11 “(2) *PROGRAM*.—The Secretary shall establish
12 and carry out a national principal recruitment pro-
13 gram.

14 “(3) *GRANTS*.—

15 “(A) *IN GENERAL*.—In carrying out the
16 program, the Secretary shall make grants, on a
17 competitive basis, to high-need local educational
18 agencies that seek to recruit and train principals
19 (including assistant principals).

20 “(B) *USE OF FUNDS*.—An agency that re-
21 ceives a grant under subparagraph (A) may use
22 the funds made available through the grant to
23 carry out principal recruitment and training ac-
24 tivities that may include—

1 “(i) *providing stipends for master*
2 *principals who mentor new principals;*

3 “(ii) *using funds innovatively to re-*
4 *cruit new principals, including recruiting*
5 *the principals by providing pay incentives*
6 *or bonuses;*

7 “(iii) *developing career mentorship*
8 *and professional development ladders for*
9 *teachers who want to become principals;*
10 *and*

11 “(iv) *developing incentives, and profes-*
12 *sional development and instructional lead-*
13 *ership training programs, to attract indi-*
14 *viduals from other fields, including business*
15 *and law, to serve as principals.*

16 “(C) *APPLICATION AND PLAN.—To be eligi-*
17 *ble to receive a grant under this subsection, a*
18 *local educational agency shall submit an appli-*
19 *cation to the Secretary at such time, in such*
20 *manner, and containing such information as the*
21 *Secretary may require. The application shall*
22 *include—*

23 “(i) *a needs assessment concerning the*
24 *shortage of qualified principals in the school*
25 *district involved and an assessment of the*

1 *potential for recruiting and retaining pro-*
2 *spective and aspiring leaders, including*
3 *teachers who are interested in becoming*
4 *principals; and*

5 “(ii) *a comprehensive plan for recruit-*
6 *ment and training of principals, including*
7 *plans for mentorship programs, ongoing*
8 *professional development, and instructional*
9 *leadership training, for high-need schools*
10 *served by the agency.*

11 “(D) *PRIORITY.—In making grants under*
12 *this subsection, the Secretary shall give priority*
13 *to local educational agencies that demonstrate*
14 *that the agencies will carry out the activities de-*
15 *scribed in subparagraph (B) in partnership with*
16 *nonprofit organizations and institutions of high-*
17 *er education.*

18 “(E) *SUPPLEMENT NOT SUPPLANT.—Funds*
19 *appropriated to carry out this subsection shall be*
20 *used to supplement and not supplant other Fed-*
21 *eral, State, and local public funds expended to*
22 *provide principal recruitment and retention ac-*
23 *tivities.*

24 “(4) *AUTHORIZATION OF APPROPRIATIONS.—*
25 *There is authorized to be appropriated to carry out*

1 *this subsection \$50,000,000 for fiscal year 2002 and*
2 *each subsequent fiscal year.*

3 “(c) *ADVANCED CERTIFICATION OR ADVANCED*
4 *CREDENTIALING.—*

5 “(1) *IN GENERAL.—The Secretary shall support*
6 *activities to encourage and support teachers seeking*
7 *advanced certification or advanced credentialing*
8 *through high quality professional teacher enhance-*
9 *ment programs designed to improve teaching and*
10 *learning.*

11 “(2) *IMPLEMENTATION.—In carrying out para-*
12 *graph (1), the Secretary shall make grants to the Na-*
13 *tional Board for Professional Teaching Standards,*
14 *State educational agencies, local educational agencies,*
15 *or other recognized entities, to promote outreach,*
16 *teacher recruitment, teacher subsidy, or teacher sup-*
17 *port programs related to teacher certification by the*
18 *National Board for Professional Teaching Standards*
19 *and other nationally recognized certification organi-*
20 *zations.*

21 “(d) *TRANSITION TO TEACHING.—The Secretary shall*
22 *provide assistance for activities to support the development*
23 *and implementation of national or regional programs to—*

24 “(1) *recruit, prepare, place, and support mid-ca-*
25 *reer professionals who have knowledge and experience*

1 *that will help the professionals become highly quali-*
2 *fied teachers, through alternative routes to certifi-*
3 *cation, for high need local educational agencies; and*

4 “(2) *help retain the professionals as classroom*
5 *teachers serving the local educational agencies for*
6 *more than 3 years.*

7 “(e) *CAREERS TO CLASSROOMS.—*

8 “(1) *PURPOSES.—The purposes of this subsection*
9 *are—*

10 “(A) *to establish a program to recruit and*
11 *retain highly qualified mid-career professionals,*
12 *recent graduates from an institution of higher*
13 *education, and certain paraprofessionals, as*
14 *teachers in high need schools, including recruit-*
15 *ing teachers through alternative routes to certifi-*
16 *cation; and*

17 “(B) *to encourage the development and ex-*
18 *pansion of alternative routes to certification*
19 *under State-approved programs that enable indi-*
20 *viduals to be eligible for teacher certification*
21 *within a reduced period of time, relying on the*
22 *experience, expertise, and academic qualifica-*
23 *tions of an individual, or other factors in lieu of*
24 *traditional course work in the field of education.*

25 “(2) *DEFINITIONS.—In this subsection:*

1 “(A) *ELIGIBLE PARTICIPANT*.—The term ‘el-
2 *igible participant*’ means—

3 “(i) *an individual with substantial,*
4 *demonstrable career experience and com-*
5 *petence in a field for which there is a sig-*
6 *nificant shortage of qualified teachers, such*
7 *as mathematics, natural science, technology,*
8 *engineering, and special education;*

9 “(ii) *an individual who is a graduate*
10 *of an institution of higher education who—*

11 “(I) *has graduated not later than*
12 *3 years before applying to an agency*
13 *or consortium to teach under this sub-*
14 *section;*

15 “(II) *in the case of an individual*
16 *wishing to teach in a secondary school,*
17 *has completed an academic major (or*
18 *courses totaling an equivalent number*
19 *of credit hours) in the academic subject*
20 *that the individual will teach;*

21 “(III) *has graduated in the top 50*
22 *percent of the individual’s under-*
23 *graduate or graduate class;*

24 “(IV) *can demonstrate a high level*
25 *of competence through a high level of*

1 *performance in the academic subject*
2 *that the individual will teach; and*

3 “(V) *meets any additional aca-*
4 *ademic or other standards or qualifica-*
5 *tions established by the State; or*

6 “(iii) *a paraprofessional who—*

7 “(I) *has been working as a para-*
8 *professional in an instructional role in*
9 *an elementary school or secondary*
10 *school for at least 2 years;*

11 “(II) *can demonstrate that the*
12 *paraprofessional is capable of com-*
13 *pleting a bachelor’s degree in not more*
14 *than 2 years and is in the top 50 per-*
15 *cent of the individual’s undergraduate*
16 *class;*

17 “(III) *will work toward comple-*
18 *tion of an academic major (or courses*
19 *totaling an equivalent number of credit*
20 *hours) in the academic subject that the*
21 *paraprofessional will teach; and*

22 “(IV) *can demonstrate a high level*
23 *of competence through a high level of*
24 *performance in the academic subject*
25 *that the paraprofessional will teach.*

1 “(B) *HIGH NEED LOCAL EDUCATIONAL*
2 *AGENCY.*—*The term ‘high need local educational*
3 *agency’ means a local educational agency that*
4 *serves—*

5 “(i) *a high need school district; and*

6 “(ii) *a high need school.*

7 “(C) *HIGH NEED SCHOOL.*—*The term ‘high*
8 *need school’ means a school that—*

9 “(i)(I) *is located in an area in which*
10 *the percentage of students from families*
11 *with incomes below the poverty line is 30*
12 *percent or more; or*

13 “(II) *is located in an area, other than*
14 *a metropolitan statistical area, that the*
15 *State determines has a high percentage of*
16 *students from families with incomes below*
17 *the poverty line or that has experienced*
18 *greater than normal difficulty in recruiting*
19 *or retaining teachers; and*

20 “(ii) *is located in an area in which*
21 *there is a high percentage of secondary*
22 *school teachers not teaching in the content*
23 *area in which teachers were trained to*
24 *teach, is within the top quartile of schools*
25 *statewide, as ranked by the number of un-*

1 *filled, available teacher positions at the*
2 *schools, is located in an area in which there*
3 *is a high teacher turnover rate, or is located*
4 *in an area in which there is a high percent-*
5 *age of teachers who are not certified or li-*
6 *censed.*

7 “(D) *HIGH NEED SCHOOL DISTRICT.*—*The*
8 *term ‘high need school district’ means a school*
9 *district in which there is—*

10 “(i)(I) *a high need school; and*

11 “(II) *a high percentage of individuals*
12 *from families with incomes below the pov-*
13 *erty line; and*

14 “(ii)(I) *a high percentage of secondary*
15 *school teachers not teaching in the content*
16 *area in which the teachers were trained to*
17 *teach; or*

18 “(II) *a high teacher turnover rate.*

19 “(E) *POVERTY LINE.*—*The term ‘poverty*
20 *line’ means the income official poverty line (as*
21 *defined by the Office of Management and Budget,*
22 *and revised annually in accordance with section*
23 *673(2) of the Community Services Block Grant*
24 *Act (42 U.S.C. 9902(2)) applicable to a family*
25 *of the size involved.*

1 “(3) *GRANT PROGRAM.*—

2 “(A) *IN GENERAL.*—*The Secretary shall es-*
3 *tablish a program to make grants on a competi-*
4 *tive basis to State educational agencies, regional*
5 *consortia of State educational agencies, high*
6 *need local educational agencies, and consortia of*
7 *high need local educational agencies, to develop*
8 *State and local teacher corps or other programs*
9 *to establish, expand, or enhance teacher recruit-*
10 *ment and retention efforts.*

11 “(B) *PRIORITY.*—*In making such a grant,*
12 *the Secretary shall give priority to an agency or*
13 *consortium of agencies that applies for the grant*
14 *in collaboration with an institution of higher*
15 *education or a nonprofit organization that has a*
16 *proven record of effectively recruiting and re-*
17 *taining highly qualified teachers in high need*
18 *school districts.*

19 “(4) *APPLICATION.*—

20 “(A) *IN GENERAL.*—*To be eligible to receive*
21 *a grant under this subsection, an agency or con-*
22 *sortium described in paragraph (3) shall submit*
23 *an application to the Secretary at such time, in*
24 *such manner, and containing such information*
25 *as the Secretary may require.*

1 “(B) CONTENTS.—The application shall—
2 “(i) describe how the agency or consor-
3 tium will use funds received under this sub-
4 section to develop a teacher corps or other
5 program to recruit and retain highly quali-
6 fied mid-career professionals, recent grad-
7 uates from an institution of higher edu-
8 cation, and paraprofessionals as teachers in
9 high need schools;
10 “(ii) explain how the agency or consor-
11 tium will determine that teacher candidates
12 seeking to participate in a program under
13 this section are eligible participants;
14 “(iii) explain how the program will
15 meet the relevant State laws (including reg-
16 ulations) related to teacher certification and
17 licensing;
18 “(iv) explain how the agency or con-
19 sortium will ensure that no paraprofes-
20 sional will be hired through the program as
21 a teacher until the paraprofessional has ob-
22 tained a bachelor’s degree and meets the re-
23 quirements of subclauses (II) through (V) of
24 paragraph (2)(A)(i);

1 “(v) include a determination of the
2 high need academic subjects in the jurisdic-
3 tion served by the agency or consortium and
4 how the agency or consortium will recruit
5 teachers for those subjects;

6 “(vi) describe how the grant will in-
7 crease the number of highly qualified teach-
8 ers in high need schools in high need school
9 districts that are urban or rural school dis-
10 tricts;

11 “(vii) describe how the agency or con-
12 sortium described in paragraph (3) has met
13 the requirements of subparagraph (C);

14 “(viii) describe how the agency or con-
15 sortium will coordinate the activities car-
16 ried out with the funds with activities car-
17 ried out with other Federal, State, and local
18 funds for teacher recruitment and retention;

19 “(ix) describe the plan of the agency or
20 consortium described in paragraph (3) to
21 recruit and retain highly qualified teachers
22 in the high need academic subjects and high
23 need schools and facilitate the certification
24 or licensing of such teachers; and

1 “(x) describe how the agency or consor-
2 tium described in paragraph (3) will meet
3 the requirements of paragraph (7)(A).

4 “(C) COLLABORATION.—In developing the
5 application, the agency or consortium shall con-
6 sult with and seek input from—

7 “(i) in the case of a partnership estab-
8 lished by a State educational agency or con-
9 sortium of such agencies, representatives of
10 local educational agencies, including teach-
11 ers, principals, superintendents, and school
12 board members (including representatives of
13 their professional organizations if appro-
14 priate);

15 “(ii) in the case of a partnership estab-
16 lished by a local educational agency or a
17 consortium of such agencies, representatives
18 of a State educational agency;

19 “(iii) elementary school and secondary
20 school teachers, including representatives of
21 their professional organizations;

22 “(iv) institutions of higher education;

23 “(v) parents; and

24 “(vi) other interested individuals and
25 organizations, such as businesses, experts in

1 *curriculum development, and nonprofit or-*
2 *ganizations with a proven record of effec-*
3 *tively recruiting and retaining highly*
4 *qualified teachers in high need school dis-*
5 *tricts.*

6 “(5) *DURATION OF GRANTS.*—*The Secretary may*
7 *make grants under this subsection for periods of 5*
8 *years. At the end of the 5-year period for such a*
9 *grant, the grant recipient may apply for an addi-*
10 *tional grant under this subsection.*

11 “(6) *EQUITABLE DISTRIBUTION.*—*The Secretary*
12 *shall ensure an equitable geographic distribution of*
13 *grants among the regions of the United States.*

14 “(7) *REQUIREMENTS.*—

15 “(A) *TARGETING.*—*An agency or consor-*
16 *tium that receives a grant under this subsection*
17 *to carry out a program shall ensure that partici-*
18 *pants in the program recruited with funds made*
19 *available under this subsection are placed in*
20 *high need schools, within high need school dis-*
21 *tricts. In placing the participants in the schools,*
22 *the agency or consortium shall give priority to*
23 *the schools that are located in areas with the*
24 *highest percentage of students from families with*
25 *incomes below the poverty line.*

1 “(B) *SUPPLEMENT NOT SUPPLANT.*—*Funds*
2 *made available under this subsection shall be*
3 *used to supplement and not supplant State and*
4 *local public funds expended for teacher recruit-*
5 *ment and retention programs, including pro-*
6 *grams to recruit the teachers through alternative*
7 *routes to certification.*

8 “(C) *PARTNERSHIPS ESTABLISHED BY*
9 *LOCAL EDUCATIONAL AGENCIES.*—*In the case of*
10 *a partnership established by a local educational*
11 *agency or a consortium of such agencies to carry*
12 *out a program under this section the local edu-*
13 *cational agency or consortium shall not be eligi-*
14 *ble to receive funds through a State program*
15 *under this section.*

16 “(8) *USES OF FUNDS.*—

17 “(A) *IN GENERAL.*—*An agency or consor-*
18 *tium that receives a grant under this subsection*
19 *shall use the funds made available through the*
20 *grant to develop a teacher corps or other pro-*
21 *gram in order to establish, expand, or enhance a*
22 *teacher recruitment and retention program for*
23 *highly qualified mid-career professionals, grad-*
24 *uates of institutions of higher education, and*
25 *paraprofessionals, who are eligible participants,*

1 *including activities that provide alternative*
2 *routes to teacher certification.*

3 “(B) *SPECIFIC ACTIVITIES.*—*The agency or*
4 *consortium shall use the funds to carry out a*
5 *teacher corps or other program that includes 2 or*
6 *more activities that consist of—*

7 “(i)(I) *providing loans, scholarships,*
8 *stipends, bonuses, and other financial in-*
9 *centives, that are linked to participation in*
10 *activities that have proven effective in re-*
11 *taining teachers in higher need school dis-*
12 *tricts, to all eligible participants (in an*
13 *amount of not more than the lesser of*
14 *\$5,000 per eligible participant) who—*

15 “(aa) *are enrolled in a program*
16 *under this section located in a State;*
17 *and*

18 “(bb) *agree to seek certification*
19 *through alternative routes to certifi-*
20 *cation in that State; and*

21 “(II) *giving a preference, in awarding*
22 *the loans, scholarships, stipends, bonuses,*
23 *and other financial incentives, to individ-*
24 *uals who the State determines have finan-*
25 *cial need for such loans, scholarships, sti-*

1 *pends, bonuses, and other financial incen-*
2 *tives;*

3 *“(ii) making payments (in an amount*
4 *of not more than \$5,000 per eligible partici-*
5 *pant) to schools to pay for costs associated*
6 *with accepting teachers recruited under this*
7 *subsection from among eligible participants*
8 *or to provide financial incentives to pro-*
9 *spective teachers who are eligible partici-*
10 *pants;*

11 *“(iii) providing mentoring;*

12 *“(iv) providing internships;*

13 *“(v) carrying out co-teaching arrange-*
14 *ments;*

15 *“(vi) providing high quality, sustained*
16 *in-service professional development opportu-*
17 *nities;*

18 *“(vii) offering opportunities for teacher*
19 *candidates to participate in preservice, high*
20 *quality course work;*

21 *“(viii) collaboration with institutions*
22 *of higher education in developing and im-*
23 *plementing programs to facilitate teacher*
24 *recruitment (including teacher*

1 *credentialing) and teacher retention pro-*
2 *grams;*

3 *“(ix) providing accelerated paraprofes-*
4 *sional-to-teacher programs that provide a*
5 *paraprofessional with sufficient training*
6 *and development to enable the paraprofes-*
7 *sional to complete a bachelor’s degree and*
8 *fulfill other State certification or licensing*
9 *requirements and that provide full pay and*
10 *leave from paraprofessional duties for the*
11 *period necessary to complete the degree and*
12 *become certified or licensed; and*

13 *“(x) carrying out other programs,*
14 *projects, and activities that—*

15 *“(I) are designed and have proven*
16 *to be effective in recruiting and retain-*
17 *ing teachers; and*

18 *“(II) the Secretary determines to*
19 *be appropriate.*

20 *“(C) DEVELOPMENT OF LONG-TERM RE-*
21 *CRUITMENT AND RETENTION STRATEGIES.—In*
22 *addition to the activities authorized under sub-*
23 *paragraph (B), an agency or consortium that re-*
24 *ceives a grant under this subsection may use the*
25 *funds made available through the grant for—*

1 “(i) the establishment and operation,
2 or expansion and improvement, of a state-
3 wide or regionwide clearinghouse for the re-
4 cruitment and placement of preschool, ele-
5 mentary school, secondary school, and voca-
6 tional and technical school teachers (which
7 shall not be subject to the targeting require-
8 ments under paragraph (7)(A));

9 “(ii) the establishment of administra-
10 tive structures necessary for the development
11 and implementation of programs to provide
12 alternative routes to certification;

13 “(iii) the development of reciprocity
14 agreements between or among States for the
15 certification or licensure of teachers; and

16 “(iv) the implementation of other ac-
17 tivities designed to ensure the use of long-
18 term teacher recruitment and retention
19 strategies.

20 “(D) *EFFECTIVE ACTIVITIES.*—The agency
21 or consortium shall use the funds only for activi-
22 ties that have proven effective in both recruiting
23 and retaining teachers.

24 “(9) *REPAYMENT.*—The recipient of a loan
25 under this subsection shall immediately repay

1 *amounts received under such loan, and the recipient*
2 *of a scholarship, stipend, bonus, or other financial in-*
3 *centive under this subsection shall repay amounts re-*
4 *ceived under such scholarship, stipend, bonus, or other*
5 *financial incentive, to the agency or consortium from*
6 *which the loan, scholarship, stipend, bonus, or other*
7 *financial incentive was received if—*

8 *“(A) the recipient involved fails to complete*
9 *the applicable program providing alternative*
10 *routes to certification;*

11 *“(B) the recipient rejects a bona fide offer*
12 *of employment at a high need school served by*
13 *that agency or consortium during the 1-year pe-*
14 *riod beginning on the date on which the recipi-*
15 *ent completes such a program; or*

16 *“(C) the recipient fails to teach for at least*
17 *2 years in a high need school served by that*
18 *agency or consortium during the 5-year period*
19 *beginning on the date on which the individual*
20 *completes such a program.*

21 *“(10) ADMINISTRATIVE FUNDS.—No agency or*
22 *consortium that receives a grant under this subsection*
23 *shall use more than 5 percent of the funds made*
24 *available through the grant for the administration of*

1 *a program under this section carried out under the*
2 *grant.*

3 *“(11) EVALUATION AND ACCOUNTABILITY FOR*
4 *RECRUITING AND RETAINING TEACHERS.—*

5 *“(A) EVALUATION.—Each agency or consor-*
6 *tium that receives a grant under this subsection*
7 *shall conduct—*

8 *“(i) an interim evaluation of the pro-*
9 *gram funded under the grant at the end of*
10 *the third year of the grant period; and*

11 *“(ii) a final evaluation of the program*
12 *at the end of the fifth year of the grant pe-*
13 *riod.*

14 *“(B) CONTENTS.—In conducting the evalua-*
15 *tion, the agency or consortium shall describe the*
16 *extent to which local educational agencies that*
17 *received funds through the grant have met those*
18 *goals relating to teacher recruitment and reten-*
19 *tion described in the application.*

20 *“(C) REPORTS.—The agency or consortium*
21 *shall prepare and submit to the Secretary and to*
22 *Congress interim and final reports containing*
23 *the results of the interim and final evaluations,*
24 *respectively.*

1 “(D) *REVOCATION.*—*If the Secretary deter-*
2 *mines that the recipient of a grant under this*
3 *subsection has not made substantial progress in*
4 *meeting the goals and objectives of the grant by*
5 *the end of the third year of the grant period, the*
6 *Secretary—*

7 “(i) *shall revoke the payment made for*
8 *the fourth year of the grant period; and*

9 “(ii) *shall not make a payment for the*
10 *fifth year of the grant period.*

11 “(12) *AUTHORIZATION OF APPROPRIATIONS.*—
12 *There is authorized to be appropriated to carry out*
13 *this subsection \$200,000,000 for fiscal year 2002 and*
14 *such sums as may be necessary for each of the 6 suc-*
15 *ceeding fiscal years.*

16 “(f) *NATIONAL TEACHER RECRUITMENT CAMPAIGN.*—

17 “(1) *GRANT.*—*The Secretary shall award a*
18 *grant, on a competitive basis, to a single national co-*
19 *alition of teacher and media organizations, including*
20 *the National Teacher Recruitment Clearinghouse, to*
21 *enable such organizations to jointly conduct a na-*
22 *tional public service campaign as described in para-*
23 *graph (2).*

24 “(2) *USE OF FUNDS.*—*A coalition that receives*
25 *a grant under paragraph (1) shall use amounts made*

1 available under the grant to conduct a national pub-
2 lic service campaign concerning the resources for and
3 routes to entering the field of teaching. In conducting
4 the campaign, the coalition shall focus on providing
5 information both to a national audience and in spe-
6 cific media markets, and shall specifically expand on,
7 promote, and link the coalition's outreach efforts to,
8 the information referral activities and resources of the
9 National Teacher Recruitment Clearinghouse.

10 “(3) APPLICATION.—To be eligible to receive a
11 grant under this subsection, a coalition shall prepare
12 and submit to the Secretary an application at such
13 time, in such manner, and containing such informa-
14 tion as the Secretary may require.

15 “(4) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to carry out
17 this subsection \$3,000,000 for fiscal year 2002 and
18 each of the 6 succeeding fiscal years.

19 **“PART B—MATHEMATICS AND SCIENCE**
20 **PARTNERSHIPS**

21 **“SEC. 2201. PURPOSE.**

22 “The purpose of this part is to improve the perform-
23 ance of students in the areas of mathematics and science
24 by encouraging States, institutions of higher education, ele-

1 *mentary schools, and secondary schools to participate in*
2 *programs that—*

3 “(1) *upgrade the status and stature of mathe-*
4 *matics and science teaching by encouraging institu-*
5 *tions of higher education to assume greater responsi-*
6 *bility for improving mathematics and science teacher*
7 *education through the establishment of a comprehen-*
8 *sive, integrated system of recruiting and advising*
9 *such teachers;*

10 “(2) *focus on education of mathematics and*
11 *science teachers as a career-long process that should*
12 *continuously stimulate teachers’ intellectual growth*
13 *and upgrade teachers’ knowledge and skills;*

14 “(3) *bring mathematics and science teachers in*
15 *elementary schools and secondary schools together*
16 *with scientists, mathematicians, and engineers to in-*
17 *crease the subject matter knowledge and improve the*
18 *teaching skills of teachers through the use of more so-*
19 *phisticated laboratory equipment and space, com-*
20 *puting facilities, libraries, and other resources that*
21 *institutions of higher education are better able to pro-*
22 *vide than the schools;*

23 “(4) *develop more rigorous mathematics and*
24 *science curricula that are aligned with State and*
25 *local standards and with the standards expected for*

1 *postsecondary study in engineering, mathematics and*
2 *science, respectively; and*

3 *“(5) improve and expand training of math and*
4 *science teachers, including in the effective integration*
5 *of technology into curricula and instruction.*

6 **“SEC. 2202. DEFINITIONS.**

7 *“In this part:*

8 *“(1) ELIGIBLE PARTNERSHIP.—The term ‘eligi-*
9 *ble partnership’ means a partnership that—*

10 *“(A) shall include—*

11 *“(i) a State educational agency;*

12 *“(ii) an engineering, mathematics or*
13 *science department of an institution of*
14 *higher education; and*

15 *“(iii) a local educational agency; and*

16 *“(B) may include—*

17 *“(i) another engineering, mathematics,*
18 *science, or teacher training department of*
19 *an institution of higher education;*

20 *“(ii) another local educational agency,*
21 *or an elementary school or secondary school;*

22 *“(iii) a business; or*

23 *“(iv) a nonprofit organization of dem-*
24 *onstrated effectiveness, including a museum*
25 *or high-impact public coalition composed of*

1 *leaders from business, kindergarten through*
2 *grade 12 education, institutions of higher*
3 *education, and public policy organizations.*

4 “(2) *HIGH NEED LOCAL EDUCATIONAL AGEN-*
5 *CY.—The term ‘high need local educational agency’*
6 *has the meaning given the term in section 201(b) of*
7 *the Higher Education Act of 1965.*

8 “(3) *SUMMER WORKSHOP OR INSTITUTE.— The*
9 *term ‘summer workshop or institute’ means a work-*
10 *shop or institute, conducted during the summer,*
11 *that—*

12 “(A) *is conducted during a period of not*
13 *less than 2 weeks;*

14 “(B) *provides for a program that provides*
15 *direct interaction between students and faculty;*
16 *and*

17 “(C) *provides for followup training during*
18 *the academic year that—*

19 “(i) *except as provided in clause (ii) or*
20 *(iii), shall be conducted in the classroom for*
21 *a period of not less than 3 days, which may*
22 *or may not be consecutive;*

23 “(ii) *if the program described in sub-*
24 *paragraph (B) is for a period of not more*

1 *than 2 weeks, shall be conducted for a pe-*
2 *riod of more than 3 days; or*

3 *“(iii) if the program is for teachers in*
4 *rural school districts, may be conducted*
5 *through distance education.*

6 **“Subpart 1—Grants to Partnerships**

7 **“SEC. 2211. GRANTS AUTHORIZED.**

8 *“(a) IN GENERAL.—The Secretary is authorized to*
9 *award grants, on a competitive basis, to eligible partner-*
10 *ships to enable the eligible partnerships to pay the Federal*
11 *share of the costs of carrying out the authorized activities*
12 *described in section 2213.*

13 *“(b) DURATION.—The Secretary shall award grants*
14 *under this section for a period of 5 years.*

15 *“(c) FEDERAL SHARE.—*

16 *“(1) IN GENERAL.—The Federal share of the*
17 *costs of the activities assisted under this subpart shall*
18 *be—*

19 *“(A) 75 percent of the costs for the first*
20 *year an eligible partnership receives a grant*
21 *payment under this subpart;*

22 *“(B) 65 percent of the costs for the second*
23 *such year; and*

24 *“(C) 50 percent of the costs for each of the*
25 *third, fourth, and fifth such years.*

1 “(2) *NON-FEDERAL SHARE.*—*The non-Federal*
2 *share of the costs may be provided in cash or in kind,*
3 *fairly evaluated.*

4 “(d) *PRIORITY.*—*In awarding grants under this sub-*
5 *part the Secretary shall give priority to partnerships that*
6 *include high need local educational agencies or a consor-*
7 *tium of local educational agencies that include a high need*
8 *local education agency.*

9 “**SEC. 2212. APPLICATION REQUIREMENTS.**

10 “(a) *IN GENERAL.*—*Each eligible partnership desiring*
11 *a grant under this subpart shall submit an application to*
12 *the Secretary at such time, in such manner, and accom-*
13 *panied by such information as the Secretary may require.*

14 “(b) *CONTENTS.*—*Each such application shall*
15 *include—*

16 “(1) *the results of a comprehensive assessment of*
17 *the teacher quality and professional development*
18 *needs of all the schools and agencies participating in*
19 *the eligible partnership with respect to the teaching*
20 *and learning of mathematics and science, and such*
21 *assessment may include, but not be limited to, data*
22 *that accurately represents—*

23 “(A) *the participation of students in ad-*
24 *vanced courses in mathematics and science,*

1 “(B) the percentages of secondary school
2 classes in mathematics and science taught by
3 teachers with academic majors in mathematics
4 and science, respectively,

5 “(C) the number and percentage of mathe-
6 matics and science teachers who participate in
7 content-based professional development activities,
8 and

9 “(D) the extent to which elementary teach-
10 ers have the necessary content knowledge to teach
11 mathematics and science;

12 “(2) a description of how the activities to be car-
13 ried out by the eligible partnership will be aligned
14 with State and local standards and with other edu-
15 cational reform activities that promote student
16 achievement in mathematics and science;

17 “(3) a description of how the activities to be car-
18 ried out by the eligible partnership will be based on
19 a review of relevant research, and an explanation of
20 why the activities are expected to improve student
21 performance and to strengthen the quality of mathe-
22 matics and science instruction;

23 “(4) a description of—

1 “(A) how the eligible partnership will carry
2 out the authorized activities described in section
3 2213; and

4 “(B) the eligible partnership’s evaluation
5 and accountability plan described in section
6 2214; and

7 “(5) a description of how the State educational
8 agency and local educational agency in the eligible
9 partnership will comply with section 6 (regarding
10 participation by private school children and teach-
11 ers).

12 **“SEC. 2213. AUTHORIZED ACTIVITIES.**

13 “An eligible partnership shall use the grant funds pro-
14 vided under this subpart for 1 or more of the following ac-
15 tivities related to elementary schools or secondary schools:

16 “(1) Developing or redesigning more rigorous
17 mathematics and science curricula that are aligned
18 with State and local standards and with the stand-
19 ards expected for postsecondary study in mathematics
20 and science, respectively.

21 “(2) Creating opportunities for enhanced and
22 ongoing professional development that improves the
23 subject matter knowledge of mathematics and science
24 teachers.

1 “(3) *Recruiting mathematics and science majors*
2 *to teaching through the use of—*

3 “(A) *recruiting individuals with dem-*
4 *onstrated professional experience in mathematics*
5 *or science through the use of signing incentives*
6 *and performance incentives for mathematics and*
7 *science teachers as long as those incentives are*
8 *linked to activities proven effective in retaining*
9 *teachers;*

10 “(B) *stipends to mathematics teachers and*
11 *science teachers for certification through alter-*
12 *native routes;*

13 “(C) *scholarships for teachers to pursue ad-*
14 *vanced course work in mathematics or science;*
15 *and*

16 “(D) *carrying out any other program that*
17 *the State believes to be effective in recruiting into*
18 *and retaining individuals with strong mathe-*
19 *matics or science backgrounds in the teaching*
20 *field.*

21 “(4) *Promoting strong teaching skills for mathe-*
22 *matics and science teachers and teacher educators, in-*
23 *cluding integrating reliable scientifically based re-*
24 *search teaching methods and technology-based teach-*
25 *ing methods into the curriculum.*

1 “(5) *Establishing mathematics and science sum-*
2 *mer workshops or institutes (including followup*
3 *training) for teachers, using curricula that are exper-*
4 *iment-oriented, content-based, and grounded in re-*
5 *search that is current as of the date of the workshop*
6 *or institute involved.*

7 “(6) *Establishing distance learning programs for*
8 *mathematics and science teachers using curricula that*
9 *are innovative, content-based, and grounded in re-*
10 *search that is current as of the date of the program*
11 *involved.*

12 “(7) *Designing programs to prepare a teacher at*
13 *a school to provide professional development to other*
14 *teachers at the school and to assist novice teachers at*
15 *such school, including (if applicable) a mechanism to*
16 *integrate experiences from a summer workshop or in-*
17 *stitute.*

18 “(8) *Designing programs to bring teachers into*
19 *contact with working engineers and scientists.*

20 “(9) *Designing programs to identify and develop*
21 *mathematics and science master teachers in the kin-*
22 *dergarten through grade 8 classrooms.*

23 “(10) *Performing a statewide systemic needs as-*
24 *essment of mathematics, science, and technology edu-*
25 *cation, analyzing the assessment, developing a stra-*

1 *tegic plan based on the assessment and its analysis,*
2 *and engaging in activities to implement the strategic*
3 *plan consistent with the authorized activities in this*
4 *section.*

5 *“(11) Establishing a mastery incentive system*
6 *for elementary school or secondary school mathematics*
7 *or science teachers under which—*

8 *“(A) experienced mathematics or science*
9 *teachers who are licensed or certified to teach in*
10 *the State demonstrate their mathematics or*
11 *science knowledge and teaching expertise,*
12 *through objective means such as an advanced ex-*
13 *amination or professional evaluation of teaching*
14 *performance and classroom skill including a pro-*
15 *fessional video;*

16 *“(B) incentives shall be awarded to teachers*
17 *making the demonstration described in subpara-*
18 *graph (A);*

19 *“(C) priority for such incentives shall be*
20 *provided to teachers who teach in high need and*
21 *local educational agencies; and*

22 *“(D) the partnership shall devise a plan to*
23 *ensure that recipients of incentives under this*
24 *paragraph remain in the teaching profession.*

1 “(12) *Training teachers and developing pro-*
2 *grams to encourage girls and young women to pursue*
3 *postsecondary degrees and careers in mathematics*
4 *and science, including engineering and technology.*

5 **“SEC. 2214. EVALUATION AND ACCOUNTABILITY PLAN.**

6 “*Each eligible partnership receiving a grant under*
7 *this subpart shall develop an evaluation and accountability*
8 *plan for activities assisted under this subpart that includes*
9 *strong performance objectives. The plan shall include objec-*
10 *tives and measures for—*

11 “(1) *improved student performance on State*
12 *mathematics and science assessments or the Third*
13 *International Math and Science Study assessment;*

14 “(2) *increased participation by students in ad-*
15 *vanced courses in mathematics and science;*

16 “(3) *increased percentages of secondary school*
17 *classes in mathematics and science taught by teachers*
18 *with academic majors in mathematics and science, re-*
19 *spectively; and*

20 “(4) *increased numbers of mathematics and*
21 *science teachers who participate in content-based pro-*
22 *fessional development activities.*

23 **“SEC. 2215. REPORT; REVOCATION OF GRANT.**

24 “(a) *REPORT.—Each eligible partnership receiving a*
25 *grant under this subpart annually shall report to the Sec-*

1 *retary regarding the eligible partnership’s progress in meet-*
2 *ing the performance objectives described in section 2214.*

3 “(b) *REVOCA*TION.—*If the Secretary determines that*
4 *an eligible partnership is not making substantial progress*
5 *in meeting the performance objectives described in section*
6 *2214 by the end of the third year of a grant under this*
7 *subpart, the grant payments shall not be made for the*
8 *fourth and fifth year of the grant.*

9 **“Subpart 2—Eisenhower Clearinghouse for**
10 **Mathematics and Science Education**

11 **“SEC. 2221. CLEARINGHOUSE.**

12 “(a) *GRANT OR CONTRACT.*—

13 “(1) *IN GENERAL.*—*The Secretary, in consulta-*
14 *tion with the Director of the National Science Foun-*
15 *ation, may award a grant or contract to an entity*
16 *to continue the operation of the Eisenhower National*
17 *Clearinghouse for Mathematics and Science Edu-*
18 *cation (referred to in this section as the ‘Clearing-*
19 *house’). The Secretary shall award the grant or con-*
20 *tract on a competitive basis, on the basis of merit.*

21 “(2) *DURATION.*—*The grant or contract awarded*
22 *under paragraph (1) shall be awarded for a period of*
23 *5 years.*

24 “(b) *CLEARINGHOUSE.*—

1 “(1) *USE OF FUNDS.*—*An entity that receives a*
2 *grant or contract under subsection (a) shall use the*
3 *funds made available through the grant or contract*
4 *to—*

5 “(A) *maintain a permanent repository of*
6 *mathematics and science education instructional*
7 *materials and programs for elementary schools*
8 *and secondary schools, including middle schools;*

9 “(B) *compile information on all mathe-*
10 *matics and science education programs adminis-*
11 *tered by each Federal agency or department;*

12 “(C) *disseminate instructional materials,*
13 *programs, and information to the public and*
14 *dissemination networks, including information*
15 *on model engineering, science, technology, and*
16 *mathematics teacher mentoring programs;*

17 “(D) *coordinate activities with entities op-*
18 *erating identifiable databases containing mathe-*
19 *matics and science instructional materials and*
20 *programs, including Federal, non-Federal, and,*
21 *where feasible, international, databases;*

22 “(E) *gather qualitative and evaluative data*
23 *on submissions to the Clearinghouse;*

24 “(F)(i) *solicit and gather (in consultation*
25 *with the Department, national teacher associa-*

1 *tions, professional associations, and other review-*
2 *ers and developers of instructional materials and*
3 *programs) qualitative and evaluative materials*
4 *and programs, including full text and graphics,*
5 *for the Clearinghouse;*

6 “(ii) review the evaluation of the materials
7 and programs, and rank the effectiveness of the
8 materials and programs on the basis of the eval-
9 uations, except that nothing in this subpara-
10 graph shall be construed to permit the Clearing-
11 house to directly conduct an evaluation of the
12 materials or programs; and

13 “(iii) distribute to teachers, in an easily ac-
14 cessible manner, the results of the reviews (in a
15 short, standardized, and electronic format that
16 contains electronic links to an electronic version
17 of the qualitative and evaluative materials and
18 programs described in clause (i)), excerpts of the
19 materials and programs, links to Internet-based
20 sites, and information regarding on-line commu-
21 nities of persons who use the materials and pro-
22 grams; and

23 “(G) develop and establish an Internet-
24 based site offering a search mechanism to assist
25 site visitors in identifying information available

1 *through the Clearinghouse on engineering,*
2 *science, technology, and mathematics education*
3 *instructional materials and programs, including*
4 *electronic links to information on classroom*
5 *demonstrations and experiments, to teachers who*
6 *have used materials or participated in programs,*
7 *to vendors, to curricula, and to textbooks.*

8 “(2) *SUBMISSION TO CLEARINGHOUSE.*—*Each*
9 *Federal agency or department that develops mathe-*
10 *matics or science education instructional materials or*
11 *programs, including the National Science Foundation*
12 *and the Department, shall submit to the Clearing-*
13 *house copies of such materials or programs.*

14 “(3) *STEERING COMMITTEE.*—*The Secretary*
15 *may appoint a steering committee to recommend poli-*
16 *cies and activities for the Clearinghouse.*

17 “(4) *APPLICATION OF COPYRIGHT LAWS.*—*Noth-*
18 *ing in this section shall be construed to allow the use*
19 *or copying, in any medium, of any material collected*
20 *by the Clearinghouse that is protected under the copy-*
21 *right laws of the United States unless the Clearing-*
22 *house obtains the permission of the owner of the copy-*
23 *right. The Clearinghouse, in carrying out this sub-*
24 *section, shall ensure compliance with title 17, United*
25 *States Code.*

1 “(c) *APPLICATION.*—

2 “(1) *IN GENERAL.*—*To be eligible to receive a*
3 *grant or contract under subsection (a) to operate the*
4 *Clearinghouse, an entity shall submit an application*
5 *to the Secretary at such time, in such manner, and*
6 *accompanied by such information as the Secretary*
7 *may reasonably require.*

8 “(2) *PEER REVIEW.*—*The Secretary shall estab-*
9 *lish a peer review process to review the applications*
10 *and select the recipient of the award under subsection*
11 *(a).*

12 “(d) *DISSEMINATION OF INFORMATION.*—*The Sec-*
13 *retary shall disseminate information concerning the grant*
14 *or contract awarded under this section to State educational*
15 *agencies, local educational agencies, and institutions of*
16 *higher education. The information disseminated shall in-*
17 *clude examples of exemplary national programs in mathe-*
18 *matics and science instruction and information on nec-*
19 *essary technical assistance for the establishment of similar*
20 *programs.*

21 “(e) *REPORT.*—*Not later than 2 years after the date*
22 *of enactment of the Better Education for Students and*
23 *Teachers Act, the National Academy of Sciences, in con-*
24 *junction with appropriate related associations and organi-*
25 *zations, shall—*

1 *out projects to develop or redesign teacher preparation*
2 *programs to enable prospective teachers to use ad-*
3 *vanced technology effectively in their classrooms.*

4 *“(2) PERIOD OF AWARDS.—The Secretary may*
5 *award grants, contracts, or cooperative agreements*
6 *under this subpart for a period of not more than 5*
7 *years.*

8 **“SEC. 2232. ELIGIBILITY.**

9 *“(a) ELIGIBLE APPLICANTS.—In order to receive an*
10 *award under this subpart, an applicant shall be a consor-*
11 *tium that includes—*

12 *“(1) at least 1 institution of higher education*
13 *that offers a baccalaureate degree and prepares teach-*
14 *ers for their initial entry into teaching;*

15 *“(2) at least 1 State educational agency or local*
16 *educational agency; and*

17 *“(3) 1 or more entities consisting of—*

18 *“(A) an institution of higher education*
19 *(other than the institution described in para-*
20 *graph (1));*

21 *“(B) a school or department of education at*
22 *an institution of higher education;*

23 *“(C) a school or college of arts and sciences*
24 *at an institution of higher education;*

1 “(D) a professional association, foundation,
2 museum, library, for-profit business, public or
3 private nonprofit organization, community-based
4 organization, or other entity, with the capacity
5 to contribute to the technology-related reform of
6 teacher preparation programs.

7 “(b) *APPLICATION REQUIREMENTS.*—In order to re-
8 ceive an award under this subpart, an eligible applicant
9 shall submit an application to the Secretary at such time,
10 in such manner, and containing such information as the
11 Secretary may require. Such application shall include—

12 “(1) a description of the proposed project, in-
13 cluding how the project would both ensure that indi-
14 viduals participating in the project would be pre-
15 pared to use advanced technology to create learning
16 environments conducive to preparing all students, in-
17 cluding girls and students who have economic and
18 educational disadvantages, to meet challenging State
19 and local content and student performance standards
20 and to improve the ability of at least 1 participating
21 institution of higher education as described in section
22 2232(a)(1) to ensure such preparation;

23 “(2) a demonstration of—

1 “(A) the commitment, including the finan-
2 cial commitment, of each of the members of the
3 consortium for the proposed project; and

4 “(B) the active support of the leadership of
5 each organization that is a member of the con-
6 sortium for the proposed project;

7 “(3) a description of how each member of the
8 consortium will be included in project activities;

9 “(4) a description of how the proposed project
10 will be continued after Federal funds are no longer
11 awarded under this subpart; and

12 “(5) a plan for the evaluation of the project,
13 which shall include benchmarks to monitor progress
14 toward specific project objectives.

15 “(c) *MATCHING REQUIREMENTS.*—

16 “(1) *IN GENERAL.*—The Federal share of the cost
17 of any project funded under this subpart shall not ex-
18 ceed 50 percent. Except as provided in paragraph (2),
19 the non-Federal share of the cost of such project may
20 be provided in cash or in kind, fairly evaluated, in-
21 cluding services.

22 “(2) *ACQUISITION OF EQUIPMENT.*—Not more
23 than 10 percent of the funds awarded for a project
24 under this subpart may be used to acquire equipment,
25 networking capabilities, or infrastructure, and the

1 *non-Federal share of the cost of any such acquisition*
2 *shall be provided in cash.*

3 **“SEC. 2233. USE OF FUNDS.**

4 *“(a) REQUIRED USES.—A recipient of an award*
5 *under this subpart shall use funds made available under*
6 *this subpart for—*

7 *“(1) a project that creates programs that enable*
8 *prospective teachers to use advanced technology to cre-*
9 *ate learning environments conducive to preparing all*
10 *students, including girls and students who have eco-*
11 *nomical and educational disadvantages, to meet chal-*
12 *lenging State and local content and student perform-*
13 *ance standards; and*

14 *“(2) evaluating the effectiveness of the project.*

15 *“(b) PERMISSIBLE USES.—The recipient may use*
16 *funds made available under this subpart for activities, de-*
17 *scribed in the application submitted by the recipient under*
18 *this subpart, that carry out the purpose of this subpart,*
19 *such as—*

20 *“(1) developing and implementing high-quality*
21 *teacher preparation programs that enable educators*
22 *to—*

23 *“(A) learn the full range of resources that*
24 *can be accessed through the use of technology;*

1 “(B) integrate a variety of technologies into
2 the curricula and instruction in order to expand
3 students’ knowledge;

4 “(C) evaluate educational technologies and
5 their potential for use in instruction;

6 “(D) help students develop their technical
7 skills; and

8 “(E) use technology to collect, manage and
9 analyze data to inform their teaching and deci-
10 sion-making;

11 “(2) developing alternative teacher development
12 paths that provide elementary schools and secondary
13 schools with well-prepared, technology-proficient edu-
14 cators;

15 “(3) developing performance-based standards
16 and assessments aligned with the standards to meas-
17 ure the capacity of prospective teachers to use tech-
18 nology effectively in their classrooms;

19 “(4) providing technical assistance to entities
20 carrying out other teacher preparation programs;

21 “(5) developing and disseminating resources and
22 information in order to assist institutions of higher
23 education to prepare teachers to use technology effec-
24 tively in their classrooms; and

1 “(6) *subject to section 2232(c)(2), acquiring tech-*
2 *nology equipment, networking capabilities, infrastruc-*
3 *ture and software and digital curriculum to carry out*
4 *the project.*

5 **“Subpart 4—General Provisions**

6 **“SEC. 2241. CONSULTATION WITH NATIONAL SCIENCE**
7 **FOUNDATION.**

8 *“In carrying out the activities authorized by this part,*
9 *the Secretary shall consult and coordinate activities with*
10 *the Director of the National Science Foundation, particu-*
11 *larly with respect to the appropriate roles for the Depart-*
12 *ment and the Foundation in the conduct of summer work-*
13 *shops or institutes provided by the eligible partnerships to*
14 *improve mathematics and science teaching in elementary*
15 *schools and secondary schools.*

16 **“SEC. 2242. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) *GRANTS.—There are authorized to be appro-*
18 *priated to carry out subpart 1 \$900,000,000 for fiscal year*
19 *2002 and such sums as may be necessary for each of the*
20 *6 succeeding fiscal years.*

21 “(b) *CLEARINGHOUSE.—There are authorized to be ap-*
22 *propriated to carry out subpart 2 \$5,000,000 for fiscal year*
23 *2002 and such sums as may be necessary for each of the*
24 *6 succeeding fiscal years.*

1 “(c) *TECHNOLOGY PREPARATION.*—*There are author-*
2 *ized to be appropriated to carry out subpart 3 \$150,000,000*
3 *for fiscal year 2002 and such sums as may be necessary*
4 *for each of the 6 succeeding fiscal years.*

5 **“PART C—STATE AND LOCAL PROGRAMS FOR**
6 **TECHNOLOGY USE IN CLASSROOMS**

7 **“SEC. 2301. PURPOSE; GOAL.**

8 “(a) *PURPOSE.*—*The purpose of this part is to support*
9 *a comprehensive system to effectively use technology in ele-*
10 *mentary and secondary schools to improve student aca-*
11 *demic achievement and performance.*

12 “(b) *GOAL.*—*A goal of this part shall also be to assist*
13 *every student in crossing the digital divide by ensuring that*
14 *every child is technologically literate by the time the child*
15 *finishes the 8th grade, regardless of the child’s race, eth-*
16 *nicity, gender, income, geography, or disability. It shall be*
17 *a further goal of this part to encourage the effective integra-*
18 *tion of technology resources and systems with teacher train-*
19 *ing and curriculum development to establish research-based*
20 *methods that can be widely implemented into best practices*
21 *by State and local educational agencies.*

22 **“SEC. 2302. DEFINITIONS.**

23 *“In this part:*

24 “(1) *ADULT EDUCATION.*—*The term ‘adult edu-*
25 *cation’ has the meaning given the term in section*

1 312(2) of the Adult Education Act (20 U.S.C.
2 1201a(2)).

3 “(2) *ALL STUDENTS*.—The term ‘all students’
4 means students from a broad range of backgrounds
5 and circumstances, including disadvantaged students,
6 students with diverse racial, ethnic, and cultural
7 backgrounds, students with disabilities, students with
8 limited English proficiency, and academically tal-
9 ented students.

10 “(3) *CHILD IN POVERTY*.—The term ‘child in
11 poverty’ means a child from a family with a family
12 income below the poverty line (as defined in section
13 2102).

14 “(4) *INFORMATION INFRASTRUCTURE*.—The term
15 ‘information infrastructure’ means a network of com-
16 munication systems designed to exchange information
17 among all citizens and residents of the United States.

18 “(5) *INTEROPERABLE; INTEROPERABILITY*.—The
19 terms ‘interoperable’ and ‘interoperability’ mean the
20 ability to exchange data easily with, and connect to,
21 other hardware and software in order to provide the
22 greatest accessibility for all students and other users.

23 “(6) *PUBLIC TELECOMMUNICATIONS ENTITY*.—
24 The term ‘public telecommunications entity’ has the

1 *meaning given the term in section 397(12) of the*
2 *Communications Act of 1934 (47 U.S.C. 397(12)).*

3 “(7) *STATE EDUCATIONAL AGENCY.*—*The term*
4 *‘State educational agency’ includes the Bureau of In-*
5 *Indian Affairs for purposes of serving schools funded by*
6 *the Bureau of Indian Affairs in accordance with this*
7 *part.*

8 “(8) *STATE LIBRARY ADMINISTRATIVE AGEN-*
9 *CY.*—*The term ‘State library administrative agency’*
10 *has the meaning given the term in section 213(5) of*
11 *the Library Services and Technology Act (20 U.S.C.*
12 *9122(5)).*

13 **“SEC. 2303. ALLOTMENT AND REALLOTMENT.**

14 “(a) *LIMITATION.*—

15 “(1) *IN GENERAL.*—*From funds appropriated*
16 *under this part, the Secretary shall reserve such sums*
17 *as may be necessary for grants awarded under section*
18 *3136 and teacher training in technology under section*
19 *3122 prior to the date of enactment of the Better Edu-*
20 *cation for Students and Teacher Act.*

21 “(2) *BUREAU OF INDIAN AFFAIRS FUNDED*
22 *SCHOOLS.*—*From funds appropriated under this part,*
23 *the Secretary shall reserve 0.75 percent of such funds*
24 *for Bureau of Indian Affairs funded schools. Not later*
25 *than 6 months after the date of enactment of the Bet-*

1 *ter Education for Students and Teacher Act, the Sec-*
2 *retary of the Interior shall establish rules for distrib-*
3 *uting such funds in accordance with a formula devel-*
4 *oped by the Secretary of the Interior, in consultation*
5 *with school boards of Bureau of Indian Affairs funded*
6 *schools taking into consideration whether a minimum*
7 *amount is needed to ensure small schools can utilize*
8 *funding effectively.*

9 “(b) *ALLOTMENT.*—

10 “(1) *IN GENERAL.*—*Except as provided in para-*
11 *graph (2), each State educational agency shall be eli-*
12 *gible to receive a grant under this part for a fiscal*
13 *year in an amount which bears the same relationship*
14 *to the amount made available under section 2312 for*
15 *such year as the amount such State received under*
16 *part A of title I for such year bears to the amount*
17 *received for such year under such part by all States.*

18 “(2) *MINIMUM.*—*No State educational agency*
19 *shall be eligible to receive a grant under paragraph*
20 *(1) in any fiscal year in an amount which is less*
21 *than 1/2 of 1 percent of the amount made available*
22 *under section 2312 for such year.*

23 “(c) *REALLOTMENT OF UNUSED FUNDS.*—

24 “(1) *IN GENERAL.*—*The amount of any State*
25 *educational agency’s allotment under subsection (b)*

1 *for any fiscal year which the State determines will*
2 *not be required for such fiscal year to carry out this*
3 *part shall be available for reallocation from time to*
4 *time, on such dates during such year as the Secretary*
5 *may determine, to other State educational agencies in*
6 *proportion to the original allotments to such State*
7 *educational agencies under subsection (b) for such*
8 *year, but with such proportionate amount for any of*
9 *such other State educational agencies being reduced to*
10 *the extent such amount exceeds the sum the State esti-*
11 *mates such State needs and will be able to use for*
12 *such year.*

13 “(2) *OTHER REALLOTMENTS.*—*The total of re-*
14 *ductions under paragraph (1) shall be similarly real-*
15 *located among the State educational agencies whose*
16 *proportionate amounts were not so reduced. Any*
17 *amounts reallocated to a State educational agency*
18 *under this subsection during a year shall be deemed*
19 *a subpart of such agency’s allotment under subsection*
20 *(b) for such year.*

21 **“SEC. 2304. TECHNOLOGY GRANTS.**

22 “(a) *GRANTS TO STATES.*—

23 “(1) *IN GENERAL.*—*From amounts made avail-*
24 *able under section 2303, the Secretary, through the*
25 *Office of Educational Technology, shall award grants*

1 to State educational agencies having applications ap-
2 proved under section 2305. The Secretary shall give
3 priority when awarding grants under this paragraph
4 to State educational agencies whose applications sub-
5 mitted under section 2305 outline a strategy to carry
6 out part E.

7 “(2) USE OF GRANTS.—

8 “(A) AWARD TO AGENCIES.—Each State
9 educational agency receiving a grant under
10 paragraph (1) shall use such grant funds to
11 award grants, on a competitive basis, to local
12 educational agencies to enable such local edu-
13 cational agencies to carry out the activities de-
14 scribed in section 2306.

15 “(B) SUFFICIENCY.—In awarding grants
16 under subparagraph (A), each State educational
17 agency shall ensure that each such grant is of
18 sufficient duration, and of sufficient size, scope,
19 and quality, to carry out the purposes of this
20 part effectively.

21 “(C) PRIORITY.—In awarding the grants,
22 each State educational agency shall give priority
23 to the local educational agencies serving the
24 school districts that have the highest number or
25 percentage of children in poverty and have a

1 *substantial demonstrated need for assistance in*
2 *acquiring and integrating technology.*

3 “(D) *DISTRIBUTION.*—*In awarding the*
4 *grants, each State educational agency shall as-*
5 *sure an equitable distribution of assistance under*
6 *this part among urban and rural areas of the*
7 *State, according to the demonstrated need of the*
8 *local educational agencies serving the areas.*

9 “(b) *TECHNICAL ASSISTANCE.*—*Each State edu-*
10 *cational agency receiving a grant under subsection (a)*
11 *shall—*

12 “(1) *identify the local educational agencies*
13 *served by the State educational agency that—*

14 “(A) *have the highest number or percentage*
15 *of children in poverty; and*

16 “(B) *demonstrate to such State educational*
17 *agency the greatest need for technical assistance*
18 *in developing the application under 2307; and*

19 “(2) *offer such technical assistance to such local*
20 *educational agencies.*

21 **“SEC. 2305. STATE APPLICATION.**

22 *“To receive a grant under this part, each State edu-*
23 *cational agency shall submit an application to the Sec-*
24 *retary at such time, in such manner, and accompanied by*
25 *such information as the Secretary may reasonably require,*

1 *including a systemic statewide educational technology plan*
2 *that—*

3 “(1) *outlines the long-term strategies for improv-*
4 *ing student performance, academic achievement, and*
5 *technology literacy, through the effective use of tech-*
6 *nology in classrooms throughout the State, including*
7 *through improving the capacity of teachers to effec-*
8 *tively integrate technology into the curricula and in-*
9 *struction;*

10 “(2) *outlines how the plan incorporates—*

11 “(A) *teacher education and professional de-*
12 *velopment;*

13 “(B) *curricular development; and*

14 “(C) *technology resources and systems for*
15 *the purpose of establishing best practices that*
16 *can be widely implemented by State and local*
17 *educational agencies;*

18 “(3) *outlines the strategies for increasing paren-*
19 *tal involvement in schools through the effective use of*
20 *technology;*

21 “(4) *outlines long-term strategies for financing*
22 *technology education in the State to ensure all stu-*
23 *dents, teachers, and classrooms will have access to*
24 *technology, describes how the State will use funds pro-*
25 *vided under this part to help ensure such access, and*

1 *describes how business, industry, and other public*
2 *and private agencies, including libraries, library lit-*
3 *eracy programs, and institutions of higher education,*
4 *can participate in the implementation, ongoing plan-*
5 *ning, and support of the plan;*

6 *“(5) contains an assurance that the State edu-*
7 *cational agency will comply with section 6 (regarding*
8 *participation by private school children and teach-*
9 *ers);*

10 *“(6) provides assurance that financial assistance*
11 *provided under this part shall supplement, not sup-*
12 *plant, State and local funds;*

13 *“(7) meets such other criteria as the Secretary*
14 *may establish in order to enable such agency to pro-*
15 *vide assistance to local educational agencies that have*
16 *the highest numbers or percentages of children in pov-*
17 *erty and demonstrate the greatest need for technology,*
18 *in order to enable such local educational agencies, for*
19 *the benefit of school sites served by such local edu-*
20 *cational agencies, to improve student academic*
21 *achievement and student performance; and*

22 *“(8) outlines how the plan incorporates—*

23 *“(A) teacher education and professional de-*
24 *velopment;*

25 *“(B) curricular development; and*

1 “(C) *technology resources and systems for*
2 *the purpose of establishing best practices that*
3 *can be widely implemented by the State and*
4 *local educational agencies.*

5 **“SEC. 2306. LOCAL USES OF FUNDS.**

6 “(a) *IN GENERAL.—Each local educational agency, to*
7 *the extent possible, shall use the funds made available under*
8 *section 2304(a)(2) for—*

9 “(1) *acquiring, adapting, expanding, imple-*
10 *menting and maintaining existing and new applica-*
11 *tions of technology, to support the school reform effort,*
12 *improve student academic achievement, performance,*
13 *and technology literacy;*

14 “(2) *providing ongoing professional development*
15 *in the integration of quality educational technologies*
16 *into school curriculum;*

17 “(3) *acquiring connectivity linkages, resources,*
18 *and services, including the acquisition of hardware*
19 *and software, for use by teachers, students, academic*
20 *counselors, and school library media personnel in the*
21 *classroom, in academic and college counseling centers,*
22 *or in school library media centers, in order to im-*
23 *prove student academic achievement and student per-*
24 *formance;*

1 “(4) acquiring connectivity with wide area net-
2 works for purposes of accessing information, edu-
3 cational programming sources and professional devel-
4 opment, particularly with institutions of higher edu-
5 cation and public libraries;

6 “(5) providing educational services for adults
7 and families;

8 “(6) repairing and maintaining school tech-
9 nology equipment;

10 “(7) acquiring, expanding, and implementing
11 technology to collect, manage, and analyze data, in-
12 cluding student achievement data, to inform teaching,
13 decision-making, and school improvement efforts, in-
14 cluding the training of teachers and administrators;

15 “(8) using technology to promote parent and
16 family involvement and support communications be-
17 tween parents, teachers, and students; and

18 “(9) acquiring connectivity linkages, resources,
19 and services, including the acquisition of hardware
20 and software, for use by teachers, students, academic
21 counselors, and school library media personnel in the
22 classroom, in academic and college counseling centers,
23 or in school library media centers, in order to im-
24 prove student academic achievement and student per-
25 formance.

1 “(b) *ALLOWABLE USES OF FUNDS.*—Each local edu-
2 *cational agency may use the funds made available under*
3 *section 2304(a)(2) for—*

4 “(1) *utilizing technology to develop or expand ef-*
5 *forts to connect schools and teachers with parents to*
6 *promote meaningful parental involvement and foster*
7 *increased communication about curriculum, assign-*
8 *ments, and assessments; and*

9 “(2) *providing support to help parents under-*
10 *stand the technology being applied in their child’s*
11 *education so that parents are able to reinforce their*
12 *child’s learning.*

13 “(c) *SPECIAL RULE.*—A local educational agency re-
14 *ceiving a grant under this part shall use at least 30 percent*
15 *of allocated funds for professional development.*

16 **“SEC. 2307. LOCAL APPLICATION.**

17 “(a) *APPLICATION.*—Each local educational agency
18 *desiring assistance from a State educational agency under*
19 *section 2304(a)(2) shall submit an application, consistent*
20 *with the objectives of the systemic statewide plan, to the*
21 *State educational agency at such time, in such manner, and*
22 *accompanied by such information as the State educational*
23 *agency may reasonably require. Such application, at a*
24 *minimum, shall include an updated version of a strategic,*
25 *long-range plan (3 to 5 years) that includes—*

1 “(1) a description of how the activities to be car-
2 ried out by the local educational agency under this
3 part will be based on a review of relevant research
4 and an explanation of why the activities are expected
5 to improve student achievement, and technology lit-
6 eracy;

7 “(2) an explanation of how the acquired tech-
8 nologies will be integrated into the curriculum to help
9 the local educational agency improve student aca-
10 ademic achievement, student performance, and teach-
11 ing;

12 “(3) a description of how the local educational
13 agency will ensure the effective use of technology to
14 promote parental involvement and increase commu-
15 nication with parents;

16 “(4) a description of how parents will be in-
17 formed of the use of technologies so that the parents
18 are able to reinforce at home the instruction their
19 child receives at school;

20 “(5) a description of the type of technologies to
21 be acquired, including services, software, and digital
22 curricula, including specific provisions for interoper-
23 ability among components of such technologies;

24 “(6) a description of how the local educational
25 agency will ensure ongoing, sustained professional de-

1 *velopment for teachers, administrators, and school li-*
2 *brary media personnel served by the local educational*
3 *agency to further the effective use of technology in the*
4 *classroom or library media center, including a list of*
5 *those entities that will partner with the local edu-*
6 *cational agency in providing ongoing sustained pro-*
7 *fessional development;*

8 *“(7) the projected cost of technologies to be ac-*
9 *quired and related expenses needed to implement the*
10 *plan;*

11 *“(8) a description of how the local educational*
12 *agency will coordinate the technology provided pursu-*
13 *ant to this part with other grant funds available for*
14 *technology from other Federal, State, and local*
15 *sources;*

16 *“(9) a description of a process for the ongoing*
17 *evaluation of how technologies acquired under this*
18 *part will be integrated into the school curriculum and*
19 *will affect technology literacy, student academic*
20 *achievement, and performance, as related to chal-*
21 *lenging State content standards and State student*
22 *performance standards in all subjects;*

23 *“(10) a description of how the local educational*
24 *agency will comply with section 6 (regarding partici-*
25 *pation by private school children and teachers); and*

1 “(11) a description of the evaluation plan that
2 the local educational agency will carry out pursuant
3 to section 2308(a).

4 “(b) *FORMATION OF CONSORTIA.*—A local educational
5 agency for any fiscal year may apply for financial assist-
6 ance as part of a consortium with other local educational
7 agencies, institutions of higher education, intermediate edu-
8 cational units, libraries, or other educational entities ap-
9 propriate to provide local programs. The State educational
10 agency may assist in the formation of consortia among local
11 educational agencies, providers of educational services for
12 adults and families, institutions of higher education, inter-
13 mediate educational units, libraries, or other appropriate
14 educational entities to provide services for the teachers and
15 students in a local educational agency at the request of such
16 local educational agency.

17 “(c) *COORDINATION OF APPLICATION REQUIRE-*
18 *MENTS.*—If a local educational agency submitting an ap-
19 plication for assistance under this section has developed a
20 comprehensive education improvement plan, the State edu-
21 cational agency may approve such plan, or a component
22 of such plan if the State educational agency determines that
23 such approval would further the purposes of this part.

1 **“SEC. 2308. ACCOUNTABILITY.**

2 “(a) *EVALUATION PLAN.*—*Each local educational*
3 *agency receiving funds under this part shall establish and*
4 *include in the agency’s application submitted under section*
5 *2307 an evaluation plan that requires evaluation of the*
6 *agency and the schools served by the agency with respect*
7 *to strong performance objectives and other measures*
8 *concerning—*

9 “(1) *increased professional development and in-*
10 *creased effective use of technology in educating stu-*
11 *dents;*

12 “(2) *increased technology literacy;*

13 “(3) *increased access to technology in the class-*
14 *room, especially in low-income schools; and*

15 “(4) *other indicators reflecting increased student*
16 *academic achievement or student performance, as a*
17 *result of technology.*

18 “(b) *REPORT.*—*Each local educational agency receiv-*
19 *ing a grant under this part shall annually prepare and*
20 *submit to the State educational agency a report regarding*
21 *the progress of the local educational agency and the schools*
22 *served by the local educational agency toward achieving the*
23 *purposes of this part and meeting the performance objectives*
24 *and measures described in this section.*

25 “(c) *SANCTION.*—*If after 3 years, the local educational*
26 *agency does not show measurable improvements, the local*

1 *educational agency shall not receive funds for the remaining*
2 *grant years.*

3 “(d) *ASSISTANCE.*—*The State educational agency shall*
4 *provide technical assistance to the local educational agency*
5 *to assist them in meeting the performance objectives and*
6 *measures described in this section.*

7 **“SEC. 2309. NATIONAL EVALUATION OF TECHNOLOGY**
8 **PLANS.**

9 “*Not later than 36 months after the date of enactment*
10 *of this title, the Secretary, in consultation with other Fed-*
11 *eral departments or agencies, State and local educational*
12 *practitioners, and policy makers, including teachers, prin-*
13 *cipals and superintendents, and experts in technology and*
14 *the application of technology to education, shall report to*
15 *Congress on best practices in implementing technology effec-*
16 *tively consistent with the provisions of section 2305(2). The*
17 *report shall include recommendations for revisions to the*
18 *National Education Technology Plan for the purpose of es-*
19 *tablishing best practices that can be widely implemented*
20 *by State and local educational agencies.*

21 **“SEC. 2310. NATIONAL EDUCATION TECHNOLOGY PLAN.**

22 “(a) *IN GENERAL.*—*Not later than 12 months after the*
23 *date of enactment of this section, the Secretary shall prepare*
24 *the national long-range plan that supports the overall na-*

1 *tional technology policy. The Secretary shall update such*
2 *plan periodically when appropriate.*

3 “(b) *CONSULTATION.*—*In preparing the plan described*
4 *in subsection (a), the Secretary shall consult with other*
5 *Federal departments or agencies, State and local education*
6 *practitioners, and policymakers, including teachers, prin-*
7 *cipals, and superintendents, experts in technology and the*
8 *applications of technology to education, representatives of*
9 *distance learning consortia, representatives of telecommuni-*
10 *cations partnerships receiving assistance under the Star*
11 *Schools Act or the Technology Challenge Fund program,*
12 *and providers of technology services and products.*

13 “(c) *SUBMISSION; PUBLICATION.*—*Upon completion of*
14 *the plan described in subsection (a), the Secretary shall—*

15 “(1) *submit such plan to the President and to*
16 *the appropriate committees of Congress; and*

17 “(2) *publish such plan in a form that is readily*
18 *accessible to the public, including on the Internet.*

19 “(d) *CONTENT OF THE PLAN.*—*The plan described in*
20 *subsection (a) shall describe the following:*

21 “(1) *EFFECTIVE USE.*—*The plan shall describe*
22 *the manner in which the Secretary will encourage the*
23 *effective use of technology to provide all students the*
24 *opportunity to achieve challenging State academic*
25 *content standards and challenging State student per-*

1 *formance standards, especially through programs ad-*
2 *ministered by the Department.*

3 “(2) *JOINT ACTIVITIES.*—*The plan shall describe*
4 *joint activities in support of the overall national tech-*
5 *nology policy to be carried out with other Federal de-*
6 *partments or agencies, such as the Office of Science*
7 *and Technology Policy, the National Endowment for*
8 *the Humanities, the National Endowment for the*
9 *Arts, the National Institute for Literacy, the National*
10 *Aeronautics and Space Administration, the National*
11 *Science Foundation, the Bureau of Indian Affairs,*
12 *and the Departments of Commerce, Energy, Health*
13 *and Human Services, and Labor—*

14 “(A) *to promote the use of technology in*
15 *education, training, and lifelong learning, in-*
16 *cluding plans for the educational uses of a na-*
17 *tional information infrastructure; and*

18 “(B) *to ensure that the policies and pro-*
19 *grams of such departments or agencies facilitate*
20 *the use of technology for educational purposes, to*
21 *the extent feasible.*

22 “(3) *COLLABORATION.*—*The plan shall describe*
23 *the manner in which the Secretary will work with*
24 *educators, State and local educational agencies, and*
25 *appropriate representatives of the private sector, in-*

1 *cluding the Universal Service Administrative Com-*
2 *pany, to facilitate the effective use of technology in*
3 *education.*

4 “(4) *PROMOTING ACCESS.*—*The plan shall de-*
5 *scribe the manner in which the Secretary will*
6 *promote—*

7 “(A) *higher academic achievement and per-*
8 *formance of all students through the integration*
9 *of technology into the curriculum;*

10 “(B) *increased access to the benefits of tech-*
11 *nology for teaching and learning for schools with*
12 *a high number or percentage of children from*
13 *low-income families;*

14 “(C) *the use of technology to assist in the*
15 *implementation of State systemic reform strate-*
16 *gies;*

17 “(D) *the application of technological ad-*
18 *vances to use in improving educational opportu-*
19 *nities;*

20 “(E) *increased access to high quality adult*
21 *and family education services through the use of*
22 *technology for instruction and professional devel-*
23 *opment;*

24 “(F) *increased parental involvement in*
25 *schools through the use of technology; and*

1 “(G) increased opportunities for the profes-
2 sional development of teachers in the use of new
3 technologies.

4 “(5) *EXCHANGE*.—The plan shall describe the
5 manner in which the Secretary will promote the ex-
6 change of information among States, local edu-
7 cational agencies, schools, consortia, and other entities
8 concerning the conditions and practices that support
9 effective use of technology in improving teaching and
10 student educational opportunities, academic achieve-
11 ment, and technology literacy.

12 “(6) *GOALS*.—The plan shall describe the Sec-
13 retary’s long-range measurable goals and objectives
14 relating to the purposes of this part.

15 **“SEC. 2311. NATIONAL TECHNOLOGY INITIATIVES.**

16 “(a) *IN GENERAL*.—The Secretary shall establish a
17 program to identify and disseminate the practices under
18 which technology is effectively integrated into education to
19 enhance teaching and learning and to improve student
20 achievement, performance and technology literacy.

21 “(b) *USE OF FUNDS*.—In carrying out the program
22 established under subsection (a), the Secretary shall—

23 “(1) conduct, through the Office of Educational
24 Research and Improvement, in consultation with the

1 *Office of Educational Technology, an independent,*
2 *longitudinal study on—*

3 *“(A) the conditions and practices under*
4 *which educational technology is effective in in-*
5 *creasing student academic achievement; and*

6 *“(B) the conditions and practices that in-*
7 *crease the ability of teachers to effectively inte-*
8 *grate technology into the curricula and instruc-*
9 *tion, enhance the learning environment and op-*
10 *portunities, and increase student performance,*
11 *technology literacy, and related 21st century*
12 *skills; and*

13 *“(2) make widely available, including through*
14 *dissemination on the Internet and to all State edu-*
15 *cational agencies and other grantees under this sec-*
16 *tion, the findings identified through the activities of*
17 *this section regarding the conditions and practices*
18 *under which education technology is effective.*

19 **“SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.**

20 *“(a) IN GENERAL.—There are authorized to be appro-*
21 *priated to carry out this part \$1,000,000,000 for fiscal year*
22 *2002 and such sums as may be necessary for each of the*
23 *6 succeeding fiscal years.*

24 *“(b) LIMITATION.—Not more than 5 percent of the*
25 *funds made available to a recipient under this part for any*

1 *fiscal year may be used by such recipient for administrative*
 2 *costs or technical assistance.*

3 “(c) *FUNDING FOR NATIONAL TECHNOLOGY INITIA-*
 4 *TIVES.—Not more than .5 percent of the funds appropriated*
 5 *under subsection (a) may be used for the activities of the*
 6 *Secretary under section 2311.”*

7 **SEC. 202. TEACHER MOBILITY.**

8 (a) *SHORT TITLE.—This section may be cited as the*
 9 *“Teacher Mobility Act”.*

10 (b) *MOBILITY OF TEACHERS.—Title II of the Elemen-*
 11 *tary and Secondary Education Act of 1965 (20 U.S.C. 6601*
 12 *et seq.), as amended by section 201, is further amended by*
 13 *adding at the end the following:*

14 **“PART D—TEACHER MOBILITY**

15 **“SEC. 2401. NATIONAL PANEL ON TEACHER MOBILITY.**

16 “(a) *ESTABLISHMENT.—There is established a panel*
 17 *to be known as the National Panel on Teacher Mobility (re-*
 18 *ferred to in this section as the ‘panel’).*

19 “(b) *MEMBERSHIP.—The panel shall be composed of*
 20 *9 members appointed by the Secretary. The Secretary shall*
 21 *appoint the members from among practitioners and experts*
 22 *with experience relating to teacher mobility, such as teach-*
 23 *ers, members of teacher certification or licensing bodies, fac-*
 24 *ulty of institutions of higher education that prepare teach-*
 25 *ers, and State policymakers with such experience.*

1 “(c) *PERIOD OF APPOINTMENT; VACANCIES.*—Members
2 shall be appointed for the life of the panel. Any vacancy
3 in the panel shall not affect the powers of the panel, but
4 shall be filled in the same manner as the original appoint-
5 ment.

6 “(d) *DUTIES.*—

7 “(1) *STUDY.*—

8 “(A) *IN GENERAL.*—The panel shall study
9 strategies for increasing mobility and employ-
10 ment opportunities for high quality teachers, es-
11 pecially for States with teacher shortages and
12 States with districts or schools that are difficult
13 to staff.

14 “(B) *DATA AND ANALYSIS.*—As part of the
15 study, the panel shall evaluate the desirability
16 and feasibility of State initiatives that support
17 teacher mobility by collecting data and con-
18 ducting effective analysis on—

19 “(i) teacher supply and demand;

20 “(ii) the development of recruitment
21 and hiring strategies that support teachers;
22 and

23 “(iii) increasing reciprocity of licenses
24 across States.

1 “(2) *REPORT.*—Not later than 1 year after the
2 date on which all members of the panel have been ap-
3 pointed, the panel shall submit to the Secretary and
4 to the appropriate committees of Congress a report
5 containing the results of the study.

6 “(e) *POWERS.*—

7 “(1) *HEARINGS.*—The panel may hold such
8 hearings, sit and act at such times and places, take
9 such testimony, and receive such evidence as the panel
10 considers advisable to carry out the objectives of this
11 section.

12 “(2) *INFORMATION FROM FEDERAL AGENCIES.*—
13 The panel may secure directly from any Federal de-
14 partment or agency such information as the panel
15 considers necessary to carry out the provisions of this
16 section. Upon request of a majority of the members of
17 the panel, the head of such department or agency
18 shall furnish such information to the panel.

19 “(3) *POSTAL SERVICES.*—The panel may use the
20 United States mails in the same manner and under
21 the same conditions as other departments and agen-
22 cies of the Federal Government.

23 “(f) *PERSONNEL.*—

24 “(1) *TRAVEL EXPENSES.*—The members of the
25 panel shall not receive compensation for the perform-

1 *ance of services for the panel, but shall be allowed*
2 *travel expenses, including per diem in lieu of subsist-*
3 *ence, at rates authorized for employees of agencies*
4 *under subchapter I of chapter 57 of title 5, United*
5 *States Code, while away from their homes or regular*
6 *places of business in the performance of services for*
7 *the panel. Notwithstanding section 1342 of title 31,*
8 *United States Code, the Secretary may accept the vol-*
9 *untary and uncompensated services of members of the*
10 *panel.*

11 “(2) *DETAIL OF GOVERNMENT EMPLOYEES.—*
12 *Any Federal Government employee may be detailed to*
13 *the panel without reimbursement, and such detail*
14 *shall be without interruption or loss of civil service*
15 *status or privilege.*

16 “(g) *PERMANENT COMMITTEE.—Section 14 of the Fed-*
17 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
18 *apply to the panel.*

19 “(h) *AUTHORIZATION OF APPROPRIATIONS.—*

20 “(1) *IN GENERAL.—There is authorized to be ap-*
21 *propriated to carry out this section such sums as may*
22 *be necessary for fiscal year 2002.*

23 “(2) *AVAILABILITY.—Any sums appropriated*
24 *under the authorization contained in this subsection*

1 *shall remain available, without fiscal year limitation,*
2 *until expended.”.*

3 **SEC. 203. MODIFICATION OF TROOPS-TO-TEACHERS PRO-**
4 **GRAM.**

5 (a) *PURPOSE.*—*The purpose of this section is to au-*
6 *thorize a mechanism for the funding and administration*
7 *of the Troops-to-Teachers Program established by the*
8 *Troops-to-Teachers Program Act of 1999 (title XVII of the*
9 *National Defense Authorization Act for Fiscal Year 2000).*

10 (b) *DEFINITIONS.*—*Section 1701 of the Troops-to-*
11 *Teachers Program Act of 1999 (20 U.S.C. 9301) is*
12 *amended—*

13 (1) *in subsection (b)—*

14 (A) *in paragraph (1), by striking “means”*
15 *and all that follows and inserting “means the*
16 *Secretary of Education”;*

17 (B) *by striking paragraph (2);*

18 (C) *by redesignating paragraphs (3) and*
19 *(4), as paragraphs (2) and (3), respectively; and*

20 (D) *in paragraph (2) (as so redesignated),*
21 *by inserting before the period the following: “and*
22 *active and former members of the Coast Guard”;*
23 *and*

24 (2) *by adding at the end the following:*

1 “(c) *ADMINISTRATION.*—*To the extent that funds are*
2 *made available under this title, the administering Secretary*
3 *shall use such funds to enter into a memorandum of agree-*
4 *ment with the Defense Activity for Non-Traditional Edu-*
5 *cation Support (referred to in this subsection as*
6 *‘DANTES’), of the Department of Defense. DANTES shall*
7 *use amounts made available under the memorandum of*
8 *agreement to administer the Troops-to-Teachers Program,*
9 *including the selection of participants in the Program in*
10 *accordance with section 1704. The administering Secretary*
11 *may retain a portion of the funds to identify local edu-*
12 *cational agencies with concentrations of children from low-*
13 *income families or with teacher shortages and States with*
14 *alternative certification or licensure requirements, as re-*
15 *quired by section 1702.”.*

16 (c) *AUTHORIZATION.*—*Section 1702 of the Troops-to-*
17 *Teachers Program Act of 1999 (20 U.S.C. 9302) is*
18 *amended—*

19 (1) *in subsection (a)—*

20 (A) *in paragraph (1)—*

21 (i) *by striking “after their discharge or*
22 *release, or retirement,” and insert “who re-*
23 *tire”;* and

24 (ii) *by striking “and” at the end;*

1 (B) by redesignating paragraph (2) as
2 paragraph (3); and

3 (C) by inserting after paragraph (1), the
4 following:

5 “(2) to assist members of the active reserve forces
6 to obtain certification or licensure as elementary or
7 secondary school teachers or as vocational or technical
8 teachers; and”;

9 (2) by adding at the end the following:

10 “(e) FUNDING.—The administering Secretary shall
11 provide appropriate funds to the Secretary of Defense to
12 enable the Secretary of Defense to manage and operate the
13 Troops-to-Teachers Program.”.

14 (d) ELIGIBLE MEMBERS.—Section 1703 of the Troops-
15 to-Teachers Program Act of 1999 (20 U.S.C. 9303) is
16 amended—

17 (1) by striking subsection (a) and inserting the
18 following:

19 “(a) ELIGIBLE MEMBERS.—Subject to subsection (c),
20 any member of the Armed Forces who, during the period
21 beginning on October 1, 2000, and ending on September
22 30, 2006, retired from the active duty or who is a member
23 of the active reserve and who satisfies such other criteria
24 for the selection as the administering Secretary may re-

1 *quire, shall be eligible for selection to participate in the*
2 *Troops-to-Teachers Program.”; and*

3 *(2) in subsection (d)—*

4 *(A) by striking “(1) The administering Sec-*
5 *retary” and inserting “Secretary of Defense”;*

6 *and*

7 *(B) by striking paragraph (2); and*

8 *(3) by adding at the end the following:*

9 *“(e) PLACEMENT ASSISTANCE AND REFERRAL SERV-*
10 *ICES.—The administering Secretary may, with the agree-*
11 *ment of the Secretary of Defense, provide placement assist-*
12 *ance and referral services to members of the Armed Forces*
13 *who separated from active duty under honorable cir-*
14 *cumstances. Such members shall meet education qualifica-*
15 *tion requirements under subsection (b). Such members shall*
16 *not be eligible for financial assistance under subsections (a)*
17 *and (b) of section 1705.”.*

18 *(e) SELECTION OF PARTICIPANTS.—Section 1704 of*
19 *the Troops-to-Teachers Program Act of 1999 (20 U.S.C.*
20 *9304) is amended—*

21 *(1) in subsection (a), by striking “on a timely*
22 *basis”;*

23 *(2) by striking subsection (b);*

24 *(3) in subsection (e)—*

1 (A) in the matter preceding paragraph (1),
2 by inserting “and receives financial assistance”
3 after “Program”; and

4 (B) in paragraph (2), by striking “four
5 school” and all that follows and inserting “three
6 school years with a local educational agency, ex-
7 cept that the Secretary of Defense may waive the
8 3 year commitment if the Secretary determines
9 such waiver to be appropriate.”;

10 (4) in subsection (f), by striking “subsection (e)”
11 and inserting “subsection (d)”; and

12 (5) by redesignating subsections (c) through (f)
13 as subsection (b) through (e), respectively.

14 (f) *STIPENDS AND BONUSES*.—Section 1705 of the
15 *Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9305)*
16 *is amended—*

17 (1) in subsection (a)—

18 (A) by striking “(1) Subject” and inserting
19 “Subject”; and

20 (B) by striking paragraph (2);

21 (2) in subsection (b)—

22 (A) by striking paragraph (2);

23 (B) in paragraph (3)—

24 (i) by striking subparagraphs (A)
25 through (D) and inserting the following:

1 “(A) *The school is in a low-income school*
2 *district as defined by the administering Sec-*
3 *retary.*”; and

4 (ii) *by redesignating subparagraphs*
5 *(E) and (F), as subparagraphs (B) and (C),*
6 *respectively; and*

7 (C) *by redesignating paragraph (3) as*
8 *paragraph (2); and*
9 (3) *in subsection (d)—*

10 (A) *by striking “four years” each place that*
11 *such appears and inserting “three years”; and*

12 (B) *in paragraph (2), by striking “1704(e)”*
13 *and inserting “1704(d)”.*

14 (g) *PARTICIPATION BY STATES.—Section 1706(b) of*
15 *the Troops-to-Teachers Program Act of 1999 (20 U.S.C.*
16 *9306(b)) is amended—*

17 (1) *by striking “(1) Subject to paragraph (2),*
18 *the” and inserting “The”; and*

19 (2) *by striking paragraph (2).*

20 (h) *SUPPORT OF TEACHER CERTIFICATION PRO-*
21 *GRAMS.—The Troops-to-Teachers Program Act of 1999 (20*
22 *U.S.C. 9301 et seq.) is amended by striking 1707 through*
23 *1709 and inserting the following:*

1 **“SEC. 1707. SUPPORT OF INNOVATIVE, PRE-RETIREMENT**
2 **TEACHER CERTIFICATION PROGRAMS.**

3 “(a) *IN GENERAL.*—*The administering Secretary may*
4 *enter into a memorandum of agreements with institutions*
5 *of higher education to develop, implement, and demonstrate*
6 *teacher certification programs for pre-retirement military*
7 *personnel for the purpose of preparing such personnel to*
8 *transition to teaching as a second career. Such program*
9 *shall—*

10 “(1) *provide for the recognition of military expe-*
11 *rience and training as related to licensure or certifi-*
12 *cation requirements;*

13 “(2) *provide courses of instruction that may be*
14 *provided at military installations;*

15 “(3) *incorporate alternative approaches to*
16 *achieve teacher certification such as innovative meth-*
17 *ods to gaining field based teaching experiences, and*
18 *assessments of background and experience as related*
19 *to skills, knowledge and abilities required of elemen-*
20 *tary or secondary school teachers; and*

21 “(4) *provide for the delivery of courses through*
22 *distance education methods.*

23 “(b) *APPLICATIONS PROCEDURES.*—

24 “(1) *IN GENERAL.*—*An institution of higher edu-*
25 *cation, or a consortia of such institutions, that desires*
26 *to enter into an memorandum under subsection (a)*

1 *shall prepare and submit to the administering Sec-*
2 *retary a proposal, at such time, in such manner, and*
3 *containing such information as the administering*
4 *Secretary may require, including an assurance that*
5 *the institution is operating one or more programs*
6 *that lead to State approved teacher certification.*

7 “(2) *PREFERENCE.*—*The administering Sec-*
8 *retary shall give a preference to institutions (or con-*
9 *sortia) submitting proposals that provide for cost*
10 *sharing with respect to the program involved.*

11 “(c) *CONTINUATION OF PROGRAM.*—*An institution of*
12 *higher education that desires to continue a program that*
13 *is funded under this section after such funding is termi-*
14 *nated shall use amounts derived from tuition charges to*
15 *continue such program.*

16 **“SEC. 1708. AUTHORIZATION OF APPROPRIATIONS.**

17 *“There are authorized to be appropriated to carry out*
18 *this title, \$50,000,000 in fiscal year 2002, and such sums*
19 *as may be necessary in each subsequent fiscal year.”.*

20 **SEC. 204. PROFESSIONAL DEVELOPMENT.**

21 *Section 3141(b)(2)(A) (20 U.S.C. 6861(b)(2)(A)) is*
22 *amended—*

23 (1) *in clause (i), by striking “and” at the end;*

24 (2) *in clause (ii)(V), by adding “and” after the*

25 *semicolon; and*

1 (3) *by adding at the end the following:*

2 “(iii) *the provision of incentives, in-*
3 *cluding bonus payments, to recognized edu-*
4 *cators who achieve an information tech-*
5 *nology certification that is directly related*
6 *to the curriculum or content area in which*
7 *the teacher provides instruction;”.*

8 **SEC. 205. CLOSE UP FELLOWSHIP PROGRAM AND NATIONAL**
9 **STUDENT/PARENT MOCK ELECTION.**

10 *Title II of the Elementary and Secondary Education*
11 *Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section*
12 *202, is further amended by adding at the end the following:*

13 **“PART E—CLOSE UP FELLOWSHIP PROGRAM**

14 **“SEC. 2501. FINDINGS.**

15 *“Congress makes the following findings:*

16 “(1) *The strength of our democracy rests with the*
17 *willingness of our citizens to be active participants in*
18 *their governance. For young people to be such active*
19 *participants, it is essential that they develop a strong*
20 *sense of responsibility toward ensuring the common*
21 *good and general welfare of their local communities,*
22 *States and the Nation.*

23 “(2) *For the young people of our country to de-*
24 *velop a sense of responsibility for their fellow citizens,*
25 *communities and country, our educational system*

1 *must assist them in the development of strong moral*
2 *character and values.*

3 *“(3) Civic education about our Federal Govern-*
4 *ment is an integral component in the process of edu-*
5 *cating young people to be active and productive citi-*
6 *zens who contribute to strengthening and promoting*
7 *our democratic form of government.*

8 *“(4) There are enormous pressures on teachers to*
9 *develop creative ways to stimulate the development of*
10 *strong moral character and appropriate value systems*
11 *among young people, and to educate young people*
12 *about their responsibilities and rights as citizens.*

13 *“(5) Young people who have economically dis-*
14 *advantaged backgrounds, or who are from other*
15 *under-served constituencies, have a special need for*
16 *educational programs that develop a strong a sense of*
17 *community and educate them about their rights and*
18 *responsibilities as citizens of the United States.*
19 *Under-served constituencies include those such as eco-*
20 *nomically disadvantaged young people in large met-*
21 *ropolitan areas, ethnic minorities, who are members*
22 *of recently immigrated or migrant families, Native*
23 *Americans or the physically disabled.*

24 *“(6) The Close Up Foundation has thirty years*
25 *of experience in providing economically disadvan-*

1 *taged young people and teachers with a unique and*
2 *highly educational experience with how our federal*
3 *system of government functions through its programs*
4 *that bring young people and teachers to Washington,*
5 *D.C. for a first-hand view of our government in ac-*
6 *tion.*

7 *“(7) It is a worthwhile goal to ensure that eco-*
8 *nomically disadvantaged young people and teachers*
9 *have the opportunity to participate in Close Up’s*
10 *highly effective civic education program. Therefore, it*
11 *is fitting and appropriate to provide fellowships to*
12 *students of limited economic means and the teachers*
13 *who work with such students so that the students and*
14 *teachers may participate in the programs supported*
15 *by the Close Up Foundation. It is equally fitting and*
16 *appropriate to support the Close Up Foundation’s*
17 *‘Great American Cities’ program that focuses on char-*
18 *acter and leadership development among economically*
19 *disadvantaged young people who reside in our Na-*
20 *tion’s large metropolitan areas.*

21 **“Subpart 1—Program for Middle and Secondary**

22 **School Students**

23 **“SEC. 2511. ESTABLISHMENT.**

24 *“(a) GENERAL AUTHORITY.—The Secretary is author-*
25 *ized to make grants in accordance with provisions of this*

1 *subpart to the Close Up Foundation of Washington, District*
2 *of Columbia, a nonpartisan, nonprofit foundation, for the*
3 *purpose of assisting the Close Up Foundation in carrying*
4 *out its programs of increasing understanding of the Federal*
5 *Government among economically disadvantaged middle*
6 *and secondary school students.*

7 “(b) *USE OF FUNDS.—Grants under this subpart shall*
8 *be used only to provide financial assistance to economically*
9 *disadvantaged students who participate in the program de-*
10 *scribed in subsection (a). Financial assistance received pur-*
11 *suant to this subpart by such students shall be know as the*
12 *Close Up Fellowships.*

13 **“SEC. 2512. APPLICATIONS.**

14 “(a) *APPLICATION REQUIRED.—No grant under this*
15 *subpart may be made except upon an application at such*
16 *time, in such manner, and accompanied by such informa-*
17 *tion as the Secretary may reasonably require.*

18 “(b) *CONTENT OF APPLICATION.—Each such applica-*
19 *tion shall contain provisions to assure—*

20 “(1) *that fellowship grants are made to economi-*
21 *cally disadvantaged middle and secondary school stu-*
22 *dents;*

23 “(2) *that every effort shall be made to ensure the*
24 *participation of students from rural and small town*
25 *areas, as well as from urban areas, and that in*

1 *awarding fellowships to economically disadvantaged*
2 *students, special consideration will be given to the*
3 *participation of students with special educational*
4 *needs, including students with disabilities, students*
5 *with migrant parents and ethnic minority students;*
6 *and*

7 “(3) *the proper disbursement of the funds re-*
8 *ceived under this subpart.*

9 **“Subpart 2—Program for Middle and Secondary**
10 **School Teachers**

11 **“SEC. 2521. ESTABLISHMENT.**

12 “(a) *GENERAL AUTHORITY.—The Secretary is author-*
13 *ized to make grants in accordance with provisions of this*
14 *subpart to the Close Up Foundation of Washington, District*
15 *of Columbia, a nonpartisan, nonprofit foundation, for the*
16 *purpose of assisting the Close Up Foundation in carrying*
17 *out its programs of teaching skills enhancement for middle*
18 *and secondary school teachers.*

19 “(b) *USE OF FUNDS.—Grants under this subpart shall*
20 *be used only to provide financial assistance to teachers who*
21 *participate in the program described in subsection (a). Fi-*
22 *nancial assistance received pursuant to this subpart by such*
23 *students shall be know as the Close Up Teacher Fellowships.*

1 **“SEC. 2522. APPLICATIONS.**

2 “(a) *APPLICATION REQUIRED.*—No grant under this
3 subpart may be made except upon an application at such
4 time, in such manner, and accompanied by such informa-
5 tion as the Secretary may reasonably require.

6 “(b) *CONTENT OF APPLICATION.*—Each such applica-
7 tion shall contain provisions to assure—

8 “(1) that fellowship grants are made only to
9 teachers who have worked with at least one student
10 from such teacher’s school who participates in the
11 program described in section 2521(a);

12 “(2) that no teacher in each school participating
13 in the programs provided for in section (a) may re-
14 ceive more than one fellowship in any fiscal year; and

15 “(3) the proper disbursement of the funds re-
16 ceived under this subpart.

17 **“Subpart 3—Program for New Americans**

18 **“SEC. 2531. ESTABLISHMENT.**

19 “(a) *GENERAL AUTHORITY.*—The Secretary is author-
20 ized to make grants in accordance with provisions of this
21 subpart to the Close Up Foundation of Washington, District
22 of Columbia, a nonpartisan, nonprofit foundation, for the
23 purpose of assisting the Close Up Foundation in carrying
24 out its programs of increasing understanding of the Federal
25 Government among economically disadvantaged secondary
26 school students who are recent immigrants.

1 “(b) *DEFINITION.*—For purposes of this subpart, the
2 term ‘recent immigrant student’ means a student of a fam-
3 ily that immigrated to the United states within five years
4 of the students participation in the program.

5 “(c) *USE OF FUNDS.*—Grants under this subpart shall
6 be used only to provide financial assistance to economically
7 disadvantaged recent immigrant students who participate
8 in the program described in subsection (a). Financial as-
9 sistance received pursuant to this subpart by such students
10 shall be know as the Close Up Fellowships for New Ameri-
11 cans.

12 **“SEC. 2532. APPLICATIONS.**

13 “(a) *APPLICATION REQUIRED.*—No grant under this
14 subpart may be made except upon an application at such
15 time, in such manner, and accompanied by such informa-
16 tion as the Secretary may reasonably require.

17 “(b) *CONTENT OF APPLICATION.*—Each such applica-
18 tion shall contain provisions to assure—

19 “(1) that fellowship grants are made to economi-
20 cally disadvantaged secondary school students;

21 “(2) that every effort shall be made to ensure the
22 participation of recent immigrant students from
23 rural and small town areas, as well as from urban
24 areas, and that in awarding fellowships to economi-
25 cally disadvantaged recent immigrant students, spe-

1 *cial consideration will be given to the participation*
2 *of those students with special educational needs, in-*
3 *cluding students with disabilities, students with mi-*
4 *grant parents and ethnic minority students;*

5 *“(3) that activities permitted by subsection (a)*
6 *are fully described; and*

7 *“(4) the proper disbursement of the funds re-*
8 *ceived under this subpart.*

9 **“Subpart 4—General Provisions**

10 **“SEC. 2541. ADMINISTRATIVE PROVISIONS.**

11 *“(a) ACCOUNTABILITY.—In consultation with the Sec-*
12 *retary, the Close Up Foundation will devise and implement*
13 *procedures to measure the efficacy of the programs author-*
14 *ized in subparts 1, 2, and 3 in attaining objectives that*
15 *include: providing young people with an increased under-*
16 *standing of the Federal Government; heightening a sense of*
17 *civic responsibility among young people; and enhancing the*
18 *skills of educators in teaching young people about civic vir-*
19 *tue, citizenship competencies and the Federal Government.*

20 *“(b) GENERAL RULE.—Payments under this part may*
21 *be made in installments, in advance, or by way of reim-*
22 *bursement, with necessary adjustments on account of under-*
23 *payments or overpayments.*

24 *“(c) AUDIT RULE.—The Comptroller General of the*
25 *United States or any of the Comptroller General’s duly au-*

1 *in the United States and its territories, Washington,*
2 *DC and American schools overseas; and*

3 *“(2) consist of—*

4 *“(A) school forums and local cable call-in*
5 *shows on the national issues to be voted upon in*
6 *an ‘issues forum’;*

7 *“(B) speeches and debates before students*
8 *and parents by local candidates or stand-ins for*
9 *such candidates;*

10 *“(C) quiz team competitions, mock press*
11 *conferences and speech writing competitions;*

12 *“(D) weekly meetings to follow the course of*
13 *the campaign; or*

14 *“(E) school and neighborhood campaigns to*
15 *increase voter turnout, including newsletters,*
16 *posters, telephone chains, and transportation.*

17 *“(b) REQUIREMENT.—The National Student/Parent*
18 *Mock Elections shall present awards to outstanding student*
19 *and parent mock election projects.*

20 **“SEC. 2602. AUTHORIZATION OF APPROPRIATIONS.**

21 *“There are authorized to be appropriated to carry out*
22 *the provisions of this part \$650,000 for fiscal year 2002*
23 *and such sums as may be necessary for each of the six suc-*
24 *ceeding fiscal years.”.*

1 **SEC. 206. RURAL TECHNOLOGY EDUCATION ACADEMIES**
2 **AND EARLY CHILDHOOD EDUCATOR PROFES-**
3 **SIONAL DEVELOPMENT.**

4 *Title II (20 U.S.C. 6601 et seq.), as amended by section*
5 *202, is further amended by adding at the end the following:*

6 **“PART G—RURAL TECHNOLOGY EDUCATION**
7 **ACADEMIES**

8 **“SEC. 2701. SHORT TITLE.**

9 *This part may be cited as the ‘Rural Technology Edu-*
10 *cation Academies Act’.*

11 **“SEC. 2702. FINDINGS AND PURPOSE.**

12 *“(a) FINDINGS.—Congress makes the following find-*
13 *ings:*

14 *“(1) Rural areas offer technology programs in*
15 *existing public schools, such as those in career and*
16 *technical education programs, but they are limited in*
17 *numbers and are not adequately funded. Further,*
18 *rural areas often cannot support specialized schools,*
19 *such as magnet or charter schools.*

20 *“(2) Technology can offer rural students edu-*
21 *cational and employment opportunities that they oth-*
22 *erwise would not have.*

23 *“(3) Schools in rural and small towns receive*
24 *disproportionately less funding than their urban*
25 *counterparts, necessitating that such schools receive*

1 *additional assistance to implement technology cur-*
2 *riculum.*

3 “(4) *In the future, workers without technology*
4 *skills run the risk of being excluded from the new*
5 *global, technological economy.*

6 “(5) *Teaching technology in rural schools is vi-*
7 *tally important because it creates an employee pool*
8 *for employers sorely in need of information technology*
9 *specialists.*

10 “(6) *A qualified workforce can attract informa-*
11 *tion technology employers to rural areas and help*
12 *bridge the digital divide between rural and urban*
13 *American that is evidenced by the out-migration and*
14 *economic decline typical of many rural areas.*

15 “(b) *PURPOSE.—It is the purpose of this part to give*
16 *rural schools comprehensive assistance to train the tech-*
17 *nology literate workforce needed to bridge the rural-urban*
18 *digital divide.*

19 **“SEC. 2703. GRANTS TO STATES.**

20 “(a) *IN GENERAL.—The Secretary shall use amounts*
21 *made available under section 2312(a) to carry out this part*
22 *to make grants to eligible States for the development and*
23 *implementation of technology curriculum.*

24 “(b) *STATE ELIGIBILITY.—*

1 “(1) *IN GENERAL.*—*To be eligible for a grant*
2 *under subsection (a), a State shall—*

3 “(A) *have in place a statewide educational*
4 *technology plan developed in consultation with*
5 *the State agency responsible for administering*
6 *programs under the Carl D. Perkins Vocational*
7 *and Applied Technology Education Act (20*
8 *U.S.C. 2301 et seq.); and*

9 “(B) *include eligible local educational agen-*
10 *cies (as defined in paragraph (2)) under the*
11 *plan.*

12 “(2) *DEFINITION.*—*In this part, the term ‘eligi-*
13 *ble local educational agency’ means a local edu-*
14 *cational agency—*

15 “(A) *with less than 600 total students in*
16 *average daily attendance at the schools served by*
17 *such agency; and*

18 “(B) *with respect to which all of the schools*
19 *served by the agency have a School Locale Code*
20 *of 7 or 8, as determined by the Secretary.*

21 “(c) *AMOUNT OF GRANT.*—*Of the amount made avail-*
22 *able under section 2312(a) to carry out this part for a fiscal*
23 *year and reduced by amounts used under section 2704, the*
24 *Secretary shall provide to each State under a grant under*
25 *subsection (a) an amount the bears that same ratio to such*

1 *appropriated amount as the number of students in average*
2 *daily attendance at the schools served by eligible local edu-*
3 *cational agencies in the State bears to the number of all*
4 *such students at the schools served by eligible local edu-*
5 *cational agencies in all States in such fiscal year.*

6 “(d) *USE OF AMOUNTS.*—

7 “(1) *IN GENERAL.*—*A State that receives a grant*
8 *under subsection (a) shall use—*

9 “(A) *not less than 85 percent of the*
10 *amounts received under the grant to provide*
11 *funds to eligible local educational agencies in the*
12 *State for use as provided for in paragraph (2);*
13 *and*

14 “(B) *not to exceed 15 percent of the*
15 *amounts received under the grant to carry out*
16 *activities to develop or enhance and further the*
17 *implementation of technology curriculum,*
18 *including—*

19 “(i) *the development or enhancement of*
20 *technology courses in areas including com-*
21 *puter network technology, computer engi-*
22 *neering technology, computer design and re-*
23 *pair, software engineering, and program-*
24 *ming;*

1 “(ii) the development or enhancement
2 of high quality technology standards;

3 “(iii) the examination of the utility of
4 web-based technology courses, including col-
5 lege-level courses and instruction for both
6 students and teachers;

7 “(iv) the development or enhancement
8 of State advisory councils on technology
9 teacher training;

10 “(v) the addition of high-quality tech-
11 nology courses to teacher certification pro-
12 grams;

13 “(vi) the provision of financial re-
14 sources and incentives to eligible local edu-
15 cational agencies to enable such agencies to
16 implement a technology curriculum;

17 “(vii) the implementation of a central-
18 ized web-site for educators to exchange com-
19 puter-related curriculum and lesson plans;
20 and

21 “(viii) the provision of technical assist-
22 ance to local educational agencies.

23 “(2) LOCAL USE OF FUNDS.—Amounts received
24 by an eligible local educational agency under para-
25 graph (1)(A) shall be used for—

1 “(A) the implementation of a technology
2 curriculum that is based on standards developed
3 by the State, if applicable;

4 “(B) professional development in the area of
5 technology, including for the certification of
6 teachers in information technology;

7 “(C) teacher-to-teacher technology men-
8 toring programs;

9 “(D) the provision of incentives to teachers
10 teaching in technology-related fields to persuade
11 such teachers to remain in rural areas;

12 “(E) the purchase of equipment needed to
13 implement a technology curriculum;

14 “(F) the provision of technology courses
15 through distance learning;

16 “(G) the development of, or entering into a,
17 consortium with other local educational agencies,
18 institutions of higher education, or for-profit
19 businesses, nonprofit organizations, community-
20 based organizations or other entities with the ca-
21 pacity to contribute to technology training for
22 the purposes of subparagraphs (A) through (F);
23 or

24 “(H) other activities consistent with the
25 purposes of this part.

1 “(3) *AMOUNT OF ASSISTANCE.*—*In providing as-*
2 *stance to eligible local educational agencies under*
3 *this section, a State shall ensure that the amount pro-*
4 *vided to any eligible agency reflects the size and fi-*
5 *nancial need of the agency as evidenced by the num-*
6 *ber or percentage of children served by the agency who*
7 *are from families with incomes below the poverty line*
8 *(as defined by the Office of Management and Budget*
9 *and revised annually in accordance with section*
10 *673(2) of the Community Services Block Grant Act*
11 *(42 U.S.C. 9902(2)) applicable to a family of the size*
12 *involved.*

13 **“SEC. 2704. TECHNICAL ASSISTANCE.**

14 *“From amounts made available for a fiscal year under*
15 *section 2312(a) to carry out this part, the Secretary may*
16 *use not to exceed 5 percent of such amounts to—*

17 *“(1) establish a position within the Office of*
18 *Educational Technology of the Department of Edu-*
19 *cation for a specialist in rural schools;*

20 *“(2) identify and disseminate throughout the*
21 *United States information on best practices con-*
22 *cerning technology curricula; and*

23 *“(3) conduct seminars in rural areas on tech-*
24 *nology education.*

1 **“PART H—EARLY CHILDHOOD EDUCATOR**
2 **PROFESSIONAL DEVELOPMENT**

3 **“SEC. 2801. PURPOSE.**

4 *“In support of the national effort to attain the first*
5 *of America’s Education Goals, the purpose of this part is*
6 *to enhance the school readiness of young children, particu-*
7 *larly disadvantaged young children, and to prevent them*
8 *from encountering difficulties once they enter school, by im-*
9 *proving the knowledge and skills of early childhood edu-*
10 *cators who work in communities that have high concentra-*
11 *tions of children living in poverty.*

12 **“SEC. 2802. PROGRAM AUTHORIZED.**

13 *“(a) GRANTS TO PARTNERSHIPS.—The Secretary shall*
14 *carry out the purpose of this part by awarding grants, on*
15 *a competitive basis, to partnerships consisting of—*

16 *“(1)(A) one or more institutions of higher edu-*
17 *cation that provide professional development for early*
18 *childhood educators who work with children from low-*
19 *income families in high-need communities; or*

20 *“(B) another public or private entity that pro-*
21 *vides such professional development;*

22 *“(2) one or more public agencies (including local*
23 *educational agencies, State educational agencies,*
24 *State human services agencies, and State and local*
25 *agencies administering programs under the Child*

1 *Care and Development Block Grant Act of 1990),*
2 *Head Start agencies, or private organizations; and*

3 “(3) *to the extent feasible, an entity with dem-*
4 *onstrated experience in providing training to edu-*
5 *cators in early childhood education programs in iden-*
6 *tifying and preventing behavior problems or working*
7 *with children identified or suspected to be victims of*
8 *abuse.*

9 “(b) *DURATION AND NUMBER OF GRANTS.—*

10 “(1) *DURATION.—Each grant under this part*
11 *shall be awarded for not more than 4 years.*

12 “(2) *NUMBER.—No partnership may receive*
13 *more than 1 grant under this part.*

14 **“SEC. 2803. APPLICATIONS.**

15 “(a) *APPLICATIONS REQUIRED.—Any partnership*
16 *that desires to receive a grant under this part shall submit*
17 *an application to the Secretary at such time, in such man-*
18 *ner, and containing such information as the Secretary may*
19 *require.*

20 “(b) *CONTENTS.—Each such application shall*
21 *include—*

22 “(1) *a description of the high-need community to*
23 *be served by the project, including such demographic*
24 *and socioeconomic information as the Secretary may*
25 *request;*

1 “(2) information on the quality of the early
2 childhood educator professional development program
3 currently conducted by the institution of higher edu-
4 cation or other provider in the partnership;

5 “(3) the results of the needs assessment that the
6 entities in the partnership have undertaken to deter-
7 mine the most critical professional development needs
8 of the early childhood educators to be served by the
9 partnership and in the broader community, and a de-
10 scription of how the proposed project will address
11 those needs;

12 “(4) a description of how the proposed project
13 will be carried out, including—

14 “(A) how individuals will be selected to par-
15 ticipate;

16 “(B) the types of research-based professional
17 development activities that will be carried out;

18 “(C) how research on effective professional
19 development and on adult learning will be used
20 to design and deliver project activities;

21 “(D) how the project will coordinate with
22 and build on, and will not supplant or dupli-
23 cate, early childhood education professional de-
24 velopment activities that exist in the community;

1 “(E) how the project will train early child-
2 hood educators to provide services that are based
3 on developmentally appropriate practices and
4 the best available research on child social, emo-
5 tional, physical and cognitive development and
6 on early childhood pedagogy;

7 “(F) how the program will train early
8 childhood educators to meet the diverse edu-
9 cational needs of children in the community, in-
10 cluding children who have limited English pro-
11 ficiency, disabilities, or other special needs; and

12 “(G) how the project will train early child-
13 hood educators in identifying and preventing be-
14 havioral problems or working with children iden-
15 tified as or suspected to be victims of abuse;

16 “(5) a description of—

17 “(A) the specific objectives that the partner-
18 ship will seek to attain through the project, and
19 how the partnership will measure progress to-
20 ward attainment of those objectives; and

21 “(B) how the objectives and the measure-
22 ment activities align with the performance indi-
23 cators established by the Secretary under section
24 2806(a);

1 “(6) a description of the partnership’s plan for
2 continuing the activities carried out under the
3 project, so that the activities continue once Federal
4 funding ceases;

5 “(7) an assurance that, where applicable, the
6 project will provide appropriate professional develop-
7 ment to volunteers working directly with young chil-
8 dren, as well as to paid staff; and

9 “(8) an assurance that, in developing its appli-
10 cation and in carrying out its project, the partner-
11 ship has consulted with, and will consult with, rel-
12 evant agencies, early childhood educator organiza-
13 tions, and early childhood providers that are not
14 members of the partnership.

15 **“SEC. 2804. SELECTION OF GRANTEES.**

16 “(a) *CRITERIA.*—The Secretary shall select partner-
17 ships to receive funding on the basis of the community’s
18 need for assistance and the quality of the applications.

19 “(b) *GEOGRAPHIC DISTRIBUTION.*—In selecting part-
20 nerships, the Secretary shall seek to ensure that commu-
21 nities in different regions of the Nation, as well as both
22 urban and rural communities, are served.

23 **“SEC. 2805. USES OF FUNDS.**

24 “(a) *IN GENERAL.*—Each partnership receiving a
25 grant under this part shall use the grant funds to carry

1 *out activities that will improve the knowledge and skills of*
2 *early childhood educators who are working in early child-*
3 *hood programs that are located in high-need communities*
4 *and serve concentrations of children from low-income fami-*
5 *lies.*

6 “(b) *ALLOWABLE ACTIVITIES.*—*Such activities may*
7 *include—*

8 “(1) *professional development for individuals*
9 *working as early childhood educators, particularly to*
10 *familiarize those individuals with the application of*
11 *recent research on child, language, and literacy devel-*
12 *opment and on early childhood pedagogy;*

13 “(2) *professional development for early childhood*
14 *educators in working with parents, based on the best*
15 *current research on child social, emotional, physical*
16 *and cognitive development and parent involvement, so*
17 *that the educators can prepare their children to suc-*
18 *ceed in school;*

19 “(3) *professional development for early childhood*
20 *educators to work with children who have limited*
21 *English proficiency, disabilities, and other special*
22 *needs;*

23 “(4) *professional development to train early*
24 *childhood educators in identifying and preventing be-*

1 *havioral problems in children or working with chil-*
2 *dren identified or suspected to be victims of abuse;*

3 *“(5) activities that assist and support early*
4 *childhood educators during their first three years in*
5 *the field;*

6 *“(6) development and implementation of early*
7 *childhood educator professional development programs*
8 *that make use of distance learning and other tech-*
9 *nologies;*

10 *“(7) professional development activities related*
11 *to the selection and use of screening and diagnostic*
12 *assessments to improve teaching and learning; and*

13 *“(8) data collection, evaluation, and reporting*
14 *needed to meet the requirements of this part relating*
15 *to accountability.*

16 **“SEC. 2806. ACCOUNTABILITY.**

17 *“(a) PERFORMANCE INDICATORS.—Simultaneously*
18 *with the publication of any application notice for grants*
19 *under this part, the Secretary shall announce performance*
20 *indicators for this part, which shall be designed to*
21 *measure—*

22 *“(1) the quality and accessibility of the profes-*
23 *sional development provided;*

1 “(2) *the impact of that professional development*
2 *on the early childhood education provided by the in-*
3 *dividuals who are trained; and*

4 “(3) *such other measures of program impact as*
5 *the Secretary determines appropriate.*

6 “(b) *ANNUAL REPORTS; TERMINATION.—*

7 “(1) *ANNUAL REPORTS.—Each partnership re-*
8 *ceiving a grant under this part shall report annually*
9 *to the Secretary on the partnership’s progress against*
10 *the performance indicators.*

11 “(2) *TERMINATION.—The Secretary may termi-*
12 *nate a grant under this part at any time if the Sec-*
13 *retary determines that the partnership is not making*
14 *satisfactory progress against the indicators.*

15 “**SEC. 2807. COST-SHARING.**

16 “(a) *IN GENERAL.—Each partnership shall provide,*
17 *from other sources, which may include other Federal*
18 *sources—*

19 “(1) *at least 50 percent of the total cost of its*
20 *project for the grant period; and*

21 “(2) *at least 20 percent of the project cost in*
22 *each year.*

23 “(b) *ACCEPTABLE CONTRIBUTIONS.—A partnership*
24 *may meet the requirement of subsection (a) through cash*
25 *or in-kind contributions, fairly valued.*

1 “(c) *WAIVERS.*—*The Secretary may waive or modify*
2 *the requirements of subsection (a) in cases of demonstrated*
3 *financial hardship.*

4 “**SEC. 2808. DEFINITIONS.**

5 “*In this part:*

6 “(1) *HIGH-NEED COMMUNITY.*—

7 “(A) *IN GENERAL.*—*The term ‘high-need*
8 *community’ means—*

9 “(i) *a municipality, or a portion of a*
10 *municipality, in which at least 50 percent*
11 *of the children are from low-income fami-*
12 *lies; or*

13 “(ii) *a municipality that is one of the*
14 *10 percent of municipalities within the*
15 *State having the greatest numbers of such*
16 *children.*

17 “(B) *DETERMINATION.*—*In determining*
18 *which communities are described in subpara-*
19 *graph (A), the Secretary shall use such data as*
20 *the Secretary determines are most accurate and*
21 *appropriate.*

22 “(2) *LOW-INCOME FAMILY.*—*The term ‘low-in-*
23 *come family’ means a family with an income below*
24 *the poverty line (as defined by the Office of Manage-*
25 *ment and Budget and revised annually in accordance*

1 with section 673(2) of the Community Services Block
2 Grant Act (42 U.S.C. 9902(2))) applicable to a fam-
3 ily of the size involved for the most recent fiscal year
4 for which satisfactory data are available.

5 “(3) *EARLY CHILDHOOD EDUCATOR.*—The term
6 ‘early childhood educator’ means a person providing
7 or employed by a provider of non-residential child
8 care services (including center-based, family-based,
9 and in-home child care services) that is legally oper-
10 ating under State law, and that complies with appli-
11 cable State and local requirements for the provision
12 of child care services to children at any age from
13 birth through kindergarten.

14 **“SEC. 2809. FEDERAL COORDINATION.**

15 “The Secretary and the Secretary of Health and
16 Human Services shall coordinate activities under this part
17 and other early childhood programs administered by the
18 two Secretaries.

19 **“SEC. 2810. AUTHORIZATION OF APPROPRIATIONS.**

20 “For the purpose of carrying out this part, there are
21 authorized to be appropriated \$30,000,000 for fiscal year
22 2002 and such sums as may be necessary for each of the
23 6 succeeding fiscal years.”.

1 **SEC. 207. TEACHERS AND PRINCIPALS.**

2 *Part A of title II (as amended in section 201) is fur-*
 3 *ther amended—*

4 *(1) by striking the title heading and all that fol-*
 5 *lows through the part heading for part A and insert-*
 6 *ing the following:*

7 **“TITLE II—TEACHERS AND**
 8 **PRINCIPALS**

9 **“PART A—TEACHER AND PRINCIPAL QUALITY”;**

10 *(2) in section 2101(1)—*

11 *(A) by striking “teacher quality” and in-*
 12 *serting “teacher and principal quality”; and*

13 *(B) by inserting before the semicolon “and*
 14 *highly qualified principals and assistant prin-*
 15 *cipals in schools”;*

16 *(3) in section 2102—*

17 *(A) in paragraph (4)—*

18 *(i) in subparagraph (B)(ii), by strik-*
 19 *ing “and”;*

20 *(ii) in subparagraph (C), by striking*
 21 *the period and inserting “; and”; and*

22 *(iii) by adding at the end the fol-*
 23 *lowing:*

24 *“(D) with respect to an elementary school*
 25 *or secondary school principal, a principal—*

1 “(i)(I) with at least a master’s degree
2 in educational administration and at least
3 3 years of classroom teaching experience; or

4 “(II) who has completed a rigorous al-
5 ternative certification program that in-
6 cludes instructional leadership courses, an
7 internship under the guidance of an accom-
8 plished principal, and classroom teaching
9 experience; and

10 “(ii) who is certified or licensed as a
11 principal by the State involved; and

12 “(iii) who can demonstrate a high level
13 of competence as an instructional leader
14 with knowledge of theories of learning, cur-
15 ricula design, supervision and evaluation of
16 teaching and learning, assessment design
17 and application, child and adolescent devel-
18 opment, and public reporting and account-
19 ability.”; and

20 (B) in paragraph (9)(B), by striking
21 “teachers” each place it appears and inserting
22 “teachers, principals, and assistant principals,”;
23 (4) in section 2112(b)(4), by striking “teaching
24 force” and inserting “teachers, principals, and assist-
25 ant principals”;

1 (5) *in section 2113(b)—*

2 (A) *in paragraph (1)—*

3 (i) *in the matter preceding subpara-*
4 *graph (A), by striking “teacher” and insert-*
5 *ing “teacher and principal”;*

6 (ii) *in subparagraph (A)—*

7 (I) *by inserting “(i)” after “(A)”;*

8 (II) *by adding “and” after the*
9 *semicolon; and*

10 (III) *by adding at the end the fol-*
11 *lowing:*

12 “*(ii) principals have the instructional lead-*
13 *ership skills to help teachers teach and students*
14 *learn;”;* *and*

15 (iii) *in subparagraph (C), by inserting*
16 “*, and principals have the instructional*
17 *leadership skills,” before “necessary”;*

18 (B) *in paragraph (2), by striking “the ini-*
19 *tial teaching experience” and inserting “an ini-*
20 *tial experience as a teacher, principal, or an as-*
21 *stant principal”;*

22 (C) *in paragraph (3)—*

23 (i) *by striking “of teachers” and in-*
24 *serting “of teachers and principals”;*

- 1 (ii) by striking “degree” and inserting
2 “or master’s degree”; and
- 3 (iii) by striking “teachers.” and insert-
4 ing “teachers or principals.”; and
- 5 (D) in paragraph (7), by striking “teacher”
6 and inserting “teacher and principal”;
- 7 (6) in section 2122(c)(2)—
- 8 (A) by striking “and, where appropriate,
9 administrators,”; and
- 10 (B) by inserting “and to give principals
11 and assistant principals the instructional leader-
12 ship skills to help teachers,” after “skills,”;
- 13 (7) in section 2123(b)—
- 14 (A) in paragraph (2), by inserting “and
15 principal” before “mentoring”;
- 16 (B) in paragraph (3), striking the period
17 and inserting “, nonprofit organizations, local
18 educational agencies, or consortia of appropriate
19 educational entities.”; and
- 20 (C) in paragraph (4)—
- 21 (i) by striking “teachers” and inserting
22 “teachers, principals, and assistant prin-
23 cipals”; and

1 (ii) by striking “teaching” and insert-
2 ing “employment as teachers, principals, or
3 assistant principals, respectively”;

4 (8) in section 2133(a)(1)—

5 (A) by striking “, paraprofessionals, and, if
6 appropriate, principals” and inserting “and
7 paraprofessionals”; and

8 (B) by striking the semicolon and inserting
9 the following: “and that principals and assistant
10 principals have the instructional leadership
11 skills that will help such principals and assist-
12 ant principals work most effectively with teach-
13 ers to help students master core academic sub-
14 jects.”;

15 (9) in section 2134—

16 (A) in paragraph (1), by striking “teach-
17 ers” and inserting “teachers and principals”;
18 and

19 (B) in paragraph (2)—

20 (i) by striking “teachers” and inserting
21 “teachers and principals”; and

22 (ii) by inserting “a principal organi-
23 zation,” after “teacher organization,”; and

24 (10) in section 2142(a)(2), by striking subpara-
25 graph (A) and inserting the following:

1 “(A) shall establish for the local educational
2 agency an annual measurable performance objec-
3 tive for increasing retention of teachers, prin-
4 cipals, and assistant principals in the first 3
5 years of their careers as teachers, principals, and
6 assistant principals respectively; and”.

7 **TITLE III—MOVING LIMITED**
8 **ENGLISH PROFICIENT STU-**
9 **DENTS TO ENGLISH FLUENCY**

10 **SEC. 301. BILINGUAL EDUCATION.**

11 *Title III (20 U.S.C. 6511 et seq.) is amended to read*
12 *as follows:*

13 **“TITLE III—BILINGUAL EDU-**
14 **CATION, LANGUAGE EN-**
15 **HANCEMENT, AND LANGUAGE**
16 **ACQUISITION PROGRAMS**

17 **“PART A—BILINGUAL EDUCATION**

18 **“SEC. 3001. SHORT TITLE.**

19 *“This part may be cited as the ‘Bilingual Education*
20 *Act’.*

21 **“SEC. 3002. PURPOSE.**

22 *“The purpose of this part is to help ensure that limited*
23 *English proficient students master English and meet the*
24 *same rigorous standards for academic performance as all*
25 *children and youth are expected to meet, including meeting*

1 *challenging State content standards and challenging State*
2 *student performance standards in academic subjects by—*

3 “(1) *promoting systemic improvement and re-*
4 *form of, and developing accountability systems for,*
5 *educational programs serving limited English pro-*
6 *ficient students;*

7 “(2) *developing bilingual skills and multicul-*
8 *tural understanding;*

9 “(3) *developing the English of limited English*
10 *proficient children and youth and, to the extent pos-*
11 *sible, the native language skills of such children and*
12 *youth;*

13 “(4) *providing similar assistance to Native*
14 *Americans with certain modifications relative to the*
15 *unique status of Native American languages under*
16 *Federal law;*

17 “(5) *developing data collection and dissemina-*
18 *tion, research, materials, and technical assistance that*
19 *are focused on school improvement for limited English*
20 *proficient students; and*

21 “(6) *developing programs that strengthen and*
22 *improve the professional training of educational per-*
23 *sonnel who work with limited English proficient stu-*
24 *dents.*

1 **“SEC. 3003. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) *BILINGUAL EDUCATION.*—*There are authorized to*
3 *be appropriated to carry out this part \$700,000,000 for fis-*
4 *cal year 2002 and such sums as may be necessary for each*
5 *of the 6 succeeding fiscal years.*

6 “(b) *STATE AND LOCAL GRANTS.*—*Notwithstanding*
7 *subsection (a), for any fiscal year for which the amount*
8 *of funds appropriated under subsection (a) is not less than*
9 *\$700,000,000, the funds shall be used to carry out part D.*

10 **“SEC. 3004. NATIVE AMERICAN CHILDREN IN SCHOOL.**

11 “(a) *ELIGIBLE ENTITIES.*—

12 “(1) *IN GENERAL.*—*For the purpose of carrying*
13 *out programs under this part for individuals served*
14 *by elementary schools, secondary schools, and postsec-*
15 *ondary schools operated predominately for Native*
16 *American (including Alaska Native) children and*
17 *youth, an Indian tribe, a tribally sanctioned edu-*
18 *cational authority, a Native Hawaiian or Native*
19 *American Pacific Islander native language education*
20 *organization, or an elementary school or secondary*
21 *school that is operated or funded by the Bureau of In-*
22 *Indian Affairs shall be considered to be a local edu-*
23 *cational agency.*

24 “(2) *DEFINITIONS.*—*In this section:*

25 “(A) *INDIAN TRIBE.*—*The term ‘Indian*
26 *tribe’ means any Indian tribe, band, nation, or*

1 *other organized group or community, including*
2 *any Native village or Regional Corporation or*
3 *Village Corporation as defined in or established*
4 *pursuant to the Alaska Native Claims Settlement*
5 *Act, that is recognized as eligible for the special*
6 *programs and services provided by the United*
7 *States to Indians because of their status as Indi-*
8 *ans.*

9 “(B) *TRIBALLY SANCTIONED EDUCATIONAL*
10 *AUTHORITY.—The term ‘tribally sanctioned edu-*
11 *cational authority’ means—*

12 “(i) *any department or division of*
13 *education operating within the administra-*
14 *tive structure of the duly constituted gov-*
15 *erning body of an Indian tribe; and*

16 “(ii) *any nonprofit institution or orga-*
17 *nization that is—*

18 “(I) *chartered by the governing*
19 *body of an Indian tribe to operate any*
20 *school operated predominately for In-*
21 *Indian children and youth or otherwise*
22 *to oversee the delivery of educational*
23 *services to members of that tribe; and*

24 “(II) *approved by the Secretary*
25 *for the purpose of this section.*

1 “(b) *ELIGIBLE ENTITY APPLICATION.*—*Notwith-*
 2 *standing any other provision of this part, each eligible enti-*
 3 *ty described in subsection (a) shall submit any application*
 4 *for assistance under this part directly to the Secretary*
 5 *along with timely comments on the need for the program*
 6 *proposed in the application.*

7 “**SEC. 3005. RESIDENTS OF THE TERRITORIES AND FREELY**
 8 **ASSOCIATED STATES.**

9 “*For the purpose of carrying out programs under this*
 10 *part in the outlying areas, the term ‘local educational agen-*
 11 *cy’ includes public institutions or agencies whose mission*
 12 *is the preservation and maintenance of native languages.*

13 “**Subpart 1—Bilingual Education Capacity and**
 14 **Demonstration Grants**

15 “**SEC. 3101. FINANCIAL ASSISTANCE FOR BILINGUAL EDU-**
 16 **CATION.**

17 “*The purpose of this subpart is to assist local edu-*
 18 *cational agencies, institutions of higher education, and*
 19 *community-based organizations, through the grants author-*
 20 *ized under sections 3102 and 3103, to—*

21 “(1) *develop and enhance their capacity to pro-*
 22 *vide high-quality instruction through bilingual edu-*
 23 *cation or special alternative instruction programs to*
 24 *children and youth of limited English proficiency;*
 25 *and*

1 “(2) help such children and youth—

2 “(A) develop proficiency in English, and to
3 the extent possible, their native language; and

4 “(B) meet the same challenging State con-
5 tent standards and challenging State student
6 performance standards as all children and youth
7 are expected to meet under section 1111(b).

8 **“SEC. 3102. PROGRAM ENHANCEMENT PROJECTS.**

9 “(a) *PURPOSE.*—The purpose of this section is to—

10 “(1) provide grants to eligible entities to provide
11 innovative, locally designed, high quality instruction
12 to children and youth of limited English proficiency;

13 “(2) help children and youth develop proficiency
14 in the English language by expanding or strength-
15 ening instructional programs; and

16 “(3) help children and youth attain the stand-
17 ards established under section 1111(b).

18 “(b) *PROGRAM AUTHORIZED.*—

19 “(1) *AUTHORITY.*—

20 “(A) *IN GENERAL.*—The Secretary is au-
21 thorized to award grants to eligible entities hav-
22 ing applications approved under section 3104 to
23 enable such entities to carry out activities de-
24 scribed in paragraph (2).

1 “(B) *PERIOD.*—*Each grant awarded under*
2 *this section shall be awarded for a period of 3*
3 *years.*

4 “(2) *AUTHORIZED ACTIVITIES.*—

5 “(A) *MANDATORY ACTIVITIES.*—*Grants*
6 *awarded under this section shall be used for—*

7 “(i) *developing, implementing, expand-*
8 *ing, or enhancing comprehensive preschool,*
9 *elementary, or secondary education pro-*
10 *grams for limited English proficient chil-*
11 *dren and youth, that are—*

12 “(I) *aligned with State and local*
13 *content and student performance*
14 *standards, and local school reform ef-*
15 *forts; and*

16 “(II) *coordinated with related*
17 *services for children and youth;*

18 “(ii) *providing high quality profes-*
19 *sional development to classroom teachers,*
20 *administrators, and other school or commu-*
21 *nity-based organization personnel to im-*
22 *prove the instruction and assessment of lim-*
23 *ited English proficient students; and*

24 “(iii) *annually assessing the English*
25 *proficiency of all limited English proficient*

1 *students served by activities carried out*
2 *under this section.*

3 “(B) *PERMISSIBLE ACTIVITIES.*—*Grants*
4 *awarded under this section may be used for—*

5 “(i) *implementing programs to up-*
6 *grade the reading and other academic skills*
7 *of limited English proficient students;*

8 “(ii) *developing accountability systems*
9 *to monitor the academic progress of limited*
10 *English proficient and formerly limited*
11 *English proficient students;*

12 “(iii) *implementing family education*
13 *programs and parent outreach and training*
14 *activities designed to assist parents to be-*
15 *come active participants in the education of*
16 *their children;*

17 “(iv) *improving the instructional pro-*
18 *grams for limited English proficient stu-*
19 *dents by identifying, acquiring, and apply-*
20 *ing effective curricula, instructional mate-*
21 *rials (including materials provided through*
22 *technology), and assessments that are all*
23 *aligned with State and local standards;*

24 “(v) *providing intensified instruction,*
25 *including tutorials and academic or career*

1 *counseling, for children and youth who are*
2 *limited English proficient;*

3 “*(vi) adapting best practice models for*
4 *meeting the needs of limited English pro-*
5 *ficient students;*

6 “*(vii) assisting limited English pro-*
7 *ficient students with disabilities;*

8 “*(viii) implementing applied learning*
9 *activities such as service learning to en-*
10 *hance and support comprehensive elemen-*
11 *tary and secondary bilingual education pro-*
12 *grams; and*

13 “*(ix) carrying out such other activities*
14 *related to the purpose of this part as the*
15 *Secretary may approve.*

16 “*(c) PRIORITY.—In awarding grants under this sec-*
17 *tion, the Secretary may give priority to an entity that—*

18 “*(1) serves a school district—*

19 “*(A) that has a total district enrollment*
20 *that is less than 10,000 students; or*

21 “*(B) with a large percentage or number of*
22 *limited English proficient students; and*

23 “*(2) has limited or no experience in serving lim-*
24 *ited English proficient students.*

1 “(d) *ELIGIBLE ENTITY*.—In this section, the term ‘eli-
2 *gible entity*’ means—

3 “(1) *1 or more local educational agencies;*

4 “(2) *1 or more local educational agencies in col-
5 laboration with an institution of higher education,
6 community-based organization, or State educational
7 agency; or*

8 “(3) *a community-based organization or an in-
9 stitution of higher education that has an application
10 approved by the local educational agency to partici-
11 pate in programs carried out under this subpart by
12 enhancing early childhood education or family edu-
13 cation programs or conducting instructional pro-
14 grams that supplement the educational services pro-
15 vided by a local educational agency.*

16 **“SEC. 3103. COMPREHENSIVE SCHOOL AND SYSTEMWIDE
17 IMPROVEMENT GRANTS.**

18 “(a) *PURPOSES*.—The purposes of this section are—

19 “(1) *to provide financial assistance to schools
20 and local educational agencies for implementing bi-
21 lingual education programs, in coordination with
22 programs carried out under this title, for children
23 and youth of limited English proficiency;*

1 “(2) to assist limited English proficient students
2 to meet the standards established under section
3 1111(b); and

4 “(3) to improve, reform, and upgrade relevant
5 instructional programs and operations, carried out by
6 schools and local educational agencies, that serve sig-
7 nificant percentages of students of limited English
8 proficiency or significant numbers of such students.

9 “(b) *AUTHORIZED ACTIVITIES.*—

10 “(1) *AUTHORITY.*—The Secretary may award
11 grants to eligible entities having applications ap-
12 proved under section 3104 to enable such entities to
13 carry out activities described in paragraphs (2) and
14 (3).

15 “(2) *MANDATORY ACTIVITIES.*—Grants awarded
16 under this section shall be used for—

17 “(A) improving instructional programs for
18 limited English proficient students by acquiring
19 and upgrading curricula and related instruc-
20 tional materials;

21 “(B) aligning the activities carried out
22 under this section with State and local school re-
23 form efforts;

24 “(C) providing training, aligned with State
25 and local standards, to school personnel and par-

1 *participating community-based organization per-*
2 *sonnel to improve the instruction and assessment*
3 *of limited English proficient students;*

4 “(D) *developing and implementing plans,*
5 *coordinated with plans for programs carried out*
6 *under title II of the Higher Education Act of*
7 *1965 (where applicable), and title II of this Act*
8 *(where applicable), to recruit teachers trained to*
9 *serve limited English proficient students;*

10 “(E) *implementing culturally and linguis-*
11 *tically appropriate family education programs,*
12 *or parent outreach and training activities, that*
13 *are designed to assist parents to become active*
14 *participants in the education of their children;*

15 “(F) *coordinating the activities carried out*
16 *under this section with other programs, such as*
17 *programs carried out under this title;*

18 “(G) *providing services to meet the full*
19 *range of the educational needs of limited English*
20 *proficient students;*

21 “(H) *annually assessing the English pro-*
22 *ficiency of all limited English proficient students*
23 *served by the activities carried out under this*
24 *section; and*

1 “(I) developing or improving accountability
2 systems to monitor the academic progress of lim-
3 ited English proficient students.

4 “(3) *PERMISSIBLE ACTIVITIES*.—Grants awarded
5 under this section may be used for—

6 “(A) implementing programs to upgrade
7 reading and other academic skills of limited
8 English proficient students;

9 “(B) developing and using educational tech-
10 nology to improve learning, assessments, and ac-
11 countability to meet the needs of limited English
12 proficient students;

13 “(C) implementing scientifically based re-
14 search programs to meet the needs of limited
15 English proficient students;

16 “(D) providing tutorials and academic or
17 career counseling for limited English proficient
18 children and youth;

19 “(E) developing and implementing State
20 and local content and student performance
21 standards for learning English as a second lan-
22 guage, as well as for learning other languages;

23 “(F) developing and implementing pro-
24 grams for limited English proficient students to

1 *meet the needs of changing populations of such*
2 *students;*

3 “(G) *implementing policies to ensure that*
4 *limited English proficient students have access to*
5 *other education programs (other than programs*
6 *designed to address limited English proficiency),*
7 *such as gifted and talented, vocational education,*
8 *and special education programs;*

9 “(H) *assisting limited English proficient*
10 *students with disabilities;*

11 “(I) *developing and implementing programs*
12 *to help all students become proficient in more*
13 *than 1 language; and*

14 “(J) *carrying out such other activities re-*
15 *lated to the purpose of this part as the Secretary*
16 *may approve.*

17 “(4) *SPECIAL RULE.—A recipient of a grant*
18 *under this section, before carrying out activities*
19 *under this section, shall plan, train personnel, develop*
20 *curricula, and acquire or develop materials, but shall*
21 *not use funds made available under this section for*
22 *planning purposes for more than 90 days. The recipi-*
23 *ent shall commence carrying out activities under this*
24 *section not later than 90 days after the date of receipt*
25 *of the grant.*

1 “(c) *AVAILABILITY OF APPROPRIATIONS.*—

2 “(1) *RESERVATION OF FUNDS FOR CONTINUED*
3 *PAYMENTS.*—

4 “(A) *COVERED GRANT.*—*In this paragraph,*
5 *the term ‘covered grant’ means a grant—*

6 “(i) *that was awarded under section*
7 *7114 or 7115 (as such sections were in effect*
8 *on the day before the date of enactment of*
9 *the Better Education for Students and*
10 *Teachers Act); and*

11 “(ii) *for which the grant period has*
12 *not ended.*

13 “(B) *RESERVATION.*—*For any fiscal year*
14 *that is part of the grant period of a covered*
15 *grant, the Secretary shall reserve funds for the*
16 *payments described in subparagraph (C) from*
17 *the amount appropriated for the fiscal year*
18 *under section 3003 and made available for car-*
19 *rying out this section.*

20 “(C) *PAYMENTS.*—*The Secretary shall con-*
21 *tinue to make grant payments to each entity*
22 *that received a covered grant, for the duration of*
23 *the grant period of the grant, to carry out activi-*
24 *ties in accordance with the appropriate section*
25 *described in subparagraph (A)(i).*

1 “(2) *AVAILABILITY.*—Of the amount appro-
2 priated for a fiscal year under section 3003 that is
3 made available for carrying out this section, and that
4 remains after the Secretary reserves funds for pay-
5 ments under paragraph (1)—

6 “(A) not less than $\frac{1}{3}$ of the remainder shall
7 be used to award grants for activities carried out
8 within an entire school district; and

9 “(B) not less than $\frac{2}{3}$ of the remainder shall
10 be used to award grants for activities carried out
11 within individual schools.

12 “(d) *ELIGIBLE ENTITIES.*—In this section, the term
13 ‘eligible entity’ means—

14 “(1) 1 or more local educational agencies; or

15 “(2) 1 or more local educational agencies, in col-
16 laboration with an institution of higher education,
17 community-based organization, or State educational
18 agency.

19 **“SEC. 3104. APPLICATIONS.**

20 “(a) *IN GENERAL.*—

21 “(1) *SECRETARY.*—To receive a grant under this
22 subpart, an eligible entity shall submit an applica-
23 tion to the Secretary at such time, in such form, and
24 containing such information as the Secretary may re-
25 quire.

1 “(2) *STATE EDUCATIONAL AGENCY.*—*An eligible*
2 *entity, with the exception of schools funded by the Bu-*
3 *reau of Indian Affairs, shall submit a copy of the ap-*
4 *plication submitted by the entity under this section to*
5 *the State educational agency.*

6 “(b) *STATE REVIEW AND COMMENTS.*—

7 “(1) *DEADLINE.*—*The State educational agency,*
8 *not later than 45 days after receipt of an application*
9 *under this section, shall review the application and*
10 *submit the written comments of the agency regarding*
11 *the application to the Secretary.*

12 “(2) *COMMENTS.*—

13 “(A) *SUBMISSION OF COMMENTS.*—*Regard-*
14 *ing applications submitted under this subpart,*
15 *the State educational agency shall—*

16 “(i) *submit to the Secretary written*
17 *comments regarding all such applications;*
18 *and*

19 “(ii) *submit to each eligible entity the*
20 *comments that pertain to such entity.*

21 “(B) *SUBJECT.*—*For purposes of this sub-*
22 *part, such comments shall address—*

23 “(i) *how the activities to be carried out*
24 *under the grant will further the academic*
25 *achievement and English proficiency of lim-*

1 *ited English proficient students served*
2 *under the grant; and*

3 *“(ii) how the grant application is con-*
4 *sistent with the State plan required under*
5 *section 1111.*

6 *“(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity*
7 *may submit to the Secretary comments that address the*
8 *comments submitted by the State educational agency.*

9 *“(d) COMMENT CONSIDERATION.—In making grants*
10 *under this subpart, the Secretary shall take into consider-*
11 *ation comments made by State educational agencies.*

12 *“(e) WAIVER.—Notwithstanding subsection (b), the*
13 *Secretary is authorized to waive the review requirement*
14 *specified in subsection (b) if a State educational agency can*
15 *demonstrate that such review requirement may impede such*
16 *agency’s ability to fulfill the requirements of participation*
17 *in the program authorized in section 3124, particularly*
18 *such agency’s ability to carry out data collection efforts and*
19 *such agency’s ability to provide technical assistance to local*
20 *educational agencies not receiving funds under this Act.*

21 *“(f) REQUIRED DOCUMENTATION.—Such application*
22 *shall include documentation that—*

23 *“(1) the applicant has the qualified personnel re-*
24 *quired to develop, administer, and implement the pro-*
25 *gram proposed in the application; and*

1 “(2) *the leadership personnel of each school par-*
2 *ticipating in the program have been involved in the*
3 *development and planning of the program in the*
4 *school.*

5 “(g) *CONTENTS.—*

6 “(1) *IN GENERAL.—An application for a grant*
7 *under this subpart shall contain the following:*

8 “(A) *A description of the need for the pro-*
9 *posed program, including—*

10 “(i) *data on the number of limited*
11 *English proficient students in the school or*
12 *school district to be served;*

13 “(ii) *information on the characteristics*
14 *of such students, including—*

15 “(I) *the native languages of the*
16 *students;*

17 “(II) *the proficiency of the stu-*
18 *dents in English and their native lan-*
19 *guage;*

20 “(III) *achievement data (current*
21 *as of the date of submission of the ap-*
22 *plication) for the limited English pro-*
23 *ficient students in—*

1 “(aa) reading or language
2 arts (in English and in the native
3 language, if applicable); and

4 “(bb) mathematics;

5 “(IV) a comparison of that data
6 for the students with that data for the
7 English proficient peers of the students;
8 and

9 “(V) the previous schooling experi-
10 ences of the students;

11 “(iii) the professional development
12 needs of the instructional personnel who
13 will provide services for the limited English
14 proficient students under the proposed pro-
15 gram; and

16 “(iv) how the services provided through
17 the grant will supplement the basic services
18 provided to limited English proficient stu-
19 dents.

20 “(B) A description of the program to be im-
21 plemented and how such program’s design—

22 “(i) relates to the linguistic and aca-
23 demic needs of the children and youth of
24 limited English proficiency to be served;

1 “(ii) will ensure that the services pro-
2 vided through the program will supplement
3 the basic services the applicant provides to
4 limited English proficient students;

5 “(iii) will ensure that the program is
6 coordinated with other programs under this
7 Act and other Acts;

8 “(iv) involves the parents of the chil-
9 dren and youth of limited English pro-
10 ficiency to be served;

11 “(v) ensures accountability in achiev-
12 ing high academic standards; and

13 “(vi) promotes coordination of services
14 for the children and youth of limited
15 English proficiency to be served and their
16 families.

17 “(C) A description, if appropriate, of the
18 applicant’s collaborative activities with institu-
19 tions of higher education, community-based orga-
20 nizations, local educational agencies or State
21 educational agencies, private schools, nonprofit
22 organizations, or businesses in carrying out the
23 proposed program.

24 “(D) An assurance that the applicant will
25 not reduce the level of State and local funds that

1 *the applicant expends for bilingual education or*
2 *special alternative instruction programs if the*
3 *applicant receives an award under this subpart.*

4 “(E) *An assurance that the applicant will*
5 *employ teachers in the proposed program who,*
6 *individually or in combination, are proficient*
7 *in—*

8 “(i) *English, with respect to written,*
9 *as well as oral, communication skills; and*

10 “(ii) *the native language of the major-*
11 *ity of the students that the teachers teach, if*
12 *instruction in the program is in the native*
13 *language as well as English.*

14 “(F) *A budget for the grant funds.*

15 “(2) *ADDITIONAL INFORMATION.—Each applica-*
16 *tion for a grant under section 3103 shall—*

17 “(A) *describe—*

18 “(i) *current services (as of the date of*
19 *submission of the application) the applicant*
20 *provides to children and youth of limited*
21 *English proficiency;*

22 “(ii) *what services children and youth*
23 *of limited English proficiency will receive*
24 *under the grant that such children or youth*
25 *will not otherwise receive;*

1 “(iii) how funds received under this
2 subpart will be integrated with all other
3 Federal, State, local, and private resources
4 that may be used to serve children and
5 youth of limited English proficiency;

6 “(iv) specific achievement and school
7 retention goals for the children and youth to
8 be served by the proposed program and how
9 progress toward achieving such goals will be
10 measured; and

11 “(v) the current family education pro-
12 grams (as of the date of submission of the
13 application) of the eligible entity, if appli-
14 cable; and

15 “(B) provide assurances that—

16 “(i) the program funded with the grant
17 will be integrated with the overall edu-
18 cational program of the students served
19 through the proposed program; and

20 “(ii) the application has been devel-
21 oped in consultation with an advisory coun-
22 cil, the majority of whose members are par-
23 ents and other representatives of the chil-
24 dren and youth to be served in such pro-
25 gram.

1 “(h) *APPROVAL OF APPLICATIONS.—An application*
2 *for a grant under this subpart may be approved only if*
3 *the Secretary determines that—*

4 “(1) *the program proposed in the application*
5 *will use qualified personnel, including personnel who*
6 *are proficient in the language or languages used for*
7 *instruction;*

8 “(2) *in designing the program, the eligible entity*
9 *has, after consultation with appropriate private*
10 *school officials—*

11 “(A) *taken into account the needs of chil-*
12 *dren in nonprofit private elementary schools and*
13 *secondary schools; and*

14 “(B) *in a manner consistent with the num-*
15 *ber of such children enrolled in such schools in*
16 *the area to be served, whose educational needs*
17 *are of the type and whose language, and grade*
18 *levels are of a similar type to the needs, lan-*
19 *guage, and grade levels that the program is in-*
20 *tended to address, provided for the participation*
21 *of such children on a basis comparable to the*
22 *basis on which public school children participate;*

23 “(3)(A) *student evaluation and assessment proce-*
24 *dures in the program are valid, reliable, and fair for*
25 *limited English proficient students; and*

1 “(B) *limited English proficient students with*
2 *disabilities will be identified and served through the*
3 *program in accordance with the requirements of the*
4 *Individuals with Disabilities Education Act;*

5 “(4) *Federal funds made available for the pro-*
6 *gram will be used to supplement the State and local*
7 *funds that, in the absence of such Federal funds,*
8 *would be expended for special programs for children*
9 *of limited English proficient individuals, and in no*
10 *case to supplant such State and local funds, except*
11 *that nothing in this paragraph shall be construed to*
12 *preclude a local educational agency from using funds*
13 *made available under this subpart—*

14 “(A) *for activities carried out under an*
15 *order of a Federal or State court respecting serv-*
16 *ices to be provided to such children; or*

17 “(B) *to carry out a plan approved by the*
18 *Secretary as adequate under title VI of the Civil*
19 *Rights Act of 1964 with respect to services to be*
20 *provided to such children;*

21 “(5)(A) *the assistance provided through the grant*
22 *will contribute toward building the capacity of the el-*
23 *igible entity to provide a program on a regular basis,*
24 *similar to the proposed program, that will be of suffi-*
25 *cient size, scope, and quality to promise significant*

1 *improvement in the education of limited English pro-*
2 *ficient students; and*

3 *“(B) the eligible entity will have the resources*
4 *and commitment to continue the program of sufficient*
5 *size, scope, and quality when assistance under this*
6 *subpart is reduced or no longer available; and*

7 *“(6) the eligible entity will use State and na-*
8 *tional dissemination sources for program design and*
9 *dissemination of results and products.*

10 *“(i) PRIORITIES AND SPECIAL RULES.—*

11 *“(1) PRIORITY.—In approving applications for*
12 *grants for programs under this subpart, the Secretary*
13 *shall give priority to an applicant who—*

14 *“(A) experiences a dramatic increase in the*
15 *number or percentage of limited English pro-*
16 *ficient students enrolled in the applicant’s pro-*
17 *grams and has limited or no experience in serv-*
18 *ing limited English proficient students;*

19 *“(B) is a local educational agency that*
20 *serves a school district that has a total district*
21 *enrollment that is less than 10,000 students;*

22 *“(C) demonstrates that the applicant has a*
23 *proven record of success in helping limited*
24 *English proficient children and youth learn*
25 *English and meet high academic standards;*

1 “(D) proposes programs that provide for the
2 development of bilingual proficiency both in
3 English and another language for all partici-
4 pating students; or

5 “(E) serves a school district with a large
6 number or percentage of limited English pro-
7 ficient students.

8 “(2) CONSIDERATION.—In determining whether
9 to approve an application under this subpart, the
10 Secretary shall give consideration to the degree to
11 which the program for which assistance is sought in-
12 volves the collaborative efforts of institutions of higher
13 education, community-based organizations, the appro-
14 priate local educational agency and State educational
15 agency, or businesses.

16 “(3) DUE CONSIDERATION.—In determining
17 whether to approve an application under this sub-
18 part, the Secretary shall give due consideration to an
19 application that—

20 “(A) provides for training for personnel
21 participating in or preparing to participate in
22 the program that will assist such personnel in
23 meeting State and local certification require-
24 ments; and

1 “(B) to the extent possible, describes how
2 credit at an institution of higher education will
3 be awarded for such training.

4 **“SEC. 3105. CAPACITY BUILDING.**

5 “Each recipient of a grant under this subpart shall
6 use the grant in ways that will build such recipient’s capac-
7 ity to continue to offer high-quality bilingual and special
8 alternative education programs and services to children and
9 youth of limited English proficiency after Federal assist-
10 ance is reduced or eliminated.

11 **“SEC. 3106. PROGRAMS FOR NATIVE AMERICANS AND PUER-**
12 **TO RICO.**

13 “Programs authorized under this subpart that serve
14 Native American children (including Native American Pa-
15 cific Islander children), and children in the Commonwealth
16 of Puerto Rico, notwithstanding any other provision of this
17 subpart, may include programs of instruction, teacher
18 training, curriculum development, evaluation, and testing
19 designed for Native American children and youth learning
20 and studying Native American languages and children and
21 youth of limited Spanish proficiency, except that 1 outcome
22 of such programs serving Native American children shall
23 be increased English proficiency among such children.

1 **“SEC. 3107. EVALUATIONS.**

2 “(a) *EVALUATION.*—*Each recipient of funds under this*
3 *subpart for a program shall annually conduct an evalua-*
4 *tion of the program and submit to the Secretary a report*
5 *concerning the evaluation, in the form prescribed by the*
6 *Secretary.*

7 “(b) *USE OF EVALUATION.*—*Such evaluation shall be*
8 *used by the grant recipient—*

9 “(1) *for program improvement;*

10 “(2) *to further define the program’s goals and*
11 *objectives; and*

12 “(3) *to determine program effectiveness.*

13 “(c) *EVALUATION REPORT COMPONENTS.*—*In pre-*
14 *paring the evaluation reports, the recipient shall—*

15 “(1) *use the data provided in the application*
16 *submitted by the recipient under section 3104 as base-*
17 *line data against which to report academic achieve-*
18 *ment and gains in English proficiency for students in*
19 *the program;*

20 “(2) *disaggregate the results of the evaluation by*
21 *gender, language groups, and whether the students*
22 *have disabilities;*

23 “(3) *include data on the progress of the recipient*
24 *in achieving the objectives of the program, including*
25 *data demonstrating the extent to which students*
26 *served by the program are meeting the State’s student*

1 *performance standards, and including data com-*
2 *paring limited English proficient students with*
3 *English proficient students with regard to school re-*
4 *tention and academic achievement concerning—*

5 *“(A) reading and language arts;*

6 *“(B) English proficiency;*

7 *“(C) mathematics; and*

8 *“(D) the native language of the students if*
9 *the program develops native language pro-*
10 *ficiency;*

11 *“(4) include information on the extent that pro-*
12 *fessional development activities carried out through*
13 *the program have resulted in improved classroom*
14 *practices and improved student performance;*

15 *“(5) include a description of how the activities*
16 *carried out through the program are coordinated and*
17 *integrated with the other Federal, State, or local pro-*
18 *grams serving limited English proficient children and*
19 *youth; and*

20 *“(6) include such other information as the Sec-*
21 *retary may require.*

22 **“SEC. 3108. CONSTRUCTION.**

23 *“Nothing in this subpart shall be construed to prohibit*
24 *a local educational agency from serving limited English*
25 *proficient children and youth simultaneously with students*

1 *with similar educational needs, in the same educational set-*
2 *tings where appropriate.*

3 **“Subpart 2—Research, Evaluation, and**
4 **Dissemination**

5 **“SEC. 3121. AUTHORITY.**

6 “(a) *IN GENERAL.*—*The Secretary is authorized to*
7 *conduct data collection, dissemination, research, and ongo-*
8 *ing program evaluation activities in accordance with the*
9 *provisions of this subpart for the purpose of improving bi-*
10 *lingual education and special alternative instruction pro-*
11 *grams for children and youth of limited English pro-*
12 *ficiency.*

13 “(b) *COMPETITIVE AWARDS.*—*Research and program*
14 *evaluation activities carried out under this subpart shall*
15 *be supported through competitive grants, contracts and co-*
16 *operative agreements awarded to institutions of higher edu-*
17 *cation, nonprofit organizations, State educational agencies,*
18 *and local educational agencies.*

19 “(c) *ADMINISTRATION.*—*The Secretary shall conduct*
20 *data collection, dissemination, and ongoing program eval-*
21 *uation activities authorized by this subpart through the Of-*
22 *fice of Bilingual Education and Minority Language Af-*
23 *fairs.*

1 **“SEC. 3122. RESEARCH.**

2 “(a) *ADMINISTRATION.*—*The Secretary shall conduct*
3 *research activities authorized by this subpart through the*
4 *Office of Educational Research and Improvement in coordi-*
5 *nation and collaboration with the Office of Bilingual Edu-*
6 *cation and Minority Language Affairs.*

7 “(b) *REQUIREMENTS.*—*Such research activities—*

8 “(1) *shall have a practical application to teach-*
9 *ers, counselors, paraprofessionals, school administra-*
10 *tors, parents, and others involved in improving the*
11 *education of limited English proficient students and*
12 *their families;*

13 “(2) *may include research on effective instruc-*
14 *tional practices for multilingual classes, and on effec-*
15 *tive instruction strategies to be used by a teacher or*
16 *other staff member who does not know the native lan-*
17 *guage of a limited English proficient child or youth*
18 *in the teacher’s or staff member’s classroom;*

19 “(3) *may include establishing (through the Na-*
20 *tional Center for Education Statistics in consultation*
21 *with experts in bilingual education, second language*
22 *acquisition, and English-as-a-second-language) a*
23 *common definition of ‘limited English proficient stu-*
24 *dent’ for purposes of national data collection; and*

1 “(4) shall be administered by individuals with
2 expertise in bilingual education and the needs of lim-
3 ited English proficient students and their families.

4 “(c) *FIELD-INITIATED RESEARCH.*—

5 “(1) *IN GENERAL.*—The Secretary shall reserve
6 not less than 5 percent of the funds made available
7 to carry out this section for field-initiated research
8 conducted by recipients of grants under subpart 1 or
9 this subpart who have received such grants within the
10 previous 5 years. Such research may provide for lon-
11 gitudinal studies of students or teachers into bilingual
12 education, monitoring the education of such students
13 from entry into bilingual education through sec-
14 ondary school completion.

15 “(2) *APPLICATIONS.*—An applicant for assist-
16 ance under this subsection may submit an applica-
17 tion for such assistance to the Secretary at the same
18 time as the applicant submits another application
19 under subpart 1 or this subpart. The Secretary shall
20 complete a review of such applications on a timely
21 basis to allow the activities carried out under research
22 and program grants to be coordinated when recipients
23 are awarded 2 or more of such grants.

24 “(d) *CONSULTATION.*—The Secretary shall consult
25 with agencies and organizations that are engaged in bilin-

1 *qual education research and practice, or related research,*
2 *and bilingual education researchers and practitioners, to*
3 *identify areas of study and activities to be funded under*
4 *this section.*

5 “(e) *DATA COLLECTION.*—*The Secretary shall provide*
6 *for the collection of data on limited English proficient stu-*
7 *dents as part of the data systems operated by the Depart-*
8 *ment.*

9 “**SEC. 3123. ACADEMIC EXCELLENCE AWARDS.**

10 “(a) *AUTHORITY.*—*The Secretary may make grants to*
11 *State educational agencies to assist the agencies in recog-*
12 *nizing local educational agencies and other public and non-*
13 *profit entities whose programs have—*

14 “(1) *demonstrated significant progress in assist-*
15 *ing limited English proficient students to learn*
16 *English according to age appropriate and develop-*
17 *mentally appropriate standards; and*

18 “(2) *demonstrated significant progress in assist-*
19 *ing limited English proficient children and youth to*
20 *meet, according to age appropriate and develop-*
21 *mentally appropriate standards, the same challenging*
22 *State content standards as all children and youth are*
23 *expected to meet.*

24 “(b) *APPLICATIONS.*—*A State educational agency de-*
25 *siring a grant under this section shall include an applica-*

1 tion for such grant in the application submitted by the
2 agency under section 3124(e).

3 **“SEC. 3124. STATE GRANT PROGRAM.**

4 “(a) *STATE GRANT PROGRAM.*—The Secretary is au-
5 thorized to make an award to a State educational agency
6 that demonstrates, to the satisfaction of the Secretary, that
7 such agency, through such agency’s programs and other
8 Federal education programs, effectively provides for the
9 education of children and youth of limited English pro-
10 ficiency within the State.

11 “(b) *PAYMENTS.*—The amount paid to a State edu-
12 cational agency under subsection (a) shall not exceed 5 per-
13 cent of the total amount awarded to local educational agen-
14 cies and entities within the State under subpart 1 for the
15 previous fiscal year, except that in no case shall the amount
16 paid by the Secretary to any State educational agency
17 under this subsection for any fiscal year be less than
18 \$200,000.

19 “(c) *USE OF FUNDS.*—

20 “(1) *IN GENERAL.*—A State educational agency
21 shall use funds awarded under this section to—

22 “(A) assist local educational agencies in the
23 State with activities that—

24 “(i) consist of program design, capac-
25 ity building, assessment of student perform-

1 *ance, program evaluation, and development*
2 *of data collection and accountability sys-*
3 *tems for limited English proficient students;*
4 *and*

5 *“(ii) are aligned with State reform ef-*
6 *forts; and*

7 *“(B) collect data on the State’s limited*
8 *English proficient populations and document the*
9 *services available to all such populations.*

10 *“(2) TRAINING.—The State educational agency*
11 *may also use funds provided under this section for the*
12 *training of State educational agency personnel in*
13 *educational issues affecting limited English proficient*
14 *children and youth.*

15 *“(3) SPECIAL RULE.—Recipients of funds under*
16 *this section shall not restrict the provision of services*
17 *under this section to federally funded programs.*

18 *“(d) STATE CONSULTATION.—A State educational*
19 *agency receiving funds under this section shall consult with*
20 *recipients of grants under this subpart and other individ-*
21 *uals or organizations involved in the development or oper-*
22 *ation of programs serving limited English proficient chil-*
23 *dren or youth to ensure that such funds are used in a man-*
24 *ner consistent with the requirements of this subpart.*

1 “(e) *APPLICATIONS.*—A State educational agency de-
2 siring to receive funds under this section shall submit an
3 application to the Secretary at such time, in such form,
4 and containing such information and assurances as the
5 Secretary may require.

6 “(f) *SUPPLEMENT NOT SUPPLANT.*—Federal funds
7 made available under this section for any fiscal year shall
8 be used by the State educational agency to supplement and,
9 to the extent practical, to increase the State funds that, in
10 the absence of such Federal funds, would be made available
11 for the purposes described in this section, and in no case
12 to supplant such State funds.

13 “(g) *REPORT TO THE SECRETARY.*—A State edu-
14 cational agency receiving an award under this section shall
15 provide for the annual submission of a summary report to
16 the Secretary describing such State’s use of the funds made
17 available through the award.

18 **“SEC. 3125. NATIONAL CLEARINGHOUSE FOR BILINGUAL**
19 **EDUCATION.**

20 “(a) *ESTABLISHMENT.*—The Secretary shall establish
21 and support the operation of a National Clearinghouse for
22 Bilingual Education, which shall collect, analyze, syn-
23 thesize, and disseminate information about bilingual edu-
24 cation and related programs.

1 “(b) *FUNCTIONS.*—*The National Clearinghouse for Bi-*
2 *lingual Education shall—*

3 “(1) *be administered as an adjunct clearinghouse*
4 *of the Educational Resources Information Center*
5 *Clearinghouses system of clearinghouses supported by*
6 *the Office of Educational Research and Improvement;*

7 “(2) *coordinate activities with Federal data and*
8 *information clearinghouses and entities operating*
9 *Federal dissemination networks and systems;*

10 “(3) *develop a database management and moni-*
11 *toring system for improving the operation and effec-*
12 *tiveness of federally funded bilingual education pro-*
13 *grams;*

14 “(4) *develop, maintain, and disseminate a list-*
15 *ing, by geographical area, of education professionals,*
16 *parents, teachers, administrators, community mem-*
17 *bers, and others, who are native speakers of languages*
18 *other than English, for use as a resource by local edu-*
19 *cational agencies and schools in the development and*
20 *implementation of bilingual education programs; and*

21 “(5) *publish, on an annual basis, a list of grant*
22 *recipients under this subpart.*

1 **“SEC. 3126. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

2 “(a) *IN GENERAL.*—*The Secretary may make grants*
3 *for the development, publication, and dissemination of high-*
4 *quality instructional materials—*

5 “(1) *in Native American languages (including*
6 *Native Hawaiian languages and the language of Na-*
7 *tive American Pacific Islanders), and the language of*
8 *natives of the outlying areas, for which instructional*
9 *materials are not readily available; and*

10 “(2) *in other low-incidence languages in the*
11 *United States for which instructional materials are*
12 *not readily available.*

13 “(b) *PRIORITY.*—*In making the grants, the Secretary*
14 *shall give priority to applicants for the grants who*
15 *propose—*

16 “(1) *to develop instructional materials in lan-*
17 *guages indigenous to the United States or the out-*
18 *lying areas; and*

19 “(2) *to develop and evaluate materials, in col-*
20 *laboration with entities carrying out activities as-*
21 *sisted under subpart 1 and this subpart, that are con-*
22 *sistent with voluntary national content standards and*
23 *challenging State content standards.*

1 **“Subpart 3—Professional Development**

2 **“SEC. 3131. PURPOSE.**

3 *“The purpose of this subpart is to assist in preparing*
4 *educators to improve the educational services for limited*
5 *English proficient children and youth by supporting profes-*
6 *sional development programs and the dissemination of in-*
7 *formation on appropriate instructional practices for such*
8 *children and youth.*

9 **“SEC. 3132. TRAINING FOR ALL TEACHERS PROGRAM.**

10 *“(a) PURPOSE.—The purpose of this section is to pro-*
11 *vide for the incorporation of courses and curricula on ap-*
12 *propriate and effective instructional and assessment meth-*
13 *odologies, strategies, and resources specific to limited*
14 *English proficient students into preservice and inservice*
15 *professional development programs for individuals who are*
16 *teachers, pupil services personnel, administrators, or other*
17 *education personnel in order to prepare such individuals*
18 *to provide effective services to limited English proficient*
19 *students.*

20 *“(b) AUTHORIZATION.—*

21 *“(1) AUTHORITY.—The Secretary may award*
22 *grants under this section to—*

23 *“(A) local educational agencies; or*

24 *“(B) 1 or more local educational agencies*
25 *in a consortium with 1 or more State edu-*

1 *ational agencies, institutions of higher edu-*
2 *cation, or nonprofit organizations.*

3 “(2) *DURATION.*—*Each grant awarded under*
4 *this section shall be awarded for a period of not more*
5 *than 5 years.*

6 “(c) *AUTHORIZED ACTIVITIES.*—

7 “(1) *PROFESSIONAL DEVELOPMENT ACTIVI-*
8 *TIES.*—*Grants awarded under this section shall be*
9 *used to conduct high-quality, long-term professional*
10 *development activities relating to meeting the needs of*
11 *limited English proficient students, which may*
12 *include—*

13 “(A) *developing and implementing induc-*
14 *tion programs for new teachers, including pro-*
15 *grams that provide mentoring and coaching by*
16 *trained teachers, and team teaching with experi-*
17 *enced teachers;*

18 “(B) *implementing school-based collabo-*
19 *rative efforts among teachers to improve instruc-*
20 *tion in core academic areas, including reading,*
21 *for students of limited English proficiency;*

22 “(C) *coordinating activities with entities*
23 *carrying out other programs, such as other pro-*
24 *grams carried out under this title, title II, and*
25 *the Head Start Act;*

1 “(D) implementing programs that support
2 effective teacher use of education technologies to
3 improve instruction and assessment;

4 “(E) establishing and maintaining local
5 professional networks;

6 “(F) developing curricular materials and
7 assessments for teachers that are aligned with
8 State and local standards and the needs of the
9 limited English proficient students to be served;
10 and

11 “(G) carrying out such other activities as
12 are consistent with the purpose of this section.

13 “(2) *PERMISSIBLE ACTIVITIES.*—Grants awarded
14 under this section may be used to conduct activities
15 that include the development of training programs in
16 collaboration with entities carrying out other pro-
17 grams, such as other programs authorized under this
18 title, title II, and the Head Start Act.

19 **“SEC. 3133. BILINGUAL EDUCATION TEACHERS AND PER-**
20 **SONNEL GRANTS.**

21 “(a) *PURPOSE.*—The purpose of this section is to pro-
22 vide for—

23 “(1) preservice and inservice professional devel-
24 opment for bilingual education teachers, administra-
25 tors, pupil services personnel, and other educational

1 *personnel who are either involved in, or preparing to*
2 *be involved in, the provision of educational services*
3 *for children and youth of limited English proficiency;*
4 *and*

5 *“(2) national professional development institutes*
6 *that assist schools or departments of education in in-*
7 *stitutions of higher education to improve the quality*
8 *of professional development programs for personnel*
9 *serving, preparing to serve, or who may serve, chil-*
10 *dren and youth of limited English proficiency.*

11 *“(b) PROGRAM AUTHORIZED.—*

12 *“(1) GRANTS TO INSTITUTIONS OF HIGHER EDU-*
13 *CATION.—The Secretary is authorized to award*
14 *grants for a period of not more than 5 years to insti-*
15 *tutions of higher education, in consortia with State*
16 *educational agencies or local educational agencies, to*
17 *achieve the purpose of this section.*

18 *“(2) GRANTS TO STATE AND LOCAL EDU-*
19 *CATIONAL AGENCIES.—The Secretary is authorized to*
20 *award grants for a period of not more than 5 years*
21 *to State educational agencies and local educational*
22 *agencies, for inservice professional development pro-*
23 *grams.*

24 *“(c) PRIORITY.—The Secretary shall give priority in*
25 *awarding grants under this section to institutions of higher*

1 *education, in consortia with State educational agencies or*
2 *local educational agencies, that offer degree programs that*
3 *prepare new bilingual education teachers for teaching in*
4 *order to increase the availability of teachers to provide high-*
5 *quality education to limited English proficient students.*

6 **“SEC. 3134. BILINGUAL EDUCATION CAREER LADDER PRO-**
7 **GRAM.**

8 *“(a) PURPOSE.—The purpose of this section is—*

9 *“(1) to upgrade the qualifications and skills of*
10 *noncertified educational personnel, especially edu-*
11 *cational paraprofessionals, to enable the personnel to*
12 *meet high professional standards, including standards*
13 *for certification and licensure as bilingual education*
14 *teachers or for other types of educational personnel*
15 *who serve limited English proficient students, through*
16 *collaborative training programs operated by institu-*
17 *tions of higher education and State educational agen-*
18 *cies and local educational agencies; and*

19 *“(2) to help recruit and train secondary school*
20 *students as bilingual education teachers and other*
21 *types of educational personnel to serve limited*
22 *English proficient students.*

23 *“(b) AUTHORIZATION.—*

24 *“(1) IN GENERAL.—The Secretary is authorized*
25 *to award grants for bilingual education career ladder*

1 *programs to institutions of higher education, in con-*
2 *sortia with State educational agencies or local edu-*
3 *catinal agencies, which consortia may include com-*
4 *munity-based organizations or professional education*
5 *organizations.*

6 “(2) *DURATION.*—*Each grant awarded under*
7 *this section shall be awarded for a period of not more*
8 *than 5 years.*

9 “(c) *PERMISSIBLE ACTIVITIES.*—*Grants awarded*
10 *under this section may be used—*

11 “(1) *for the development of bilingual education*
12 *career ladder program curricula appropriate to the*
13 *needs of the consortium participants involved;*

14 “(2) *to provide assistance for stipends and costs*
15 *related to tuition, fees, and books for enrolling in*
16 *courses required to complete the degree, and certifi-*
17 *cation or licensing requirements for bilingual edu-*
18 *cation teachers; and*

19 “(3) *for programs to introduce secondary school*
20 *students to careers in bilingual education teaching*
21 *that are coordinated with other activities assisted*
22 *under this section.*

23 “(d) *SPECIAL CONSIDERATION.*—*In awarding the*
24 *grants, the Secretary shall give special consideration to an*
25 *applicant proposing a program that provides for—*

1 “(1) participant completion of teacher education
2 programs for a baccalaureate or master’s degree, and
3 certification requirements, which programs may in-
4 clude effective employment placement activities;

5 “(2) development of teacher proficiency in
6 English as a second language, including developing
7 proficiency in the instructional use of English and, as
8 appropriate, a second language in classroom contexts;

9 “(3) coordination with the Federal TRIO pro-
10 grams under chapter 1 of subpart 2 of part A of title
11 IV of the Higher Education Act of 1965, programs
12 under title I of the National and Community Service
13 Act of 1990, and other programs for the recruitment
14 and retention of bilingual students in secondary and
15 postsecondary programs to train the students to be-
16 come bilingual educators; and

17 “(4) the applicant’s contribution of additional
18 student financial aid to participating students.

19 **“SEC. 3135. GRADUATE FELLOWSHIPS IN BILINGUAL EDU-**
20 **CATION PROGRAM.**

21 “(a) AUTHORIZATION.—

22 “(1) IN GENERAL.—The Secretary may award
23 fellowships for master’s, doctoral, and post-doctoral
24 study related to instruction of children and youth of
25 limited English proficiency in such areas as teacher

1 *training, program administration, research and eval-*
2 *uation, and curriculum development, and for the sup-*
3 *port of dissertation research related to such study.*

4 “(2) *INFORMATION.*—*The Secretary shall include*
5 *information on the operation of, and the number of*
6 *fellowships awarded under, the fellowship program in*
7 *the evaluation required under section 3138.*

8 “(b) *FELLOWSHIP REQUIREMENTS.*—

9 “(1) *IN GENERAL.*—*Any person receiving a fel-*
10 *lowship under this section shall agree to—*

11 “(A) *work in an activity related to the pro-*
12 *gram or in an activity such as an activity au-*
13 *thorized under this part, including work as a bi-*
14 *lingual education teacher, for a period of time*
15 *equivalent to the period of time during which*
16 *such person receives assistance under this sec-*
17 *tion; or*

18 “(B) *repay such assistance.*

19 “(2) *REGULATIONS.*—*The Secretary shall estab-*
20 *lish in regulations such terms and conditions for such*
21 *agreement as the Secretary determines to be reason-*
22 *able and necessary and may waive the requirement of*
23 *paragraph (1) in extraordinary circumstances.*

24 “(c) *PRIORITY.*—*In awarding fellowships under this*
25 *section the Secretary may give priority to institutions of*

1 *higher education that demonstrate experience in assisting*
2 *fellowship recipients to find employment in the field of bi-*
3 *lingual education.*

4 **“SEC. 3136. APPLICATION.**

5 “(a) *IN GENERAL.*—

6 “(1) *SECRETARY.*—*To receive an award under*
7 *this subpart, an eligible entity shall submit an appli-*
8 *cation to the Secretary at such time, in such form,*
9 *and containing such information as the Secretary*
10 *may require.*

11 “(2) *CONSULTATION AND ASSESSMENT.*—*Each*
12 *such application shall contain a description of how*
13 *the applicant has consulted with, and assessed the*
14 *needs of, public and private schools serving children*
15 *and youth of limited English proficiency to determine*
16 *such schools’ need for, and the design of, the program*
17 *for which funds are sought.*

18 “(3) *SPECIAL RULE.*—

19 “(A) *TRAINING PRACTICUM.*—*An eligible*
20 *entity who proposes to conduct a master’s- or*
21 *doctoral-level program with funds received under*
22 *this subpart shall submit an application under*
23 *this section that contains an assurance that such*
24 *program will include, as a part of the program,*
25 *a training practicum in a local school program*

1 *serving children and youth of limited English*
2 *proficiency.*

3 “(B) *WAIVER.*—*A recipient of a grant*
4 *under this subpart for a program may waive the*
5 *requirement that a participant in the program*
6 *participate in the training practicum, for a de-*
7 *gree candidate with significant experience in a*
8 *local school program serving children and youth*
9 *of limited English proficiency.*

10 “(4) *STATE EDUCATIONAL AGENCY.*—*An eligible*
11 *entity that submits an application under this section,*
12 *with the exception of a school funded by the Bureau*
13 *of Indian Affairs, shall submit a copy of the applica-*
14 *tion to the appropriate State educational agency.*

15 “(b) *STATE REVIEW AND COMMENTS.*—

16 “(1) *DEADLINE.*—*The State educational agency,*
17 *not later than 45 days after receipt of such applica-*
18 *tion, shall review the application and transmit such*
19 *application to the Secretary.*

20 “(2) *COMMENTS.*—

21 “(A) *SUBMISSION OF COMMENTS.*—*Regard-*
22 *ing applications submitted under this subpart,*
23 *the State educational agency shall—*

1 “(i) submit to the Secretary written
2 comments regarding all such applications;
3 and

4 “(ii) submit to each eligible entity the
5 comments that pertain to such entity.

6 “(B) SUBJECT.—For purposes of this sub-
7 part, comments shall address—

8 “(i) how the activities to be carried out
9 under the award will further the academic
10 achievement and English proficiency of lim-
11 ited English proficient students served
12 under the award; and

13 “(ii) how the application is consistent
14 with the State plan required under section
15 1111.

16 “(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity
17 may submit to the Secretary comments that address the
18 comments submitted by the State educational agency.

19 “(d) COMMENT CONSIDERATION.—In making awards
20 under this subpart, the Secretary shall take into consider-
21 ation comments made by State educational agencies.

22 “(e) WAIVER.—Notwithstanding subsection (b), the
23 Secretary is authorized to waive the review requirement
24 specified in subsection (b) if a State educational agency can
25 demonstrate that such review requirement may impede such

1 *agency's ability to fulfill the requirements of participation*
2 *in the program authorized in section 3124, particularly*
3 *such agency's ability to carry out data collection efforts,*
4 *and such agency's ability to provide technical assistance to*
5 *local educational agencies not receiving funds under this*
6 *Act.*

7 “(f) *SPECIAL RULE.—*

8 “(1) *OUTREACH AND TECHNICAL ASSISTANCE.—*

9 *The Secretary shall provide for outreach and tech-*
10 *nical assistance to institutions of higher education el-*
11 *igible for assistance under title III of the Higher Edu-*
12 *cation Act of 1965 and institutions of higher edu-*
13 *cation that are operated or funded by the Bureau of*
14 *Indian Affairs to facilitate the participation of such*
15 *institutions in activities under this subpart.*

16 “(2) *DISTRIBUTION RULE.—In making awards*
17 *under this subpart, the Secretary, consistent with sub-*
18 *section (d), shall ensure adequate representation of*
19 *Hispanic-serving institutions that demonstrate com-*
20 *petence and experience concerning the programs and*
21 *activities authorized under this subpart and are oth-*
22 *erwise qualified.*

23 **“SEC. 3137. STIPENDS.**

24 “*The Secretary shall provide, for persons participating*
25 *in training programs under this subpart, for the payment*

1 *of such stipends (including allowances for subsistence and*
2 *other expenses for such persons and their dependents), as*
3 *the Secretary determines to be appropriate.*

4 **“SEC. 3138. PROGRAM EVALUATIONS.**

5 *“Each recipient of funds under this subpart for a pro-*
6 *gram shall annually conduct an evaluation of the program*
7 *and submit to the Secretary a report containing the evalua-*
8 *tion. Such report shall include information on—*

9 *“(1) the number of participants served through*
10 *the program, the number of participants who com-*
11 *pleted program requirements, and the number of par-*
12 *ticipants who took positions in an instructional set-*
13 *ting with limited English proficient students;*

14 *“(2) the effectiveness of the program in impart-*
15 *ing the professional skills necessary for participants*
16 *to achieve the objectives of the program; and*

17 *“(3) the teaching effectiveness of graduates of the*
18 *program or other participants who have completed*
19 *the program.*

20 **“SEC. 3139. USE OF FUNDS FOR SECOND LANGUAGE COM-**
21 **PETENCE.**

22 *“Awards under this subpart may be used to develop*
23 *a program participant’s competence in a second language*
24 *for use in instructional programs.*

1 “(A) show the promise of being continued
2 beyond the grant period;

3 “(B) demonstrate approaches that can be
4 disseminated and duplicated in other local edu-
5 cational agencies; and

6 “(C) may include a professional develop-
7 ment component.

8 “(c) FEDERAL SHARE.—

9 “(1) IN GENERAL.—The Federal share for each
10 fiscal year shall be 50 percent.

11 “(2) WAIVER.—The Secretary may waive the re-
12 quirement of paragraph (1) for any local educational
13 agency which the Secretary determines does not have
14 adequate resources to pay the non-Federal share of the
15 cost of the activities assisted under this part.

16 “(3) SPECIAL RULE.—Not less than $\frac{3}{4}$ of the
17 funds appropriated under section 3205 shall be used
18 for the expansion of foreign language learning in the
19 elementary grades.

20 “(4) RESERVATION.—The Secretary may reserve
21 not more than 5 percent of funds appropriated under
22 section 3205 to evaluate the efficacy of programs
23 under this part.

1 **“SEC. 3203. APPLICATIONS.**

2 “(a) *IN GENERAL.*—*Any State educational agency or*
3 *local educational agency desiring a grant under this part*
4 *shall submit an application to the Secretary at such time,*
5 *in such form, and containing such information and assur-*
6 *ances as the Secretary may require.*

7 “(b) *SPECIAL CONSIDERATION.*—*The Secretary shall*
8 *give special consideration to applications describing pro-*
9 *grams that—*

10 “(1) *include intensive summer foreign language*
11 *programs for professional development;*

12 “(2) *link non-native English speakers in the*
13 *community with the schools in order to promote two-*
14 *way language learning;*

15 “(3) *promote the sequential study of a foreign*
16 *language for students, beginning in elementary*
17 *schools;*

18 “(4) *make effective use of technology, such as*
19 *computer-assisted instruction, language laboratories,*
20 *or distance learning, to promote foreign language*
21 *study;*

22 “(5) *promote innovative activities such as for-*
23 *ign language immersion, partial foreign language*
24 *immersion, or content-based instruction; and*

1 “(6) are carried out through a consortium com-
2 prised of the agency receiving the grant and an ele-
3 mentary school or secondary school.

4 **“SEC. 3204. ELEMENTARY SCHOOL FOREIGN LANGUAGE IN-**
5 **CENTIVE PROGRAM.**

6 “(a) *INCENTIVE PAYMENTS.*—From amounts appro-
7 priated under section 3205 the Secretary shall make an in-
8 centive payment for each fiscal year to each public elemen-
9 tary school that provides to students attending such school
10 a program designed to lead to communicative competency
11 in a foreign language.

12 “(b) *AMOUNT.*—The Secretary shall determine the
13 amount of the incentive payment under subsection (a) for
14 each public elementary school for each fiscal year on the
15 basis of the number of students participating in a program
16 described in such subsection at such school for such year
17 compared to the total number of such students at all such
18 schools in the United States for such year.

19 “(c) *REQUIREMENT.*—The Secretary shall consider a
20 program to be designed to lead to communicative com-
21 petency in a foreign language if such program is com-
22 parable to a program that provides not less than 45 minutes
23 of instruction in a foreign language not less than 4 days
24 per week throughout an academic year.

1 **“SEC. 3205. AUTHORIZATION OF APPROPRIATIONS.**

2 *“There are authorized to be appropriated \$35,000,000*
3 *for the fiscal year 2002, and such sums as may be necessary*
4 *for each of the 6 succeeding fiscal years, to carry out this*
5 *part, of which not more than \$20,000,000 may be used in*
6 *each fiscal year to carry out section 3204.*

7 **“PART C—EMERGENCY IMMIGRANT EDUCATION**
8 **PROGRAM**

9 **“SEC. 3301. PURPOSE.**

10 *“(a) FINDINGS.—The Congress finds that—*

11 *“(1) the education of our Nation’s children and*
12 *youth is 1 of the most sacred government responsibil-*
13 *ities;*

14 *“(2) local educational agencies have struggled to*
15 *fund adequately education services;*

16 *“(3) in the case of Plyler v. Doe, 457 U.S. 202*
17 *(1982), the Supreme Court held that States have a re-*
18 *sponsibility under the Equal Protection Clause of the*
19 *Constitution to educate all children, regardless of im-*
20 *migration status; and*

21 *“(4) immigration policy is solely a responsibility*
22 *of the Federal Government.*

23 *“(b) PURPOSE.—The purpose of this part is to assist*
24 *eligible local educational agencies that experience unexpect-*
25 *edly large increases in their student population due to im-*
26 *migration to—*

1 “(1) provide high-quality instruction to immi-
2 grant children and youth; and

3 “(2) help such children and youth—

4 “(A) with their transition into American
5 society; and

6 “(B) meet the same challenging State per-
7 formance standards expected of all children and
8 youth.

9 **“SEC. 3302. STATE ADMINISTRATIVE COSTS.**

10 *“For any fiscal year, a State educational agency may*
11 *reserve not more than 1.5 percent (2 percent if the State*
12 *educational agency distributes funds received under this*
13 *part to local educational agencies on a competitive basis)*
14 *of the amount allocated to such agency under section 3304*
15 *to pay the costs of performing such agency’s administrative*
16 *functions under this part.*

17 **“SEC. 3303. WITHHOLDING.**

18 *“Whenever the Secretary, after providing reasonable*
19 *notice and opportunity for a hearing to any State edu-*
20 *cational agency, finds that there is a failure to meet the*
21 *requirement of any provision of this part, the Secretary*
22 *shall notify that agency that further payments will not be*
23 *made to the agency under this part, or in the discretion*
24 *of the Secretary, that the State educational agency shall not*
25 *make further payments under this part to specified local*

1 *educational agencies whose actions cause or are involved in*
2 *such failure until the Secretary is satisfied that there is no*
3 *longer any such failure to comply. Until the Secretary is*
4 *so satisfied, no further payments shall be made to the State*
5 *educational agency under this part, or payments by the*
6 *State educational agency under this part shall be limited*
7 *to local educational agencies whose actions did not cause*
8 *or were not involved in the failure, as the case may be.*

9 **“SEC. 3304. STATE ALLOCATIONS.**

10 “(a) *PAYMENTS.*—*The Secretary shall, in accordance*
11 *with the provisions of this section, make payments to State*
12 *educational agencies for each of the fiscal years 2002*
13 *through 2008 for the purpose set forth in section 3301.*

14 “(b) *ALLOCATIONS.*—

15 “(1) *IN GENERAL.*—*Except as provided in sub-*
16 *sections (c) and (d), of the amount appropriated for*
17 *each fiscal year for this part, each State participating*
18 *in the program assisted under this part shall receive*
19 *an allocation equal to the proportion of such State’s*
20 *number of immigrant children and youth who are en-*
21 *rolled in public elementary schools or secondary*
22 *schools under the jurisdiction of each local edu-*
23 *cational agency described in paragraph (2) within*
24 *such State, and in nonpublic elementary schools or*
25 *secondary schools within the district served by each*

1 *such local educational agency, relative to the total*
2 *number of immigrant children and youth so enrolled*
3 *in all the States participating in the program as-*
4 *sisted under this part.*

5 “(2) *ELIGIBLE LOCAL EDUCATIONAL AGEN-*
6 *CIES.—The local educational agencies referred to in*
7 *paragraph (1) are those local educational agencies in*
8 *which the sum of the number of immigrant children*
9 *and youth who are enrolled in public elementary*
10 *schools or secondary schools under the jurisdiction of*
11 *such agencies, and in nonpublic elementary schools or*
12 *secondary schools within the districts served by such*
13 *agencies, during the fiscal year for which the pay-*
14 *ments are to be made under this part, is equal to—*

15 “(A) *at least 500; or*

16 “(B) *at least 3 percent of the total number*
17 *of students enrolled in such public or nonpublic*
18 *schools during such fiscal year,*

19 *whichever is less.*

20 “(c) *DETERMINATIONS OF NUMBER OF CHILDREN AND*
21 *YOUTH.—*

22 “(1) *IN GENERAL.—Determinations by the Sec-*
23 *retary under this section for any period with respect*
24 *to the number of immigrant children and youth shall*
25 *be made on the basis of data or estimates provided to*

1 *the Secretary by each State educational agency in ac-*
2 *cordance with criteria established by the Secretary,*
3 *unless the Secretary determines, after notice and op-*
4 *portunity for a hearing to the affected State edu-*
5 *cational agency, that such data or estimates are clear-*
6 *ly erroneous.*

7 *“(2) SPECIAL RULE.—No such determination*
8 *with respect to the number of immigrant children and*
9 *youth shall operate because of an underestimate or*
10 *overestimate to deprive any State educational agency*
11 *of the allocation under this section that such State*
12 *would otherwise have received had such determination*
13 *been made on the basis of accurate data.*

14 *“(d) REALLOCATION.—Whenever the Secretary deter-*
15 *mines that any amount of a payment made to a State*
16 *under this part for a fiscal year will not be used by such*
17 *State for carrying out the purpose for which the payment*
18 *was made, the Secretary shall make such amount available*
19 *for carrying out such purpose to 1 or more other States*
20 *to the extent the Secretary determines that such other States*
21 *will be able to use such additional amount for carrying out*
22 *such purpose. Any amount made available to a State from*
23 *any appropriation for a fiscal year in accordance with the*
24 *preceding sentence shall, for purposes of this part, be re-*
25 *garded as part of such State’s payment (as determined*

1 *under subsection (b)) for such year, but shall remain avail-*
2 *able until the end of the succeeding fiscal year.*

3 *“(e) RESERVATION OF FUNDS.—*

4 *“(1) IN GENERAL.—Notwithstanding any other*
5 *provision of this part, if the amount appropriated to*
6 *carry out this part exceeds \$50,000,000 for a fiscal*
7 *year, a State educational agency may reserve not*
8 *more than 20 percent of such agency’s payment under*
9 *this part for such year to award grants, on a com-*
10 *petitive basis, to local educational agencies within the*
11 *State as follows:*

12 *“(A) AGENCIES WITH IMMIGRANT CHILDREN*
13 *AND YOUTH.—At least 1/2 of such grants shall be*
14 *made available to eligible local educational agen-*
15 *cies (as described in subsection (b)(2)) within the*
16 *State with the highest numbers and percentages*
17 *of immigrant children and youth.*

18 *“(B) AGENCIES WITH A SUDDEN INFLUX OF*
19 *CHILDREN AND YOUTH.—Funds reserved under*
20 *this paragraph and not made available under*
21 *subparagraph (A) may be distributed to local*
22 *educational agencies within the State experi-*
23 *encing a sudden influx of immigrant children*
24 *and youth which are otherwise not eligible for*
25 *assistance under this part.*

1 “(2) *USE OF GRANT FUNDS.*—*Each local edu-*
2 *cational agency receiving a grant under paragraph*
3 *(1) shall use such grant funds to carry out the activi-*
4 *ties described in section 3307.*

5 “(3) *INFORMATION.*—*Local educational agencies*
6 *with the highest number of immigrant children and*
7 *youth receiving funds under paragraph (1) may make*
8 *information available on serving immigrant children*
9 *and youth to local educational agencies in the State*
10 *with sparse numbers of such children.*

11 **“SEC. 3305. STATE APPLICATIONS.**

12 “(a) *SUBMISSION.*—*No State educational agency shall*
13 *receive any payment under this part for any fiscal year*
14 *unless such agency submits an application to the Secretary*
15 *at such time, in such manner, and containing or accom-*
16 *panied by such information, as the Secretary may reason-*
17 *ably require. Each such application shall—*

18 “(1) *provide that the educational programs, serv-*
19 *ices, and activities for which payments under this*
20 *part are made will be administered by or under the*
21 *supervision of the agency;*

22 “(2) *provide assurances that payments under*
23 *this part will be used for purposes set forth in sections*
24 *3301 and 3307, including a description of how local*
25 *educational agencies receiving funds under this part*

1 *will use such funds to meet such purposes and will co-*
2 *ordinate with other programs assisted under this Act,*
3 *and other Acts as appropriate;*

4 *“(3) provide an assurance that local educational*
5 *agencies receiving funds under this part will coordi-*
6 *nate the use of such funds with programs assisted*
7 *under part A or title I;*

8 *“(4) provide assurances that such payments,*
9 *with the exception of payments reserved under section*
10 *3304(e), will be distributed among local educational*
11 *agencies within that State on the basis of the number*
12 *of immigrant children and youth counted with respect*
13 *to each such local educational agency under section*
14 *3304(b)(1);*

15 *“(5) provide assurances that the State edu-*
16 *cational agency will not finally disapprove in whole*
17 *or in part any application for funds received under*
18 *this part without first affording the local educational*
19 *agency submitting an application for such funds rea-*
20 *sonable notice and opportunity for a hearing;*

21 *“(6) provide for making such reports as the Sec-*
22 *retary may reasonably require to perform the Sec-*
23 *retary’s functions under this part;*

24 *“(7) provide assurances—*

1 “(A) that to the extent consistent with the
2 number of immigrant children and youth en-
3 rolled in the nonpublic elementary schools or sec-
4 ondary schools within the district served by a
5 local educational agency, such agency, after con-
6 sultation with appropriate officials of such
7 schools, shall provide for the benefit of such chil-
8 dren and youth secular, neutral, and nonideolog-
9 ical services, materials, and equipment necessary
10 for the education of such children and youth;

11 “(B) that the control of funds provided
12 under this part to any materials, equipment,
13 and property repaired, remodeled, or constructed
14 with those funds shall be in a public agency for
15 the uses and purpose provided in this part, and
16 a public agency shall administer such funds and
17 property; and

18 “(C) that the provision of services pursuant
19 to this paragraph shall be provided by employees
20 of a public agency or through contract by such
21 public agency with a person, association, agency,
22 or corporation who or which, in the provision of
23 such services, is independent of such nonpublic
24 elementary school or secondary school and of any
25 religious organization, and such employment or

1 *contract shall be under the control and super-*
2 *vision of such public agency, and the funds pro-*
3 *vided under this paragraph shall not be commin-*
4 *gled with State or local funds;*

5 *“(8) provide that funds reserved under section*
6 *3304(e) be awarded on a competitive basis based on*
7 *merit and need in accordance with such section; and*

8 *“(9) provide an assurance that State educational*
9 *agencies and local educational agencies receiving*
10 *funds under this part will comply with the require-*
11 *ments of section 1120(b).*

12 *“(b) APPLICATION REVIEW.—*

13 *“(1) IN GENERAL.—The Secretary shall review*
14 *all applications submitted pursuant to this section by*
15 *State educational agencies.*

16 *“(2) APPROVAL.—The Secretary shall approve*
17 *any application submitted by a State educational*
18 *agency that meets the requirements of this section.*

19 *“(3) DISAPPROVAL.—The Secretary shall dis-*
20 *approve any application submitted by a State edu-*
21 *cational agency which does not meet the requirements*
22 *of this section, but shall not finally disapprove an ap-*
23 *plication except after providing reasonable notice,*
24 *technical assistance, and an opportunity for a hear-*
25 *ing to the State.*

1 **“SEC. 3306. ADMINISTRATIVE PROVISIONS.**

2 “(a) *NOTIFICATION OF AMOUNT.*—*The Secretary, not*
3 *later than June 1 of each year, shall notify each State edu-*
4 *cational agency that has an application approved under*
5 *section 3305 of the amount of such agency’s allocation*
6 *under section 3304 for the succeeding year.*

7 “(b) *SERVICES TO CHILDREN ENROLLED IN NON-*
8 *PUBLIC SCHOOLS.*—*If by reason of any provision of law*
9 *a local educational agency is prohibited from providing*
10 *educational services for children enrolled in nonpublic ele-*
11 *mentary schools and secondary schools, as required by sec-*
12 *tion 3305(a)(7), or if the Secretary determines that a local*
13 *educational agency has substantially failed or is unwilling*
14 *to provide for the participation on an equitable basis of*
15 *children enrolled in such schools, the Secretary may waive*
16 *such requirement and shall arrange for the provision of*
17 *services, subject to the requirements of this part, to such*
18 *children. Such waivers shall be subject to consultation,*
19 *withholding, notice, and judicial review requirements in ac-*
20 *cordance with the provisions of title I.*

21 **“SEC. 3307. USES OF FUNDS.**

22 “(a) *USE OF FUNDS.*—*Funds awarded under this part*
23 *shall be used to pay for enhanced instructional opportuni-*
24 *ties for immigrant children and youth, which may*
25 *include—*

1 “(1) family literacy, parent outreach, and train-
2 ing activities designed to assist parents to become ac-
3 tive participants in the education of their children;

4 “(2) salaries of personnel, including teacher
5 aides who have been specifically trained, or are being
6 trained, to provide services to immigrant children
7 and youth;

8 “(3) tutorials, mentoring, and academic or ca-
9 reer counseling for immigrant children and youth;

10 “(4) identification and acquisition of curricular
11 materials, educational software, and technologies to be
12 used in the program;

13 “(5) basic instructional services which are di-
14 rectly attributable to the presence in the school dis-
15 trict of immigrant children, including the costs of
16 providing additional classroom supplies, overhead
17 costs, costs of construction, acquisition or rental of
18 space, costs of transportation, or such other costs as
19 are directly attributable to such additional basic in-
20 structional services; and

21 “(6) such other activities, related to the purpose
22 of this part, as the Secretary may authorize.

23 “(b) CONSORTIA.—A local educational agency that re-
24 ceives a grant under this part may collaborate or form a
25 consortium with 1 or more local educational agencies, insti-

1 *tutions of higher education, and nonprofit organizations to*
2 *carry out the program described in an application ap-*
3 *proved under this part.*

4 “(c) *SUBGRANTS.*—*A local educational agency that re-*
5 *ceives a grant under this part may, with the approval of*
6 *the Secretary, make a subgrant to, or enter into a contract*
7 *with, an institution of higher education, a nonprofit orga-*
8 *nization, or a consortium of such entities to carry out a*
9 *program described in an application approved under this*
10 *part, including a program to serve out-of-school youth.*

11 “(d) *CONSTRUCTION.*—*Nothing in this part shall be*
12 *construed to prohibit a local educational agency from serv-*
13 *ing immigrant children simultaneously with students with*
14 *similar educational needs, in the same educational settings*
15 *where appropriate.*

16 **“SEC. 3308. REPORTS.**

17 “(a) *BIENNIAL REPORT.*—*Each State educational*
18 *agency receiving funds under this part shall submit, once*
19 *every 2 years, a report to the Secretary concerning the ex-*
20 *penditure of funds by local educational agencies under this*
21 *part. Each local educational agency receiving funds under*
22 *this part shall submit to the State educational agency such*
23 *information as may be necessary for such report.*

24 “(b) *REPORT TO CONGRESS.*—*The Secretary shall sub-*
25 *mit, once every 2 years, a report to the appropriate commit-*

1 *tees of the Congress concerning programs assisted under this*
2 *part.*

3 **“SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.**

4 *“For the purpose of carrying out this part, there are*
5 *authorized to be appropriated \$200,000,000 for fiscal year*
6 *2002 and such sums as may be necessary for each of the*
7 *6 succeeding fiscal years.*

8 **“PART D—STATE AND LOCAL GRANTS FOR**
9 **LANGUAGE MINORITY STUDENTS**

10 **“SEC. 3321. POLICY AND PURPOSE.**

11 *“(a) POLICY.—It is the policy of the United States*
12 *that, in order to ensure equal educational opportunity for*
13 *all children and youth, and to promote educational excel-*
14 *lence, the Federal Government should—*

15 *“(1) assist States and, through the States, local*
16 *educational agencies and schools to build their capac-*
17 *ity to establish, implement, and sustain programs of*
18 *instruction and English language development for*
19 *limited English proficient students;*

20 *“(2) hold States and, through the States, local*
21 *educational agencies and schools accountable for in-*
22 *creases in English proficiency and core content*
23 *knowledge among limited English proficient students;*
24 *and*

1 “(3) *promote parental and community partici-*
2 *pation in programs for limited English proficient*
3 *students.*

4 “(b) *PURPOSES.—The purposes of this part are—*

5 “(1) *to assist all limited English proficient stu-*
6 *dents, including recent immigrant students, to attain*
7 *English proficiency as quickly and as effectively as*
8 *possible;*

9 “(2) *to assist all limited English proficient stu-*
10 *dents, including recent immigrant students, to achieve*
11 *at high levels in the core academic subjects so that*
12 *those students can meet the same challenging State*
13 *content and student performance standards as all stu-*
14 *dents are expected to meet, as required by section*
15 *1111(b)(1); and*

16 “(3) *to provide the assistance described in para-*
17 *graphs (1) and (2) by—*

18 “(A) *streamlining language instruction edu-*
19 *cational programs into a program carried out*
20 *through performance-based grants for State and*
21 *local educational agencies to help limited*
22 *English proficient students, including recent im-*
23 *migrant students, develop proficiency in English*
24 *as quickly and as effectively as possible, while*

1 *meeting State content and student performance*
2 *standards as required by section 1111(b)(1);*

3 “(B) *requiring States and, through the*
4 *States, local educational agencies and schools*
5 *to—*

6 “(i) *demonstrate improvements in the*
7 *English proficiency of limited English pro-*
8 *ficient students each fiscal year; and*

9 “(ii) *make adequate yearly progress*
10 *with limited English proficient students, in-*
11 *cluding recent immigrant students, as de-*
12 *scribed in section 1111(b)(2); and*

13 “(C) *providing State educational agencies*
14 *and local educational agencies with the flexi-*
15 *bility to implement the instructional programs,*
16 *tied to scientifically based research, that the*
17 *agencies believe to be the most effective for teach-*
18 *ing English.*

19 **“SEC. 3322. DEFINITIONS.**

20 *“Except as otherwise provided, in this part:*

21 “(1) *CORE ACADEMIC SUBJECTS.—The term ‘core*
22 *academic subjects’ has the meaning given the term in*
23 *section 2102.*

1 “(2) *IMMIGRANT CHILDREN AND YOUTH.*—The
2 term ‘immigrant children and youth’ means individ-
3 uals who—

4 “(A) are aged 3 through 21;

5 “(B) were not born in any State; and

6 “(C) have not been attending 1 or more
7 schools in any 1 or more States for more than
8 3 full academic years.

9 “(3) *LANGUAGE INSTRUCTION EDUCATIONAL*
10 *PROGRAM.*—The term ‘language instruction edu-
11 cational program’ means an instructional course—

12 “(A) in which a limited English proficient
13 student is placed for the purpose of developing
14 proficiency in English as quickly and as effec-
15 tively as possible, while meeting State content
16 and student performance standards as required
17 by section 1111(b)(1); and

18 “(B) which may make instructional use of
19 both English and a student’s native language to
20 develop English proficiency as quickly and as ef-
21 fectively as possible, and may include the par-
22 ticipation of English proficient students if such
23 course is designed to enable all participating stu-
24 dents to become proficient in English and a sec-
25 ond language.

1 “(4) *LIMITED ENGLISH PROFICIENT STUDENT.*—

2 *The term ‘limited English proficient student’ means*
3 *an individual—*

4 “(A) *who is aged 3 through 21;*

5 “(B) *who is enrolled or preparing to enroll*
6 *in an elementary school or secondary school;*

7 “(C)(i) *who was not born in the United*
8 *States or whose native language is a language*
9 *other than English, and who comes from an en-*
10 *vironment where a language other than English*
11 *is dominant;*

12 “(ii)(I) *who is a Native American or Alaska*
13 *Native, or a native resident of the outlying*
14 *areas; and*

15 “(II) *who comes from an environment*
16 *where a language other than English has had a*
17 *significant impact on such individual’s level of*
18 *English language proficiency; or*

19 “(iii) *who is migratory, whose native lan-*
20 *guage is a language other than English, and who*
21 *comes from an environment where a language*
22 *other than English is dominant; and*

23 “(D) *who has sufficient difficulty speaking,*
24 *reading, writing, or understanding the English*

1 *language, and whose difficulties may deny the*
2 *individual—*

3 “(i) *the ability to meet the State’s pro-*
4 *ficient level of performance on State assess-*
5 *ments described in section 1111(b)(3);*

6 “(ii) *the opportunity to learn success-*
7 *fully in classrooms where the language of*
8 *instruction is English; or*

9 “(iii) *the opportunity to participate*
10 *fully in society.*

11 “(5) *LOCAL EDUCATIONAL AGENCY.—The term*
12 *‘local educational agency’ includes a consortium of*
13 *such agencies.*

14 “(6) *NATIVE LANGUAGE.—The term ‘native lan-*
15 *guage’, used with reference to a limited English pro-*
16 *ficient student, means the language normally used by*
17 *the parents of the student.*

18 “(7) *SCIENTIFICALLY BASED RESEARCH.—The*
19 *term ‘scientifically based research’, used with respect*
20 *to an activity or program authorized under this part,*
21 *means an activity or program based on specific strat-*
22 *egies and implementation of such strategies that,*
23 *based on sound educational theory, research, and an*
24 *evaluation (including a comparison of program char-*
25 *acteristics), are effective in improving student*

1 *achievement and performance and other program ob-*
2 *jectives.*

3 “(8) *SPECIALLY QUALIFIED AGENCY.*—*The term*
4 *‘specially qualified agency’ means a local educational*
5 *agency in a State that does not participate in a pro-*
6 *gram under this part for a fiscal year.*

7 “(9) *STATE.*—*The term ‘State’ means each of the*
8 *50 States of the United States and the District of Co-*
9 *lumbia.*

10 **“SEC. 3323. PROGRAM AUTHORIZED.**

11 “(a) *GRANTS AUTHORIZED.*—*The Secretary shall*
12 *award grants, from allotments under subsection (b), to each*
13 *State having a State plan approved under section 3325(c),*
14 *to enable the State to help limited English proficient stu-*
15 *dents become proficient in English.*

16 “(b) *RESERVATIONS AND ALLOTMENTS.*—

17 “(1) *RESERVATIONS.*—*From the amount appro-*
18 *propriated under 3003(b) to carry out this part for each*
19 *fiscal year, the Secretary shall reserve—*

20 “(A) *1/2 of 1 percent of such amount for*
21 *payments to the Secretary of the Interior for ac-*
22 *tivities approved by the Secretary of Education,*
23 *consistent with this part, in schools operated or*
24 *supported by the Bureau of Indian Affairs, on*
25 *the basis of their respective needs;*

1 “(B) $\frac{1}{2}$ of 1 percent of such amount for
2 payments to outlying areas, to be allotted in ac-
3 cordance with their respective needs for assist-
4 ance under this part as determined by the Sec-
5 retary, for activities, approved by the Secretary,
6 consistent with this part;

7 “(C) $\frac{1}{2}$ of 1 percent of such amount for
8 payments to the Commonwealth of Puerto Rico,
9 for activities, approved by the Secretary, con-
10 sistent with this part;

11 “(D) 6 percent of such amount to carry out
12 national activities under section 3332; and

13 “(E) such sums as may be necessary to
14 make continuation awards under paragraph (4).

15 “(2) STATE ALLOTMENTS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), from the amount appro-
18 priated under 3003(b) for any fiscal year that
19 remains after making reservations under para-
20 graph (1), the Secretary shall allot to each State
21 having a State plan approved under section
22 3325(c)—

23 “(i) an amount that bears the same re-
24 lationship to 67 percent of the remainder as
25 the number of limited English proficient

1 *students in the State bears to the number of*
2 *such students in all States; and*

3 “(ii) *an amount that bears the same*
4 *relationship to 33 percent of the remainder*
5 *as the number of immigrant children and*
6 *youth in the State bears to the number of*
7 *such children and youth in all States.*

8 “(B) *MINIMUM ALLOTMENTS.—No State*
9 *shall receive an allotment under this paragraph*
10 *that is less than 1/2 of 1 percent of the amount*
11 *available for allotments under this paragraph.*

12 “(3) *DATA.—For purposes of paragraph (2), for*
13 *the purpose of determining the number of limited*
14 *English proficient students in a State and in all*
15 *States, and the number of immigrant children and*
16 *youth in a State and in all States, for each fiscal*
17 *year, the Secretary shall use data that will yield the*
18 *most accurate, up-to-date numbers of such students,*
19 *which may include—*

20 “(A) *data available from the Bureau of the*
21 *Census; or*

22 “(B) *data submitted to the Secretary by the*
23 *States.*

24 “(4) *CONTINUATION AWARDS.—*

1 “(A) *IN GENERAL.*—*Before making allot-*
2 *ments to States under paragraph (2) for any fis-*
3 *cal year, the Secretary shall use the sums re-*
4 *served under paragraph (1)(E) to make continu-*
5 *ation awards to recipients who received grants*
6 *or fellowships for the fiscal year before the first*
7 *fiscal year described in section 3003(b) under—*

8 “(i) *subparts 1 and 3 of part A of title*
9 *VII (as in effect on the day before the effec-*
10 *tive date of the Better Education for Stu-*
11 *dents and Teachers Act); or*

12 “(ii) *subparts 1 and 3 of part A.*

13 “(B) *USE OF FUNDS.*—*The Secretary shall*
14 *make the grants in order to allow such recipients*
15 *to receive awards for the complete period of their*
16 *grants or fellowships under the appropriate sub-*
17 *parts.*

18 “(c) *DIRECT AWARDS TO SPECIALLY QUALIFIED*
19 *AGENCIES.*—

20 “(1) *NONPARTICIPATING STATE.*—*If a State edu-*
21 *cational agency chooses not to participate in a pro-*
22 *gram under this part for a fiscal year, or fails to sub-*
23 *mit an approvable application under section 3325 for*
24 *a fiscal year, a specially qualified agency in such*
25 *State desiring a grant under this part for the fiscal*

1 *year shall apply directly to the Secretary to receive*
2 *a grant under this subsection.*

3 “(2) *DIRECT AWARDS.*—*The Secretary may*
4 *award, on a competitive basis, the amount the State*
5 *educational agency is eligible to receive under sub-*
6 *section (b)(2) directly to specially qualified agencies*
7 *in the State desiring a grant under this part and*
8 *having an application approved under section*
9 *3325(c).*

10 “(3) *ADMINISTRATIVE FUNDS.*—*A specially*
11 *qualified agency that receives a direct grant under*
12 *this subsection may use not more than 1 percent of*
13 *the grant funds for a fiscal year for the administra-*
14 *tive costs of carrying out this part.*

15 “(d) *REALLOTMENT.*—*Whenever the Secretary deter-*
16 *mines that any amount of a payment made to a State or*
17 *specially qualified agency under this part for a fiscal year*
18 *will not be used by the State or agency for the purpose for*
19 *which the payment was made, the Secretary shall, in ac-*
20 *cordance with such rules as the Secretary determines to be*
21 *appropriate, make such amount available to other States*
22 *or specially qualified agencies for carrying out that pur-*
23 *pose.*

1 **“SEC. 3324. WITHIN-STATE ALLOCATIONS.**

2 “(a) *GRANT AWARDS.*—*Each State educational agency*
3 *receiving a grant under this part for a fiscal year shall*
4 *use a portion equal to at least 95 percent of the agency’s*
5 *allotment under section 3323(b)(2)—*

6 “(1) *to award grants, from allocations under*
7 *subsection (b), to local educational agencies in the*
8 *State to carry out the activities described in section*
9 *3327(b); and*

10 “(2) *to make grants under subsection (c) to local*
11 *educational agencies in the State that are described*
12 *in that subsection to carry out the activities described*
13 *in section 3327(c).*

14 “(b) *ALLOCATION FORMULA.*—

15 “(1) *IN GENERAL.*—*After making the reserva-*
16 *tions under subsection (c), each State educational*
17 *agency receiving a grant under section 3323(b)(2)*
18 *shall award grants for a fiscal year by allocating to*
19 *each local educational agency in the State having a*
20 *plan approved under section 3326 an amount that*
21 *bears the same relationship to the portion described in*
22 *subsection (a)(1) and remaining after the reservations*
23 *as the population of limited English proficient stu-*
24 *dents in schools served by the local educational agency*
25 *bears to the population of limited English proficient*

1 *students in schools served by all local educational*
2 *agencies in the State.*

3 “(2) *AMOUNT OF GRANTS.*—*A State shall not*
4 *award a grant from an allocation made under this*
5 *subsection in an amount of less than \$10,000.*

6 “(c) *RESERVATIONS.*—

7 “(1) *GRANTS TO LOCAL EDUCATIONAL AGENCIES*
8 *THAT EXPERIENCE SUBSTANTIAL INCREASES IN IMMI-*
9 *GRANT CHILDREN AND YOUTH.*—

10 “(A) *IN GENERAL.*—*A State educational*
11 *agency receiving a grant under this part for a*
12 *fiscal year shall reserve a portion equal to not*
13 *more than 15 percent of the agency’s allotment*
14 *under section 3323(b)(2) to award grants to local*
15 *educational agencies in the State that experience*
16 *a substantial increase in the number of immi-*
17 *grant children and youth enrolled in public ele-*
18 *mentary schools and secondary schools under the*
19 *jurisdiction of the agencies.*

20 “(B) *SUBSTANTIAL INCREASE.*—*For the*
21 *purpose of this paragraph, the term ‘substantial*
22 *increase’, used with respect to the number of im-*
23 *migrant children and youth enrolled in schools*
24 *for a fiscal year, means—*

1 “(i) an increase of not less than 20
2 percent, or of not fewer than 50 individuals,
3 in the number of such children and youth so
4 enrolled, relative to the preceding year; or

5 “(ii) an increase of not less than 20
6 percent in such number, relative to the pre-
7 ceding year, in the case of a local edu-
8 cational agency that has limited or no expe-
9 rience in serving limited English proficient
10 students.

11 “(2) *STATE ACTIVITIES.*—Each State edu-
12 cational agency receiving a grant under this part
13 may reserve not more than 5 percent of the agency’s
14 allotment under section 3323(b)(2) to carry out State
15 activities described in the State plan submitted under
16 section 3325.

17 “(3) *ADMINISTRATIVE EXPENSES.*—From the
18 amount reserved under paragraph (2), a State edu-
19 cational agency may use not more than 2 percent for
20 the planning costs and administrative costs of car-
21 rying out the State activities described in the State
22 plan and providing grants to local educational agen-
23 cies.

1 **“SEC. 3325. STATE AND SPECIALLY QUALIFIED AGENCY**
2 **PLANS.**

3 “(a) *PLAN REQUIRED.*—*Each State educational agen-*
4 *cy and specially qualified agency desiring a grant under*
5 *this part shall submit a plan to the Secretary at such time,*
6 *in such manner, and containing such information as the*
7 *Secretary may require.*

8 “(b) *CONTENTS.*—*Each plan submitted under sub-*
9 *section (a) shall—*

10 “(1) *describe how the State or specially qualified*
11 *agency will establish standards and benchmarks for*
12 *English language proficiency that are derived from*
13 *the 4 recognized domains of speaking, listening, read-*
14 *ing, and writing, and that are aligned with achieve-*
15 *ment of the State content and student performance*
16 *standards described in section 1111(b)(1);*

17 “(2) *contain an assurance that the—*

18 “(A) *State educational agency consulted*
19 *with local educational agencies, education-related*
20 *community groups and nonprofit organizations,*
21 *parents, teachers, school administrators, and sec-*
22 *ond language acquisition specialists, in setting*
23 *the performance objectives; or*

24 “(B) *specially qualified agency consulted*
25 *with education-related community groups and*
26 *nonprofit organizations, parents, teachers, and*

1 *second language acquisition specialists, in set-*
2 *ting the performance objectives described in sec-*
3 *tion 3329;*

4 “(3) describe how—

5 “(A) *in the case of a State educational*
6 *agency, the State educational agency will hold*
7 *local educational agencies and elementary schools*
8 *and secondary schools accountable for—*

9 “(i) *meeting all performance objectives*
10 *described in section 3329;*

11 “(ii) *making adequate yearly progress*
12 *with limited English proficient students as*
13 *described in section 1111(b)(2); and*

14 “(iii) *annually measuring the English*
15 *language proficiency of limited English pro-*
16 *ficient students, so that such students served*
17 *by the programs carried out under this part*
18 *develop proficiency in English as quickly*
19 *and as effectively as possible, while meeting*
20 *State content and student performance*
21 *standards as required by section 1111(b)(1);*
22 *and*

23 “(B) *in the case of a specially qualified*
24 *agency, the agency will hold elementary schools*
25 *and secondary schools accountable for—*

1 “(i) meeting all performance objectives
2 described in section 3329;

3 “(ii) making adequate yearly progress
4 with limited English proficient students as
5 described in section 1111(b)(2); and

6 “(iii) annually measuring the English
7 language proficiency of limited English pro-
8 ficient students, so that such students served
9 by the programs carried out under this part
10 develop proficiency in English as quickly
11 and as effectively as possible, while meeting
12 State content and student performance
13 standards as required by section 1111(b)(1);

14 “(4) in the case of a specially qualified agency,
15 describe the activities for which assistance is sought,
16 and how the activities will increase the effectiveness
17 with which students develop proficiency in English as
18 quickly and as effectively as possible, while meeting
19 State content and student performance standards as
20 required by section 1111(b)(1);

21 “(5) in the case of a State educational agency,
22 describe how local educational agencies in the State
23 will be given the flexibility to teach limited English
24 proficient students—

1 “(A) using a language instruction cur-
2 riculum that is tied to scientifically based re-
3 search and has been demonstrated to be effective;
4 and

5 “(B) in the manner the local educational
6 agencies determine to be the most effective; and
7 “(6) describe how—

8 “(A) in the case of a State educational
9 agency, the State educational agency will, if
10 requested—

11 “(i) provide technical assistance to
12 local educational agencies and elementary
13 schools and secondary schools for the pur-
14 poses of identifying and implementing lan-
15 guage instruction educational programs and
16 curricula that are tied to scientifically
17 based research;

18 “(ii) provide technical assistance to
19 local educational agencies and elementary
20 schools and secondary schools for the pur-
21 poses of helping limited English proficient
22 students meet the same challenging State
23 content standards and challenging State
24 student performance standards as all stu-
25 dents are expected to meet;

1 “(iii) provide technical assistance to
2 local educational agencies and elementary
3 schools and secondary schools to identify or
4 develop and implement measures of English
5 language proficiency; and

6 “(iv) provide technical assistance to
7 local educational agencies and elementary
8 schools and secondary schools for the pur-
9 poses of promoting parental and commu-
10 nity participation in programs that serve
11 limited English proficient students; and

12 “(B) in the case of a specially qualified
13 agency, the specially qualified agency will—

14 “(i) provide technical assistance to ele-
15 mentary schools and secondary schools
16 served by the specially qualified agency for
17 the purposes of identifying and imple-
18 menting programs and curricula that are
19 tied to scientifically based research; and

20 “(ii) provide technical assistance to el-
21 ementary schools and secondary schools
22 served by the specially qualified agency for
23 the purposes described in clauses (ii), (iii),
24 and (iv) of subparagraph (A).

1 “(c) *APPROVAL.*—*The Secretary, after using a peer re-*
2 *view process, shall approve a State plan or a specially*
3 *qualified agency plan if the plan meets the requirements*
4 *of this section, and holds reasonable promise of achieving*
5 *the purposes described in section 3321(b).*

6 “(d) *DURATION OF THE PLAN.*—

7 “(1) *IN GENERAL.*—*Each State plan or specially*
8 *qualified agency plan shall—*

9 “(A) *remain in effect for the duration of the*
10 *State educational agency’s or specially qualified*
11 *agency’s participation under this part; and*

12 “(B) *be periodically reviewed and revised*
13 *by the State educational agency or specially*
14 *qualified agency, as necessary, to reflect changes*
15 *to the State’s or specially qualified agency’s*
16 *strategies and programs carried out under this*
17 *part.*

18 “(2) *ADDITIONAL INFORMATION.*—

19 “(A) *SIGNIFICANT CHANGES.*—*If the State*
20 *educational agency or specially qualified agency*
21 *makes significant changes to the plan, such as*
22 *the adoption of new performance objectives or as-*
23 *essment measures, the State educational agency*
24 *or specially qualified agency shall submit infor-*

1 *mation regarding the significant changes to the*
2 *Secretary.*

3 “(B) *APPROVAL.*—*The Secretary shall ap-*
4 *prove such changes to an approved plan, unless*
5 *the Secretary determines that the changes will*
6 *not result in the State or specially qualified*
7 *agency meeting the requirements, or fulfilling the*
8 *purposes, of this part.*

9 “(e) *CONSOLIDATED PLAN.*—*A State plan submitted*
10 *under subsection (a) may be submitted as part of a consoli-*
11 *dated plan under section 5502.*

12 “(f) *SECRETARY ASSISTANCE.*—*The Secretary shall*
13 *provide technical assistance, if requested, in the develop-*
14 *ment of English language development standards and*
15 *English language proficiency assessments.*

16 “**SEC. 3326. LOCAL PLANS.**

17 “(a) *PLAN REQUIRED.*—*Each local educational agency*
18 *desiring a grant from the State educational agency under*
19 *section 3324 shall submit a plan to the State educational*
20 *agency at such time, in such manner, and containing such*
21 *information as the State educational agency may require.*

22 “(b) *CONTENTS.*—*Each plan submitted under sub-*
23 *section (a) shall—*

1 “(1) describe how the local educational agency
2 will use the grant funds to meet all performance ob-
3 jectives described in section 3329;

4 “(2) describe how the local educational agency
5 will hold elementary schools and secondary schools ac-
6 countable for—

7 “(A) meeting the performance objectives;

8 “(B) making adequate yearly progress with
9 limited English proficient students as described
10 in section 1111(b)(2); and

11 “(C) annually measuring the English lan-
12 guage proficiency of limited English proficient
13 students, so that such students served by the pro-
14 grams carried out under this part develop pro-
15 ficiency in English as quickly and as effectively
16 as possible, while meeting State content and stu-
17 dent performance standards as required by sec-
18 tion 1111(b)(1);

19 “(3) describe how the local educational agency
20 will promote parental and community participation
21 in programs for limited English proficient students;

22 “(4) contain an assurance that the local edu-
23 cational agency consulted with teachers (including
24 second language acquisition specialists), school ad-
25 ministrators, and parents, and, if appropriate, with

1 *education-related community groups and nonprofit*
2 *organizations, and institutions of higher education, in*
3 *developing the local educational agency plan;*

4 *“(5) describe how the local educational agency*
5 *will use the disaggregated results of the student assess-*
6 *ments required under section 1111(b)(3), and other*
7 *measures or indicators available to the agency, to re-*
8 *view annually the progress of each school served by*
9 *the agency under this part and under title I to deter-*
10 *mine whether the schools are making the adequate*
11 *yearly progress necessary to ensure that limited*
12 *English proficient students attending the schools will*
13 *meet the State’s proficient level of performance on the*
14 *State assessment described in section 1111(b)(3) with-*
15 *in 10 years after the date of enactment of the Better*
16 *Education for Students and Teachers Act; and*

17 *“(6) describe how language instruction edu-*
18 *cational programs will ensure that limited English*
19 *proficient students being served by the programs de-*
20 *velop English language proficiency as quickly and as*
21 *effectively as possible.*

22 **“SEC. 3327. USES OF FUNDS.**

23 *“(a) ADMINISTRATIVE EXPENSES.—Each local edu-*
24 *cational agency receiving grant funds under section 3324(b)*
25 *for a fiscal year may use, from those grant funds, not more*

1 *than 1 percent of the grant funds the agency receives under*
2 *section 3324 for the fiscal year for the cost of administering*
3 *this part.*

4 “(b) *ACTIVITIES.—Each local educational agency re-*
5 *ceiving grant funds under section 3324(b)—*

6 “(1) *shall use the grant funds that are not used*
7 *under subsection (a)—*

8 “(A) *to increase limited English proficient*
9 *students’ proficiency in English by providing*
10 *high-quality language instruction educational*
11 *programs that are—*

12 “(i) *tied to scientifically based research*
13 *demonstrating the effectiveness of the pro-*
14 *grams in increasing English proficiency;*
15 *and*

16 “(ii) *tied to scientifically based re-*
17 *search demonstrating the effectiveness of the*
18 *programs in increasing student performance*
19 *in the core academic subjects; and*

20 “(B) *to provide high-quality professional*
21 *development activities for teachers of limited*
22 *English proficient students, including teachers in*
23 *classroom settings that are not the settings of*
24 *language instruction educational programs, that*
25 *are—*

1 “(i) designed to enhance the ability of
2 the teachers to understand and use cur-
3 ricula, assessment measures, and instruc-
4 tional strategies for limited English pro-
5 ficient students;

6 “(ii) tied to scientifically based re-
7 search demonstrating the effectiveness of
8 those activities in increasing students’
9 English proficiency or substantially in-
10 creasing the subject matter knowledge,
11 teaching knowledge, and teaching skills of
12 those teachers; and

13 “(iii) of sufficient intensity and dura-
14 tion (not to include activities such as 1-day
15 or short-term workshops and conferences) to
16 have a positive and lasting impact on the
17 teachers’ performance in the classroom, ex-
18 cept that this clause shall not apply to an
19 activity that is 1 component described in a
20 long-term, comprehensive professional devel-
21 opment plan established by a teacher and
22 the teacher’s supervisor based on an assess-
23 ment of the needs of the teacher, the super-
24 visor, the students of the teacher, and the
25 local educational agency; and

1 “(2) may use the grant funds that are not used
2 under subsection (a) to provide parental and commu-
3 nity participation programs that are designed to im-
4 prove language instruction educational programs for
5 limited English proficient students, and to assist par-
6 ents to become active participants in the education of
7 their children.

8 “(c) *ACTIVITIES BY AGENCIES EXPERIENCING SUB-*
9 *STANTIAL INCREASES IN IMMIGRANT CHILDREN AND*
10 *YOUTH.—Each local educational agency receiving grant*
11 *funds under section 3324(c)(1) shall use the grant funds to*
12 *pay for activities that provide enhanced instructional op-*
13 *portunities for such children and youth, which may*
14 *include—*

15 “(1) family literacy, parent outreach, and train-
16 ing activities designed to assist parents to become ac-
17 tive participants in the education of their children;

18 “(2) payment of salaries of personnel, including
19 teacher aides who have been specifically trained, or
20 are being trained, to provide services to immigrant
21 children and youth;

22 “(3) provision of tutorials, mentoring, and aca-
23 demic or career counseling for immigrant children
24 and youth;

1 “(4) identification and acquisition of curricular
2 materials, educational software, and technologies to be
3 used in the program carried out with the grant in-
4 volved;

5 “(5) basic instructional services that are directly
6 attributable to the presence in the school district in-
7 volved of immigrant children and youth, including
8 the payment of costs of providing additional class-
9 room supplies, overhead costs, costs of construction,
10 acquisition, or rental of space, costs of transportation,
11 or such other costs as are directly attributable to such
12 additional basic instructional services;

13 “(6) other instructional services that are de-
14 signed to assist immigrant students to achieve in ele-
15 mentary and secondary schools in the United States,
16 such as literacy programs, programs of introduction
17 to the educational system, and civics education; and

18 “(7) activities, coordinated with community-
19 based organizations, institutions of higher education,
20 private sector entities, or other entities with expertise
21 in working with immigrants, to assist parents of im-
22 migrant students by offering comprehensive commu-
23 nity social services, such as English as a second lan-
24 guage courses, health care, job training, child care,
25 and transportation services.

1 “(d) *SUPPLEMENT NOT SUPPLANT.*—Funds appro-
2 priated to carry out this part shall be used to supplement
3 and not supplant other Federal, State, and local public
4 funds expended to provide services for eligible individuals.

5 **“SEC. 3328. PROGRAM REQUIREMENTS.**

6 “(a) *PROHIBITION.*—In carrying out this part, the
7 Secretary shall neither mandate nor preclude the use of a
8 particular curricular or pedagogical approach to educating
9 limited English proficient students.

10 “(b) *TEACHER ENGLISH FLUENCY.*—Each local edu-
11 cational agency receiving grant funds under section 3324
12 shall certify to the State educational agency that all teach-
13 ers in any language instruction educational program for
14 limited English proficient students funded under this part
15 are fluent in English and any other language used for in-
16 struction.

17 **“SEC. 3329. PERFORMANCE OBJECTIVES.**

18 “(a) *IN GENERAL.*—Each State educational agency or
19 specially qualified agency receiving a grant under this part
20 shall develop annual measurable performance objectives that
21 are research-based, and age- and developmentally appro-
22 priate, with respect to helping limited English proficient
23 students develop proficiency in English as quickly and as
24 effectively as possible, while meeting State content and stu-
25 dent performance standards as required by section

1 1111(b)(1). For each annual measurable performance objec-
2 tive, the agency shall specify an incremental percentage in-
3 crease for the objective to be attained for each of the fiscal
4 years (after the first fiscal year) for which the agency re-
5 ceives a grant under this part, relative to the preceding fis-
6 cal year, including increases in the number of limited
7 English proficient students demonstrating an increase in
8 performance on annual assessments.

9 “(b) ACCOUNTABILITY.—

10 “(1) FOR STATES.—Each State educational
11 agency receiving a grant under this part shall be held
12 accountable for meeting the annual measurable per-
13 formance objectives under this part and the adequate
14 yearly progress levels for limited English proficient
15 students under section 1111(b)(2)(B). Any State edu-
16 cational agency that fails to meet the annual perform-
17 ance objectives shall be subject to sanctions under sec-
18 tion 6202.

19 “(2) FOR SPECIALLY QUALIFIED AGENCIES.—
20 Each specially qualified agency receiving a grant
21 under this part shall be held accountable for meeting
22 annual measurable performance objectives, be held ac-
23 countable for making yearly progress, and be subject
24 to sanctions, in a manner that the Secretary deter-
25 mines is appropriate and comparable to the manner

1 *used for State educational agencies specified in para-*
2 *graph (1).*

3 **“SEC. 3330. REGULATIONS AND NOTIFICATION.**

4 “(a) *REGULATION RULE.*—*In developing regulations*
5 *under this part, the Secretary shall consult with State edu-*
6 *cational agencies, local educational agencies, organizations*
7 *representing limited English proficient individuals, and or-*
8 *ganizations representing teachers and other personnel in-*
9 *olved in the education of limited English proficient stu-*
10 *dents.*

11 “(b) *PARENTAL NOTIFICATION.*—

12 “(1) *IN GENERAL.*—*Each local educational agen-*
13 *cy participating in a language instruction edu-*
14 *cational program under this part shall notify parents*
15 *of a student participating in the program of—*

16 “(A) *the student’s level of English pro-*
17 *ficiency, how that level was assessed, the status*
18 *of the student’s academic achievement, and the*
19 *implications of the student’s educational*
20 *strengths and needs for age- and grade-appro-*
21 *priate academic attainment, grade promotion,*
22 *and graduation;*

23 “(B)(i) *the programs that are available to*
24 *meet the student’s educational strengths and*
25 *needs, and how those programs differ in content*

1 *and instructional goals from other language in-*
2 *struction educational programs that serve lim-*
3 *ited English proficient students; and*

4 *“(ii) in the case of a student with a dis-*
5 *ability who participates in the language instruc-*
6 *tion educational program, how the program*
7 *meets the objectives of the individualized edu-*
8 *cation program of the student;*

9 *“(C)(i) the instructional goals of the lan-*
10 *guage instruction educational program in which*
11 *the student participates, and how the program*
12 *will specifically help the limited English pro-*
13 *ficient student learn English and meet age-ap-*
14 *propriate standards for grade promotion and*
15 *graduation;*

16 *“(ii) the characteristics, benefits, and past*
17 *academic results of the language instruction edu-*
18 *cational program and of instructional alter-*
19 *natives; and*

20 *“(iii) the reasons the student was identified*
21 *as being in need of a language instruction edu-*
22 *cational program; and*

23 *“(D) how parents can participate and be*
24 *involved in the language instruction educational*
25 *program in order to help their children achieve.*

1 “(2) *OPTION TO DECLINE.*—

2 “(A) *IN GENERAL.*—*Each parent described*
3 *in paragraph (1) shall also be informed that the*
4 *parent has the option of declining the enrollment*
5 *of the student in a language instruction edu-*
6 *cational program, and shall be given an oppor-*
7 *tunity to decline that enrollment if the parent so*
8 *chooses.*

9 “(B) *OBLIGATIONS.*—*A local educational*
10 *agency shall not be relieved of any of the agen-*
11 *cy’s obligations under title VI of the Civil Rights*
12 *Act of 1964 because a parent chooses not to en-*
13 *roll a student in a language instruction edu-*
14 *cational program.*

15 “(3) *RECEIPT OF INFORMATION.*—*A parent de-*
16 *scribed in paragraph (1) shall receive the information*
17 *required by this subsection in a manner and form un-*
18 *derstandable to the parent including, if necessary and*
19 *to the extent feasible, receiving the information in the*
20 *language normally used by the parent. The parent*
21 *shall receive—*

22 “(A) *timely information about programs*
23 *funded under this part; and*

24 “(B) *notice of opportunities, if applicable,*
25 *for regular meetings for the purpose of formu-*

1 *lating and responding to recommendations from*
2 *parents of students assisted under this part.*

3 “(4) *SPECIAL RULE.*—*A student shall not be ad-*
4 *mitted to, or excluded from, any federally assisted*
5 *language instruction educational program solely on*
6 *the basis of a surname or language-minority status.*

7 “(5) *LIMITATIONS ON CONDITIONS.*—*Nothing in*
8 *this part shall be construed to authorize an officer or*
9 *employee of the Federal Government to mandate, di-*
10 *rect, or control a State’s, local educational agency’s,*
11 *elementary school’s, or secondary school’s specific*
12 *challenging English language development standards*
13 *or assessments, curriculum, or program of instruc-*
14 *tion, as a condition of eligibility to receive grant*
15 *funds under this part.*

16 **“SEC. 3331. ADMINISTRATION.**

17 “(a) *STATE AND LOCAL PROGRAMS.*—*This part shall*
18 *be in effect only in a fiscal year described in section*
19 *3003(b).*

20 “(b) *OTHER LAW.*—*In such a fiscal year—*

21 “(1) *parts A, C, E (other than section 3405),*
22 *and F shall not be in effect; and*

23 “(2) *section 3404 shall apply only with respect*
24 *to grants provided and activities carried out under*
25 *part B and this part.*

1 “(c) *REFERENCES.*—*In such a fiscal year, references*
2 *in Federal law to part A shall be considered to be references*
3 *to this part.*

4 “**SEC. 3332. NATIONAL LEADERSHIP ACTIVITIES TO ENSURE**
5 **EDUCATIONAL EXCELLENCE FOR LIMITED**
6 **ENGLISH PROFICIENT STUDENTS.**

7 “(a) *IN GENERAL.*—*The Secretary shall use funds*
8 *made available under section 3323(b)(1)(D) to carry out*
9 *each of the activities described in subsections (b) and (c).*

10 “(b) *NATIONAL PROFESSIONAL DEVELOPMENT*
11 *PROJECT.*—*The Secretary shall award grants on a competi-*
12 *tive basis, for a period of not more than 5 years, to institu-*
13 *tions of higher education (in consortia with State edu-*
14 *cational agencies or local educational agencies) to provide*
15 *for professional development activities that will improve*
16 *classroom instruction for limited English proficient stu-*
17 *dents and assist educational personnel working with such*
18 *students to meet high professional standards, including*
19 *standards for certification and licensure as bilingual edu-*
20 *cation teachers. Grants awarded under this subsection may*
21 *be used—*

22 “(1) *for inservice professional development pro-*
23 *grams that serve teachers, administrators, pupil serv-*
24 *ices personnel, and other educational personnel who*

1 *are either involved in, or preparing to be involved in,*
2 *a language instruction educational program;*

3 *“(2) for preservice professional development pro-*
4 *grams that will assist local schools and institutions of*
5 *higher education to upgrade the qualifications and*
6 *skills of educational personnel who are not certified or*
7 *licensed, especially educational paraprofessionals;*

8 *“(3) for the development of curricula appropriate*
9 *to the needs of the consortia participants involved;*
10 *and*

11 *“(4) for financial assistance and costs related to*
12 *tuition, fees, and books for enrolling in courses re-*
13 *quired to complete the degree involved, and meet cer-*
14 *tification or licensing requirements for bilingual edu-*
15 *cation teachers.*

16 *“(c) NATIONAL CLEARINGHOUSE.—The Secretary shall*
17 *establish and support the operation of a National Clearing-*
18 *house for Bilingual Education, which shall collect, analyze,*
19 *synthesize, and disseminate information about second lan-*
20 *guage acquisition programs for limited English proficient*
21 *students, and related programs. The National Clearing-*
22 *house shall—*

23 *“(1) be administered as an adjunct clearinghouse*
24 *of the Educational Resources Information Center*

1 *Clearinghouses system supported by the Office of Edu-*
2 *catational Research and Improvement;*

3 *“(2) coordinate activities with Federal data and*
4 *information clearinghouses and entities operating*
5 *Federal dissemination networks and systems;*

6 *“(3) develop a database management and moni-*
7 *toring system for improving the operation and effec-*
8 *tiveness of federally funded language instruction edu-*
9 *cational programs;*

10 *“(4) disseminate information on best practices*
11 *related to—*

12 *“(A) the development of accountability sys-*
13 *tems that monitor the academic progress of lim-*
14 *ited English proficient students in language in-*
15 *struction educational programs; and*

16 *“(B) the development of standards and*
17 *English language proficiency assessments for*
18 *language instruction educational programs;*

19 *“(5) develop, maintain, and disseminate a list-*
20 *ing, by geographical area, of education professionals,*
21 *parents, teachers, administrators, community mem-*
22 *bers, and others, who are native speakers of languages*
23 *other than English, for use as a resource by local edu-*
24 *cational agencies and schools in the development and*

1 *implementation of language instruction educational*
2 *programs; and*

3 *“(6) publish, on an annual basis, a list of grant*
4 *recipients under this section.*

5 **“PART E—ADMINISTRATION**

6 **“SEC. 3401. RELEASE TIME.**

7 *“The Secretary shall allow entities carrying out profes-*
8 *sional development programs funded under part A to use*
9 *funds provided under part A for professional release time*
10 *to enable individuals to participate in programs assisted*
11 *under part A.*

12 **“SEC. 3402. EDUCATION TECHNOLOGY.**

13 *“Funds made available under part A may be used to*
14 *provide for the acquisition or development of education*
15 *technology or instructional materials, including authentic*
16 *materials in languages other than English, access to and*
17 *participation in electronic networks for materials, training*
18 *and communications, and incorporation of such resources*
19 *in curricula and programs such as those funded under this*
20 *title.*

21 **“SEC. 3403. NOTIFICATION.**

22 *“The State educational agency, and when applicable,*
23 *the State board for postsecondary education, shall be noti-*
24 *fied within 3 working days of the date an award under*
25 *part A is made to an eligible entity within the State.*

1 **“SEC. 3404. CONTINUED ELIGIBILITY.**

2 *“Entities receiving grants under this title shall remain*
3 *eligible for grants for subsequent activities which extend or*
4 *expand and do not duplicate those activities supported by*
5 *a previous grant under this title. In considering applica-*
6 *tions for grants under this title, the Secretary shall take*
7 *into consideration the applicant’s record of accomplish-*
8 *ments under previous grants under this title.*

9 **“SEC. 3405. COORDINATION AND REPORTING REQUIRE-**
10 **MENTS.**

11 *“(a) COORDINATION WITH RELATED PROGRAMS.—In*
12 *order to maximize Federal efforts aimed at serving the edu-*
13 *cational needs of children and youth of limited English pro-*
14 *ficiency, the Secretary shall coordinate and ensure close co-*
15 *operation with other programs serving language-minority*
16 *and limited English proficient students that are adminis-*
17 *tered by the Department and other agencies. The Secretary*
18 *shall consult with the Secretary of Labor, the Secretary of*
19 *Health and Human Services, the Secretary of Agriculture,*
20 *the Attorney General and the heads of other relevant agen-*
21 *cies to identify and eliminate barriers to appropriate co-*
22 *ordination of programs that affect language-minority and*
23 *limited English proficient students and their families. The*
24 *Secretary shall provide for continuing consultation and col-*
25 *laboration, between the Office and relevant programs oper-*
26 *ated by the Department, including programs under this*

1 *title and other programs under this Act, in planning, con-*
2 *tracts, providing joint technical assistance, providing joint*
3 *field monitoring activities and in other relevant activities*
4 *to ensure effective program coordination to provide high*
5 *quality education opportunities to all language-minority*
6 *and limited English proficient students.*

7 “(b) *DATA.*—*The Secretary shall, to the extent feasible,*
8 *ensure that all data collected by the Department shall in-*
9 *clude the collection and reporting of data on limited*
10 *English proficient students.*

11 “(c) *PUBLICATION OF PROPOSALS.*—*The Secretary*
12 *shall publish and disseminate all requests for proposals for*
13 *programs funded under part A.*

14 “(d) *REPORT.*—*The Director shall prepare and, not*
15 *later than February 1 of every other year, shall submit to*
16 *the Secretary and to the Committee on Health, Education,*
17 *Labor, and Pensions of the Senate and to the Committee*
18 *on Education and the Workforce of the House of Representa-*
19 *tives a report on—*

20 “(1) *the activities carried out under this title*
21 *and the effectiveness of such activities in improving*
22 *the education provided to limited English proficient*
23 *children and youth;*

24 “(2) *a critical synthesis of data reported by the*
25 *States pursuant to section 3124;*

1 “(3) an estimate of the number of certified bilin-
2 gual education personnel in the field and an estimate
3 of the number of bilingual education teachers which
4 will be needed for the succeeding 5 fiscal years;

5 “(4) the major findings of research carried out
6 under this title; and

7 “(5) recommendations for further developing the
8 capacity of our Nation’s schools to educate effectively
9 limited English proficient students.

10 **“PART F—GENERAL PROVISIONS**

11 **“SEC. 3501. DEFINITIONS.**

12 *“Except as otherwise provided, in this title:*

13 “(1) *BILINGUAL EDUCATION PROGRAM.—The*
14 *term ‘bilingual education program’ means an edu-*
15 *catinal program for limited English proficient stu-*
16 *dents that—*

17 “(A) *makes instructional use of both*
18 *English and a student’s native language;*

19 “(B) *enables limited English proficient stu-*
20 *dents to achieve English proficiency and aca-*
21 *ademic mastery of subject matter content and*
22 *higher order skills, including critical thinking, so*
23 *as to meet age-appropriate grade-promotion and*
24 *graduation standards;*

1 “(C) may also develop the native language
2 skills of limited English proficient students, or
3 ancestral language skills of American Indians
4 (within the meaning of part A of title VII), Alas-
5 ka Natives (as defined in section 7306), Native
6 Hawaiians (as defined in section 7207), and na-
7 tive residents of the outlying areas; and

8 “(D) may include the participation of
9 English proficient students if such program is
10 designed to enable all enrolled students to become
11 proficient in English and a second language.

12 “(2) CHILDREN AND YOUTH.—The term ‘children
13 and youth’ means individuals aged 3 through 21.

14 “(3) COMMUNITY-BASED ORGANIZATION.—The
15 term ‘community-based organization’ means a private
16 nonprofit organization of demonstrated effectiveness
17 or Indian tribe or tribally sanctioned educational au-
18 thority (as such terms are defined in section 3004)
19 that is representative of a community or significant
20 segments of a community and that provides edu-
21 cational or related services to individuals in the com-
22 munity. Such term includes Native Hawaiian organi-
23 zations including Native Hawaiian Educational Or-
24 ganizations as such term is defined in section 4009
25 of the Augustus F. Hawkins-Robert T. Stafford Ele-

1 *mentary and Secondary School Improvement Amend-*
2 *ments of 1988, as such section was in effect on the*
3 *day preceding the date of enactment of the Improving*
4 *America's Schools Act of 1994.*

5 “(4) *COMMUNITY COLLEGE.*—*The term ‘commu-*
6 *nity college’ means an institution of higher education*
7 *as defined in section 101 of the Higher Education Act*
8 *of 1965 that provides not less than a 2-year program*
9 *that is acceptable for full credit toward a bachelor’s*
10 *degree, including institutions receiving assistance*
11 *under the Tribally Controlled College or University*
12 *Assistance Act of 1978.*

13 “(5) *DIRECTOR.*—*The term ‘Director’ means the*
14 *Director of the Office of Bilingual Education and Mi-*
15 *nority Languages Affairs established under section*
16 *209 of the Department of Education Organization*
17 *Act.*

18 “(6) *FAMILY EDUCATION PROGRAM.*—

19 “(A) *IN GENERAL.*—*The term ‘family edu-*
20 *cation program’ means a bilingual education or*
21 *special alternative instructional program that—*

22 “(i) *is designed—*

23 “(I) *to help limited English pro-*
24 *ficient adults and out-of-school youths*

1 *achieve proficiency in the English lan-*
2 *guage; and*

3 “*(II) to provide instruction on*
4 *how parents and family members can*
5 *facilitate the educational achievement*
6 *of their children;*

7 “*(ii) when feasible, uses instructional*
8 *programs such as the models developed*
9 *under the Even Start Family Literacy Pro-*
10 *grams, which promote adult literacy and*
11 *train parents to support the educational*
12 *growth of their children, the Parents as*
13 *Teachers Program, and the Home Instruc-*
14 *tion Program for Preschool Youngsters; and*

15 “*(iii) gives preference to participation*
16 *by parents and immediate family members*
17 *of children attending school.*

18 “*(B) INSTRUCTION FOR HIGHER EDUCATION*
19 *AND EMPLOYMENT.—Such term may include*
20 *programs that provide instruction to facilitate*
21 *higher education and employment outcomes.*

22 “*(7) IMMIGRANT CHILDREN AND YOUTH.—The*
23 *term ‘immigrant children and youth’ means individ-*
24 *uals who—*

25 “*(A) are aged 3 through 21;*

1 “(B) were not born in any State; and

2 “(C) have not been attending 1 or more
3 schools in any 1 or more States for more than
4 3 full academic years.

5 “(8) LIMITED ENGLISH PROFICIENCY AND LIM-
6 ITED ENGLISH PROFICIENT.—The terms ‘limited
7 English proficiency’ and ‘limited English proficient’,
8 when used with reference to an individual, mean an
9 individual—

10 “(A)(i) who was not born in the United
11 States, or whose native language is a language
12 other than English, and who comes from an en-
13 vironment where a language other than English
14 is dominant;

15 “(ii) who is a Native American or Alaska
16 Native, or is a native resident of the outlying
17 areas, and comes from an environment where a
18 language other than English has had a signifi-
19 cant impact on such individual’s level of English
20 language proficiency; or

21 “(iii) who is migratory, whose native lan-
22 guage is a language other than English, and who
23 comes from an environment where a language
24 other than English is dominant; and

1 “(B) who has sufficient difficulty speaking,
2 reading, writing, or understanding the English
3 language and whose difficulties may deny such
4 individual the opportunity to learn successfully
5 in classrooms where the language of instruction
6 is English or to participate fully in society.

7 “(9) NATIVE AMERICAN AND NATIVE AMERICAN
8 LANGUAGE.—The terms ‘Native American’ and ‘Na-
9 tive American language’ shall have the meanings
10 given such terms in section 103 of the Native Amer-
11 ican Languages Act.

12 “(10) NATIVE HAWAIIAN OR NATIVE AMERICAN
13 PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL
14 ORGANIZATION.—The term ‘Native Hawaiian or Na-
15 tive American Pacific Islander native language edu-
16 cational organization’ means a nonprofit organiza-
17 tion with a majority of its governing board and em-
18 ployees consisting of fluent speakers of the traditional
19 Native American languages used in the organization’s
20 educational programs and with not less than 5 years
21 successful experience in providing educational services
22 in traditional Native American languages.

23 “(11) NATIVE LANGUAGE.—The term ‘native lan-
24 guage’, when used with reference to an individual of
25 limited English proficiency, means the language nor-

1 *mally used by such individual, or in the case of a*
2 *child or youth, the language normally used by the*
3 *parents of the child or youth.*

4 “(12) *OFFICE.*—*The term ‘Office’ means the Of-*
5 *ice of Bilingual Education and Minority Languages*
6 *Affairs.*

7 “(13) *OTHER PROGRAMS FOR PERSONS OF LIM-*
8 *ITED ENGLISH PROFICIENCY.*—*The term ‘other pro-*
9 *grams for persons of limited English proficiency’*
10 *means any other programs administered by the Sec-*
11 *retary that serve persons of limited English pro-*
12 *ficiency.*

13 “(14) *PARAPROFESSIONAL.*—*The term ‘para-*
14 *professional’ means an individual who is employed in*
15 *a preschool, elementary school, or secondary school*
16 *under the supervision of a certified or licensed teach-*
17 *er, including individuals employed in bilingual edu-*
18 *cation, special education and migrant education.*

19 “(15) *SPECIAL ALTERNATIVE INSTRUCTIONAL*
20 *PROGRAM.*—*The term ‘special alternative instruc-*
21 *tional program’ means an educational program for*
22 *limited English proficient students that—*

23 “(A) *utilizes specially designed English lan-*
24 *guage curricula and services but does not use the*

1 *student’s native language for instructional pur-*
2 *poses;*

3 “(B) *enables limited English proficient stu-*
4 *dents to achieve English proficiency and aca-*
5 *ademic mastery of subject matter content and*
6 *higher order skills, including critical thinking, so*
7 *as to meet age-appropriate grade-promotion and*
8 *graduation standards; and*

9 “(C) *is particularly appropriate for schools*
10 *where the diversity of the limited English pro-*
11 *ficient students’ native languages and the small*
12 *number of students speaking each respective lan-*
13 *guage makes bilingual education impractical*
14 *and where there is a critical shortage of bilin-*
15 *gual education teachers.*

16 **“SEC. 3502. REGULATIONS AND NOTIFICATION.**

17 “(a) *REGULATION RULE.—In developing regulations*
18 *under this title, the Secretary shall consult with State edu-*
19 *cational agencies and local educational agencies, organiza-*
20 *tions representing limited English proficient individuals,*
21 *and organizations representing teachers and other personnel*
22 *involved in bilingual education.*

23 “(b) *PARENTAL NOTIFICATION.—*

1 “(1) *IN GENERAL.*—*Parents of children and*
2 *youth participating in programs assisted under part*
3 *A shall be informed of—*

4 “(A) *a student’s level of English proficiency,*
5 *how such level was assessed, the status of a stu-*
6 *dent’s academic achievement, and the implica-*
7 *tions of a student’s educational strengths and*
8 *needs for age and grade appropriate academic*
9 *attainment, promotion, and graduation;*

10 “(B) *what programs are available to meet*
11 *the student’s educational strengths and needs*
12 *and how the programs differ in content and in-*
13 *structional goals, and in the case of a student*
14 *with a disability, how the program meets the ob-*
15 *jectives of a student’s individualized education*
16 *program; and*

17 “(C) *the instructional goals of the bilingual*
18 *education or special alternative instructional*
19 *program, and how the program will specifically*
20 *help the limited English proficient student ac-*
21 *quire English and meet age-appropriate stand-*
22 *ards for grade promotion and graduation,*
23 *including—*

24 “(i) *the benefits, nature, and past aca-*
25 *demie results of the bilingual educational*

1 *program and of the instructional alter-*
2 *natives; and*

3 *“(ii) the reasons for the selection of*
4 *their child as being in need of bilingual*
5 *education.*

6 *“(2) OPTION TO DECLINE.—*

7 *“(A) IN GENERAL.—Such parents shall also*
8 *be informed that such parents have the option of*
9 *declining enrollment of their children and youth*
10 *in such programs and shall be given an oppor-*
11 *tunity to so decline if such parents so choose.*

12 *“(B) CIVIL RIGHTS OBLIGATIONS.—A local*
13 *educational agency shall not be relieved of any*
14 *of its obligations under title VI of the Civil*
15 *Rights Act of 1964 because parents choose not to*
16 *enroll their children in programs carried out*
17 *under part A.*

18 *“(3) RECEIPT OF INFORMATION.—Such parents*
19 *shall receive, in a manner and form understandable*
20 *to such parents, including, if necessary and to the ex-*
21 *tent feasible, in the native language of such parents,*
22 *the information required by this subsection. At a*
23 *minimum, such parents shall receive—*

24 *“(A) timely information about projects*
25 *funded under part A; and*

1 “(B) if the parents of participating children
2 so desire, notice of opportunities for regular
3 meetings for the purpose of formulating and re-
4 sponding to recommendations from such parents.

5 “(4) *SPECIAL RULE.*—Students shall not be ad-
6 mitted to or excluded from any federally assisted edu-
7 cation program merely on the basis of a surname or
8 language-minority status.”.

9 **TITLE IV—SAFE AND DRUG-FREE**
10 **SCHOOLS AND COMMUNITIES**

11 **SEC. 401. AMENDMENT TO THE ELEMENTARY AND SEC-**
12 **ONDARY EDUCATION ACT OF 1965.**

13 *Title IV (20 U.S.C. 7101 et seq.) is amended to read*
14 *as follows:*

15 **“TITLE IV—SAFE AND DRUG-**
16 **FREE SCHOOLS AND COMMU-**
17 **NITIES**

18 **“PART A—STATE GRANTS**

19 **“SEC. 4001. SHORT TITLE.**

20 *“This part may be cited as the ‘Safe and Drug-Free*
21 *Schools and Communities Act of 1994’.*

22 **“SEC. 4002. FINDINGS.**

23 *“Congress makes the following findings:*

24 *“(1) Every student should attend a school in a*
25 *drug- and violence-free learning environment.*

1 “(2) *The widespread illegal use of alcohol and*
2 *drugs among the Nation’s secondary school students,*
3 *and increasingly by students in elementary schools as*
4 *well, constitutes a grave threat to such students’ phys-*
5 *ical and mental well-being, and significantly impedes*
6 *the learning process. For example, data show that stu-*
7 *dents who drink tend to receive lower grades and are*
8 *more likely to miss school because of illness than stu-*
9 *dents who do not drink.*

10 “(3) *Drug and violence prevention programs are*
11 *essential components of a comprehensive strategy to*
12 *promote school safety, youth development, positive*
13 *school outcomes, and to reduce the demand for and il-*
14 *legal use of alcohol, tobacco and drugs throughout the*
15 *Nation. Schools, local organizations, parents, stu-*
16 *dents, and communities throughout the Nation have a*
17 *special responsibility to work together to combat the*
18 *continuing epidemic of violence and illegal drug use*
19 *and should measure the success of their programs*
20 *against clearly defined goals and objectives.*

21 “(4) *Drug and violence prevention programs are*
22 *most effective when implemented within a scientif-*
23 *ically based research, drug and violence prevention*
24 *framework of proven effectiveness.*

1 “(5) Research clearly shows that community con-
2 texts contribute to substance abuse and violence.

3 “(6) Substance abuse and violence are intricately
4 related and must be dealt with in a holistic manner.

5 “(7) Research has documented that parental be-
6 havior and environment directly influence a child’s
7 inclination to use alcohol, tobacco or drugs.

8 **“SEC. 4003. PURPOSE.**

9 “The purpose of this part is to support programs that
10 prevent violence in and around schools and prevent the ille-
11 gal use of alcohol, tobacco, and drugs, involve parents, and
12 are coordinated with related Federal, State, school, and
13 community efforts and resources, through the provision of
14 Federal assistance to—

15 “(1) States for grants to local educational agen-
16 cies and educational service agencies and consortia of
17 such agencies to establish, operate, and improve local
18 programs of school drug and violence prevention,
19 early intervention, high quality alternative education
20 for chronically disruptive, drug-abusing, and violent
21 students that includes drug and violence prevention
22 programs, rehabilitation referral, and education in el-
23 ementary and secondary schools for the development
24 and implementation of policies that set clear and ap-
25 propriate standards regarding the illegal use of alco-

1 *hol, tobacco and drugs, and for violent behavior (in-*
2 *cluding intermediate and junior high schools);*

3 *“(2) States for grants to, and contracts with,*
4 *community-based organizations and public and pri-*
5 *ivate enties for programs of drug and violence preven-*
6 *tion including community mobilization, early inter-*
7 *vention, rehabilitation referral, and education;*

8 *“(3) States for development, training, technical*
9 *assistance, and coordination activities; and*

10 *“(4) public and private entities to provide tech-*
11 *nical assistance, conduct training, demonstrations,*
12 *and evaluation, and to provide supplementary serv-*
13 *ices and community mobilization activities for the*
14 *prevention of drug use and violence among students*
15 *and youth.*

16 **“SEC. 4004. FUNDING.**

17 *“There are authorized to be appropriated—*

18 *“(1) \$700,000,000 for fiscal year 2002, and such*
19 *sums as may be necessary for each of the 6 succeeding*
20 *fiscal years, for State grants under subpart 1;*

21 *“(2) \$150,000,000 for fiscal year 2002, and such*
22 *sums as may be necessary for each of the 6 succeeding*
23 *fiscal years, for national programs under subpart 2;*

24 *“(3) \$75,000,000 for fiscal year 2002, and such*
25 *sums as may be necessary for each of the 6 succeeding*

1 *fiscal years, for the National Coordinator Initiative*
2 *under section 4122;*

3 *“(4) \$5,000,000 for each of fiscal years 2002*
4 *through 2004 to carry out section 4125; and*

5 *“(5) \$25,000,000 for fiscal year 2002, and such*
6 *sums as may be necessary for each of the 6 succeeding*
7 *fiscal years to carry out section 4126.*

8 **“Subpart 1—STATE GRANTS FOR DRUG AND**
9 **VIOLENCE PREVENTION PROGRAMS**

10 **“SEC. 4111. RESERVATIONS AND ALLOTMENTS.**

11 *“(a) RESERVATIONS.—From the amount made avail-*
12 *able under section 4004(1) to carry out this subpart for each*
13 *fiscal year, the Secretary—*

14 *“(1) shall reserve 1 percent of such amount for*
15 *grants under this subpart to Guam, American*
16 *Samoa, the Virgin Islands, and the Commonwealth of*
17 *the Northern Mariana Islands, to be allotted in ac-*
18 *cordance with the Secretary’s determination of their*
19 *respective needs;*

20 *“(2) shall reserve 1 percent of such amount for*
21 *the Secretary of the Interior to carry out programs*
22 *under this part for Indian youth;*

23 *“(3) may reserve not more than \$2,000,000 for*
24 *the national impact evaluation required by section*
25 *4117(a); and*

1 “(4) shall reserve 0.2 percent of such amount for
2 programs for Native Hawaiians under section 4118.

3 “(b) STATE ALLOTMENTS.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary shall, for each fiscal year, al-
6 locate among the States—

7 “(A) one-half of the remainder not reserved
8 under subsection (a) according to the ratio be-
9 tween the school-aged population of each State
10 and the school-aged population of all the States;
11 and

12 “(B) one-half of such remainder according
13 to the ratio between the amount each State re-
14 ceived under section 1124A for the preceding
15 year and the sum of such amounts received by
16 all the States.

17 “(2) MINIMUM.—For any fiscal year, no State
18 shall be allotted under this subsection an amount that
19 is less than one-half of 1 percent of the total amount
20 allotted to all the States under this subsection.

21 “(3) REALLOTMENT.—The Secretary may reallocate
22 any amount of any allotment to a State if the Sec-
23 retary determines that the State will be unable to use
24 such amount within 2 years of such allotment. Such

1 *reallotments shall be made on the same basis as allot-*
2 *ments are made under paragraph (1).*

3 *“(4) DEFINITIONS.—In this subsection:*

4 *“(A) STATE.—The term ‘State’ means each*
5 *of the 50 States, the District of Columbia, and*
6 *the Commonwealth of Puerto Rico.*

7 *“(B) LOCAL EDUCATIONAL AGENCY.—The*
8 *term ‘local educational agency’ includes edu-*
9 *cational service agencies and consortia of such*
10 *agencies.*

11 *“(c) LIMITATION.—Amounts appropriated under sec-*
12 *tion 4004(2) for a fiscal year may not be increased above*
13 *the amounts appropriated under such section for the pre-*
14 *vious fiscal year unless the amounts appropriated under*
15 *section 4004(1) for the fiscal year involved are at least 10*
16 *percent greater than the amounts appropriated under such*
17 *section 4004(1) for the previous fiscal year.*

18 **“SEC. 4112. STATE APPLICATIONS.**

19 *“(a) IN GENERAL.—In order to receive an allotment*
20 *under section 4111 for any fiscal year, a State shall submit*
21 *to the Secretary, at such time as the Secretary may require,*
22 *an application that—*

23 *“(1) contains a comprehensive plan for the use*
24 *of funds by the State educational agency and the chief*

1 *executive officer to provide safe, orderly, and drug-free*
2 *schools and communities;*

3 *“(2) contains the results of the State’s needs as-*
4 *essment for drug and violence prevention programs,*
5 *which shall be based on the results of on-going State*
6 *evaluation activities, including data on the incidence*
7 *and prevalence, age of onset, perception of health risk,*
8 *and perception of social disapproval of drug use and*
9 *violence by youth in schools and communities and the*
10 *prevalence of risk or protective factors, buffers or as-*
11 *sets or other scientifically based research variables in*
12 *the school and community;*

13 *“(3) contains assurances that the sections of the*
14 *application concerning the funds provided to the chief*
15 *executive officer and the State educational agency*
16 *were developed together, with each such officer or*
17 *State representative, in consultation and coordination*
18 *with appropriate State officials and others, including*
19 *the chief State school officer, the chief executive officer,*
20 *the head of the State alcohol and drug abuse agency,*
21 *the heads of the State health and mental health agen-*
22 *cies, the head of the State criminal justice planning*
23 *agency, the head of the State child welfare agency, the*
24 *head of the State board of education, or their des-*

1 *ignees, and representatives of parents, students, and*
2 *community-based organizations;*

3 *“(4) contains an assurance that the State will*
4 *cooperate with, and assist, the Secretary in con-*
5 *ducting a national impact evaluation of programs re-*
6 *quired by section 4117(a);*

7 *“(5) contains assurances that the State education*
8 *agency and the Governor will develop their respective*
9 *applications in consultation with an advisory council*
10 *that includes, to the extent practicable, representatives*
11 *from school districts, businesses, parents, youth, teach-*
12 *ers, administrators, pupil services personnel, private*
13 *schools, appropriate State agencies, community-based*
14 *organizations, the medical profession, law enforce-*
15 *ment, the faith-based community and other groups*
16 *with interest and expertise in alcohol, tobacco, drug,*
17 *and violence prevention;*

18 *“(6) contains assurances that the State education*
19 *agency and the Governor involve the representatives*
20 *described in paragraph (5), on an ongoing basis, to*
21 *review program evaluations and other relevant mate-*
22 *rial and make recommendations to the State edu-*
23 *cation agency and the Governor on how to improve*
24 *their respective alcohol, tobacco, drug, and violence*
25 *prevention programs;*

1 “(7) contains a list of the State’s results-based
2 performance measures for drug and violence preven-
3 tion, that shall—

4 “(A) be focused on student behavior and at-
5 titudes and be derived from the needs assessment;

6 “(B) include targets and due dates for the
7 attainment of such performance measures; and

8 “(C) include a description of the procedures
9 that the State will use to inform local edu-
10 cational agencies of such performance measures
11 for assessing and publicly reporting progress to-
12 ward meeting such measures or revising them as
13 needed; and

14 “(8) includes any other information the Sec-
15 retary may require.

16 “(b) STATE EDUCATIONAL AGENCY FUNDS.—A State’s
17 application under this section shall also contain a com-
18 prehensive plan for the use of funds under section 4113(a)
19 by the State educational agency that includes—

20 “(1) a plan for monitoring the implementation
21 of, and providing technical assistance regarding, the
22 drug and violence prevention programs conducted by
23 local educational agencies in accordance with section
24 4116;

1 “(2) a description of how the State educational
2 agency will use funds under section 4113(b), includ-
3 ing how the agency will receive input from parents
4 regarding the use of such funds;

5 “(3) a description of how the State educational
6 agency will coordinate such agency’s activities under
7 this subpart with the chief executive officer’s drug and
8 violence prevention programs under this subpart and
9 with the prevention efforts of other State agencies;
10 and

11 “(4) a description of the procedures the State
12 educational agency will use to review applications
13 from and allocate funding to local educational agen-
14 cies under section 4115 and how such review will re-
15 ceive input from parents.

16 “(c) GOVERNOR’S FUNDS.—A State’s application
17 under this section shall also contain a comprehensive plan
18 for the use of funds under section 4114(a) by the chief execu-
19 tive officer that includes, with respect to each activity to
20 be carried out by the State—

21 “(1) a description of how the chief executive offi-
22 cer will coordinate such officer’s activities under this
23 part with the State educational agency and other
24 State agencies and organizations involved with drug
25 and violence prevention efforts;

1 “(2) a description of how funds reserved under
2 section 4114(a) will be used so as not to duplicate the
3 efforts of the State educational agency and local edu-
4 cational agencies with regard to the provision of
5 school-based prevention efforts and services and how
6 those funds will be used to serve populations not nor-
7 mally served by the State educational agency, such as
8 school dropouts, suspended and expelled students, and
9 youth in detention centers;

10 “(3) a description of how the chief executive offi-
11 cer will award funds under section 4114(a) and a
12 plan for monitoring the performance of, and pro-
13 viding technical assistance to, recipients of such
14 funds;

15 “(4) a description of the special outreach activi-
16 ties that will be carried out to maximize the partici-
17 pation of community-based nonprofit organizations of
18 demonstrated effectiveness which provide services in
19 low-income communities, such as mentoring pro-
20 grams;

21 “(5) a description of how funds will be used to
22 support community-wide comprehensive drug and vi-
23 olence prevention planning and community mobiliza-
24 tion activities; and

1 *agency and its local educational agencies for drug and vio-*
2 *lence prevention activities in accordance with this section.*

3 *“(b) STATE LEVEL PROGRAMS.—*

4 *“(1) IN GENERAL.—A State educational agency*
5 *shall use not more than 5 percent of the amount*
6 *available under subsection (a) for activities such as—*

7 *“(A) voluntary training and technical as-*
8 *sistance concerning drug and violence prevention*
9 *for local educational agencies and educational*
10 *service agencies, including teachers, administra-*
11 *tors, coaches and athletic directors, other staff,*
12 *parents, students, community leaders, health*
13 *service providers, mentoring providers, local law*
14 *enforcement officials, and judicial officials;*

15 *“(B) the development, identification, dis-*
16 *semination, and evaluation of the most readily*
17 *available, accurate, and up-to-date drug and vio-*
18 *lence prevention curriculum materials (including*
19 *videotapes, software, and other technology-based*
20 *learning resources), for consideration by local*
21 *educational agencies;*

22 *“(C) making available to local educational*
23 *agencies cost effective scientifically based re-*
24 *search programs for youth violence and drug*
25 *abuse prevention;*

1 “(D) demonstration projects in drug and vi-
2 olence prevention, including service-learning
3 projects and mentoring programs;

4 “(E) training, technical assistance, and
5 demonstration projects to address violence associ-
6 ated with prejudice and intolerance;

7 “(F) training, technical assistance and
8 demonstration projects to address the impact of
9 family violence on school violence and substance
10 abuse;

11 “(G) financial assistance to enhance re-
12 sources available for drug and violence preven-
13 tion in areas serving large numbers of economi-
14 cally disadvantaged children or sparsely popu-
15 lated areas, or to meet other special needs con-
16 sistent with the purposes of this subpart;

17 “(H) the evaluation of activities carried out
18 within the State under this part; and

19 “(I) alternative programs for the education
20 and discipline of chronically violent and disrupt-
21 ive students as it relates to drug and violence
22 prevention.

23 “(2) SPECIAL RULE.—A State educational agen-
24 cy may carry out activities under this subsection di-
25 rectly, or through grants or contracts.

1 “(c) *STATE ADMINISTRATION.*—

2 “(1) *IN GENERAL.*—*A State educational agency*
3 *may use not more than 5 percent of the amount re-*
4 *served under subsection (a) for the administrative*
5 *costs of carrying out its responsibilities under this*
6 *part.*

7 “(2) *UNIFORM MANAGEMENT INFORMATION AND*
8 *REPORTING SYSTEM.*—*In carrying out its responsibil-*
9 *ities under this part, a State shall implement a uni-*
10 *form management information and reporting system*
11 *that includes information on the types of curricula,*
12 *programs and services provided by the State, Gov-*
13 *ernor, local education agencies, and other recipients of*
14 *funds under this title.*

15 “(d) *LOCAL EDUCATIONAL AGENCY PROGRAMS.*—

16 “(1) *IN GENERAL.*—*A State educational agency*
17 *shall distribute not less than 91 percent of the amount*
18 *made available under subsection (a) for each fiscal*
19 *year to local educational agencies in accordance with*
20 *this subsection.*

21 “(2) *DISTRIBUTION.*—*A State educational agen-*
22 *cy shall distribute amounts under paragraph (1) in*
23 *accordance with any one of the following subpara-*
24 *graphs:*

1 “(A) *ENROLLMENT AND COMBINATION AP-*
2 *PROACH.—Of the amount distributed under*
3 *paragraph (1), a State educational agency shall*
4 *distribute—*

5 “(i) *at least 70 percent of such amount*
6 *to local educational agencies, based on the*
7 *relative enrollments in public and private*
8 *nonprofit elementary and secondary schools*
9 *within the boundaries of such agencies; and*

10 “(ii) *not to exceed 30 percent of any*
11 *amounts remaining after amounts are dis-*
12 *tributed under clause (i)—*

13 “(I) *to each local educational*
14 *agency in an amount determined ap-*
15 *propriate by the State educational*
16 *agency; or*

17 “(II) *to local educational agencies*
18 *that the State education agency deter-*
19 *mines have the greatest need for addi-*
20 *tional funds to carry out drug and vio-*
21 *lence prevention programs authorized*
22 *by this subpart.*

23 “(B) *COMPETITIVE AND NEED APPROACH.—*
24 *Of the amount distributed under paragraph (1),*
25 *a State educational agency shall distribute—*

1 “(i) not to exceed 70 percent of such
2 amount to local educational agencies that
3 the State agency determines, through a com-
4 petitive process, have the greatest need for
5 funds to carry out drug and violence pre-
6 vention programs based on criteria estab-
7 lished by the State agency and authorized
8 under this subpart; and

9 “(ii) at least 30 percent of any
10 amounts remaining after amounts are dis-
11 tributed under clause (i) to local edu-
12 cational agencies that the State agency de-
13 termines have a need for additional funds to
14 carry out the program authorized under
15 this subpart.

16 “(3) *CONSIDERATION OF OBJECTIVE DATA.*—For
17 purposes of paragraph (2), in determining which
18 local educational agencies have the greatest need for
19 funds, the State educational agency shall consider ob-
20 jective data which may include—

21 “(A) high or increasing rates of alcohol or
22 drug use among youth;

23 “(B) high or increasing rates of victimiza-
24 tion of youth by violence and crime;

1 “(C) *high or increasing rates of arrests and*
2 *convictions of youth for violent or drug- or alco-*
3 *hol-related crime;*

4 “(D) *the extent of illegal gang activity;*

5 “(E) *high or increasing incidence of vio-*
6 *lence associated with prejudice and intolerance;*

7 “(F) *high or increasing rates of referrals of*
8 *youths to drug and alcohol abuse treatment and*
9 *rehabilitation programs;*

10 “(G) *high or increasing rates of referrals of*
11 *youths to juvenile court;*

12 “(H) *high or increasing rates of expulsions*
13 *and suspensions of students from schools;*

14 “(I) *high or increasing rates of reported*
15 *cases of child abuse and domestic violence; and*

16 “(J) *high or increasing rates of drug related*
17 *emergencies or deaths.*

18 “(e) *REALLOCATION OF FUNDS.—If a local edu-*
19 *cational agency chooses not to apply to receive the amount*
20 *allocated to such agency under subsection (d), or if such*
21 *agency’s application under section 4115 is disapproved by*
22 *the State educational agency, the State educational agency*
23 *shall reallocate such amount to one or more of its other local*
24 *educational agencies.*

1 “(f) *RETURN OF FUNDS TO STATE EDUCATIONAL*
2 *AGENCY; REALLOCATION.*—

3 “(1) *RETURN.*—*Except as provided in para-*
4 *graph (2), upon the expiration of the 1-year period*
5 *beginning on the date that a local educational agency*
6 *or educational service agency under this title receives*
7 *its allocation under this title—*

8 “(A) *such agency shall return to the State*
9 *educational agency any funds from such alloca-*
10 *tion that remain unobligated; and*

11 “(B) *the State educational agency shall re-*
12 *allocate any such amount to local educational*
13 *agencies or educational service agencies that have*
14 *plans for using such amount for programs or ac-*
15 *tivities on a timely basis.*

16 “(2) *REALLOCATION.*—*In any fiscal year, a local*
17 *educational agency, may retain for obligation in the*
18 *succeeding fiscal year—*

19 “(A) *an amount equal to not more than 25*
20 *percent of the allocation it receives under this*
21 *title for such fiscal year; or*

22 “(B) *upon a demonstration of good cause by*
23 *such agency or consortium, a greater amount ap-*
24 *proved by the State educational agency.*

1 **“SEC. 4114. GOVERNOR’S PROGRAMS.**

2 “(a) *USE OF FUNDS.*—

3 “(1) *IN GENERAL.*—An amount equal to 20 per-
4 cent of the total amount allocated to a State under
5 section 4111(b)(1) for each fiscal year shall be used by
6 the chief executive officer of such State for drug and
7 violence prevention programs and activities in ac-
8 cordance with this section.

9 “(2) *ADMINISTRATIVE COSTS.*—A chief executive
10 officer may use not more than 5 percent of the 20 per-
11 cent described in paragraph (1) for the administra-
12 tive costs incurred in carrying out the duties of such
13 officer under this section. The chief executive officer of
14 a State may use amounts under this paragraph to
15 award grants to State, county, or local law enforce-
16 ment agencies, including district attorneys, in con-
17 sultation with local education agencies or community-
18 based agencies, for the purposes of carrying out drug
19 abuse and violence prevention activities.

20 “(b) *STATE PLAN.*—Amounts shall be used under this
21 section in accordance with a State plan submitted by the
22 chief executive office of the State. Such State plan shall
23 contain—

24 “(1) *an objective analysis of the current use (and*
25 *consequences of such use) of alcohol, tobacco, and con-*
26 *trolled, illegal, addictive or harmful substances as well*

1 *as the violence, safety, and discipline problems among*
2 *students who attend schools in the State (including*
3 *private school students who participate in the States’s*
4 *drug and violence prevention programs) that is based*
5 *on ongoing local assessment or evaluation activities*
6 *including administrative incident reports, anonymous*
7 *surveys of students or teachers, and focus groups;*

8 *“(2) an analysis, based on data reasonably*
9 *available at the time, of the prevalence of risk factors,*
10 *including high or increasing rates of reported cases of*
11 *child abuse and domestic violence, or protective fac-*
12 *tors, buffers or assets or other scientifically based re-*
13 *search variables in schools and communities in the*
14 *State;*

15 *“(3) a description of the scientifically based re-*
16 *search strategies and programs, which shall be used to*
17 *prevent or reduce drug use, violence, or disruptive be-*
18 *havior, which shall include—*

19 *“(A) a specification of the objectively meas-*
20 *urable goals, objectives, and activities for the*
21 *program;*

22 *“(B) a specification for how risk factors, if*
23 *any, which have been identified will be targeted*
24 *through scientifically based research programs;*
25 *and*

1 “(C) a specification for how protective fac-
2 tors, buffers, or assets, if any, will be targeted
3 through scientifically based research programs;

4 “(4) a specification for the method or methods by
5 which measurements of program goals will be
6 achieved; and

7 “(5) a specification for how the evaluation of the
8 effectiveness of the prevention program will be as-
9 sessed and how the results will be used to refine, im-
10 prove, and strengthen the program.

11 “(c) PROGRAMS AUTHORIZED.—

12 “(1) IN GENERAL.—A chief executive officer shall
13 use funds made available under subsection (a)(1) di-
14 rectly for grants to or contracts with parent groups,
15 schools, community action and job training agencies,
16 community-based organizations, community anti-
17 drug coalitions, law enforcement education partner-
18 ships, and public and private entities and consortia
19 thereof. In making such grants and contracts, a chief
20 executive officer shall give priority to programs and
21 activities described in subsection (d) for—

22 “(A) children and youth who are not nor-
23 mally served by State or local educational agen-
24 cies; or

1 “(B) populations that need special services
2 or additional resources (such as preschoolers,
3 youth in juvenile detention facilities, runaway or
4 homeless children and youth, pregnant and par-
5 enting teenagers, and school dropouts).

6 “(2) *PEER REVIEW*.—Grants or contracts award-
7 ed under this subsection shall be subject to a peer re-
8 view process.

9 “(d) *AUTHORIZED ACTIVITIES*.—Grants and contracts
10 under subsection (c) shall be used to carry out the com-
11 prehensive State plan as required under section 4112(a)(1)
12 through programs and activities such as—

13 “(1) disseminating information about drug and
14 violence prevention;

15 “(2) the voluntary training of parents, law en-
16 forcement officials, judicial officials, social service
17 providers, health service providers and community
18 leaders about drug and violence prevention, health
19 education (as it relates to drug and violence preven-
20 tion), domestic violence and child abuse education (as
21 it relates to drug and violence prevention), early
22 intervention, pupil services, or rehabilitation referral;

23 “(3) developing and implementing comprehen-
24 sive, community-based drug and violence prevention
25 programs that link community resources with schools

1 *and integrate services involving education, vocational*
2 *and job skills training and placement, law enforce-*
3 *ment, health, mental health, family violence preven-*
4 *tion, community service, service-learning, mentoring,*
5 *and other appropriate services;*

6 *“(4) planning and implementing drug and vio-*
7 *lence prevention activities that coordinate the efforts*
8 *of State agencies with efforts of the State educational*
9 *agency and its local educational agencies;*

10 *“(5) activities to protect students traveling to*
11 *and from school;*

12 *“(6) before-and-after school recreational, instruc-*
13 *tional, cultural, and artistic programs that encourage*
14 *drug- and violence-free lifestyles;*

15 *“(7) activities that promote the awareness of and*
16 *sensitivity to alternatives to violence through courses*
17 *of study that include related issues of intolerance and*
18 *hatred in history;*

19 *“(8) developing and implementing activities to*
20 *prevent and reduce violence associated with prejudice*
21 *and intolerance;*

22 *“(9) developing and implementing activities to*
23 *prevent and reduce dating violence;*

24 *“(10) developing and implementing strategies to*
25 *prevent illegal gang activity;*

1 “(11) coordinating and conducting school and
2 community-wide violence and safety and drug abuse
3 assessments and surveys;

4 “(12) service-learning projects that encourage
5 drug- and violence-free lifestyles;

6 “(13) evaluating programs and activities as-
7 sisted under this section;

8 “(14) developing and implementing community
9 mobilization activities to undertake environmental
10 change strategies related to substance abuse and vio-
11 lence;

12 “(15) developing, establishing, or improving al-
13 ternative educational opportunities for chronically
14 disruptive, drug-abusing, and violent students that
15 are designed to promote drug and violence prevention,
16 reduce disruptive behavior, to reduce the need for re-
17 peat suspensions and expulsions, to enable students to
18 meet challenging State academic standards, and to
19 enable students to return to the regular classroom as
20 soon as possible;

21 “(16) training teachers, pupil services personnel,
22 and other appropriate school staff on effective strate-
23 gies for dealing with chronically disruptive, drug-
24 abusing, and violent students;

1 “(17) *partnerships between local law enforcement*
2 *agencies, including district attorneys, and local edu-*
3 *cation agencies or community-based agencies; and*

4 “(18) *alternative programs for the education and*
5 *discipline of chronically violent and disruptive stu-*
6 *dents as it relates to drug and violence prevention.*

7 **“SEC. 4115. LOCAL APPLICATIONS.**

8 “(a) *APPLICATION REQUIRED.—*

9 “(1) *IN GENERAL.—In order to be eligible to re-*
10 *ceive a distribution under section 4113(d) for any fis-*
11 *cal year, a local educational agency shall submit, at*
12 *such time as the State educational agency requires,*
13 *an application to the State educational agency for*
14 *approval. Such an application shall be amended, as*
15 *necessary, to reflect changes in the local educational*
16 *agency’s program.*

17 “(2) *DEVELOPMENT.—*

18 “(A) *CONSULTATION.—A local educational*
19 *agency shall develop its application under sub-*
20 *section (a)(1) in consultation with a local or*
21 *substate regional advisory council that includes,*
22 *to the extent possible, representatives of local gov-*
23 *ernment, business, parents, students, teachers,*
24 *pupil services personnel, appropriate State agen-*
25 *cies, private schools, the medical profession, law*

1 enforcement, community-based organizations,
2 and other groups with interest and expertise in
3 drug and violence prevention.

4 “(B) DUTIES OF ADVISORY COUNCIL.—In
5 addition to assisting the local educational agency
6 to develop an application under this section, the
7 advisory council established or designated under
8 subparagraph (A) shall, on an ongoing basis—

9 “(i) disseminate information about sci-
10 entifically based research drug and violence
11 prevention programs, projects, and activi-
12 ties conducted within the boundaries of the
13 local educational agency;

14 “(ii) advise the local educational agen-
15 cy regarding how best to coordinate such
16 agency’s activities under this subpart with
17 other related programs, projects, and activi-
18 ties;

19 “(iii) ensure that a mechanism is in
20 place to enable local educational agencies to
21 have access to up-to-date information con-
22 cerning the agencies that administer related
23 programs, projects, and activities and any
24 changes in the law that alter the duties of
25 the local educational agencies with respect

1 to activities conducted under this subpart;
2 and

3 “(iv) review program evaluations and
4 other relevant material and make rec-
5 ommendations on an active and ongoing
6 basis to the local educational agency on how
7 to improve such agency’s drug and violence
8 prevention programs.

9 “(b) CONTENTS OF APPLICATIONS.—An application
10 under this section shall contain—

11 “(1) an objective analysis of the current use (and
12 consequences of such use) of alcohol, tobacco, and con-
13 trolled, illegal, addictive or harmful substances as well
14 as the violence, safety, and discipline problems among
15 students who attend the schools of the applicant (in-
16 cluding private school students who participate in the
17 applicant’s drug and violence prevention program)
18 that is based on ongoing local assessment or evalua-
19 tion activities;

20 “(2) an analysis, based on data reasonably
21 available at the time, of the prevalence of risk factors,
22 including high or increasing rates of reported cases of
23 child abuse and domestic violence, or protective fac-
24 tors, buffers or assets or other scientifically based re-
25 search variables in the school and community;

1 “(3) a description of the scientifically based re-
2 search strategies and programs, which shall be used to
3 prevent or reduce drug use, violence, or disruptive be-
4 havior, which shall include—

5 “(A) a specification of the objectively meas-
6 urable goals, objectives, and activities for the
7 program, which shall include—

8 “(i) reductions in the use of alcohol, to-
9 bacco, and illicit drugs and violence by
10 youth;

11 “(ii) specific reductions in the preva-
12 lence of identified risk factors;

13 “(iii) specific increases in the preva-
14 lence of protective factors, buffers, or assets
15 if any have been identified; or

16 “(iv) other scientifically based research
17 goals, objectives, and activities that are
18 identified as part of the application that
19 are not otherwise covered under clauses (i)
20 through (iii);

21 “(B) a specification for how risk factors, if
22 any, which have been identified will be targeted
23 through scientifically based research programs;
24 and

1 “(C) a specification for how protective fac-
2 tors, buffers, or assets, if any, will be targeted
3 through scientifically based research programs;

4 “(4) a specification for the method or methods by
5 which measurements of program goals will be
6 achieved;

7 “(5) a specification for how the evaluation of the
8 effectiveness of the prevention program will be as-
9 sessed and how the results will be used to refine, im-
10 prove, and strengthen the program;

11 “(6) an assurance that the applicant has, or the
12 schools to be served have, a plan for keeping schools
13 safe and drug-free that includes—

14 “(A) appropriate and effective discipline
15 policies that prohibit disorderly conduct, the pos-
16 session of firearms and other weapons, and the
17 illegal use, possession, distribution, and sale of
18 tobacco, alcohol, and other drugs by students;

19 “(B) security procedures at school and while
20 students are on the way to and from school;

21 “(C) prevention activities that are designed
22 to create and maintain safe, disciplined, and
23 drug-free environments; and

1 “(D) a crisis management plan for respond-
2 ing to violent or traumatic incidents on school
3 grounds; and

4 “(7) such other information and assurances as
5 the State educational agency may reasonably require.

6 “(c) REVIEW OF APPLICATION.—

7 “(1) IN GENERAL.—In reviewing local applica-
8 tions under this section, a State educational agency
9 shall use a peer review process or other methods of as-
10 suring the quality of such applications.

11 “(2) CONSIDERATIONS.—

12 “(A) IN GENERAL.—In determining whether
13 to approve the application of a local educational
14 agency under this section, a State educational
15 agency shall consider the quality of the local edu-
16 cational agency’s comprehensive plan under sub-
17 section (b)(6) and the extent to which the pro-
18 posed plan provides a thorough assessment of the
19 substance abuse and violence problem, uses objec-
20 tive data and the knowledge of a wide range of
21 community members, develops measurable goals
22 and objectives, and implements scientifically
23 based research programs that have been shown to
24 be effective and meet identified needs.

1 “(B) *DISAPPROVAL.*—A State educational
2 agency may disapprove a local educational agen-
3 cy application under this section in whole or in
4 part and may withhold, limit, or place restric-
5 tions on the use of funds allotted to such a local
6 educational agency in a manner the State edu-
7 cational agency determines will best promote the
8 purposes of this part, except that a local edu-
9 cational agency shall be afforded an opportunity
10 to appeal any such disapproval.

11 **“SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PRO-**
12 **GRAMS.**

13 “(a) *PROGRAM REQUIREMENTS.*—A local educational
14 agency shall use funds received under this subpart to adopt
15 and carry out a comprehensive drug and violence preven-
16 tion program which shall—

17 “(1) be designed, for all students and school em-
18 ployees, to—

19 “(A) prevent the use, possession, and dis-
20 tribution of tobacco, alcohol, and illegal drugs by
21 students and to prevent the illegal use, posses-
22 sion, and distribution of such substances by
23 school employees;

24 “(B) prevent violence and promote school
25 safety; and

1 “(C) create a disciplined environment con-
2 ducive to learning;

3 “(2) include activities to promote the involve-
4 ment of parents and coordination with community
5 groups and agencies, including the distribution of in-
6 formation about the local educational agency’s needs,
7 goals, and programs under this subpart;

8 “(3) implement activities which shall include—

9 “(A) a thorough assessment of the substance
10 abuse and violence problems, using objective data
11 and the knowledge of a wide range of community
12 members;

13 “(B) the development of measurable goals
14 and objectives;

15 “(C) the implementation of scientifically
16 based research programs that have been shown to
17 be effective and meet identified goals; and

18 “(D) an evaluation of program activities;
19 and

20 “(4) implement prevention programming activi-
21 ties within the context of a scientifically based re-
22 search prevention framework.

23 “(b) *USE OF FUNDS.*—A comprehensive, age-appro-
24 priate, developmentally-, and scientifically based research

1 *drug and violence prevention program carried out under*
2 *this subpart may include—*

3 “(1) *drug or violence prevention and education*
4 *programs for all students, from the preschool level*
5 *through grade 12, that address the legal, social, per-*
6 *sonal and health consequences of the use of illegal*
7 *drugs or violence, promote a sense of individual re-*
8 *ponsibility, and provide information about effective*
9 *techniques for resisting peer pressure to use illegal*
10 *drugs;*

11 “(2) *programs of drug or violence prevention,*
12 *health education (as it relates to drug and violence*
13 *prevention), domestic violence and child abuse edu-*
14 *cation (as it relates to drug and violence prevention),*
15 *early intervention, pupil services, mentoring, or reha-*
16 *bilitation referral, which emphasize students’ sense of*
17 *individual responsibility and which may include—*

18 “(A) *the dissemination of information about*
19 *drug or violence prevention;*

20 “(B) *the professional development or vol-*
21 *untary training of school personnel, parents, stu-*
22 *dents, law enforcement officials, judicial officials,*
23 *health service providers and community leaders*
24 *in prevention, education, early intervention,*

1 *pupil services, mentoring or rehabilitation refer-*
2 *ral; and*

3 “(C) *the implementation of strategies, in-*
4 *cluding strategies to integrate the delivery of*
5 *services from a variety of providers, to combat il-*
6 *legal alcohol, tobacco and drug use, and violence*
7 *such as—*

8 “(i) *family counseling; and*

9 “(ii) *activities, such as community*
10 *service and service-learning projects, that*
11 *are designed to increase students’ sense of*
12 *community;*

13 “(3) *age-appropriate, developmentally based vio-*
14 *lence prevention and education programs for all stu-*
15 *dents, from the preschool level through grade 12, that*
16 *address the legal, health, personal, and social con-*
17 *sequences of violent and disruptive behavior, includ-*
18 *ing sexual harassment and abuse, domestic violence*
19 *and child abuse, and victimization associated with*
20 *prejudice and intolerance, and that include activities*
21 *designed to help students develop a sense of individual*
22 *responsibility and respect for the rights of others, and*
23 *to resolve conflicts without violence, or otherwise de-*
24 *crease the prevalence of risk factors or increase the*

1 *prevalence of protective factors, buffers, or assets in*
2 *the community;*

3 “(4) *violence prevention programs for school-aged*
4 *youth, which emphasize students’ sense of individual*
5 *responsibility and may include—*

6 “(A) *the dissemination of information about*
7 *school safety and discipline;*

8 “(B) *the professional development or vol-*
9 *untary training of school personnel, parents, stu-*
10 *dents, law enforcement officials, judicial officials,*
11 *and community leaders in designing and imple-*
12 *menting strategies to prevent school violence;*

13 “(C) *the implementation of strategies, such*
14 *as conflict resolution and peer mediation, stu-*
15 *dent outreach efforts against violence, anti-crime*
16 *youth councils (which work with school and com-*
17 *munity-based organizations to discuss and de-*
18 *velop crime prevention strategies), and the use of*
19 *mentoring programs, to combat school violence*
20 *and other forms of disruptive behavior, such as*
21 *sexual harassment and abuse; and*

22 “(D) *the development and implementation*
23 *of character education programs, as a component*
24 *of a comprehensive drug or violence prevention*

1 *program, that are tailored by communities, par-*
2 *ents and schools;*

3 “(E) *alternative programs for the education*
4 *and discipline of chronically violent and disrupt-*
5 *ive students as it relates to drug and violence*
6 *prevention; and*

7 “(F) *comprehensive, community-wide strat-*
8 *egies to prevent or reduce illegal gang activities*
9 *and drug use;*

10 “(5) *supporting ‘safe zones of passage’ for stu-*
11 *dents between home and school through such measures*
12 *as Drug- and Weapon-Free School Zones, enhanced*
13 *law enforcement, and neighborhood patrols;*

14 “(6) *administrative approaches to promote*
15 *school safety, including professional development for*
16 *principals and administrators to promote effectiveness*
17 *and innovation, implementing a school disciplinary*
18 *code, and effective communication of the school dis-*
19 *ciplinary code to both students and parents at the be-*
20 *ginning of the school year;*

21 “(7) *the acquisition or hiring of school security*
22 *equipment, technologies, personnel, or services such*
23 *as—*

24 “(A) *metal detectors;*

25 “(B) *electronic locks;*

1 “(C) surveillance cameras; and

2 “(D) other drug and violence prevention-re-
3 lated equipment and technologies;

4 “(8) professional development for teachers and
5 other staff and curricula that promote the awareness
6 of and sensitivity to alternatives to violence through
7 courses of study that include related issues of intoler-
8 ance and hatred in history;

9 “(9) the promotion of before-and-after school rec-
10 reational, instructional, cultural, and artistic pro-
11 grams in supervised community settings;

12 “(10) other scientifically based research preven-
13 tion programming that is—

14 “(A) effective in reducing the prevalence of
15 alcohol, tobacco or drug use, and violence in
16 youth;

17 “(B) effective in reducing the prevalence of
18 risk factors predictive of increased alcohol, to-
19 bacco or drug use, and violence; or

20 “(C) effective in increasing the prevalence of
21 protective factors, buffers, and assets predictive
22 of decreased alcohol, tobacco or drug use and vio-
23 lence among youth;

24 “(11) the collection of objective data used to as-
25 sess program needs, program implementation, or pro-

1 *gram success in achieving program goals and objec-*
2 *tives;*

3 *“(12) community involvement activities includ-*
4 *ing community mobilization;*

5 *“(13) voluntary parental involvement and train-*
6 *ing;*

7 *“(14) the evaluation of any of the activities au-*
8 *thorized under this subsection;*

9 *“(15) the provision of mental health counseling*
10 *(by qualified counselors) to students for drug or vio-*
11 *lence related problems;*

12 *“(16) the provision of educational supports, serv-*
13 *ices, and programs, including drug and violence pre-*
14 *vention and intervention programs, using trained*
15 *and qualified staff, for students who have been sus-*
16 *pending or expelled so such students make continuing*
17 *progress toward meeting the State’s challenging aca-*
18 *ademic standards and to enable students to return to*
19 *the regular classroom as soon as possible;*

20 *“(17) training teachers, pupil services personnel,*
21 *and other appropriate school staff on effective strate-*
22 *gies for dealing with disruptive students;*

23 *“(18) consistent with the fourth amendment to*
24 *the Constitution of the United States, the testing of a*
25 *student for illegal drug use or inspecting a student’s*

1 locker for guns, explosives, other weapons, or illegal
2 drugs, including at the request of or with the consent
3 of a parent or legal guardian of the student, if the
4 local educational agency elects to so test or inspect;
5 and

6 “(19) the conduct of a nationwide background
7 check of each local educational agency employee (re-
8 gardless of when hired) and prospective employees for
9 the purpose of determining whether the employee or
10 prospective employee has been convicted of a crime
11 that bears upon the employee’s or prospective employ-
12 ee’s fitness—

13 “(A) to have responsibility for the safety or
14 well-being of children;

15 “(B) to serve in the particular capacity in
16 which the employee or prospective employee is or
17 will be employed; or

18 “(C) to otherwise be employed at all by the
19 local educational agency.

20 “(c) *LIMITATIONS.*—

21 “(1) *IN GENERAL.*—Not more than 20 percent of
22 the funds made available to a local educational agen-
23 cy under this subpart may be used to carry out the
24 activities described in paragraphs (5) and (6) of sub-
25 section (b).

1 “(2) *SPECIAL RULE.*—A local educational agency
2 shall only use funds received under this subpart for
3 activities described in paragraphs (5) and (6) of sub-
4 section (b) if funding for such activities is not re-
5 ceived from other Federal agencies.

6 “(d) *RULE OF CONSTRUCTION.*—Nothing in this sec-
7 tion shall be construed to prohibit the use of funds under
8 this part by any local educational agency or school for the
9 establishment or implementation of a school uniform policy
10 so long as such policy is part of the overall comprehensive
11 drug and violence prevention plan of the State involved and
12 is supported by the State’s needs assessment and other sci-
13 entifically based research information.

14 **“SEC. 4117. EVALUATION AND REPORTING.**

15 “(a) *IMPACT EVALUATION.*—

16 “(1) *BIENNIAL EVALUATION.*—The Secretary, in
17 consultation with the National Advisory Committee,
18 shall conduct an independent biennial evaluation of
19 the impact of programs assisted under this subpart
20 and of other recent and new initiatives to combat vio-
21 lence in schools. The evaluation shall report on—

22 “(A) whether funded community and local
23 education agency programs—

24 “(i) provided a thorough assessment of
25 the substance abuse and violence problem;

1 “(ii) used objective data and the
2 knowledge of a wide range of community
3 members;

4 “(iii) developed measurable goals and
5 objectives;

6 “(iv) implemented scientifically based
7 research programs that have been shown to
8 be effective and meet identified needs; and

9 “(v) conducted periodic program eval-
10 uations to assess progress made towards
11 achieving program goals and objectives and
12 whether they used evaluations to improve
13 program goals, objectives and activities;

14 “(B) whether funded community and local
15 education agency programs have been designed
16 and implemented in a manner that specifically
17 targets, if relevant to the program—

18 “(i) scientifically based research vari-
19 ables that are predictive of drug use or vio-
20 lence;

21 “(ii) risk factors that are predictive of
22 an increased likelihood that young people
23 will use drugs, alcohol or tobacco or engage
24 in violence or drop out of school; or

1 “(iii) protective factors, buffers, or as-
2 sets that are known to protect children and
3 youth from exposure to risk, either by re-
4 ducing the exposure to risk factors or by
5 changing the way the young person re-
6 sponds to risk, and to increase the likelihood
7 of positive youth development;

8 “(C) whether funded community and local
9 education agency programs have appreciably re-
10 duced the level of drug, alcohol and tobacco use
11 and school violence and the presence of firearms
12 at schools; and

13 “(D) whether funded community and local
14 educational agency programs have conducted ef-
15 fective parent involvement and voluntary train-
16 ing programs.

17 “(2) DATA COLLECTION.—The National Center
18 for Education Statistics shall collect data, that is sub-
19 ject to independent review, to determine the incidence
20 and prevalence of drug use and violence in elemen-
21 tary and secondary schools in the States. The collected
22 data shall include incident reports by schools officials,
23 anonymous student surveys, and anonymous teacher
24 surveys.

1 “(3) *BIENNIAL REPORT.*—Not later than Janu-
2 ary 1, 2003, and every 2 years thereafter, the Sec-
3 retary shall submit to the President and Congress a
4 report on the findings of the evaluation conducted
5 under paragraph (1) together with the data collected
6 under paragraph (2) and data available from other
7 sources on the incidence and prevalence, age of onset,
8 perception of health risk, and perception of social dis-
9 approval of drug use in elementary and secondary
10 schools in the States. The Secretary shall include data
11 submitted by the States pursuant to subsection
12 (b)(2)(B).

13 “(b) *STATE REPORT.*—

14 “(1) *IN GENERAL.*—By December 1, 2002, and
15 every 2 years thereafter, the chief executive officer of
16 the State, in cooperation with the State educational
17 agency, shall submit to the Secretary a report—

18 “(A) on the implementation and outcomes
19 of State programs under section 4114 and sec-
20 tion 4113(b) and local educational agency pro-
21 grams under section 4113(d), as well as an as-
22 sessment of their effectiveness;

23 “(B) on the State’s progress toward attain-
24 ing its goals for drug and violence prevention

1 *under subsections (b)(1) and (c)(1) of section*
2 *4112; and*

3 *“(C) on the State’s efforts to inform parents*
4 *of, and include parents in, violence and drug*
5 *prevention efforts.*

6 *“(2) SPECIAL RULE.—The report required by*
7 *this subsection shall be—*

8 *“(A) in the form specified by the Secretary;*

9 *“(B) based on the State’s ongoing evalua-*
10 *tion activities, and shall include data on the in-*
11 *cidence and prevalence, age of onset, perception*
12 *of health risk, and perception of social dis-*
13 *approval of drug use and violence by youth in*
14 *schools and communities; and*

15 *“(C) made readily available to the public.*

16 *“(c) LOCAL EDUCATIONAL AGENCY REPORT.—*

17 *“(1) IN GENERAL.—Each local educational agen-*
18 *cy receiving funds under this subpart shall submit to*
19 *the State educational agency such information that*
20 *the State requires to complete the State report re-*
21 *quired by subsection (b), including a description of*
22 *how parents were informed of, and participated in,*
23 *violence and drug prevention efforts.*

1 “(2) *AVAILABILITY.*—*Information under para-*
2 *graph (1) shall be made readily available to the pub-*
3 *lic.*

4 “(3) *PROVISION OF DOCUMENTATION.*—*Not later*
5 *than January 1 of each year that a State is required*
6 *to report under subsection (b), the Secretary shall*
7 *provide to the State education agency all of the nec-*
8 *essary documentation required for compliance with*
9 *this section.*

10 **“SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.**

11 “(a) *GENERAL AUTHORITY.*—*From the funds made*
12 *available pursuant to section 4111(a)(4) to carry out this*
13 *section, the Secretary shall make grants to or enter into*
14 *cooperative agreements or contracts with organizations pri-*
15 *marily serving and representing Native Hawaiians to plan,*
16 *conduct, and administer programs, or portions thereof,*
17 *which are authorized by and consistent with the provisions*
18 *of this title for the benefit of Native Hawaiians.*

19 “(b) *DEFINITION OF NATIVE HAWAIIAN.*—*For the pur-*
20 *poses of this section, the term ‘Native Hawaiian’ means any*
21 *individual any of whose ancestors were natives, prior to*
22 *1778, of the area which now comprises the State of Hawaii.*

1 **“Subpart 2—National Programs**

2 **“SEC. 4121. FEDERAL ACTIVITIES.**

3 “(a) *PROGRAM AUTHORIZED.*—*From funds made*
4 *available to carry out this subpart under section 4004(2),*
5 *the Secretary, in consultation with the Secretary of Health*
6 *and Human Services, the Director of the Office of National*
7 *Drug Control Policy, and the Attorney General, shall carry*
8 *out programs to prevent the illegal use of drugs and violence*
9 *among, and promote safety and discipline for, students at*
10 *all educational levels from preschool through the post-sec-*
11 *ondary level. The Secretary shall carry out such programs*
12 *directly, or through grants, contracts, or cooperative agree-*
13 *ments with public and private entities and individuals, or*
14 *through agreements with other Federal agencies, and shall*
15 *coordinate such programs with other appropriate Federal*
16 *activities. Such programs may include—*

17 “(1) *the development and demonstration of inno-*
18 *vative strategies for the voluntary training of school*
19 *personnel, parents, and members of the community,*
20 *including the demonstration of model preservice*
21 *training programs for prospective school personnel;*

22 “(2) *demonstrations and rigorous evaluations of*
23 *innovative approaches to drug and violence preven-*
24 *tion;*

25 “(3) *the provision of information on drug abuse*
26 *education and prevention to the Secretary of Health*

1 *and Human Services for dissemination by the clear-*
2 *inghouse for alcohol and drug abuse information es-*
3 *tablished under section 501(d)(16) of the Public*
4 *Health Service Act;*

5 *“(4) the provision of information on violence*
6 *prevention and education and school safety to the De-*
7 *partment of Justice, for dissemination by the Na-*
8 *tional Resource Center for Safe Schools as a national*
9 *clearinghouse on violence and school safety informa-*
10 *tion;*

11 *“(5) the development of curricula related to child*
12 *abuse prevention and education and the training of*
13 *personnel to teach child abuse education and preven-*
14 *tion to elementary and secondary schoolchildren;*

15 *“(6) program evaluations that address issues not*
16 *addressed under section 4117(a);*

17 *“(7) direct services to schools and school systems*
18 *afflicted with especially severe drug and violence*
19 *problems or to support crisis situations and appro-*
20 *priate response efforts;*

21 *“(8) activities in communities designated as em-*
22 *powerment zones or enterprise communities that will*
23 *connect schools to community-wide efforts to reduce*
24 *drug and violence problems;*

1 “(9) *developing and disseminating drug and vio-*
2 *lence prevention materials, including video-based*
3 *projects and model curricula;*

4 “(10) *developing and implementing a com-*
5 *prehensive violence prevention strategy for schools and*
6 *communities, that may include administrative ap-*
7 *proaches, security services, conflict resolution, peer*
8 *mediation, mentoring, the teaching of law and legal*
9 *concepts, and other activities designed to stop vio-*
10 *lence;*

11 “(11) *the development of professional develop-*
12 *ment programs necessary for teachers, other educators,*
13 *and pupil services personnel to implement alternative*
14 *education supports, services, and programs for chron-*
15 *ically disruptive, drug-abusing, and violent students;*

16 “(12) *the development, establishment, or im-*
17 *provement of alternative education models, either es-*
18 *tablished within a school or separate and apart from*
19 *an existing school, that are designed to promote drug*
20 *and violence prevention, reduce disruptive behavior,*
21 *to reduce the need for repeat suspensions and expul-*
22 *sions, to enable students to meet challenging State*
23 *academic standards, and to enable students to return*
24 *to the regular classroom as soon as possible;*

1 “(13) the implementation of innovative activi-
2 ties, such as community service and service-learning
3 projects, designed to rebuild safe and healthy neigh-
4 borhoods and increase students’ sense of individual re-
5 sponsibility;

6 “(14) grants to noncommercial telecommuni-
7 cations entities for the production and distribution of
8 national video-based projects that provide young peo-
9 ple with models for conflict resolution and responsible
10 decisionmaking;

11 “(15) the development of education and training
12 programs, curricula, instructional materials, and
13 professional training and development for preventing
14 and reducing the incidence of crimes and conflicts
15 motivated by hate in localities most directly affected
16 by hate crimes; and

17 “(16) other activities that meet unmet national
18 needs related to the purposes of this title.

19 “(b) *PEER REVIEW.*—The Secretary shall use a peer
20 review process in reviewing applications for funds under
21 this section.

22 **“SEC. 4122. NATIONAL COORDINATOR PROGRAM.**

23 “(a) *IN GENERAL.*—From amounts available to carry
24 out this section under section 4004(3), the Secretary shall
25 provide for the establishment of a National Coordinator

1 *Program under which the Secretary shall award grants to*
2 *local educational agencies for the hiring of drug prevention*
3 *and school safety program coordinators.*

4 “(b) *USE OF FUNDS.*—Amounts received under a
5 *grant under subsection (a) shall be used by local edu-*
6 *cational agencies to recruit, hire, and train individuals to*
7 *serve as drug prevention and school safety program coordi-*
8 *nators in schools with significant drug and school safety*
9 *problems. Such coordinators shall be responsible for devel-*
10 *oping, conducting, and analyzing assessments of drug and*
11 *crime problems at their schools, and administering the safe*
12 *and drug free grant program at such schools.*

13 **“SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMU-**
14 **NITIES ADVISORY COMMITTEE.**

15 “(a) *ESTABLISHMENT.*—

16 “(1) *IN GENERAL.*—There is hereby established
17 *an advisory committee to be known as the ‘Safe and*
18 *Drug Free Schools and Communities Advisory Com-*
19 *mittee’ (referred to in this section as the ‘Advisory*
20 *Committee’) to—*

21 “(A) *consult with the Secretary under sub-*
22 *section (b);*

23 “(B) *coordinate Federal school- and com-*
24 *munity-based substance abuse and violence pre-*

1 *vention programs and reduce duplicative re-*
2 *search or services;*

3 “(C) *develop core data sets and evaluation*
4 *protocols for safe and drug free school- and com-*
5 *munity-based programs;*

6 “(D) *provide technical assistance and train-*
7 *ing for safe and drug free school- and commu-*
8 *nity-based programs;*

9 “(E) *provide for the diffusion of scientif-*
10 *ically based research to safe and drug free school-*
11 *and community-based programs; and*

12 “(F) *review other regulations and standards*
13 *developed under this title.*

14 “(2) *COMPOSITION.—The Advisory Committee*
15 *shall be composed of representatives from—*

16 “(A) *the Department of Education;*

17 “(B) *the Centers for Disease Control and*
18 *Prevention;*

19 “(C) *the National Institute on Drug Abuse;*

20 “(D) *the National Institute on Alcoholism*
21 *and Alcohol Abuse;*

22 “(E) *the Center for Substance Abuse Pre-*
23 *vention;*

24 “(F) *the Center for Mental Health Services;*

1 “(G) *the Office of Juvenile Justice and De-*
2 *linquency Prevention;*

3 “(H) *the Office of National Drug Control*
4 *Policy;*

5 “(I) *State and local governments, including*
6 *education agencies; and*

7 “(J) *researchers and expert practitioners.*

8 “(3) *CONSULTATION.—In carrying out its duties*
9 *under this section, the Advisory Committee shall an-*
10 *nually consult with interested State and local coordi-*
11 *nators of school- and community-based substance*
12 *abuse and violence prevention programs and other in-*
13 *terested groups.*

14 “(b) *PROGRAMS.—*

15 “(1) *IN GENERAL.—From amounts made avail-*
16 *able under section 4004(2) to carry out this subpart,*
17 *the Secretary, in consultation with the Advisory Com-*
18 *mittee, shall carry out scientifically based research*
19 *programs to strengthen the accountability and effec-*
20 *tiveness of the State, Governor’s, and national pro-*
21 *grams under this title.*

22 “(2) *GRANTS, CONTRACTS OR COOPERATIVE*
23 *AGREEMENTS.—The Secretary shall carry out para-*
24 *graph (1) directly or through grants, contracts, or co-*
25 *operative agreements with public and private entities*

1 *and individuals or through agreements with other*
2 *Federal agencies.*

3 “(3) *COORDINATION.*—*The Secretary shall co-*
4 *ordinate programs under this section with other ap-*
5 *propriate Federal activities.*

6 “(4) *ACTIVITIES.*—*Activities that may be carried*
7 *out under programs funded under this section may*
8 *include—*

9 “(A) *the provision of technical assistance*
10 *and training, in collaboration with other Federal*
11 *agencies utilizing their expertise and national*
12 *and regional training systems, for Governors,*
13 *State educational agencies and local educational*
14 *agencies to support high quality, effective pro-*
15 *grams that—*

16 “(i) *provide a thorough assessment of*
17 *the substance abuse and violence problem;*

18 “(ii) *utilize objective data and the*
19 *knowledge of a wide range of community*
20 *members;*

21 “(iii) *develop measurable goals and ob-*
22 *jectives; and*

23 “(iv) *implement scientifically based re-*
24 *search activities that have been shown to be*
25 *effective and that meet identified needs;*

1 “(B) the provision of technical assistance
2 and training to foster program accountability;

3 “(C) the diffusion and dissemination of best
4 practices and programs;

5 “(D) the development of core data sets and
6 evaluation tools;

7 “(E) program evaluations;

8 “(F) the provision of information on drug
9 abuse education and prevention to the Secretary
10 of Health and Human Services for dissemination
11 by the clearinghouse for alcohol and drug abuse
12 information established under section 501(d)(16)
13 of the Public Health Service Act; and

14 “(G) other activities that meet unmet needs
15 related to the purposes of this title and that are
16 undertaken in consultation with the Advisory
17 Committee.

18 **“SEC. 4124. HATE CRIME PREVENTION.**

19 “(a) *GRANT AUTHORIZATION.*—From funds made
20 available to carry out this subpart under section 4004(2)
21 the Secretary may make grants to local educational agen-
22 cies and community-based organizations for the purpose of
23 providing assistance to localities most directly affected by
24 hate crimes.

25 “(b) *USE OF FUNDS.*—

1 “(1) *PROGRAM DEVELOPMENT.*—*Grants under*
2 *this section may be used to improve elementary and*
3 *secondary educational efforts, including—*

4 “(A) *development of education and training*
5 *programs designed to prevent and to reduce the*
6 *incidence of crimes and conflicts motivated by*
7 *hate;*

8 “(B) *development of curricula for the pur-*
9 *pose of improving conflict or dispute resolution*
10 *skills of students, teachers, and administrators;*

11 “(C) *development and acquisition of equip-*
12 *ment and instructional materials to meet the*
13 *needs of, or otherwise be part of, hate crime or*
14 *conflict programs; and*

15 “(D) *professional training and development*
16 *for teachers and administrators on the causes, ef-*
17 *fects, and resolutions of hate crimes or hate-based*
18 *conflicts.*

19 “(2) *IN GENERAL.*—*In order to be eligible to re-*
20 *ceive a grant under this section for any fiscal year,*
21 *a local educational agency, or a local educational*
22 *agency in conjunction with a community-based orga-*
23 *nization, shall submit an application to the Secretary*
24 *in such form and containing such information as the*
25 *Secretary may reasonably require.*

1 “(3) *REQUIREMENTS.*—*Each application under*
2 *paragraph (2) shall include—*

3 “(A) *a request for funds for the purposes de-*
4 *scribed in this section;*

5 “(B) *a description of the schools and com-*
6 *munities to be served by the grants; and*

7 “(C) *assurances that Federal funds received*
8 *under this section shall be used to supplement,*
9 *not supplant, non-Federal funds.*

10 “(4) *COMPREHENSIVE PLAN.*—*Each application*
11 *shall include a comprehensive plan that contains—*

12 “(A) *a description of the hate crime or con-*
13 *flict problems within the schools or the commu-*
14 *nity targeted for assistance;*

15 “(B) *a description of the program to be de-*
16 *veloped or augmented by such Federal and*
17 *matching funds;*

18 “(C) *assurances that such program or activ-*
19 *ity shall be administered by or under the super-*
20 *vision of the applicant;*

21 “(D) *procedures for the proper and efficient*
22 *administration of such program; and*

23 “(E) *fiscal control and fund accounting*
24 *procedures as may be necessary to ensure pru-*

1 *dent use, proper disbursement, and accurate ac-*
2 *counting of funds received under this section.*

3 “(c) *AWARD OF GRANTS.*—

4 “(1) *SELECTION OF RECIPIENTS.*—*The Secretary*
5 *shall consider the incidence of crimes and conflicts*
6 *motivated by bias in the targeted schools and commu-*
7 *nities in awarding grants under this section.*

8 “(2) *GEOGRAPHIC DISTRIBUTION.*—*The Sec-*
9 *retary shall attempt, to the extent practicable, to*
10 *achieve an equitable geographic distribution of grant*
11 *awards.*

12 “(3) *DISSEMINATION OF INFORMATION.*—*The*
13 *Secretary shall attempt, to the extent practicable, to*
14 *make available information regarding successful hate*
15 *crime prevention programs, including programs es-*
16 *tablished or expanded with grants under this section.*

17 “(d) *REPORTS.*—*The Secretary shall submit to the*
18 *Congress a report every two years which shall contain a*
19 *detailed statement regarding grants and awards, activities*
20 *of grant recipients, and an evaluation of programs estab-*
21 *lished under this section.*

1 **“SEC. 4125. GRANTS TO COMBAT THE IMPACT OF EXPERI-**
2 **ENCING OR WITNESSING DOMESTIC VIO-**
3 **LENCE ON ELEMENTARY AND SECONDARY**
4 **SCHOOL CHILDREN.**

5 “(a) GRANTS AUTHORIZED.—

6 “(1) AUTHORITY.—*The Secretary is authorized*
7 *to award grants and contracts to elementary schools*
8 *and secondary schools that work with experts to en-*
9 *able the elementary schools and secondary schools—*

10 “(A) *to provide training to school adminis-*
11 *trators, faculty, and staff, with respect to issues*
12 *concerning children experiencing domestic vio-*
13 *lence in dating relationships and witnessing do-*
14 *mestic violence, and the impact of the violence*
15 *described in this subparagraph on children;*

16 “(B) *to provide educational programming*
17 *to students regarding domestic violence and the*
18 *impact of experiencing or witnessing domestic*
19 *violence on children;*

20 “(C) *to provide support services for students*
21 *and school personnel for the purpose of devel-*
22 *oping and strengthening effective prevention and*
23 *intervention strategies with respect to issues con-*
24 *cerning children experiencing domestic violence*
25 *in dating relationships and witnessing domestic*

1 *violence, and the impact of the violence described*
2 *in this subparagraph on children; and*

3 “(D) *to develop and implement school sys-*
4 *tem policies regarding appropriate, safe re-*
5 *sponses identification and referral procedures for*
6 *students who are experiencing or witnessing do-*
7 *mestic violence.*

8 “(2) *AWARD BASIS.—The Secretary shall award*
9 *grants and contracts under this section—*

10 “(A) *on a competitive basis; and*

11 “(B) *in a manner that ensures that such*
12 *grants and contracts are equitably distributed*
13 *throughout a State among elementary schools*
14 *and secondary schools located in rural, urban,*
15 *and suburban areas in the State.*

16 “(3) *POLICY DISSEMINATION.—The Secretary*
17 *shall disseminate to elementary schools and secondary*
18 *schools any Department of Education policy guidance*
19 *regarding the prevention of domestic violence and the*
20 *impact of experiencing or witnessing domestic vio-*
21 *lence on children.*

22 “(b) *USES OF FUNDS.—Funds provided under this sec-*
23 *tion may be used for the following purposes:*

24 “(1) *To provide training for elementary school*
25 *and secondary school administrators, faculty, and*

1 *staff that addresses issues concerning elementary*
2 *school and secondary school students who experience*
3 *domestic violence in dating relationships or witness*
4 *or experience family violence, and the impact of such*
5 *violence on the students.*

6 *“(2) To provide education programs for elemen-*
7 *tary school and secondary school students that are de-*
8 *velopmentally appropriate for the students’ grade lev-*
9 *els and are designed to meet any unique cultural and*
10 *language needs of the particular student populations.*

11 *“(3) To develop and implement elementary*
12 *school and secondary school system policies regarding*
13 *appropriate, safe responses, identification and refer-*
14 *ral procedures for students who are experiencing or*
15 *witnessing domestic violence and to develop and im-*
16 *plement policies on reporting and referral procedures*
17 *for these students.*

18 *“(4) To provide the necessary human resources*
19 *to respond to the needs of elementary school and sec-*
20 *ondary school students and personnel who are faced*
21 *with the issue of domestic violence, such as a resource*
22 *person who is either on-site or on-call, and who is an*
23 *expert.*

24 *“(5) To provide media center materials and edu-*
25 *cational materials to elementary schools and sec-*

1 *ondary schools that address issues concerning children*
2 *who experience domestic violence in dating relation-*
3 *ships and witness domestic violence, and the impact*
4 *of the violence described in this paragraph on the*
5 *children.*

6 *“(6) To conduct evaluations to assess the impact*
7 *of programs and policies assisted under this section*
8 *in order to enhance the development of the programs.*

9 *“(c) CONFIDENTIALITY.—Policies, programs, training*
10 *materials, and evaluations developed and implemented*
11 *under subsection (b) shall address issues of safety and con-*
12 *fidentiality for the victim and the victim’s family in a*
13 *manner consistent with applicable Federal and State laws.*

14 *“(d) APPLICATION.—*

15 *“(1) IN GENERAL.—To be eligible to be awarded*
16 *a grant or contract under this section for any fiscal*
17 *year, an elementary school or secondary school, in*
18 *consultation with an expert, shall submit an applica-*
19 *tion to the Secretary at such time and in such man-*
20 *ner as the Secretary shall prescribe.*

21 *“(2) CONTENTS.—Each application submitted*
22 *under paragraph (1) shall—*

23 *“(A) describe the need for funds provided*
24 *under the grant or contract and the plan for im-*

1 *plementation of any of the activities described in*
2 *subsection (b);*

3 *“(B) describe how the experts shall work in*
4 *consultation and collaboration with the elemen-*
5 *tary school or secondary school;*

6 *“(C) provide measurable goals for and ex-*
7 *pected results from the use of the funds provided*
8 *under the grant or contract; and*

9 *“(D) incorporate appropriate remuneration*
10 *for collaborating partners.*

11 *“(e) APPLICABILITY.—The provisions of this part*
12 *(other than this section) shall not apply to this section.*

13 *“(f) DEFINITIONS.—In this section:*

14 *“(1) DOMESTIC VIOLENCE.—The term ‘domestic*
15 *violence’ has the meaning given that term in section*
16 *2003 of title I of the Omnibus Crime Control and*
17 *Safe Streets Act of 1968 (42 U.S.C. 3796gg–2)).*

18 *“(2) EXPERTS.—The term ‘experts’ means—*

19 *“(A) experts on domestic violence, sexual as-*
20 *sault, and child abuse from the educational,*
21 *legal, youth, mental health, substance abuse, and*
22 *victim advocacy fields; and*

23 *“(B) State and local domestic violence coa-*
24 *litions and community-based youth organiza-*
25 *tions.*

1 “(3) *WITNESS DOMESTIC VIOLENCE.*—

2 “(A) *IN GENERAL.*—*The term ‘witness do-*
3 *mestic violence’ means to witness—*

4 “(i) *an act of domestic violence that*
5 *constitutes actual or attempted physical as-*
6 *sault; or*

7 “(ii) *a threat or other action that*
8 *places the victim in fear of domestic vio-*
9 *lence.*

10 “(B) *WITNESS.*—*In subparagraph (A), the*
11 *term ‘witness’ means to—*

12 “(i) *directly observe an act, threat, or*
13 *action described in subparagraph (A), or*
14 *the aftermath of that act, threat, or action;*
15 *or*

16 “(ii) *be within earshot of an act,*
17 *threat, or action described in subparagraph*
18 *(A), or the aftermath of that act, threat, or*
19 *action.*

20 **“SEC. 4126. SUICIDE PREVENTION PROGRAMS.**

21 “(a) *GRANTS AUTHORIZED.*—

22 “(1) *AUTHORITY.*—*The Secretary is authorized*
23 *to award grants and contracts to elementary schools*
24 *and secondary schools for the purpose of—*

1 “(A) developing and implementing suicide
2 prevention programs; and

3 “(B) to provide training to school adminis-
4 trators, faculty, and staff, with respect to identi-
5 fying the warning signs of suicide and creating
6 a plan of action for helping those at risk.

7 “(2) AWARD BASIS.—The Secretary shall award
8 grants and contracts under this section—

9 “(A) on a competitive basis;

10 “(B) in a manner that complies with the re-
11 quirements under subsection (c) of section 520E
12 of the Public Health Service Act; and

13 “(C) in a manner that ensures that such
14 grants and contracts are equitably distributed
15 throughout a State among elementary schools
16 and secondary schools located in rural, urban,
17 and suburban areas in the State.

18 “(3) POLICY DISSEMINATION.—The Secretary
19 shall disseminate to elementary schools and secondary
20 schools any Department of Education policy guidance
21 regarding the prevention of suicide.

22 “(b) USES OF FUNDS.—Funds provided under this sec-
23 tion may be used for the following purposes:

24 “(1) To provide training for elementary school
25 and secondary school administrators, faculty, and

1 *staff with respect to identifying the warning signs of*
2 *suicide and creating a plan of action for helping*
3 *those at risk.*

4 “(2) *To provide education programs for elemen-*
5 *tary school and secondary school students that are de-*
6 *velopmentally appropriate for the students’ grade lev-*
7 *els and are designed to meet any unique cultural and*
8 *language needs of the particular student populations.*

9 “(3) *To conduct evaluations to assess the impact*
10 *of programs and policies assisted under this section*
11 *in order to enhance the development of the programs.*

12 “(c) *CONFIDENTIALITY.—Policies, programs, training*
13 *materials, and evaluations developed and implemented*
14 *under subsection (b) shall address issues of safety and con-*
15 *fidentiality for the victim and the victim’s family in a*
16 *manner consistent with applicable Federal and State laws.*

17 “(d) *APPLICATION.—*

18 “(1) *IN GENERAL.—To be eligible to be awarded*
19 *a grant or contract under this section for any fiscal*
20 *year, an elementary school or secondary school shall*
21 *submit an application to the Secretary at such time*
22 *and in such manner as the Secretary shall prescribe.*

23 “(2) *CONTENTS.—Each application submitted*
24 *under paragraph (1) shall—*

1 “(1) *DESIGNATION OF LEAD AGENCY.*—*The re-*
2 *recipient of each grant, contract, or cooperative agree-*
3 *ment shall designate a lead agency to direct the estab-*
4 *lishment of an interagency agreement among local*
5 *educational agencies, juvenile justice authorities, men-*
6 *tal health agencies, and other relevant entities in the*
7 *State, in collaboration with local entities and parents*
8 *and guardians of students.*

9 “(2) *CONTENTS.*—*The interagency agreement*
10 *shall ensure the provision of the services to a student*
11 *described in subsection (e) specifying with respect to*
12 *each agency, authority or entity—*

13 “(A) *the financial responsibility for the*
14 *services;*

15 “(B) *the conditions and terms of responsi-*
16 *bility for the services, including quality, account-*
17 *ability, and coordination of the services; and*

18 “(C) *the conditions and terms of reimburse-*
19 *ment among the agencies, authorities or entities*
20 *that are parties to the interagency agreement,*
21 *including procedures for dispute resolution.*

22 “(d) *APPLICATION.*—

23 “(1) *IN GENERAL.*—*To be eligible to receive a*
24 *grant, contract, or cooperative agreement under this*
25 *section, a State educational agency, local educational*

1 agency, or Indian tribe shall submit an application
2 to the Secretary at such time, in such manner, and
3 accompanied by such information as the Secretary
4 may reasonably require.

5 “(2) *CONTENT.*—An application submitted under
6 this section shall—

7 “(A) describe the program to be funded
8 under the grant, contract, or cooperative agree-
9 ment;

10 “(B) explain how such program will in-
11 crease access to quality mental health services for
12 students;

13 “(C) explain how the applicant will estab-
14 lish a crisis intervention program to provide im-
15 mediate mental health services to the school com-
16 munity when necessary;

17 “(D) provide assurances that—

18 “(i) persons providing services under
19 the grant, contract or cooperative agreement
20 are adequately trained to provide such serv-
21 ices;

22 “(ii) the services will be provided in
23 accordance with subsection (e); and

1 “(iii) teachers, principal administra-
2 tors, and other school personnel are aware
3 of the program;

4 “(E) explain how the applicant will sup-
5 port and integrate existing school-based services
6 with the program to provide appropriate mental
7 health services for students; and

8 “(F) explain how the applicant will estab-
9 lish a program that will support students and
10 the school in maintaining an environment con-
11 ducive to learning.

12 “(e) USE OF FUNDS.—A State educational agency,
13 local educational agency, or Indian tribe, that receives a
14 grant, contract, or cooperative agreement under this section
15 shall use amounts made available through such grant, con-
16 tract or cooperative agreement to—

17 “(1) enhance, improve, or develop collaborative
18 efforts between school-based service systems and men-
19 tal health service systems to provide, enhance, or im-
20 prove prevention, diagnosis, and treatment services to
21 students;

22 “(2) enhance the availability of crisis interven-
23 tion services, appropriate referrals for students poten-
24 tially in need of mental health services and on going
25 mental health services;

1 “(3) provide training for the school personnel
2 and mental health professionals who will participate
3 in the program carried out under this section;

4 “(4) provide technical assistance and consulta-
5 tion to school systems and mental health agencies and
6 families participating in the program carried out
7 under this section;

8 “(5) provide linguistically appropriate and cul-
9 turally competent services; and

10 “(6) evaluate the effectiveness of the program
11 carried out under this section in increasing student
12 access to quality mental health services, and make
13 recommendations to the Secretary about sustain-
14 ability of the program.

15 “(f) *DISTRIBUTION OF AWARDS.*—The Secretary shall
16 ensure that grants, contracts, and cooperative agreements
17 awarded under subsection (a) are equitably distributed
18 among the geographical regions of the United States and
19 between urban and rural populations.

20 “(g) *OTHER SERVICES.*—Any services provided
21 through programs established under this section must sup-
22 plement and not supplant existing Mental Health Services,
23 including any services required to be provided under the
24 Individuals with Disabilities Education Act (20 U.S.C.
25 1400 et seq.).

1 “(h) *EVALUATION.*—*The Secretary shall evaluate each*
2 *program carried out by a State educational agency, local*
3 *educational agency, or Indian tribe, under this section and*
4 *shall disseminate the findings with respect to each such*
5 *evaluation to appropriate public and private entities.*

6 “(i) *REPORTING.*—*Nothing in Federal law shall be*
7 *construed—*

8 “(1) *to prohibit an entity involved with the pro-*
9 *gram from reporting a crime that is committed by a*
10 *student, to appropriate authorities; or*

11 “(2) *to prevent State law enforcement and judi-*
12 *cial authorities from exercising their responsibilities*
13 *with regard to the application of Federal and State*
14 *law to crimes committed by a student.*

15 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
16 *authorized to be appropriated to carry out this section,*
17 *\$50,000,000 for fiscal year 2002, and such sums as may*
18 *be necessary for fiscal years 2003 through 2005.*

19 **“Subpart 3—General Provisions**

20 **“SEC. 4131. DEFINITIONS.**

21 *“In this part:*

22 “(1) *COMMUNITY-BASED ORGANIZATION.*—*The*
23 *term ‘community-based organization’ means a private*
24 *nonprofit organization which is representative of a*
25 *community or significant segments of a community*

1 *and which provides educational or related services to*
2 *individuals in the community.*

3 “(2) *DRUG AND VIOLENCE PREVENTION.*—*The*
4 *term ‘drug and violence prevention’ means—*

5 “(A) *with respect to drugs, prevention, early*
6 *intervention, rehabilitation referral, or education*
7 *related to the illegal use of alcohol and the use*
8 *of controlled, illegal, addictive, or harmful sub-*
9 *stances, including inhalants and anabolic*
10 *steroids;*

11 “(B) *prevention, early intervention, smok-*
12 *ing cessation activities, or education, related to*
13 *the use of tobacco by children and youth eligible*
14 *for services under this title; and*

15 “(C) *with respect to violence, the promotion*
16 *of school safety, such that students and school*
17 *personnel are free from violent and disruptive*
18 *acts, including sexual harassment and abuse,*
19 *and victimization associated with prejudice and*
20 *intolerance, on school premises, going to and*
21 *from school, and at school-sponsored activities,*
22 *through the creation and maintenance of a school*
23 *environment that is free of weapons and fosters*
24 *individual responsibility and respect for the*
25 *rights of others.*

1 “(3) *HATE CRIME.*—The term ‘hate crime’ means
2 a crime as described in section 1(b) of the Hate Crime
3 Statistics Act of 1990.

4 “(4) *NONPROFIT.*—The term ‘nonprofit’, as ap-
5 plied to a school, agency, organization, or institution
6 means a school, agency, organization, or institution
7 owned and operated by one or more nonprofit cor-
8 porations or associations, no part of the net earnings
9 of which inures, or may lawfully inure, to the benefit
10 of any private shareholder or individual.

11 “(5) *OBJECTIVELY MEASURABLE GOALS.*—The
12 term ‘objectively measurable goals’ means prevention
13 programming goals defined through use of quan-
14 titative epidemiological data measuring the preva-
15 lence of alcohol, tobacco, and other drug use, violence,
16 and the prevalence of risk and protective factors pre-
17 dictive of these behaviors, collected through a variety
18 of methods and sources known to provide high quality
19 data.

20 “(6) *PROTECTIVE FACTOR, BUFFER, OR ASSET.*—
21 The terms ‘protective factor’, ‘buffer’, and ‘asset’ mean
22 any one of a number of the community, school, fam-
23 ily, or peer-individual domains that are known,
24 through prospective, longitudinal research efforts, or
25 which are grounded in a well-established theoretical

1 *model of prevention, and have been shown to prevent*
2 *alcohol, tobacco, or illicit drug use, as well as violent*
3 *behavior, by youth in the community, and which pro-*
4 *mote positive youth development.*

5 “(7) *RISK FACTOR.*—*The term ‘risk factor’*
6 *means any one of a number of characteristics of the*
7 *community, school, family, or peer-individual do-*
8 *maines that are known, through prospective, longitu-*
9 *dinal research efforts, to be predictive of alcohol, to-*
10 *bacco, and illicit drug use, as well as violent behavior,*
11 *by youth in the school and community.*

12 “(8) *SCHOOL-AGED POPULATION.*—*The term*
13 *‘school-aged population’ means the population aged*
14 *five through 17, as determined by the Secretary on the*
15 *basis of the most recent satisfactory data available*
16 *from the Department of Commerce.*

17 “(9) *SCHOOL PERSONNEL.*—*The term ‘school*
18 *personnel’ includes teachers, administrators, coun-*
19 *selors, social workers, psychologists, therapists, nurses,*
20 *librarians, and other support staff who are employed*
21 *by a school or who perform services for the school on*
22 *a contractual basis.*

23 **“SEC. 4132. MATERIALS.**

24 “(a) *‘ILLEGAL AND HARMFUL’ MESSAGE.*—*Drug pre-*
25 *vention programs supported under this part shall convey*

1 *a clear and consistent message that the illegal use of alcohol*
2 *and other drugs is illegal and harmful.*

3 “(b) *CURRICULUM.*—*The Secretary shall not prescribe*
4 *the use of specific curricula for programs supported under*
5 *this part, but may evaluate the effectiveness of such cur-*
6 *ricula and other strategies in drug and violence prevention.*

7 **“SEC. 4133. PROHIBITED USES OF FUNDS.**

8 *“No funds under this part may be used for—*

9 *“(1) construction (except for minor remodeling*
10 *needed to accomplish the purposes of this part); and*

11 *“(2) medical services, drug treatment or rehabili-*
12 *tation, except for pupil services or referral to treat-*
13 *ment for students who are victims of or witnesses to*
14 *crime or who use alcohol, tobacco, or drugs.*

15 **“SEC. 4134. QUALITY RATING.**

16 “(a) *IN GENERAL.*—*The chief executive officer of each*
17 *State, or in the case of a State in which the constitution*
18 *or law of such State designates another individual, entity,*
19 *or agency in the State to be responsible for education activi-*
20 *ties, such individual, entity, or agency, is authorized and*
21 *encouraged—*

22 *“(1) to establish a standard of quality for drug,*
23 *alcohol, and tobacco prevention programs imple-*
24 *mented in public elementary schools and secondary*

1 *schools in the State in accordance with subsection (b);*
2 *and*

3 *“(2) to identify and designate, upon application*
4 *by a public elementary school or secondary school,*
5 *any such school that achieves such standard as a*
6 *quality program school.*

7 *“(b) CRITERIA.—The standard referred to in sub-*
8 *section (a) shall address, at a minimum—*

9 *“(1) a comparison of the rate of illegal use of*
10 *drugs, alcohol, and tobacco by students enrolled in the*
11 *school for a period of time to be determined by the*
12 *chief executive officer of the State;*

13 *“(2) the rate of suspensions or expulsions of stu-*
14 *dents enrolled in the school for drug, alcohol, or to-*
15 *bacco-related offenses;*

16 *“(3) the effectiveness of the drug, alcohol, or to-*
17 *bacco prevention program as proven by research;*

18 *“(4) the involvement of parents and community*
19 *members in the design of the drug, alcohol, and to-*
20 *bacco prevention program; and*

21 *“(5) the extent of review of existing community*
22 *drug, alcohol, and tobacco prevention programs before*
23 *implementation of the public school program.*

24 *“(c) REQUEST FOR QUALITY PROGRAM SCHOOL DES-*
25 *IGNATION.—A school that wishes to receive a quality pro-*

1 gram school designation shall submit a request and docu-
2 mentation of compliance with this section to the chief execu-
3 tive officer of the State or the individual, entity, or agency
4 described in subsection (a), as the case may be.

5 “(d) PUBLIC NOTIFICATION.—Not less than once a
6 year, the chief executive officer of each State or the indi-
7 vidual, entity, or agency described in subsection (a), as the
8 case may be, shall make available to the public a list of
9 the names of each public school in the State that has re-
10 ceived a quality program school designation in accordance
11 with this section.

12 **“Subpart 4—State Grants To Encourage Community**
13 **Service by Expelled and Suspended Students**

14 **“SEC. 4141. AUTHORIZATION OF APPROPRIATIONS.**

15 “In addition to amounts authorized to be appropriated
16 under section 4004, there are authorized to be appropriated
17 \$50,000,000 for fiscal year 2002 for State grants to encour-
18 age States to carry out programs under which students ex-
19 pelled or suspended from schools in the States are required
20 to perform community service.

21 **“SEC. 4142. ALLOTMENTS.**

22 “(a) IN GENERAL.—From the amount made available
23 under section 4141, the Secretary shall allocate among the
24 States—

1 “(1) one-half according to the ratio between the
2 school-aged population of each State and the school-
3 aged population of all the States; and

4 “(2) one-half according to the ratio between the
5 amount each State received under section 1124A for
6 the preceding year and the sum of such amounts re-
7 ceived by all the States.

8 “(b) *MINIMUM.*—For any fiscal year, no State shall
9 be allotted under this section an amount that is less than
10 one-half of 1 percent of the total amount allotted to all the
11 States under this section.

12 “(c) *REALLOTMENT.*—The Secretary may reallocate any
13 amount of any allotment to a State if the Secretary deter-
14 mines that the State will be unable to use such amount
15 within 2 years of such allotment. Such reallocations shall
16 be made on the same basis as allotments are made under
17 subsection (a).

18 “(d) *DEFINITION.*—In this section, the term ‘State’
19 means each of the 50 States, the District of Columbia, and
20 the Commonwealth of Puerto Rico.”.

21 **SEC. 402. GUN-FREE REQUIREMENTS.**

22 Title IV (20 U.S.C. 7101 et seq.) is amended by adding
23 at the end the following:

1 **“PART B—GUN POSSESSION**

2 **“SEC. 4201. GUN-FREE REQUIREMENTS.**

3 “(a) *SHORT TITLE.*—*This part may be cited as the*
4 *“Gun-Free Schools Act of 1994”.*

5 “(b) *REQUIREMENTS.*—

6 “(1) *IN GENERAL.*—*Each State receiving Federal*
7 *funds under this Act shall have in effect a State law*
8 *requiring local educational agencies to expel from*
9 *school for a period of not less than one year a student*
10 *who is determined to have brought a weapon to a*
11 *school, or to have possessed a weapon at a school,*
12 *under the jurisdiction of local educational agencies in*
13 *that State, except that such State law shall allow the*
14 *chief administering officer of a local educational*
15 *agency to modify such expulsion requirement for a*
16 *student on a case-by-case basis if such modification is*
17 *in writing.*

18 “(2) *CONSTRUCTION.*—*Nothing in this part shall*
19 *be construed to prevent a State from allowing a local*
20 *educational agency that has expelled a student from*
21 *such a student’s regular school setting from providing*
22 *educational services to such student in an alternative*
23 *setting.*

24 “(3) *DEFINITION.*—*For the purpose of this sec-*
25 *tion, the term ‘weapon’ means a firearm as such term*

1 *is defined in section 921(a) of title 18, United States*
2 *Code.*

3 “(c) *SPECIAL RULE.—The provisions of this section*
4 *shall be construed in a manner consistent with the Individ-*
5 *uals with Disabilities Education Act.*

6 “(d) *REPORT TO STATE.—Each local educational*
7 *agency requesting assistance from the State educational*
8 *agency that is to be provided from funds made available*
9 *to the State under this Act shall provide to the State, in*
10 *the application requesting such assistance—*

11 “(1) *an assurance that such local educational*
12 *agency is in compliance with the State law required*
13 *by subsection (b); and*

14 “(2) *a description of the circumstances sur-*
15 *rounding any expulsions imposed under the State law*
16 *required by subsection (b), including—*

17 “(A) *the name of the school concerned;*

18 “(B) *the number of students expelled from*
19 *such school; and*

20 “(C) *the type of weapons concerned.*

21 “(e) *REPORTING.—Each State shall report the infor-*
22 *mation described in subsection (d) to the Secretary on an*
23 *annual basis.*

24 “(f) *DEFINITION.—In this section, the term ‘school’*
25 *means any setting that is under the control and supervision*

1 of the local educational agency for the purpose of student
2 activities approved and authorized by the local educational
3 agency.

4 “(g) *EXCEPTION.*—Nothing in this section shall apply
5 to a weapon that is lawfully stored inside a locked vehicle
6 on school property, or if it is for activities approved and
7 authorized by the local educational agency and the local
8 educational agency adopts appropriate safeguards to ensure
9 student safety.

10 **“SEC. 4202. POLICY REGARDING CRIMINAL JUSTICE SYSTEM**
11 **REFERRAL.**

12 “(a) *IN GENERAL.*—No funds shall be made available
13 under this Act to any local educational agency unless such
14 agency has a policy requiring referral to the criminal jus-
15 tice or juvenile delinquency system of any student who
16 brings a weapon to a school, or is found to have possessed
17 a weapon at a school, served by such agency.

18 “(b) *DEFINITIONS.*—For the purpose of this section:

19 “(1) *SCHOOL.*—The term ‘school’ has the mean-
20 ing given to such term by section 921(a) of title 18,
21 United States Code.

22 “(2) *WEAPON.*—The term ‘weapon’ has the
23 meaning given such term in section 4101(b)(3).”

1 **SEC. 403. SCHOOL SAFETY AND VIOLENCE PREVENTION.**

2 (a) *IN GENERAL.*—*Title IV (20 U.S.C. 7101 et seq.)*
3 *is further amended by adding at the end the following:*

4 **“PART C—SCHOOL SAFETY AND VIOLENCE**
5 **PREVENTION**

6 **“SEC. 4301. SCHOOL SAFETY AND VIOLENCE PREVENTION.**

7 *“Subject to this title, and subpart 4 of part B of title*
8 *V, funds made available under this title and such subpart*
9 *may be used for—*

10 *“(1) training, including in-service training, for*
11 *school personnel (including custodians and bus driv-*
12 *ers), with respect to—*

13 *“(A) the identification of potential threats,*
14 *such as illegal weapons and explosive devices;*

15 *“(B) crisis preparedness and intervention*
16 *procedures; and*

17 *“(C) emergency response;*

18 *“(2) training for parents, teachers, school per-*
19 *sonnel and other interested members of the commu-*
20 *nity regarding the identification and responses to*
21 *early warning signs of troubled and violent youth;*

22 *“(3) innovative scientifically based research de-*
23 *linquency and violence prevention programs,*
24 *including—*

25 *“(A) school antiviolence programs; and*

26 *“(B) mentoring programs;*

1 “(4) *comprehensive security assessments;*

2 “(5) *in accordance with section 4116(c), the pur-*
3 *chase of school security equipment and technologies*
4 *such as—*

5 “(A) *metal detectors;*

6 “(B) *electronic locks; and*

7 “(C) *surveillance cameras;*

8 “(6) *collaborative efforts with community-based*
9 *organizations, including faith-based organizations,*
10 *statewide consortia, and law enforcement agencies,*
11 *that have demonstrated expertise in providing effec-*
12 *tive, scientifically based research violence prevention*
13 *and intervention programs for school-aged children;*

14 “(7) *providing assistance to States, local edu-*
15 *cation agencies, or schools to establish school uniform*
16 *policies;*

17 “(8) *school resource officers, including commu-*
18 *nity policing officers; and*

19 “(9) *other innovative, local responses that are*
20 *consistent with reducing incidents of school violence*
21 *and improving the educational atmosphere of the*
22 *classroom.*

1 **“SEC. 4302. SCHOOL UNIFORMS.**

2 “(a) *CONSTRUCTION.*—Nothing in this part shall be
3 construed to prohibit any State, local education agency, or
4 school from establishing a school uniform policy.

5 “(b) *FUNDING.*—Subject to this title and subpart 4 of
6 part B of title V, funds provided under this title and such
7 subpart may be used for establishing a uniform policy.

8 **“SEC. 4303. TRANSFER OF SCHOOL DISCIPLINARY**
9 **RECORDS.**

10 “(a) *NONAPPLICATION OF PROVISIONS.*—This section
11 shall not apply to any disciplinary records with respect to
12 a suspension or expulsion that are transferred from a pri-
13 vate, parochial or other nonpublic school, person, institu-
14 tion, or other entity, that provides education below the col-
15 lege level.

16 “(b) *DISCIPLINARY RECORDS.*—In accordance with the
17 Family Educational Rights and Privacy Act of 1974 (20
18 U.S.C. 1232g), not later than 2 years after the date of enact-
19 ment of this part, each State receiving Federal funds under
20 this Act shall provide an assurance to the Secretary that
21 the State has a procedure in place to facilitate the transfer
22 of disciplinary records, with respect to a suspension or ex-
23 pulsion, by local educational agencies to any private or
24 public elementary school or secondary school for any stu-
25 dent who is enrolled or seeks, intends, or is instructed to
26 enroll, on a full- or part-time basis, in the school.

1 **“SEC. 4304. CONFIDENTIAL REPORTING OF INDIVIDUALS**
2 **SUSPECTED OF IMMINENT SCHOOL VIO-**
3 **LENCE.**

4 *“Subject to the provisions of this title and subpart 4*
5 *of part B of title V, funds made available under such titles*
6 *may be used to—*

7 *“(1) support the independent State development*
8 *and operation of confidential, toll-free telephone hot-*
9 *lines that will operate 7 days per week, 24 hours per*
10 *day, in order to provide students, school officials, and*
11 *other individuals with the opportunity to report spe-*
12 *cific threats of imminent school violence or to report*
13 *other suspicious or criminal conduct by juveniles to*
14 *appropriate State and local law enforcement entities*
15 *for investigation;*

16 *“(2) ensure proper State training of personnel to*
17 *answer and respond to telephone calls to hotlines de-*
18 *scribed in paragraph (1);*

19 *“(3) assist in the acquisition of technology nec-*
20 *essary to enhance the effectiveness of hotlines described*
21 *in paragraph (1), including the utilization of Inter-*
22 *net web-pages or resources;*

23 *“(4) enhance State efforts to offer appropriate*
24 *counseling services to individuals who call hotlines*
25 *described in paragraph (1) threatening to do harm to*
26 *themselves or others; and*

1 “(5) further State effort to publicize services of-
2 ferred by the hotlines described in paragraph (1) and
3 to encourage individuals to utilize those services.

4 **“SEC. 4305. SCHOOL SECURITY TECHNOLOGY AND RE-**
5 **SOURCE CENTER.**

6 “(a) CENTER.—The Attorney General, the Secretary of
7 Education, and the Secretary of Energy shall enter into an
8 agreement for the establishment at the Sandia National
9 Laboratories, in partnership with the National Law En-
10 forcement and Corrections Technology Center—Southeast
11 and the National Center for Rural Law Enforcement in
12 Little Rock, Arkansas, of a center to be known as the ‘School
13 Security Technology and Resource Center’.

14 “(b) ADMINISTRATION.—The center established under
15 subsection (a) shall be administered by the Attorney Gen-
16 eral.

17 “(c) FUNCTIONS.—The center established under sub-
18 section (a) shall be a resource to local educational agencies
19 for school security assessments, security technology develop-
20 ment, evaluation and implementation, and technical assist-
21 ance relating to improving school security. The center will
22 also conduct and publish school violence research, coalesce
23 data from victim communities, and monitor and report on
24 schools that implement school security strategies.

1 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to carry out this section,*
3 *\$4,750,000 for each of the fiscal years 2002, 2003, and 2004,*
4 *of which \$2,000,000 shall be for Sandia National Labora-*
5 *tories in each fiscal year, \$2,000,000 shall be for the Na-*
6 *tional Center for Rural Law Enforcement in each fiscal*
7 *year, and \$750,000 shall be for the National Law Enforce-*
8 *ment and Corrections Technology Center—Southeast in*
9 *each fiscal year.*

10 “**SEC. 4306. LOCAL SCHOOL SECURITY PROGRAMS.**

11 “(a) *IN GENERAL.*—

12 “(1) *GRANTS AUTHORIZED.*—*From amounts ap-*
13 *propriated under subsection (c), the Secretary shall*
14 *award grants on a competitive basis to local edu-*
15 *cational agencies to enable the agencies to acquire se-*
16 *curity technology for, or carry out activities related*
17 *to improving security at, the middle and secondary*
18 *schools served by the agencies, including obtaining*
19 *school security assessments, and technical assistance,*
20 *for the development of a comprehensive school security*
21 *plan from the School Security Technology and Re-*
22 *source Center.*

23 “(2) *APPLICATION.*—*To be eligible to receive a*
24 *grant under this section, a local educational agency*
25 *shall submit to the Secretary an application in such*

1 *form and containing such information as the Sec-*
2 *retary may require, including information relating to*
3 *the security needs of the agency.*

4 “(3) *PRIORITY.*—*In awarding grants under this*
5 *section, the Secretary shall give priority to local edu-*
6 *cational agencies that demonstrate the highest secu-*
7 *rity needs, as reported by the agency in the applica-*
8 *tion submitted under paragraph (2).*

9 “(b) *APPLICABILITY.*—*The provisions of this part*
10 *(other than this section) shall not apply to this section.*

11 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
12 *authorized to be appropriated to carry out this section*
13 *\$10,000,000 for each of fiscal years 2002, 2003, and 2004.*

14 **“SEC. 4307. SAFE AND SECURE SCHOOL ADVISORY REPORT.**

15 “*Not later than 1 year after the date of enactment of*
16 *this Act, the Attorney General, in consultation with the Sec-*
17 *retary of Education and the Secretary of Energy, or their*
18 *designees, shall—*

19 “(1) *develop a proposal to further improve school*
20 *security; and*

21 “(2) *submit that proposal to Congress.*”.

22 “(b) *BACKGROUND CHECKS.*—*Section 5(9) of the Na-*
23 *tional Child Protection Act of 1993 (42 U.S.C. 5119c(9))*
24 *is amended—*

1 (1) *in subparagraph (A)(i), by inserting “(in-*
2 *cluding an individual who is employed by a school in*
3 *any capacity, including as a child care provider, a*
4 *teacher, or another member of school personnel)” be-*
5 *fore the semicolon; and*

6 (2) *in subparagraph (B)(i), by inserting “(in-*
7 *cluding an individual who seeks to be employed by a*
8 *school in any capacity, including as a child care pro-*
9 *vider, a teacher, or another member of school per-*
10 *sonnel)” before the semicolon.*

11 **SEC. 404. SCHOOL SAFETY ENHANCEMENT.**

12 *Title IV (20 U.S.C. 7101 et seq.) is further amended*
13 *by adding at the end the following:*

14 **“PART D—SCHOOL SAFETY ENHANCEMENT**

15 **“SEC. 4401. SHORT TITLE.**

16 *“This part may be cited as the ‘School Safety En-*
17 *hancement Act of 2001’.*

18 **“SEC. 4402. FINDINGS.**

19 *“Congress makes the following findings:*

20 *“(1) While our Nation’s schools are still rel-*
21 *atively safe, it is imperative that schools be provided*
22 *with adequate resources to prevent incidents of vio-*
23 *lence.*

24 *“(2) Approximately 10 percent of all public*
25 *schools reported at least 1 serious violent crime to a*

1 *law enforcement agency over the course of the 1996–*
2 *1997 school year.*

3 *“(3) In 1996, approximately 225,000 students*
4 *between the ages of 12 and 18 were victims of*
5 *nonfatal violent crime in schools in the United States.*

6 *“(4) From 1992 through 1994, 76 students and*
7 *29 non-students were victims of murders or suicides*
8 *that were committed in schools in the United States.*

9 *“(5) The school violence incidents in several*
10 *States across the Nation in 1998 and 1999 caused*
11 *enormous damage to schools, families, and whole com-*
12 *munities.*

13 *“(6) Because of escalating school violence, the*
14 *children of the United States are increasingly afraid*
15 *that they will be attacked or harmed at school.*

16 *“(7) A report issued by the Department of Edu-*
17 *cation in August, 1998, entitled ‘Early Warning,*
18 *Early Response’ concluded that the reduction and*
19 *prevention of school violence is best achieved through*
20 *safety plans which involve the entire community,*
21 *policies which emphasize both prevention and inter-*
22 *vention, training school personnel, parents, students,*
23 *and community members to recognize the early warn-*
24 *ing signs of potential violent behavior and to share*
25 *their concerns or observations with trained personnel,*

1 *clude counseling for victims and the community, as-*
2 *sistance to law enforcement to address short-term se-*
3 *curity concerns, and advice on how to enhance school*
4 *safety, prevent future incidents, and respond to future*
5 *incidents.*

6 “(2) *ANONYMOUS STUDENT HOTLINE.*—*The Cen-*
7 *ter shall establish a toll-free telephone number for stu-*
8 *dents to report criminal activity, threats of criminal*
9 *activity, and other high-risk behaviors such as sub-*
10 *stance abuse, gang or cult affiliation, depression, or*
11 *other warning signs of potentially violent behavior.*
12 *The Center shall relay the reports, without attribu-*
13 *tion, to local law enforcement or appropriate school*
14 *hotlines. The Director of the Center shall work with*
15 *the Attorney General to establish guidelines for Center*
16 *staff to work with law enforcement around the Nation*
17 *to relay information reported through the hotline.*

18 “(3) *CONSULTATION.*—*The Center shall establish*
19 *a toll-free number for the public to contact staff of the*
20 *Center for consultation regarding school safety. The*
21 *Director of the Center shall hire administrative staff*
22 *and individuals with expertise in enhancing school*
23 *safety, including individuals with backgrounds in*
24 *counseling and psychology, education, law enforce-*

1 *ment and criminal justice, and community develop-*
2 *ment to assist in the consultation.*

3 *“(4) INFORMATION AND OUTREACH.—The Center*
4 *shall compile information about the best practices in*
5 *school violence prevention, intervention, and crisis*
6 *management, and shall serve as a clearinghouse for*
7 *model school safety program information. The staff of*
8 *the Center shall work to ensure local governments,*
9 *school officials, parents, students, and law enforce-*
10 *ment officials and agencies are aware of the resources,*
11 *grants, and expertise available to enhance school safe-*
12 *ty and prevent school crime. The staff of the Center*
13 *shall give special attention to providing outreach to*
14 *rural and impoverished communities.*

15 *“(c) FUNDING.—There is authorized to be appro-*
16 *priated to carry out this section, \$25,000,000 for fiscal year*
17 *2002 and such sums as may be necessary for each of fiscal*
18 *years 2003 through 2005.”.*

19 **“SEC. 4404. SAFE COMMUNITIES, SAFE SCHOOLS.**

20 *“(a) GRANTS AUTHORIZED.—Using funds made avail-*
21 *able under subsection (c), the Secretary of Education, the*
22 *Secretary of Health and Human Services, and the Attorney*
23 *General shall award grants, on a competitive basis, to help*
24 *communities develop community-wide safety programs in-*
25 *volving students, parents, educators, guidance counselors,*

1 *psychologists, law enforcement officials or agencies, civic*
2 *leaders, and other organizations serving the community.*

3 “(b) *AUTHORIZED ACTIVITIES.—Funds provided*
4 *under this section may be used for activities that may in-*
5 *clude efforts to—*

6 “(1) *increase early intervention strategies;*

7 “(2) *expand parental involvement;*

8 “(3) *increase students’ awareness of warning*
9 *signs of violent behavior;*

10 “(4) *promote students’ responsibility to report*
11 *the warning signs to appropriate persons;*

12 “(5) *promote conflict resolution and peer medi-*
13 *ation programs;*

14 “(6) *increase the number of after-school pro-*
15 *grams;*

16 “(7) *expand the use of safety-related equipment*
17 *and technology; and*

18 “(8) *expand students’ access to mental health*
19 *services.*

20 “(c) *FUNDING.—There is authorized to be appro-*
21 *priated to carry out this section, \$24,000,000 for fiscal year*
22 *2002 and such sums as may be necessary for each of fiscal*
23 *years 2003 through 2005.”.*

1 **SEC. 405. AMENDMENTS TO THE NATIONAL CHILD PROTEC-**
2 **TION ACT OF 1993.**

3 *Section 5(10) of the National Child Protection Act of*
4 *1993 (42 U.S.C. 5119c(10)) is amended to read as follows:*

5 *“(10) the term ‘qualified entity’ means—*

6 *“(A) a business or organization, whether*
7 *public, private, for-profit, not-for-profit, or vol-*
8 *untary, that provides care or care placement*
9 *services, including a business or organization*
10 *that licenses or certifies others to provide care or*
11 *care placement services; or*

12 *“(B) an elementary or secondary school.”.*

13 **SEC. 406. ENVIRONMENTAL TOBACCO SMOKE.**

14 *Title IV (20 U.S.C. 7101 et seq.) is further amended*
15 *by adding at the end the following:*

16 **“PART E—ENVIRONMENTAL TOBACCO SMOKE**

17 **“SEC. 4501. SHORT TITLE.**

18 *“This part may be cited as the ‘Pro-Children Act of*
19 *2001’.*

20 **“SEC. 4502. DEFINITIONS.**

21 *“As used in this part:*

22 *“(1) CHILDREN.—The term ‘children’ means in-*
23 *dividuals who have not attained the age of 18.*

24 *“(2) CHILDREN’S SERVICES.—The term ‘chil-*
25 *dren’s services’ means the provision on a routine or*

1 *regular basis of health, day care, education, or library*
2 *services—*

3 “(A) *that are funded, after the date of en-*
4 *actment of the Better Education for Students*
5 *and Teachers Act, directly by the Federal Gov-*
6 *ernment or through State or local governments,*
7 *by Federal grant, loan, loan guarantee, or con-*
8 *tract programs—*

9 “(i) *administered by either the Sec-*
10 *retary of Health and Human Services or*
11 *the Secretary of Education (other than serv-*
12 *ices provided and funded solely under titles*
13 *XVIII and XIX of the Social Security Act);*
14 *or*

15 “(ii) *administered by the Secretary of*
16 *Agriculture in the case of a clinic (as de-*
17 *finied in part 246.2 of title 7, Code of Fed-*
18 *eral Regulations (or any corresponding*
19 *similar regulation or ruling)) under section*
20 *17(b)(6) of the Child Nutrition Act of 1966;*
21 *or*

22 “(B) *that are provided in indoor facilities*
23 *that are constructed, operated, or maintained*
24 *with such Federal funds, as determined by the*

1 *or regular kindergarten, elementary, or secondary education*
2 *or library services to children.*

3 “(b) *ADDITIONAL PROHIBITION.*—

4 “(1) *IN GENERAL.*—*After the date of enactment*
5 *of the Better Education for Students and Teachers*
6 *Act, no person receiving funds pursuant to this Act,*
7 *shall permit smoking within any indoor facility (or*
8 *portion of such a facility) owned or leased or con-*
9 *tracted for, and utilized by, such person for the provi-*
10 *sion of regular or routine health care or day care or*
11 *early childhood development (Head Start) services.*

12 “(2) *EXCEPTION.*—*Paragraph (1) shall not*
13 *apply to—*

14 “(A) *any portion of such facility that is*
15 *used for inpatient hospital treatment of individ-*
16 *uals dependent on, or addicted to, drugs or alco-*
17 *hol; and*

18 “(B) *any private residence.*

19 “(c) *FEDERAL AGENCIES.*—

20 “(1) *KINDERGARTEN, ELEMENTARY, OR SEC-*
21 *ONDARY EDUCATION OR LIBRARY SERVICES.*—*After*
22 *the date of enactment of the Better Education for Stu-*
23 *dents and Teachers Act, no Federal agency shall per-*
24 *mit smoking within any indoor facility in the United*
25 *States operated by such agency, directly or by con-*

1 *tract, to provide routine or regular kindergarten, ele-*
2 *mentary, or secondary education or library services to*
3 *children.*

4 “(2) *HEALTH OR DAY CARE OR EARLY CHILD-*
5 *HOOD DEVELOPMENT SERVICES.—*

6 “(A) *IN GENERAL.—After the date of enact-*
7 *ment of the Better Education for Students and*
8 *Teachers Act, no Federal agency shall permit*
9 *smoking within any indoor facility (or portion*
10 *of such facility) operated by such agency, di-*
11 *rectly or by contract, to provide routine or reg-*
12 *ular health or day care or early childhood devel-*
13 *opment (Head Start) services to children.*

14 “(B) *EXCEPTION.—Subparagraph (A) shall*
15 *not apply to—*

16 “(i) *any portion of such facility that is*
17 *used for inpatient hospital treatment of in-*
18 *dividuals dependent on, or addicted to,*
19 *drugs or alcohol; and*

20 “(ii) *any private residence.*

21 “(3) *APPLICATION OF PROVISIONS.—The provi-*
22 *sions of paragraph (2) shall also apply to the provi-*
23 *sion of such routine or regular kindergarten, elemen-*
24 *tary or secondary education or library services in the*

1 *facilities described in paragraph (2) not subject to*
2 *paragraph (1).*

3 “(d) *NOTICE.—The prohibitions in subsections (a)*
4 *through (c) shall be published in a notice in the Federal*
5 *Register by the Secretary (in consultation with the heads*
6 *of other affected agencies) and by such agency heads in*
7 *funding arrangements involving the provision of children’s*
8 *services administered by such heads. Such prohibitions shall*
9 *be effective 90 days after such notice is published, or 270*
10 *days after the date of enactment of the Better Education*
11 *for Students and Teachers Act, whichever occurs first.*

12 “(e) *CIVIL PENALTIES.—*

13 “(1) *IN GENERAL.—Any failure to comply with*
14 *a prohibition in this section shall be considered to be*
15 *a violation of this section and any person subject to*
16 *such prohibition who commits such violation may be*
17 *liable to the United States for a civil penalty in an*
18 *amount not to exceed \$1,000 for each violation, or*
19 *may be subject to an administrative compliance*
20 *order, or both, as determined by the Secretary. Each*
21 *day a violation continues shall constitute a separate*
22 *violation. In the case of any civil penalty assessed*
23 *under this section, the total amount shall not exceed*
24 *fifty percent of the amount of Federal funds received*
25 *under the Better Education for Students and Teachers*

1 *Act by such person for the fiscal year in which the*
2 *continuing violation occurred. For the purpose of the*
3 *prohibition in subsection (c), the term ‘person’, as*
4 *used in this paragraph, shall mean the head of the*
5 *applicable Federal agency or the contractor of such*
6 *agency providing the services to children.*

7 “(2) *ADMINISTRATIVE PROCEEDING.—A civil*
8 *penalty may be assessed in a written notice, or an*
9 *administrative compliance order may be issued under*
10 *paragraph (1), by the Secretary only after an oppor-*
11 *tunity for a hearing in accordance with section 554*
12 *of title 5, United States Code. Before making such as-*
13 *essment or issuing such order, or both, the Secretary*
14 *shall give written notice of the assessment or order to*
15 *such person by certified mail with return receipt and*
16 *provide information in the notice of an opportunity*
17 *to request in writing, not later than 30 days after the*
18 *date of receipt of such notice, such hearing. The notice*
19 *shall reasonably describe the violation and be accom-*
20 *panied with the procedures for such hearing and a*
21 *simple form that may be used to request such hearing*
22 *if such person desires to use such form. If a hearing*
23 *is requested, the Secretary shall establish by such cer-*
24 *tified notice the time and place for such hearing,*
25 *which shall be located, to the greatest extent possible,*

1 *at a location convenient to such person. The Secretary*
2 *(or the Secretary’s designee) and such person may*
3 *consult to arrange a suitable date and location where*
4 *appropriate.*

5 “(3) *CIRCUMSTANCES AFFECTING PENALTY OR*
6 *ORDER.—In determining the amount of the civil pen-*
7 *alty or the nature of the administrative compliance*
8 *order, the Secretary shall take into account, as*
9 *appropriate—*

10 “(A) *the nature, circumstances, extent, and*
11 *gravity of the violation;*

12 “(B) *with respect to the violator, any good*
13 *faith efforts to comply, the importance of achiev-*
14 *ing early and permanent compliance, the ability*
15 *to pay or comply, the effect of the penalty or*
16 *order on the ability to continue operation, any*
17 *prior history of the same kind of violation, the*
18 *degree of culpability, and any demonstration of*
19 *willingness to comply with the prohibitions of*
20 *this section in a timely manner; and*

21 “(C) *such other matters as justice may re-*
22 *quire.*

23 “(4) *MODIFICATION.—The Secretary may, as ap-*
24 *propriate, compromise, modify, or remit, with or*
25 *without conditions, any civil penalty or administra-*

1 *tive compliance order. In the case of a civil penalty,*
2 *the amount, as finally determined by the Secretary or*
3 *agreed upon in compromise, may be deducted from*
4 *any sums that the United States or the agencies or*
5 *instrumentalities of the United States owe to the per-*
6 *son against whom the penalty is assessed.*

7 “(5) *PETITION FOR REVIEW.*—*Any person ag-*
8 *grieved by a penalty assessed or an order issued, or*
9 *both, by the Secretary under this section may file a*
10 *petition for judicial review of the order with the*
11 *United States Court of Appeals for the District of Co-*
12 *lumbia Circuit or for any other circuit in which the*
13 *person resides or transacts business. Such person shall*
14 *provide a copy of the petition to the Secretary or the*
15 *Secretary’s designee. The petition shall be filed within*
16 *30 days after the Secretary’s assessment or order, or*
17 *both, are final and have been provided to such person*
18 *by certified mail. The Secretary shall promptly pro-*
19 *vide to the court a certified copy of the transcript of*
20 *any hearing held under this section and a copy of the*
21 *notice or order.*

22 “(6) *FAILURE TO COMPLY.*—*If a person fails to*
23 *pay an assessment of a civil penalty or comply with*
24 *an order, after the assessment or order, or both, are*
25 *final under this section, or after a court has entered*

1 *a final judgment under paragraph (5) in favor of the*
2 *Secretary, the Attorney General, at the request of the*
3 *Secretary, shall recover the amount of the civil pen-*
4 *alty (plus interest at prevailing rates from the day*
5 *the assessment or order, or both, are final) or enforce*
6 *the order in an action brought in the appropriate dis-*
7 *trict court of the United States. In such action, the*
8 *validity and appropriateness of the penalty or order*
9 *or the amount of the penalty shall not be subject to*
10 *review.*

11 **“SEC. 4504. PREEMPTION.**

12 *“Nothing in this part is intended to preempt any pro-*
13 *vision of law of a State or political subdivision of a State*
14 *that is more restrictive than a provision of this part.”.*

15 **SEC. 407. GRANTS TO REDUCE ALCOHOL ABUSE.**

16 *Title IV (20 U.S.C. 7101 et seq.) is further amended*
17 *by adding at the end the following:*

18 **“PART F—GRANTS TO REDUCE ALCOHOL ABUSE**

19 **“SEC. 4601. GRANTS TO REDUCE ALCOHOL ABUSE.**

20 *“(a) IN GENERAL.—The Secretary, in consultation*
21 *with the Administrator of the Substance Abuse and Mental*
22 *Health Services Administration, shall award grants, on a*
23 *competitive basis, to local educational agencies to enable*
24 *such agencies to develop and implement innovative and ef-*

1 *fective programs to reduce alcohol abuse in secondary*
2 *schools.*

3 “(b) *ELIGIBILITY.*—*To be eligible to receive a grant*
4 *under subsection (a), a local educational agency shall pre-*
5 *pare and submit to the Secretary an application at such*
6 *time, in such manner, and containing such information as*
7 *the Secretary may require, including—*

8 “(1) *a description of the activities to be carried*
9 *out under the grant;*

10 “(2) *an assurance that such activities will in-*
11 *clude 1 or more of the proven strategies for reducing*
12 *underage alcohol abuse as determined by the Sub-*
13 *stance Abuse and Mental Health Services Administra-*
14 *tion;*

15 “(3) *an explanation of how activities to be car-*
16 *ried under the grant that are not described in para-*
17 *graph (2) will be effective in reducing underage alco-*
18 *hol abuse, including references to the past effectiveness*
19 *of such activities;*

20 “(4) *an assurance that the applicant will submit*
21 *to the Secretary an annual report concerning the ef-*
22 *fectiveness of the programs and activities funded*
23 *under the grant; and*

24 “(5) *such other information as the Secretary de-*
25 *termines appropriate.*

1 “(c) *STREAMLINING OF PROCESS FOR LOW-INCOME*
2 *AND RURAL LEAS.*—*The Secretary, in consultation with*
3 *the Administrator of the Substance Abuse and Mental*
4 *Health Services Administration, shall develop procedures to*
5 *make the application process for grants under this section*
6 *more user-friendly, particularly for low-income and rural*
7 *local educational agencies.*

8 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—

9 “(1) *IN GENERAL.*—*There is authorized to be ap-*
10 *propriated to carry out this section, \$25,000,000 for*
11 *fiscal year 2002, and such sums as may be necessary*
12 *in each of the 6 subsequent fiscal years.*

13 “(2) *RESERVATIONS.*—

14 “(A) *SAMHSA.*—*The Secretary shall reserve*
15 *20 percent of the amount appropriated for each*
16 *fiscal year under paragraph (1) to enable the*
17 *Administrator of the Substance Abuse and Men-*
18 *tal Health Services Administration to provide*
19 *alcohol abuse resources and start-up assistance to*
20 *local educational agencies receiving grants under*
21 *this section.*

22 “(B) *LOW-INCOME AND RURAL AREAS.*—*The*
23 *Secretary shall reserve 25 percent of the amount*
24 *appropriated for each fiscal year under para-*
25 *graph (1) to award grants under this section to*

1 *low-income and rural local educational agen-*
2 *cies.”.*

3 **SEC. 408. MENTORING PROGRAMS.**

4 *(a) IN GENERAL.—Title IV of Elementary and Sec-*
5 *ondary Education Act of 1965 is further amended by add-*
6 *ing at the end the following:*

7 **“PART G—MENTORING PROGRAMS**

8 **“SEC. 4701. DEFINITIONS.**

9 *“In this part:*

10 *“(1) CHILD WITH GREATEST NEED.—The term*
11 *‘child with greatest need’ means a child at risk of*
12 *educational failure, dropping out of school, or involve-*
13 *ment in criminal or delinquent activities, or that has*
14 *lack of strong positive adult role models.*

15 *“(2) MENTOR.—The term ‘mentor’ means an in-*
16 *dividual who works with a child to provide a positive*
17 *role model for the child, to establish a supportive rela-*
18 *tionship with the child, and to provide the child with*
19 *academic assistance and exposure to new experiences*
20 *and examples of opportunity that enhance the ability*
21 *of the child to become a responsible adult.*

22 *“(3) STATE.—The term ‘State’ means each of the*
23 *several States, the District of Columbia, the Common-*
24 *wealth of Puerto Rico, the Virgin Islands, Guam,*

1 *American Samoa, and the Commonwealth of the*
2 *Northern Mariana Islands.*

3 **“SEC. 4702. PURPOSES.**

4 *“The purposes of this part are to make assistance*
5 *available to promote mentoring programs for children with*
6 *greatest need—*

7 *“(1) to assist such children in receiving support*
8 *and guidance from a caring adult;*

9 *“(2) to improve the academic performance of*
10 *such children;*

11 *“(3) to improve interpersonal relationships be-*
12 *tween such children and their peers, teachers, other*
13 *adults, and family members;*

14 *“(4) to reduce the dropout rate of such children;*
15 *and*

16 *“(5) to reduce juvenile delinquency and involve-*
17 *ment in gangs by such children.*

18 **“SEC. 4703. GRANT PROGRAM.**

19 *“(a) IN GENERAL.—In accordance with this section,*
20 *the Secretary may make grants to eligible entities to assist*
21 *such entities in establishing and supporting mentoring pro-*
22 *grams and activities that—*

23 *“(1) are designed to link children with greatest*
24 *need (particularly such children living in rural areas,*
25 *high crime areas, or troubled home environments, or*

1 *such children experiencing educational failure) with*
2 *responsible adults, who—*

3 *“(A) have received training and support in*
4 *mentoring;*

5 *“(B) have been screened using appropriate*
6 *reference checks, child and domestic abuse record*
7 *checks, and criminal background checks; and*

8 *“(C) are interested in working with youth;*
9 *and*

10 *“(2) are intended to achieve 1 or more of the fol-*
11 *lowing goals:*

12 *“(A) Provide general guidance to children*
13 *with greatest need.*

14 *“(B) Promote personal and social responsi-*
15 *bility among children with greatest need.*

16 *“(C) Increase participation by children*
17 *with greatest need in, and enhance their ability*
18 *to benefit from, elementary and secondary edu-*
19 *cation.*

20 *“(D) Discourage illegal use of drugs and al-*
21 *cohol, violence, use of dangerous weapons, pro-*
22 *miscuous behavior, and other criminal, harmful,*
23 *or potentially harmful activity by children with*
24 *greatest need.*

1 “(E) Encourage children with greatest need
2 to participate in community service and commu-
3 nity activities.

4 “(F) Encourage children with greatest need
5 to set goals for themselves or to plan for their fu-
6 tures, including encouraging such children to
7 make graduation from secondary school a goal
8 and to make plans for postsecondary education
9 or training.

10 “(G) Discourage involvement of children
11 with greatest need in gangs.

12 “(b) *ELIGIBLE ENTITIES*.—Each of the following is an
13 entity eligible to receive a grant under subsection (a):

14 “(1) A local educational agency.

15 “(2) A nonprofit, community-based organization.

16 “(3) A partnership between an agency referred to
17 in paragraph (1) and an organization referred to in
18 paragraph (2).

19 “(c) *USE OF FUNDS*.—

20 “(1) *IN GENERAL*.—Each entity receiving a
21 grant under this section shall use the grant funds for
22 activities that establish or implement a mentoring
23 program, including—

24 “(A) hiring of mentoring coordinators and
25 support staff;

1 “(B) providing for the professional develop-
2 ment of mentoring coordinators and support
3 staff;

4 “(C) recruitment, screening, and training of
5 adult mentors;

6 “(D) reimbursement of schools, if appro-
7 priate, for the use of school materials or supplies
8 in carrying out the program;

9 “(E) dissemination of outreach materials;

10 “(F) evaluation of the program using sci-
11 entifically based methods; and

12 “(G) such other activities as the Secretary
13 may reasonably prescribe by rule.

14 “(2) *PROHIBITED USES.*—Notwithstanding para-
15 graph (1), an entity receiving a grant under this sec-
16 tion may not use the grant funds—

17 “(A) to directly compensate mentors;

18 “(B) to obtain educational or other mate-
19 rials or equipment that would otherwise be used
20 in the ordinary course of the entity’s operations;

21 “(C) to support litigation of any kind; or

22 “(D) for any other purpose reasonably pro-
23 hibited by the Secretary by rule.

1 “(d) *TERM OF GRANT.*—*Each grant made under this*
2 *section shall be available for expenditure for a period of*
3 *3 years.*

4 “(e) *APPLICATION.*—*Each eligible entity seeking a*
5 *grant under this section shall submit to the Secretary an*
6 *application that includes—*

7 “(1) *a description of the mentoring plan the ap-*
8 *plicant proposes to carry out with such grant;*

9 “(2) *information on the children expected to be*
10 *served by the mentoring program for which such*
11 *grant is sought;*

12 “(3) *a description of the mechanism that appli-*
13 *cant will use to match children with mentors based*
14 *on the needs of the children;*

15 “(4) *an assurance that no mentor will be as-*
16 *signed to mentor so many children that the assign-*
17 *ment would undermine either the mentor’s ability to*
18 *be an effective mentor or the mentor’s ability to estab-*
19 *lish a close relationship (a one-on-one relationship,*
20 *where practicable) with each mentored child;*

21 “(5) *an assurance that mentoring programs will*
22 *provide children with a variety of experiences and*
23 *support, including—*

24 “(A) *emotional support;*

25 “(B) *academic assistance; and*

1 “(C) exposure to experiences that children
2 might not otherwise encounter on their own;

3 “(6) an assurance that mentoring programs will
4 be monitored to ensure that each child assigned a
5 mentor benefits from that assignment and that there
6 will be a provision for the assignment of a new men-
7 tor if the relationship between the original mentor is
8 not beneficial to the child;

9 “(7) information on the method by which men-
10 tors and children will be recruited to the mentor pro-
11 gram;

12 “(8) information on the method by which pro-
13 spective mentors will be screened;

14 “(9) information on the training that will be
15 provided to mentors; and

16 “(10) information on the system that the appli-
17 cant will use to manage and monitor information re-
18 lating to the program’s reference checks, child and do-
19 mestic abuse record checks, and criminal background
20 checks and to its procedure for matching children
21 with mentors.

22 “(f) SELECTION.—

23 “(1) COMPETITIVE BASIS.—In accordance with
24 this subsection, the Secretary shall select grant recipi-

1 *ents from among qualified applicants on a competi-*
2 *tive basis.*

3 *“(2) PRIORITY.—In selecting grant recipients*
4 *under paragraph (1), the Secretary shall give priority*
5 *to each applicant that—*

6 *“(A) serves children with greatest need liv-*
7 *ing in rural areas, high crime areas, or troubled*
8 *home environments, or who attend schools with*
9 *violence problems;*

10 *“(B) provides background screening of men-*
11 *tors, training of mentors, and technical assist-*
12 *ance in carrying out mentoring programs;*

13 *“(C) proposes a mentoring program under*
14 *which each mentor will be assigned to not more*
15 *children than the mentor can serve effectively; or*

16 *“(D) proposes a school-based mentoring pro-*
17 *gram.*

18 *“(3) OTHER CONSIDERATIONS.—In selecting*
19 *grant recipients under paragraph (1), the Secretary*
20 *shall also consider—*

21 *“(A) the degree to which the location of the*
22 *programs proposed by each applicant contributes*
23 *to a fair distribution of programs with respect to*
24 *urban and rural locations;*

1 “(B) the quality of the mentoring programs
2 proposed by each applicant, including—

3 “(i) the resources, if any, the applicant
4 will dedicate to providing children with op-
5 portunities for job training or postsec-
6 ondary education;

7 “(ii) the degree to which parents,
8 teachers, community-based organizations,
9 and the local community have participated,
10 or will participate, in the design and im-
11 plementation of the applicant’s mentoring
12 program;

13 “(iii) the degree to which the applicant
14 can ensure that mentors will develop long-
15 standing relationships with the children
16 they mentor;

17 “(iv) the degree to which the applicant
18 will serve children with greatest need in the
19 4th, 5th, 6th, 7th, and 8th grades; and

20 “(v) the degree to which the program
21 will continue to serve children from the 4th
22 grade through graduation from secondary
23 school; and

24 “(C) the capability of each applicant to ef-
25 fectively implement its mentoring program.

1 “(4) *GRANT TO EACH STATE.*—Notwithstanding
2 any other provision of this subsection, in selecting
3 grant recipients under paragraph (1), the Secretary
4 shall select not less than 1 grant recipient from each
5 State for which there is a qualified applicant.

6 “(g) *MODEL SCREENING GUIDELINES.*—

7 “(1) *IN GENERAL.*—Based on model screening
8 guidelines developed by the Office of Juvenile Pro-
9 grams of the Department of Justice, the Secretary
10 shall develop and distribute to program participants
11 specific model guidelines for the screening of mentors
12 who seek to participate in programs to be assisted
13 under this part.

14 “(2) *BACKGROUND CHECKS.*—The guidelines de-
15 veloped under this subsection shall include, at a min-
16 imum, a requirement that potential mentors be sub-
17 ject to reference checks, child and domestic abuse
18 record checks, and criminal background checks.

19 **“SEC. 4704. STUDY BY GENERAL ACCOUNTING OFFICE.**

20 “(a) *IN GENERAL.*—The Comptroller General of the
21 United States shall conduct a study to identify successful
22 school-based mentoring programs, and the elements, poli-
23 cies, or procedures of such programs that can be replicated.

24 “(b) *REPORT.*—Not later than 3 years after the date
25 of the enactment of this part, the Comptroller General shall

1 *submit a report to the Secretary and Congress containing*
2 *the results of the study conducted under this section.*

3 “(c) *USE OF INFORMATION.—The Secretary shall use*
4 *information contained in the report referred to in sub-*
5 *section (b)—*

6 “(1) *to improve the quality of existing mentoring*
7 *programs assisted under this part and other men-*
8 *toring programs assisted under this Act; and*

9 “(2) *to develop models for new programs to be*
10 *assisted or carried out under this Act.*

11 **“SEC. 4705. AUTHORIZATION OF APPROPRIATIONS.**

12 “*There are authorized to be appropriated to carry out*
13 *section 4703 \$50,000,000 for fiscal year 2002 and such*
14 *sums as may be necessary for each of fiscal years 2003*
15 *through 2006.”.*

16 (b) *GRANT FOR TRAINING AND TECHNICAL SUP-*
17 *PORT.—*

18 (1) *IN GENERAL.—The Secretary of Education*
19 *shall make a grant, in such amount as the Secretary*
20 *considers appropriate, to Big Brothers Big Sisters of*
21 *America for the purpose of providing training and*
22 *technical support to grant recipients under part E of*
23 *title IV of the Elementary and Secondary Education*
24 *Act of 1965, as added by subsection (a), through the*

1 *existing system regional mentoring development cen-*
2 *ters specified in paragraph (2).*

3 (2) *REGIONAL MENTORING DEVELOPMENT CEN-*
4 *TERS.—The regional mentoring development centers*
5 *referred to in this paragraph are regional mentoring*
6 *development centers located as follows:*

7 (A) *In Phoenix, Arizona.*

8 (B) *In Atlanta, Georgia.*

9 (C) *In Boston, Massachusetts.*

10 (D) *In St. Louis, Missouri.*

11 (E) *In Columbus, Ohio.*

12 (F) *In Philadelphia, Pennsylvania.*

13 (G) *In Dallas, Texas.*

14 (H) *In Seattle, Washington.*

15 (3) *PURPOSE.—The purpose of the training and*
16 *technical support provided through the grant under*
17 *this subsection is to enable grant recipients to design,*
18 *develop, and implement quality mentoring programs*
19 *with the capacity to be sustained beyond the term of*
20 *the grant.*

21 (4) *SERVICES.—The training and technical sup-*
22 *port provided through the grant under this subsection*
23 *shall include—*

24 (A) *professional training for staff;*

25 (B) *program development and management;*

- 1 (C) *strategic fund development;*
 2 (D) *mentor development; and*
 3 (E) *marketing and communications.*

4 (5) *FUNDING.—Amounts the grant under this*
 5 *subsection shall be derived from the amount author-*
 6 *ized to be appropriated by section 4705 of the Ele-*
 7 *mentary and Secondary Education Act of 1965, as*
 8 *added by subsection (a), for fiscal year 2002.*

9 **SEC. 409. STUDY CONCERNING THE HEALTH AND LEARN-**
 10 **ING IMPACTS OF DILAPIDATED OR ENVIRON-**
 11 **MENTALLY UNHEALTHY PUBLIC SCHOOL**
 12 **BUILDINGS ON AMERICA’S CHILDREN AND**
 13 **THE HEALTHY AND HIGH PERFORMANCE**
 14 **SCHOOLS PROGRAM.**

15 *Title IV, as amended by this title, is further amended*
 16 *by adding at the end the following:*

17 **“PART H—MISCELLANEOUS PROVISIONS**

18 **“SEC. 4801. STUDY CONCERNING THE HEALTH AND LEARN-**
 19 **ING IMPACTS OF DILAPIDATED OR ENVIRON-**
 20 **MENTALLY UNHEALTHY PUBLIC SCHOOL**
 21 **BUILDINGS ON AMERICA’S CHILDREN.**

22 **“(a) STUDY AUTHORIZED.—***The Secretary of Edu-*
 23 *cation, in conjunction with the Director of the Centers for*
 24 *Disease Control and Prevention and in consultation with*
 25 *the Administrator of the Environmental Protection Agency*

1 *and the Secretary of Energy, shall conduct a study on the*
2 *health and learning impacts of dilapidated or environ-*
3 *mentally unhealthy public school buildings on children that*
4 *have attended or are attending such schools.*

5 “(b) *STUDY SPECIFICATIONS.*—*The following informa-*
6 *tion shall be included in the study conducted under sub-*
7 *section (a):*

8 “(1) *The characteristics of public elementary and*
9 *secondary school buildings that contribute to*
10 *unhealthy school environments, including the preva-*
11 *lence of such characteristics in public elementary and*
12 *secondary school buildings. Such characteristics may*
13 *include school buildings that—*

14 “(A) *have been built on contaminated prop-*
15 *erty;*

16 “(B) *have poor in-door air quality;*

17 “(C) *have high occurrences of mold;*

18 “(D) *have ineffective ventilation, heating or*
19 *cooling systems, inadequate lighting, drinking*
20 *water that does not meet health-based standards,*
21 *infestations of rodents, insects, or other animals*
22 *that may carry or cause disease;*

23 “(E) *have dust or debris from crumbling*
24 *structures or construction efforts; and*

1 “(F) have been subjected to use of pesticides,
2 insecticides, chemicals, or cleaners, lead-based
3 paint, or asbestos or have radon or other haz-
4 ardous substances prohibited by Federal or State
5 codes.

6 “(2) The health and learning impacts of dilapi-
7 dated or environmental unhealthy public school build-
8 ings on students that are attending or that have at-
9 tended a school described in subsection (a), including
10 information on the rates of such impacts where avail-
11 able. Such health impacts may include higher than
12 expected incidence of injury, infectious disease, or
13 chronic disease, such as asthma, allergies, elevated
14 blood lead levels, behavioral disorders, or ultimately
15 cancer. Such learning impacts may include lower lev-
16 els of student achievement, inability of students to
17 concentrate, and other educational indicators.

18 “(3) Recommendations to Congress on how to as-
19 sist schools that are out of compliance with Federal
20 or State codes or in need of assistance to achieve
21 healthy and safe school environments, how to improve
22 the overall monitoring of public school building
23 health, and a cost estimate of bringing all public
24 schools up to such standards.

1 “(4) *The identification of the existing gaps in*
2 *information regarding the health of public elementary*
3 *and secondary school buildings and the health and*
4 *learning impacts on students that attend dilapidated*
5 *or environmentally unhealthy public schools, includ-*
6 *ing recommendations for obtaining such information.*

7 “(5) *The capacity (such as the district bonded*
8 *indebtedness or the indebtedness authorized by the dis-*
9 *trict electorate and payable from the general property*
10 *taxes levied by the district) of public schools that are*
11 *dilapidated or environmentally unhealthy to provide*
12 *additional funds to meet some or all of the school’s*
13 *renovation, repair, or construction needs.*

14 “(6) *The degree to which funds expended by pub-*
15 *lic schools to implement improvements or to address*
16 *the conditions examined under this study are, or have*
17 *been, appropriately managed by the legally respon-*
18 *sible entities.*

19 “(c) *STUDY COMPLETION.—The study under sub-*
20 *section (a) shall be completed by the earlier of—*

21 “(1) *not later than 18 months after the date of*
22 *enactment of this Act; or*

23 “(2) *not later than December 31, 2002.*

24 “(d) *PUBLIC DISSEMINATION.—The Secretary shall*
25 *make the study under this section available for public con-*

1 *sumption through the Educational Resources Information*
2 *Center National Clearinghouse for Educational Facilities*
3 *of the Department of Education.*

4 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
5 *authorized to be appropriated \$2,000,000 for fiscal year*
6 *2002 for the conduct of the study under subsection (a).*

7 “**SEC. 4802. HEALTHY AND HIGH PERFORMANCE SCHOOLS**
8 **PROGRAM.**

9 “(a) *SHORT TITLE.—This section may be cited as the*
10 *‘Healthy and High Performance Schools Act of 2001’.*

11 “(b) *PURPOSE.—It is the purpose of this section to as-*
12 *sist local educational agencies in the production of high per-*
13 *formance elementary school and secondary school buildings*
14 *that are energy-efficient, and environmentally healthy.*

15 “(c) *PROGRAM ESTABLISHMENT AND ADMINISTRA-*
16 *TION.—*

17 “(1) *PROGRAM.—There is established in the De-*
18 *partment of Education the High Performance Schools*
19 *Program (in this section referred to as the ‘Program’).*

20 “(2) *GRANTS.—The Secretary, in consultation*
21 *with the Secretary of Energy and the Administrator*
22 *of the Environmental Protection Agency, may,*
23 *through the Program, award grants to State edu-*
24 *cational agencies to permit such State educational*
25 *agencies to carry out paragraph (3).*

1 “(3) *STATE USE OF FUNDS.*—

2 “(A) *SUBGRANTS.*—

3 “(i) *IN GENERAL.*—A State edu-
4 *cational agency receiving a grant under*
5 *this section shall use the grant funds made*
6 *available under subsection (d)(1)(A) to*
7 *award subgrants to local educational agen-*
8 *cies to permit such local educational agen-*
9 *cies to carry out the activities described in*
10 *paragraph (4).*

11 “(ii) *LIMITATION.*—A State edu-
12 *cational agency shall award subgrants*
13 *under clause (i) to the neediest local edu-*
14 *cational agencies as determined by the State*
15 *and that have made a commitment to use*
16 *the subgrant funds to develop healthy, high*
17 *performance school buildings in accordance*
18 *with the plan developed and approved pur-*
19 *suant to clause (iii)(I).*

20 “(iii) *IMPLEMENTATION.*—

21 “(I) *PLANS.*—A State educational
22 *agency shall award subgrants under*
23 *subparagraph (A) only to local edu-*
24 *cational agencies that, in consultation*
25 *with the State educational agency and*

1 *State offices with responsibilities relat-*
2 *ing to energy and health, have devel-*
3 *oped plans that the State educational*
4 *agency determines to be feasible and*
5 *appropriate in order to achieve the*
6 *purposes for which such subgrants are*
7 *made.*

8 “(II) *SUPPLEMENTING GRANT*
9 *FUNDS.—The State educational agency*
10 *shall encourage qualifying local edu-*
11 *cational agencies to supplement their*
12 *subgrant funds with funds from other*
13 *sources in the implementation of their*
14 *plans.*

15 “(B) *ADMINISTRATION.—A State edu-*
16 *cational agency receiving a grant under this sec-*
17 *tion shall use the grant funds made available*
18 *under subsection (d)(1)(B)—*

19 *“(i) to evaluate compliance by local*
20 *educational agencies with the requirements*
21 *of this section;*

22 *“(ii) to distribute information and*
23 *materials on healthy, high performance*
24 *school buildings for both new and existing*
25 *facilities;*

1 “(iii) to organize and conduct pro-
2 grams for school board members, school dis-
3 trict personnel, and others to disseminate
4 information on healthy, high performance
5 school buildings;

6 “(iv) to obtain technical services and
7 assistance in planning and designing
8 healthy, high performance school buildings;
9 and

10 “(v) to collect and monitor information
11 pertaining to the healthy, high performance
12 school building projects funded under this
13 section.

14 “(4) LOCAL USE OF FUNDS.—

15 “(A) IN GENERAL.—A subgrant received by
16 a local educational agency under paragraph
17 (3)(A) shall be used for renovation projects
18 that—

19 “(i) achieve energy-efficiency perform-
20 ance that reduces energy use to at least 30
21 percent below that of a school constructed in
22 compliance with standards prescribed in
23 Chapter 8 of the 2000 International Energy
24 Conservation Code, or a similar State code

1 *intended to achieve substantially equivalent*
2 *results; and*

3 “(ii) *achieve environmentally healthy*
4 *schools in compliance with Federal and*
5 *State codes intended to achieve healthy and*
6 *safe school environments.*

7 “(B) *EXISTING BUILDINGS.*—*A local edu-*
8 *cational agency receiving a subgrant under*
9 *paragraph (3)(A) for renovation of existing*
10 *school buildings shall use such subgrant funds—*

11 “(i) *to achieve energy efficiency per-*
12 *formance that reduces energy use below the*
13 *school’s baseline consumption, assuming a*
14 *3-year, weather-normalized average for cal-*
15 *culating such baseline; and*

16 “(ii) *to help bring schools into compli-*
17 *ance with Federal and State health and*
18 *safety standards.*

19 “(d) *ALLOCATION OF FUNDS.*—

20 “(1) *IN GENERAL.*—*A State receiving a grant*
21 *under this section shall use—*

22 “(A) *not less than 70 percent of such grant*
23 *funds to carry out subsection (c)(3)(A); and*

24 “(B) *not less than 15 percent of such grant*
25 *funds to carry out subsection (c)(3)(B).*

1 “(2) *RESERVATION.*—*The Secretary may reserve*
2 *up to 1 percent per year from amounts appropriated*
3 *under subsection (f) to assist State educational agen-*
4 *cies in coordinating and implementing the Program.*

5 “(e) *REPORT TO CONGRESS.*—

6 “(1) *IN GENERAL.*—*The Secretary shall conduct*
7 *a biennial review of State actions implementing this*
8 *section, and shall report to Congress on the results of*
9 *such reviews.*

10 “(2) *REVIEWS.*—*In conducting such reviews, the*
11 *Secretary shall assess the effectiveness of the calcula-*
12 *tion procedures used by State educational agencies in*
13 *establishing eligibility of local educational agencies*
14 *for subgrants under this section, and may assess other*
15 *aspects of the Program to determine whether the as-*
16 *pects have been effectively implemented.*

17 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
18 *authorized to be appropriated to the Secretary to carry out*
19 *this section—*

20 “(1) *\$50,000,000 for fiscal year 2002; and*

21 “(2) *such sums as may be necessary for each of*
22 *fiscal years 2003 through 2011.*

23 “(g) *DEFINITIONS.*—*In this section:*

24 “(1) *HEALTHY, HIGH PERFORMANCE SCHOOL*
25 *BUILDING.*—*The term ‘healthy, high performance*

1 *school building’ means a school building which, in its*
2 *design, construction, operation, and maintenance,*
3 *maximizes use of renewable energy and energy-effi-*
4 *cient practices, is cost-effective, uses affordable, envi-*
5 *ronmentally preferable, durable materials, enhances*
6 *indoor environmental quality, and protects and con-*
7 *serves water.*

8 “(2) *RENEWABLE ENERGY.*—*The term ‘renewable*
9 *energy’ means energy produced by solar, wind, geo-*
10 *thermal, hydroelectric, or biomass power.*

11 “(h) *LIMITATIONS.*—*No funds received under this sec-*
12 *tion may be used for—*

13 “(1) *payment of maintenance of costs in connec-*
14 *tion with any projects constructed in whole or in part*
15 *with Federal funds provided under this Act;*

16 “(2) *the construction of new school facilities;*

17 “(3) *stadiums or other facilities primarily used*
18 *for athletic contests or exhibitions or other events for*
19 *which admission is charged to the general public.*

20 **SEC. 410. AMENDMENT TO THE INDIVIDUALS WITH DISABIL-**
21 **ITIES EDUCATION ACT.**

22 *Part D of the Individuals with Disabilities Education*
23 *Act (20 U.S.C. 1451 et seq.) is amended by adding at the*
24 *end the following:*

1 **“Chapter 3—Improving Early Intervention, Edu-**
2 **catational, and Transitional Services and Results**
3 **for Children with Disabilities Through the Provi-**
4 **sion of Certain Services**

5 **“SEC. 691. FINDINGS.**

6 *“Congress makes the following findings:*

7 *“(1) Approximately 1,000,000 children and*
8 *youth in the United States have low-incidence disabil-*
9 *ities which affects the hearing, vision, movement, emo-*
10 *tional, and intellectual capabilities of such children*
11 *and youth.*

12 *“(2) There are 15 States that do not offer or*
13 *maintain teacher training programs for any of the 3*
14 *categories of low-incidence disabilities. The 3 cat-*
15 *egories are deafness, blindness, and severe disabilities.*

16 *“(3) There are 38 States in which teacher train-*
17 *ing programs are not offered or maintained for 1 or*
18 *more of the 3 categories of low-incidence disabilities.*

19 *“(4) The University of Northern Colorado is in*
20 *a unique position to provide expertise, materials, and*
21 *equipment to other schools and educators across the*
22 *Nation to train current and future teachers to educate*
23 *individuals that are challenged by low-incidence dis-*
24 *abilities.*

1 **“SEC. 692. NATIONAL CENTER FOR LOW-INCIDENCE DIS-**
2 **ABILITIES.**

3 *“In order to fill the national need for teachers trained*
4 *to educate children who are challenged with low-incidence*
5 *disabilities, the University of Northern Colorado shall be*
6 *designated as a National Center for Low-Incidence Disabil-*
7 *ities.*

8 **“SEC. 693. SPECIAL EDUCATION TEACHER TRAINING PRO-**
9 **GRAMS.**

10 *“(a) GRANT.—The Secretary shall award a grant to*
11 *the University of Northern Colorado to enable such univer-*
12 *sity to provide to institutions of higher education across*
13 *the Nation such services that are offered under the special*
14 *education teacher training program carried out by such*
15 *university, such as providing educational materials or other*
16 *information necessary in order to aid in such teacher train-*
17 *ing.*

18 *“(b) AUTHORIZATION OF APPROPRIATIONS.—There*
19 *are authorized to be appropriated to carry out this section,*
20 *\$2,000,000 for fiscal year 2002, and \$1,000,000 for each*
21 *of the fiscal years 2003 through 2005.”.*

22 **TITLE V—PUBLIC SCHOOL**
23 **CHOICE AND FLEXIBILITY**

24 **SEC. 501. PUBLIC SCHOOL CHOICE AND FLEXIBILITY.**

25 *Title V (20 U.S.C. 7301 et seq.) is amended to read*
26 *as follows:*

1 **“TITLE V—PUBLIC SCHOOL**
2 **CHOICE AND FLEXIBILITY**

3 **“PART A—PUBLIC SCHOOL CHOICE**

4 **“Subpart 1—Charter Schools**

5 **“SEC. 5111. PURPOSE.**

6 *“It is the purpose of this subpart to increase national*
7 *understanding of the charter schools model by—*

8 *“(1) providing financial assistance for the plan-*
9 *ning, program design and initial implementation of*
10 *charter schools;*

11 *“(2) evaluating the effects of such schools, includ-*
12 *ing the effects on students, student achievement, staff,*
13 *and parents; and*

14 *“(3) expanding the number of high-quality char-*
15 *ter schools available to students across the Nation.*

16 **“SEC. 5112. PROGRAM AUTHORIZED.**

17 *“(a) IN GENERAL.—The Secretary may award grants*
18 *to State educational agencies having applications approved*
19 *pursuant to section 5113 to enable such agencies to conduct*
20 *a charter school grant program in accordance with this sub-*
21 *part.*

22 *“(b) SPECIAL RULE.—If a State educational agency*
23 *elects not to participate in the program authorized by this*
24 *subpart or does not have an application approved under*
25 *section 5113, the Secretary may award a grant to an eligi-*

1 ble applicant that serves such State and has an application
2 approved pursuant to section 5113(c).

3 “(c) *PROGRAM PERIODS.*—

4 “(1) *GRANTS TO STATES.*—Grants awarded to
5 State educational agencies under this subpart shall be
6 awarded for a period of not more than 3 years.

7 “(2) *GRANTS TO ELIGIBLE APPLICANTS.*—Grants
8 awarded by the Secretary to eligible applicants or
9 subgrants awarded by State educational agencies to
10 eligible applicants under this subpart shall be award-
11 ed for a period of not more than 3 years, of which
12 the eligible applicant may use—

13 “(A) not more than 18 months for planning
14 and program design;

15 “(B) not more than 2 years for the initial
16 implementation of a charter school; and

17 “(C) not more than 2 years to carry out
18 dissemination activities described in section
19 5114(f)(6)(B).

20 “(d) *LIMITATION.*—A charter school may not receive—

21 “(1) more than one grant for activities described
22 in subparagraphs (A) and (B) of subsection (c)(2); or

23 “(2) more than one grant for activities under
24 subparagraph (C) of subsection (c)(2).

25 “(e) *PRIORITY TREATMENT.*—

1 “(1) *IN GENERAL.*—*In awarding grants under*
2 *this subpart for fiscal year 2002 or any succeeding*
3 *fiscal year from any funds appropriated under sec-*
4 *tion 5121, the Secretary shall give priority to States*
5 *to the extent that the States meet the criteria de-*
6 *scribed in paragraph (2) and one or more of the cri-*
7 *teria described in subparagraph (A), (B), or (C) of*
8 *paragraph (3).*

9 “(2) *REVIEW AND EVALUATION PRIORITY CRI-*
10 *TERIA.*—*The criteria referred to in paragraph (1) is*
11 *that the State provides for periodic review and eval-*
12 *uation by the authorized public chartering agency of*
13 *each charter school, at least once every 5 years unless*
14 *required more frequently by State law, to determine*
15 *whether the charter school is meeting the terms of the*
16 *school’s charter, and is meeting or exceeding the aca-*
17 *ademic performance requirements and goals for charter*
18 *schools as set forth under State law or the school’s*
19 *charter.*

20 “(3) *PRIORITY CRITERIA.*—*The criteria referred*
21 *to in paragraph (1) are the following:*

22 “(A) *The State has demonstrated progress,*
23 *in increasing the number of high quality charter*
24 *schools that are held accountable in the terms of*
25 *the schools’ charters for meeting clear and meas-*

1 *urable objectives for the educational progress of*
2 *the students attending the schools, in the period*
3 *prior to the period for which a State educational*
4 *agency or eligible applicant applies for a grant*
5 *under this subpart.*

6 *“(B) The State—*

7 *“(i) provides for one authorized public*
8 *chartering agency that is not a local edu-*
9 *cational agency, such as a State chartering*
10 *board, for each individual or entity seeking*
11 *to operate a charter school pursuant to such*
12 *State law; or*

13 *“(ii) in the case of a State in which*
14 *local educational agencies are the only au-*
15 *thorized public chartering agencies, allows*
16 *for an appeals process for the denial of an*
17 *application for a charter school.*

18 *“(C) The State ensures that each charter*
19 *school has a high degree of autonomy over the*
20 *charter school’s budgets and expenditures.*

21 *“(f) AMOUNT CRITERIA.—In determining the amount*
22 *of a grant to be awarded under this subpart to a State edu-*
23 *cational agency, the Secretary shall take into consideration*
24 *the number of charter schools that are operating, or are ap-*
25 *proved to open, in the State.*

1 **“SEC. 5113. APPLICATIONS.**

2 “(a) *APPLICATIONS FROM STATE AGENCIES.*—Each
3 *State educational agency desiring a grant from the Sec-*
4 *retary under this subpart shall submit to the Secretary an*
5 *application at such time, in such manner, and containing*
6 *or accompanied by such information as the Secretary may*
7 *require.*

8 “(b) *CONTENTS OF A STATE EDUCATIONAL AGENCY*
9 *APPLICATION.*—Each application submitted pursuant to
10 *subsection (a) shall—*

11 “(1) *describe the objectives of the State edu-*
12 *cational agency’s charter school grant program and a*
13 *description of how such objectives will be fulfilled, in-*
14 *cluding steps taken by the State educational agency*
15 *to inform teachers, parents, and communities of the*
16 *State educational agency’s charter school grant pro-*
17 *gram; and*

18 “(2) *describe how the State educational agency—*

19 “(A) *will inform each charter school in the*
20 *State regarding—*

21 “(i) *Federal funds that the charter*
22 *school is eligible to receive; and*

23 “(ii) *Federal programs in which the*
24 *charter school may participate;*

25 “(B) *will ensure that each charter school in*
26 *the State receives the charter school’s commensu-*

1 *rate share of Federal education funds that are*
2 *allocated by formula each year, including during*
3 *the first year of operation of the charter school;*
4 *and*

5 *“(C) will disseminate best or promising*
6 *practices of charter schools to each local edu-*
7 *cational agency in the State; and*

8 *“(3) contain assurances that the State edu-*
9 *cational agency will require each eligible applicant*
10 *desiring to receive a subgrant to submit an applica-*
11 *tion to the State educational agency containing—*

12 *“(A) a description of the educational pro-*
13 *gram to be implemented by the proposed charter*
14 *school, including—*

15 *“(i) how the program will enable all*
16 *students to meet challenging State student*
17 *performance standards;*

18 *“(ii) the grade levels or ages of children*
19 *to be served; and*

20 *“(iii) the curriculum and instructional*
21 *practices to be used;*

22 *“(B) a description of how the charter school*
23 *will be managed;*

24 *“(C) a description of—*

1 “(i) the objectives of the charter school;

2 and

3 “(ii) the methods by which the charter
4 school will determine its progress toward
5 achieving those objectives;

6 “(D) a description of the administrative re-
7 lationship between the charter school and the au-
8 thorized public chartering agency;

9 “(E) a description of how parents and other
10 members of the community will be involved in
11 the planning, program design and implementa-
12 tion of the charter school;

13 “(F) a description of how the authorized
14 public chartering agency will provide for contin-
15 ued operation of the school once the Federal
16 grant has expired, if such agency determines that
17 the school has met the objectives described in sub-
18 paragraph (C)(i);

19 “(G) a request and justification for waivers
20 of any Federal statutory or regulatory provisions
21 that the applicant believes are necessary for the
22 successful operation of the charter school, and a
23 description of any State or local rules, generally
24 applicable to public schools, that will be waived
25 for, or otherwise not apply to, the school;

1 “(H) a description of how the subgrant
2 funds or grant funds, as appropriate, will be
3 used, including a description of how such funds
4 will be used in conjunction with other Federal
5 programs administered by the Secretary;

6 “(I) a description of how students in the
7 community will be—

8 “(i) informed about the charter school;
9 and

10 “(ii) given an equal opportunity to at-
11 tend the charter school;

12 “(J) an assurance that the eligible appli-
13 cant will annually provide the Secretary and the
14 State educational agency such information as
15 may be required to determine if the charter
16 school is making satisfactory progress toward
17 achieving the objectives described in subpara-
18 graph (C)(i);

19 “(K) an assurance that the applicant will
20 cooperate with the Secretary and the State edu-
21 cational agency in evaluating the program as-
22 sisted under this subpart;

23 “(L) a description of how a charter school
24 that is considered a local educational agency
25 under State law, or a local educational agency

1 *in which a charter school is located, will comply*
2 *with sections 613(a)(5) and 613(e)(1)(B) of the*
3 *Individuals with Disabilities Education Act;*

4 “(M) *if the eligible applicant desires to use*
5 *subgrant funds for dissemination activities*
6 *under section 5112(c)(2)(C), a description of*
7 *those activities and how those activities will in-*
8 *volve charter schools and other public schools,*
9 *local educational agencies, developers, and poten-*
10 *tial developers; and*

11 “(N) *such other information and assurances*
12 *as the Secretary and the State educational agen-*
13 *cy may require.*

14 “(c) *CONTENTS OF ELIGIBLE APPLICANT APPLICA-*
15 *TION.—Each eligible applicant desiring a grant pursuant*
16 *to section 5112(b) shall submit an application to the State*
17 *educational agency or Secretary, respectively, at such time,*
18 *in such manner, and accompanied by such information as*
19 *the State educational agency or Secretary, respectively,*
20 *may reasonably require.*

21 “(d) *CONTENTS OF APPLICATION.—Each application*
22 *submitted pursuant to subsection (c) shall contain—*

23 “(1) *the information and assurances described in*
24 *subparagraphs (A) through (N) of subsection (b)(3),*
25 *except that for purposes of this subsection subpara-*

1 *graphs (J), (K), and (N) of such subsection shall be*
2 *applied by striking ‘and the State educational agen-*
3 *cy’ each place such term appears; and*

4 *“(2) assurances that the State educational*
5 *agency—*

6 *“(A) will grant, or will obtain, waivers of*
7 *State statutory or regulatory requirements; and*

8 *“(B) will assist each subgrantee in the State*
9 *in receiving a waiver under section 5114(e).*

10 **“SEC. 5114. ADMINISTRATION.**

11 *“(a) SELECTION CRITERIA FOR STATE EDUCATIONAL*
12 *AGENCIES.—The Secretary shall award grants to State edu-*
13 *cational agencies under this subpart on the basis of the*
14 *quality of the applications submitted under section 5113(b),*
15 *after taking into consideration such factors as—*

16 *“(1) the contribution that the charter schools*
17 *grant program will make to assisting educationally*
18 *disadvantaged and other students to achieving State*
19 *content standards and State student performance*
20 *standards and, in general, a State’s education im-*
21 *provement plan;*

22 *“(2) the degree of flexibility afforded by the State*
23 *educational agency to charter schools under the*
24 *State’s charter schools law;*

1 “(3) *the ambitiousness of the objectives for the*
2 *State charter school grant program;*

3 “(4) *the quality of the strategy for assessing*
4 *achievement of those objectives;*

5 “(5) *the likelihood that the charter school grant*
6 *program will meet those objectives and improve edu-*
7 *cational results for students;*

8 “(6) *the number of high quality charter schools*
9 *created under this subpart in the State; and*

10 “(7) *in the case of State educational agencies*
11 *that propose to use grant funds to support dissemina-*
12 *tion activities under section 5112(c)(2)(C), the qual-*
13 *ity of those activities and the likelihood that those ac-*
14 *tivities will improve student achievement.*

15 “(b) *SELECTION CRITERIA FOR ELIGIBLE APPLI-*
16 *CANTS.—The Secretary shall award grants to eligible appli-*
17 *cants under this subpart on the basis of the quality of the*
18 *applications submitted under section 5113(c), after taking*
19 *into consideration such factors as—*

20 “(1) *the quality of the proposed curriculum and*
21 *instructional practices;*

22 “(2) *the degree of flexibility afforded by the State*
23 *educational agency and, if applicable, the local edu-*
24 *cational agency to the charter school;*

1 “(3) *the extent of community support for the ap-*
2 *plication;*

3 “(4) *the ambitiousness of the objectives for the*
4 *charter school;*

5 “(5) *the quality of the strategy for assessing*
6 *achievement of those objectives;*

7 “(6) *the likelihood that the charter school will*
8 *meet those objectives and improve educational results*
9 *for students; and*

10 “(7) *in the case of an eligible applicant that pro-*
11 *poses to use grant funds to support dissemination ac-*
12 *tivities under section 5112(c)(2)(C), the quality of*
13 *those activities and the likelihood that those activities*
14 *will improve student achievement.*

15 “(c) *PEER REVIEW.—The Secretary, and each State*
16 *educational agency receiving a grant under this subpart,*
17 *shall use a peer review process to review applications for*
18 *assistance under this subpart.*

19 “(d) *DIVERSITY OF PROJECTS.—The Secretary and*
20 *each State educational agency receiving a grant under this*
21 *subpart, shall award subgrants under this subpart in a*
22 *manner that, to the extent possible, ensures that such grants*
23 *and subgrants—*

1 “(1) are distributed throughout different areas of
2 the Nation and each State, including urban and rural
3 areas; and

4 “(2) will assist charter schools representing a va-
5 riety of educational approaches, such as approaches
6 designed to reduce school size.

7 “(e) *WAIVERS.*—The Secretary may waive any statu-
8 tory or regulatory requirement over which the Secretary ex-
9 ercises administrative authority except any such require-
10 ment relating to the elements of a charter school described
11 in section 5120(1), if—

12 “(1) the waiver is requested in an approved ap-
13 plication under this subpart; and

14 “(2) the Secretary determines that granting such
15 a waiver will promote the purpose of this subpart.

16 “(f) *USE OF FUNDS.*—

17 “(1) *STATE EDUCATIONAL AGENCIES.*—Each
18 State educational agency receiving a grant under this
19 subpart shall use such grant funds to award sub-
20 grants to one or more eligible applicants in the State
21 to enable such applicant to plan and implement a
22 charter school in accordance with this subpart, except
23 that the State educational agency may reserve not
24 more than 10 percent of the grant funds to support
25 dissemination activities described in paragraph (6).

1 “(2) *ELIGIBLE APPLICANTS.*—*Each eligible ap-*
2 *plicant receiving funds from the Secretary or a State*
3 *educational agency shall use such funds to plan and*
4 *implement a charter school, or to disseminate infor-*
5 *mation about the charter school and successful prac-*
6 *tices in the charter school, in accordance with this*
7 *subpart.*

8 “(3) *ALLOWABLE ACTIVITIES.*—*An eligible appli-*
9 *cant receiving a grant or subgrant under this subpart*
10 *may use the grant or subgrant funds only for—*

11 (A) *post-award planning and design of the*
12 *educational program, which may include—*

13 “(i) *refinement of the desired edu-*
14 *cational results and of the methods for*
15 *measuring progress toward achieving those*
16 *results; and*

17 “(ii) *professional development of teach-*
18 *ers and other staff who will work in the*
19 *charter school; and*

20 (B) *initial implementation of the charter*
21 *school, which may include—*

22 “(i) *informing the community about*
23 *the school;*

24 “(ii) *acquiring necessary equipment*
25 *and educational materials and supplies;*

1 “(iii) acquiring or developing cur-
2 riculum materials; and

3 “(iv) other initial operational costs
4 that cannot be met from State or local
5 sources.

6 “(4) ADMINISTRATIVE EXPENSES.—Each State
7 educational agency receiving a grant pursuant to this
8 subpart may reserve not more than 5 percent of such
9 grant funds for administrative expenses associated
10 with the charter school grant program assisted under
11 this subpart.

12 “(5) REVOLVING LOAN FUNDS.—Each State edu-
13 cational agency receiving a grant pursuant to this
14 subpart may reserve not more than 10 percent of the
15 grant amount for the establishment of a revolving
16 loan fund. Such fund may be used to make loans to
17 eligible applicants that have received a subgrant
18 under this subpart, under such terms as may be deter-
19 mined by the State educational agency, for the initial
20 operation of the charter school grant program of such
21 recipient until such time as the recipient begins re-
22 ceiving ongoing operational support from State or
23 local financing sources.

24 “(6) DISSEMINATION.—

1 “(A) *IN GENERAL.*—A charter school may
2 *apply for funds under this subpart, whether or*
3 *not the charter school has applied for or received*
4 *funds under this subpart for planning, program*
5 *design, or implementation, to carry out the ac-*
6 *tivities described in subparagraph (B) if the*
7 *charter school has been in operation for at least*
8 *3 consecutive years and has demonstrated overall*
9 *success, including—*

10 “(i) *substantial progress in improving*
11 *student achievement;*

12 “(ii) *high levels of parent satisfaction;*
13 *and*

14 “(iii) *the management and leadership*
15 *necessary to overcome initial start-up prob-*
16 *lems and establish a thriving, financially*
17 *viable charter school.*

18 “(B) *ACTIVITIES.*—A charter school de-
19 *scribed in subparagraph (A) may use funds re-*
20 *served under paragraph (1) to assist other*
21 *schools in adapting the charter school’s program*
22 *(or certain aspects of the charter school’s pro-*
23 *gram), or to disseminate information about the*
24 *charter school, through such activities as—*

1 “(i) assisting other individuals with
2 the planning and start-up of one or more
3 new public schools, including charter
4 schools, that are independent of the assist-
5 ing charter school and the assisting charter
6 school’s developers, and that agree to be held
7 to at least as high a level of accountability
8 as the assisting charter school;

9 “(ii) developing partnerships with
10 other public schools, including charter
11 schools, designed to improve student per-
12 formance in each of the schools partici-
13 pating in the partnership;

14 “(iii) developing curriculum materials,
15 assessments, and other materials that pro-
16 mote increased student achievement and are
17 based on successful practices within the as-
18 sisting charter school; and

19 “(iv) conducting evaluations and devel-
20 oping materials that document the success-
21 ful practices of the assisting charter school
22 and that are designed to improve student
23 performance in other schools.

24 “(g) *TRIBALLY CONTROLLED SCHOOLS.*—Each State
25 that receives a grant under this subpart and designates a

1 *tribally controlled school as a charter school shall not con-*
2 *sider payments to a school under the Tribally Controlled*
3 *Schools Act of 1988 (25 U.S.C. 2507) in determining—*

4 “(1) *the eligibility of the school to receive any*
5 *other Federal, State, or local aid; or*

6 “(2) *the amount of such aid.*

7 **“SEC. 5115. NATIONAL ACTIVITIES.**

8 “(a) *IN GENERAL.—The Secretary shall reserve for*
9 *each fiscal year the greater of 5 percent or \$5,000,000 of*
10 *the amount appropriated to carry out this subpart, except*
11 *that in no fiscal year shall the total amount so reserved*
12 *exceed \$8,000,000, to carry out the following activities:*

13 “(1) *To provide charter schools, either directly or*
14 *through State educational agencies, with—*

15 “(A) *information regarding—*

16 “(i) *Federal funds that charter schools*
17 *are eligible to receive; and*

18 “(ii) *other Federal programs in which*
19 *charter schools may participate; and*

20 “(B) *assistance in applying for Federal*
21 *education funds that are allocated by formula,*
22 *including assistance with filing deadlines and*
23 *submission of applications.*

1 “(2) To provide for the completion of the 4-year
2 national study (which began in 1995) of charter
3 schools.

4 “(3) To provide for other evaluations or studies
5 that include the evaluation of the impact of charter
6 schools on student achievement, including information
7 regarding—

8 “(A) students attending charter schools re-
9 ported on the basis of race, age, disability, gen-
10 der, limited English proficiency, and previous
11 enrollment in public school; and

12 “(B) the professional qualifications of teach-
13 ers within a charter school and the turnover of
14 the teaching force.

15 “(4) To provide—

16 “(A) information to applicants for assist-
17 ance under this subpart;

18 “(B) assistance to applicants for assistance
19 under this subpart with the preparation of ap-
20 plications under section 5113;

21 “(C) assistance in the planning and startup
22 of charter schools;

23 “(D) training and technical assistance to
24 existing charter schools; and

1 “(E) for the dissemination to other public
2 schools of best or promising practices in charter
3 schools.

4 “(5) To provide (including through the use of one
5 or more contracts that use a competitive bidding
6 process) for the collection of information regarding the
7 financial resources available to charter schools, in-
8 cluding access to private capital, and to widely dis-
9 seminate to charter schools any such relevant infor-
10 mation and model descriptions of successful pro-
11 grams.

12 “(b) CONSTRUCTION.—Nothing in this section shall be
13 construed to require charter schools to collect any data de-
14 scribed in subsection (a).

15 **“SEC. 5116. FEDERAL FORMULA ALLOCATION DURING**
16 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
17 **MENT EXPANSIONS.**

18 “(a) IN GENERAL.—For purposes of the allocation to
19 schools by the States or their agencies of funds under part
20 A of title I, and any other Federal funds which the Sec-
21 retary allocates to States on a formula basis, the Secretary
22 and each State educational agency shall take such measures
23 not later than 6 months after the date of the enactment of
24 the Charter School Expansion Act of 1998 as are necessary
25 to ensure that every charter school receives the Federal fund-

1 *ing for which the charter school is eligible not later than*
2 *5 months after the charter school first opens, notwith-*
3 *standing the fact that the identity and characteristics of*
4 *the students enrolling in that charter school are not fully*
5 *and completely determined until that charter school actu-*
6 *ally opens. The measures similarly shall ensure that every*
7 *charter school expanding its enrollment in any subsequent*
8 *year of operation receives the Federal funding for which the*
9 *charter school is eligible not later than 5 months after such*
10 *expansion.*

11 *“(b) ADJUSTMENT AND LATE OPENINGS.—*

12 *“(1) IN GENERAL.—The measures described in*
13 *subsection (a) shall include provision for appropriate*
14 *adjustments, through recovery of funds or reduction of*
15 *payments for the succeeding year, in cases where pay-*
16 *ments made to a charter school on the basis of esti-*
17 *mated or projected enrollment data exceed the*
18 *amounts that the school is eligible to receive on the*
19 *basis of actual or final enrollment data.*

20 *“(2) RULE.—For charter schools that first open*
21 *after November 1 of any academic year, the State, in*
22 *accordance with guidance provided by the Secretary*
23 *and applicable Federal statutes and regulations, shall*
24 *ensure that such charter schools that are eligible for*
25 *the funds described in subsection (a) for such aca-*

1 *ademic year have a full and fair opportunity to receive*
2 *those funds during the charter schools' first year of*
3 *operation.*

4 **"SEC. 5117. SOLICITATION OF INPUT FROM CHARTER**
5 **SCHOOL OPERATORS.**

6 *"To the extent practicable, the Secretary shall ensure*
7 *that administrators, teachers, and other individuals di-*
8 *rectly involved in the operation of charter schools are con-*
9 *sulted in the development of any rules or regulations re-*
10 *quired to implement this subpart, as well as in the develop-*
11 *ment of any rules or regulations relevant to charter schools*
12 *that are required to implement part A of title I, the Individ-*
13 *uals with Disabilities Education Act (20 U.S.C. 1400 et*
14 *seq.), or any other program administered by the Secretary*
15 *that provides education funds to charter schools or regulates*
16 *the activities of charter schools.*

17 **"SEC. 5118. RECORDS TRANSFER.**

18 *"State educational agencies and local educational*
19 *agencies, to the extent practicable, shall ensure that a stu-*
20 *dent's records and, if applicable, a student's individualized*
21 *education program as defined in section 602(11) of the In-*
22 *dividuals with Disabilities Education Act, are transferred*
23 *to a charter school upon the transfer of the student to the*
24 *charter school, and to another public school upon the trans-*

1 *fer of the student from a charter school to another public*
2 *school, in accordance with applicable State law.*

3 **“SEC. 5119. PAPERWORK REDUCTION.**

4 *“To the extent practicable, the Secretary and each au-*
5 *thorized public chartering agency shall ensure that imple-*
6 *mentation of this subpart results in a minimum of paper-*
7 *work for any eligible applicant or charter school.*

8 **“SEC. 5120. DEFINITIONS.**

9 *“In this subpart:*

10 *“(1) CHARTER SCHOOL.—The term ‘charter*
11 *school’ means a public school that—*

12 *“(A) in accordance with a specific State*
13 *statute authorizing the granting of charters to*
14 *schools, is exempted from significant State or*
15 *local rules that inhibit the flexible operation and*
16 *management of public schools, but not from any*
17 *rules relating to the other requirements of this*
18 *paragraph;*

19 *“(B) is created by a developer as a public*
20 *school, or is adapted by a developer from an ex-*
21 *isting public school, and is operated under pub-*
22 *lic supervision and direction;*

23 *“(C) operates in pursuit of a specific set of*
24 *educational objectives determined by the school’s*

1 *developer and agreed to by the authorized public*
2 *chartering agency;*

3 *“(D) provides a program of elementary or*
4 *secondary education, or both;*

5 *“(E) is nonsectarian in its programs, ad-*
6 *missions policies, employment practices, and all*
7 *other operations, and is not affiliated with a sec-*
8 *tarian school or religious institution;*

9 *“(F) does not charge tuition;*

10 *“(G) complies with the Age Discrimination*
11 *Act of 1975, title VI of the Civil Rights Act of*
12 *1964, title IX of the Education Amendments of*
13 *1972, section 504 of the Rehabilitation Act of*
14 *1973, and part B of the Individuals with Dis-*
15 *abilities Education Act;*

16 *“(H) is a school to which parents choose to*
17 *send their children, and that admits students on*
18 *the basis of a lottery, if more students apply for*
19 *admission than can be accommodated;*

20 *“(I) agrees to comply with the same Federal*
21 *and State audit requirements as do other elemen-*
22 *tary schools and secondary schools in the State,*
23 *unless such requirements are specifically waived*
24 *for the purpose of this program;*

1 “(J) meets all applicable Federal, State,
2 and local health and safety requirements;

3 “(K) operates in accordance with State law;
4 and

5 “(L) has a written performance contract
6 with the authorized public chartering agency in
7 the State that includes a description of how stu-
8 dent performance will be measured in charter
9 schools pursuant to State assessments that are
10 required of other schools and pursuant to any
11 other assessments mutually agreeable to the au-
12 thorized public chartering agency and the char-
13 ter school.

14 “(2) *DEVELOPER*.—The term ‘developer’ means
15 an individual or group of individuals (including a
16 public or private nonprofit organization), which may
17 include teachers, administrators and other school
18 staff, parents, or other members of the local commu-
19 nity in which a charter school project will be carried
20 out.

21 “(3) *ELIGIBLE APPLICANT*.—The term ‘eligible
22 applicant’ means an authorized public chartering
23 agency participating in a partnership with a devel-
24 oper to establish a charter school in accordance with
25 this subpart.

1 “(4) *AUTHORIZED PUBLIC CHARTERING AGEN-*
2 *CY.—The term ‘authorized public chartering agency’*
3 *means a State educational agency, local educational*
4 *agency, or other public entity that has the authority*
5 *pursuant to State law and approved by the Secretary*
6 *to authorize or approve a charter school.*

7 **“SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.**

8 *“For the purpose of carrying out this subpart, there*
9 *are authorized to be appropriated \$190,000,000 for fiscal*
10 *year 2002 and such sums as may be necessary for each of*
11 *the 6 succeeding fiscal years.*

12 **“Subpart 2—Magnet Schools Assistance**

13 **“SEC. 5131. FINDINGS AND STATEMENT OF PURPOSE.**

14 “(a) *FINDINGS.—Congress makes the following find-*
15 *ings:*

16 “(1) *Magnet schools are a significant part of our*
17 *Nation’s effort to achieve voluntary desegregation of*
18 *our Nation’s schools.*

19 “(2) *It is in the national interest to continue the*
20 *Federal Government’s support of school districts that*
21 *are implementing court-ordered desegregation plans*
22 *and school districts that are voluntarily seeking to*
23 *foster meaningful interaction among students of dif-*
24 *ferent racial and ethnic backgrounds.*

1 “(3) *Desegregation can help ensure that all stu-*
2 *dents have equitable access to high-quality education*
3 *that will prepare them to function well in a techno-*
4 *logically oriented and highly competitive society com-*
5 *prised of people from many different racial and eth-*
6 *nic backgrounds.*

7 “(4) *It is in the national interest to desegregate*
8 *and diversify those schools in our Nation that are ra-*
9 *cially, economically, linguistically, or ethnically seg-*
10 *regated. Such segregation exists between minority and*
11 *non-minority students as well as among students of*
12 *different minority groups.*

13 “(b) *STATEMENT OF PURPOSE.—The purpose of this*
14 *subpart is to assist in the desegregation of schools served*
15 *by local educational agencies by providing financial assist-*
16 *ance to eligible local educational agencies for—*

17 “(1) *the elimination, reduction, or prevention of*
18 *minority group isolation in elementary schools and*
19 *secondary schools with substantial proportions of mi-*
20 *nority students which shall assist in the efforts of the*
21 *United States to achieve voluntary desegregation in*
22 *public schools;*

23 “(2) *the development and implementation of*
24 *magnet school projects that will assist local edu-*
25 *cational agencies in achieving systemic reforms and*

1 *providing all students the opportunity to meet chal-*
2 *lenging State and local content standards and chal-*
3 *lenging State and local student performance stand-*
4 *ards;*

5 *“(3) the development and design of innovative*
6 *educational methods and practices;*

7 *“(4) courses of instruction within magnet schools*
8 *that will substantially strengthen the knowledge of*
9 *academic subjects and the grasp of tangible and mar-*
10 *ketable vocational, technological and career skills of*
11 *students attending such schools;*

12 *“(5) improving the capacity of local educational*
13 *agencies, including through professional development,*
14 *to continue operating magnet schools at a high per-*
15 *formance level after Federal funding is terminated;*
16 *and*

17 *“(6) ensuring that all students enrolled in the*
18 *magnet school program have equitable access to high*
19 *quality education that will enable the students to suc-*
20 *ceed academically and continue with post secondary*
21 *education or productive employment.*

22 **“SEC. 5132. PROGRAM AUTHORIZED.**

23 *“The Secretary, in accordance with this subpart, is au-*
24 *thorized to make grants to eligible local educational agen-*
25 *cies, and consortia of such agencies where appropriate, to*

1 *carry out the purpose of this subpart for magnet schools*
2 *that are—*

3 “(1) *part of an approved desegregation plan;*
4 *and*

5 “(2) *designed to bring students from different so-*
6 *cial, economic, ethnic, and racial backgrounds to-*
7 *gether.*

8 **“SEC. 5133. DEFINITION.**

9 “*For the purpose of this subpart, the term ‘magnet*
10 *school’ means a public elementary school or secondary*
11 *school or a public elementary or secondary education center*
12 *that offers a special curriculum capable of attracting sub-*
13 *stantial numbers of students of different racial backgrounds.*

14 **“SEC. 5134. ELIGIBILITY.**

15 “*A local educational agency, or consortium of such*
16 *agencies where appropriate, is eligible to receive assistance*
17 *under this subpart to carry out the purposes of this subpart*
18 *if such agency or consortium—*

19 “(1) *is implementing a plan undertaken pursu-*
20 *ant to a final order issued by a court of the United*
21 *States, or a court of any State, or any other State*
22 *agency or official of competent jurisdiction, that re-*
23 *quires the desegregation of minority-group-segregated*
24 *children or faculty in the elementary schools and sec-*
25 *ondary schools of such agency; or*

1 “(2) *without having been required to do so, has*
2 *adopted and is implementing, or will, if assistance is*
3 *made available to such local educational agency or*
4 *consortium of such agencies under this subpart, adopt*
5 *and implement a plan that has been approved by the*
6 *Secretary as adequate under title VI of the Civil*
7 *Rights Act of 1964 for the desegregation of minority-*
8 *group-segregated children or faculty in such schools.*

9 **“SEC. 5135. APPLICATIONS AND REQUIREMENTS.**

10 “(a) *APPLICATIONS.—An eligible local educational*
11 *agency or consortium of such agencies desiring to receive*
12 *assistance under this subpart shall submit an application*
13 *to the Secretary at such time, in such manner, and con-*
14 *taining such information and assurances as the Secretary*
15 *may reasonably require.*

16 “(b) *INFORMATION AND ASSURANCES.—Each such ap-*
17 *plication shall include—*

18 “(1) *a description of—*

19 “(A) *how assistance made available under*
20 *this subpart will be used to promote desegrega-*
21 *tion, including how the proposed magnet school*
22 *project will increase interaction among students*
23 *of different social, economic, ethnic, and racial*
24 *backgrounds;*

1 “(B) the manner and extent to which the
2 magnet school project will increase student
3 achievement in the instructional area or areas
4 offered by the school;

5 “(C) how an applicant will continue the
6 magnet school project after assistance under this
7 subpart is no longer available, including, if ap-
8 plicable, an explanation of why magnet schools
9 established or supported by the applicant with
10 funds under this subpart cannot be continued
11 without the use of funds under this subpart;

12 “(D) how funds under this subpart will be
13 used to implement services and activities that
14 are consistent with other programs under this
15 Act, and other Acts, as appropriate, in accord-
16 ance with the provisions of section 5506; and

17 “(E) the criteria to be used in selecting stu-
18 dents to attend the proposed magnet school
19 project; and

20 “(2) assurances that the applicant will—

21 “(A) use funds under this subpart for the
22 purposes specified in section 5131(b);

23 “(B) employ State certified or licensed
24 teachers in the courses of instruction assisted
25 under this subpart to teach or supervise others

1 *who are teaching the subject matter of the courses*
2 *of instruction;*

3 “(C) *not engage in discrimination based on*
4 *race, religion, color, national origin, sex, or dis-*
5 *ability in—*

6 “(i) *the hiring, promotion, or assign-*
7 *ment of employees of the agency or other*
8 *personnel for whom the agency has any ad-*
9 *ministrative responsibility;*

10 “(ii) *the assignment of students to*
11 *schools, or to courses of instruction within*
12 *the school, of such agency, except to carry*
13 *out the approved plan; and*

14 “(iii) *designing or operating extra-*
15 *curricular activities for students;*

16 “(D) *carry out a high-quality education*
17 *program that will encourage greater parental de-*
18 *cisionmaking and involvement; and*

19 “(E) *give students residing in the local at-*
20 *tendance area of the proposed magnet school*
21 *project equitable consideration for placement in*
22 *the project, consistent with desegregation guide-*
23 *lines and the capacity of the project to accommo-*
24 *date these students.*

1 “(c) *SPECIAL RULE.*—No application may be ap-
2 proved under this section unless the Assistant Secretary of
3 Education for Civil Rights determines that the assurances
4 described in subsection (b)(2)(C) will be met.

5 **“SEC. 5136. PRIORITY.**

6 *“In approving applications under this subpart, the*
7 *Secretary shall give priority to applicants that—*

8 “(1) *demonstrate the greatest need for assistance,*
9 *based on the expense or difficulty of effectively car-*
10 *rying out an approved desegregation plan and the*
11 *projects for which assistance is sought;*

12 “(2) *propose to carry out new magnet school*
13 *projects, or significantly revise existing magnet school*
14 *projects;*

15 “(3) *propose to select students to attend magnet*
16 *school projects by methods such as lottery, rather than*
17 *through academic examination;*

18 “(4) *propose to implement innovative edu-*
19 *cational approaches that are consistent with the State*
20 *and local content and student performance standards;*
21 *and*

22 “(5) *propose activities, which may include pro-*
23 *fessional development, that will build local capacity*
24 *to operate the magnet school program once Federal*
25 *assistance has terminated.*

1 **“SEC. 5137. USE OF FUNDS.**

2 “(a) *IN GENERAL.*—*Grant funds made available under*
3 *this subpart may be used by an eligible local educational*
4 *agency or consortium of such agencies—*

5 “(1) *for planning and promotional activities di-*
6 *rectly related to the development, expansion, continu-*
7 *ation, or enhancement of academic programs and*
8 *services offered at magnet schools;*

9 “(2) *for the acquisition of books, materials, and*
10 *equipment, including computers and the maintenance*
11 *and operation thereof, necessary for the conduct of*
12 *programs in magnet schools;*

13 “(3) *for the payment, or subsidization of the*
14 *compensation, of elementary school and secondary*
15 *school teachers who are certified or licensed by the*
16 *State, and instructional staff where applicable, who*
17 *are necessary for the conduct of programs in magnet*
18 *schools;*

19 “(4) *with respect to a magnet school program of-*
20 *fered to less than the entire student population of a*
21 *school, for instructional activities that—*

22 “(A) *are designed to make available the spe-*
23 *cial curriculum that is offered by the magnet*
24 *school project to students who are enrolled in the*
25 *school but who are not enrolled in the magnet*
26 *school program; and*

1 “(B) further the purposes of this subpart;

2 “(5) to include professional development, which
3 professional development shall build the agency’s or
4 consortium’s capacity to operate the magnet school
5 once Federal assistance has terminated;

6 “(6) to enable the local educational agency or
7 consortium to have more flexibility in the administra-
8 tion of a magnet school program in order to serve stu-
9 dents attending a school who are not enrolled in a
10 magnet school program; and

11 “(7) to enable the local educational agency or
12 consortium to have flexibility in designing magnet
13 schools for students at all grades.

14 “(b) *SPECIAL RULE.*—Grant funds under this subpart
15 may be used in accordance with paragraphs (2) and (3)
16 of subsection (a) only if the activities described in such
17 paragraphs are directly related to improving the students’
18 reading skills or knowledge of mathematics, science, history,
19 geography, English, foreign languages, art, or music, or to
20 improving vocational, technological and career skills.

21 “**SEC. 5138. PROHIBITION.**

22 “Grants under this subpart may not be used for trans-
23 portation or any activity that does not augment academic
24 improvement.

1 **“SEC. 5139. LIMITATIONS.**

2 “(a) *DURATION OF AWARDS.*—A grant under this sub-
3 part shall be awarded for a period that shall not exceed
4 3 fiscal years.

5 “(b) *LIMITATION ON PLANNING FUNDS.*—A local edu-
6 cational agency may expend for planning (professional de-
7 velopment shall not be considered as planning for purposes
8 of this subsection) not more than 50 percent of the funds
9 received under this subpart for the first year of the project,
10 25 percent of such funds for the second such year, and 15
11 percent of such funds for the third such year.

12 “(c) *AMOUNT.*—No local educational agency or consor-
13 tium awarded a grant under this subpart shall receive more
14 than \$4,000,000 under this subpart in any 1 fiscal year.

15 “(d) *TIMING.*—To the extent practicable, the Secretary
16 shall award grants for any fiscal year under this subpart
17 not later than June 1 of the applicable fiscal year.

18 **“SEC. 5140. INNOVATIVE PROGRAMS.**

19 “(a) *IN GENERAL.*—From amounts reserved under
20 subsection (d) for each fiscal year, the Secretary shall award
21 grants to local educational agencies or consortia of such
22 agencies described in section 5134 to enable such agencies
23 or consortia to conduct innovative programs that—

24 “(1) *involve innovative strategies other than*
25 *magnet schools, such as neighborhood or community*

1 *model schools, to support desegregation of schools and*
2 *to reduce achievement gaps;*

3 *“(2) assist in achieving systemic reforms and*
4 *providing all students the opportunity to meet chal-*
5 *lenging State and local content standards and chal-*
6 *lenging State and local student performance stand-*
7 *ards; and*

8 *“(3) include innovative educational methods and*
9 *practices that—*

10 *“(A) are organized around a special empha-*
11 *sis, theme, or concept; and*

12 *“(B) involve extensive parent and commu-*
13 *nity involvement.*

14 *“(b) APPLICABILITY.—Sections 5131(b), 5132, 5135,*
15 *5136, and 5137, shall not apply to grants awarded under*
16 *subsection (a).*

17 *“(c) APPLICATIONS.—Each local educational agency*
18 *or consortia of such agencies desiring a grant under this*
19 *section shall submit an application to the Secretary at such*
20 *time, in such manner, and containing such information*
21 *and assurances as the Secretary may reasonably require.*

22 *“(d) INNOVATIVE PROGRAMS.—The Secretary shall re-*
23 *serve not more than 5 percent of the funds appropriated*
24 *under section 5142(a) for each fiscal year to award grants*
25 *under this section.*

1 **“SEC. 5141. EVALUATIONS.**

2 “(a) *RESERVATION.*—*The Secretary may reserve not*
3 *more than 2 percent of the funds appropriated under section*
4 *5142(a) for any fiscal year to carry out evaluations of*
5 *projects assisted under this subpart and to provide technical*
6 *assistance for grant recipients under this subpart.*

7 “(b) *CONTENTS.*—*Each evaluation described in sub-*
8 *section (a), at a minimum, shall address—*

9 “(1) *how and the extent to which magnet school*
10 *programs lead to educational quality and improve-*
11 *ment;*

12 “(2) *the extent to which magnet school programs*
13 *enhance student access to quality education;*

14 “(3) *the extent to which magnet school programs*
15 *lead to the elimination, reduction, or prevention of*
16 *minority group isolation in elementary schools and*
17 *secondary schools with substantial proportions of mi-*
18 *nority students;*

19 “(4) *the extent to which magnet school programs*
20 *differ from other school programs in terms of the or-*
21 *ganizational characteristics and resource allocations*
22 *of such magnet school programs; and*

23 “(5) *the extent to which magnet school programs*
24 *continue once grant assistance under this subpart is*
25 *terminated.*

1 “(c) *DISSEMINATION.*—*The Secretary shall collect and*
 2 *disseminate to the general public information on successful*
 3 *magnet school programs.*

4 “**SEC. 5142. AUTHORIZATION OF APPROPRIATIONS; RES-**
 5 **ERVATION.**

6 “(a) *AUTHORIZATION.*—*For the purpose of carrying*
 7 *out this subpart, there are authorized to be appropriated*
 8 *\$125,000,000 for fiscal year 2002 and such sums as may*
 9 *be necessary for each of the 6 succeeding fiscal years.*

10 “(b) *AVAILABILITY OF FUNDS FOR GRANTS TO AGEN-*
 11 *CIES NOT PREVIOUSLY ASSISTED.*—*In any fiscal year for*
 12 *which the amount appropriated pursuant to subsection (a)*
 13 *exceeds \$75,000,000, the Secretary shall give priority to*
 14 *using such amounts in excess of \$75,000,000 to award*
 15 *grants to local educational agencies or consortia of such*
 16 *agencies that did not receive a grant under this subpart*
 17 *in the preceding fiscal year.*

18 “**Subpart 3—Public School Choice**

19 “**SEC. 5151. PUBLIC SCHOOL CHOICE.**

20 “(a) *ALLOTMENT TO STATE.*—*From the amount ap-*
 21 *propriated under subsection (e) for a fiscal year, the Sec-*
 22 *retary shall allot to each State an amount that bears the*
 23 *same relation to the amount as the amount the State re-*
 24 *ceived under section 1122 for the preceding year bears to*

1 *the amount received by all States under section 1122 for*
2 *the preceding year.*

3 “(b) *STATE USE OF FUNDS.*—*Each State receiving an*
4 *allotment under subsection (a) shall use 100 percent of the*
5 *allotted funds for allocations to local educational agencies*
6 *to enable the local educational agencies to carry out school*
7 *improvement under section 1116(c).*

8 “(c) *PUBLIC SCHOOL CHOICE.*—*Subject to subsection*
9 *(d), each local educational agency receiving an allocation*
10 *under subsection (b), and each local educational agency that*
11 *is within a State that receives funds under part A of title*
12 *I (other than a local educational agency within a State that*
13 *receives a minimum grant under section 1124(d) or*
14 *1124A(a)(1)(B) of such Act), shall provide all students en-*
15 *rolled in a school identified under section 1116(c) and*
16 *served by the local educational agency with the option to*
17 *transfer to another public school within the school district*
18 *served by the local educational agency, including a public*
19 *charter school, that has not been identified for school im-*
20 *provement under section 1116(c), unless such option to*
21 *transfer is prohibited by State law or local law (which in-*
22 *cludes school board-approved local educational agency pol-*
23 *icy).*

24 “(d) *SPECIAL RULE.*—*If a local educational agency*
25 *demonstrates to the satisfaction of the State educational*

1 *agency that the local educational agency lacks the capacity*
 2 *to provide all students with the option to transfer to another*
 3 *public school within the school district served by the local*
 4 *educational agency in accordance with subsection (c), and*
 5 *gives notice (consistent with State and local law) to the par-*
 6 *ents of children affected that it is not possible to accommo-*
 7 *date the transfer request of every student, then the local edu-*
 8 *cational agency shall permit as many students as possible*
 9 *(who shall be selected by the local educational agency on*
 10 *an equitable basis) to transfer to a public school within such*
 11 *school district that has not been identified for school im-*
 12 *provement under section 1116(c).*

13 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 14 *authorized to be appropriated to carry out this section*
 15 *\$225,000,000 for fiscal year 2002 and each of the 6 suc-*
 16 *ceeding fiscal years.”.*

17 **“PART B—FLEXIBILITY**

18 **“Subpart 1—Education Flexibility Partnerships**

19 **“SEC. 5201. SHORT TITLE.**

20 *“This subpart may be cited as the ‘Education Flexi-*
 21 *bility Partnership Act of 2001’.*

22 **“SEC. 5202. DEFINITIONS.**

23 *“In this subpart:*

24 “(1) *ELIGIBLE SCHOOL ATTENDANCE AREA;*
 25 *SCHOOL ATTENDANCE AREA.—The terms ‘eligible*

1 *school attendance area* and *school attendance area*
2 *have the meanings given the terms in section*
3 *1113(a)(2).*

4 “(2) *STATE*.—*The term ‘State’ means each of the*
5 *several States of the United States, the District of Co-*
6 *lumbia, the Commonwealth of Puerto Rico, and each*
7 *outlying area.*

8 **“SEC. 5203. EDUCATION FLEXIBILITY PARTNERSHIP.**

9 “(a) *EDUCATIONAL FLEXIBILITY PROGRAM*.—

10 “(1) *PROGRAM AUTHORIZED*.—

11 “(A) *IN GENERAL*.—*The Secretary may*
12 *carry out an educational flexibility program*
13 *under which the Secretary authorizes a State*
14 *educational agency that serves an eligible State*
15 *to waive statutory or regulatory requirements*
16 *applicable to one or more programs described in*
17 *subsection (b), other than requirements described*
18 *in subsection (c), for any local educational agen-*
19 *cy or school within the State.*

20 “(B) *DESIGNATION*.—*Each eligible State*
21 *participating in the program described in sub-*
22 *paragraph (A) shall be known as an ‘Ed-Flex*
23 *Partnership State’.*

24 “(2) *ELIGIBLE STATE*.—*For the purpose of this*
25 *section the term ‘eligible State’ means a State that—*

1 “(A) has—

2 “(i) developed and implemented the
3 challenging State content standards, chal-
4 lenging State student performance stand-
5 ards, and aligned assessments described in
6 section 1111(b), and for which local edu-
7 cational agencies in the State are producing
8 the individual school performance profiles
9 required by section 1116(a)(3); or

10 “(ii)(I) developed and implemented the
11 content standards described in clause (i);

12 “(II) developed and implemented in-
13 terim assessments; and

14 “(III) made substantial progress (as
15 determined by the Secretary) toward devel-
16 oping and implementing the performance
17 standards and final aligned assessments de-
18 scribed in clause (i), and toward having
19 local educational agencies in the State
20 produce the profiles described in clause (i);

21 “(B) holds local educational agencies and
22 schools accountable for meeting the educational
23 goals described in the local applications sub-
24 mitted under paragraph (4), and for engaging in
25 technical assistance and corrective actions con-

1 *sistent with section 1116, for the local edu-*
2 *cational agencies and schools that do not make*
3 *adequate yearly progress as described in section*
4 *1111(b)(2); and*

5 *“(C) waives State statutory or regulatory*
6 *requirements relating to education while holding*
7 *local educational agencies or schools within the*
8 *State that are affected by such waivers account-*
9 *able for the performance of the students who are*
10 *affected by such waivers.*

11 “(3) STATE APPLICATION.—

12 “(A) IN GENERAL.—*Each State educational*
13 *agency desiring to participate in the educational*
14 *flexibility program under this section shall sub-*
15 *mit an application to the Secretary at such time,*
16 *in such manner, and containing such informa-*
17 *tion as the Secretary may reasonably require.*
18 *Each such application shall demonstrate that the*
19 *eligible State has adopted an educational flexi-*
20 *bility plan for the State that includes—*

21 “(i) *a description of the process the*
22 *State educational agency will use to evalu-*
23 *ate applications from local educational*
24 *agencies or schools requesting waivers of—*

1 “(I) Federal statutory or regu-
2 latory requirements as described in
3 paragraph (1)(A); and

4 “(II) State statutory or regulatory
5 requirements relating to education;

6 “(ii) a detailed description of the State
7 statutory and regulatory requirements relat-
8 ing to education that the State educational
9 agency will waive;

10 “(iii) a description of clear educational
11 objectives the State intends to meet under
12 the educational flexibility plan;

13 “(iv) a description of how the edu-
14 cational flexibility plan is consistent with
15 and will assist in implementing the State
16 comprehensive reform plan or, if a State
17 does not have a comprehensive reform plan,
18 a description of how the educational flexi-
19 bility plan is coordinated with activities de-
20 scribed in section 1111(b);

21 “(v) a description of how the State
22 educational agency will evaluate, consistent
23 with the requirements of title I, the per-
24 formance of students in the schools and local

1 *educational agencies affected by the waivers;*
2 *and*

3 “(vi) *a description of how the State*
4 *educational agency will meet the require-*
5 *ments of paragraph (8).*

6 “(B) *APPROVAL AND CONSIDERATIONS.—*
7 *The Secretary may approve an application de-*
8 *scribed in subparagraph (A) only if the Sec-*
9 *retary determines that such application dem-*
10 *onstrates substantial promise of assisting the*
11 *State educational agency and affected local edu-*
12 *cational agencies and schools within the State in*
13 *carrying out comprehensive educational reform,*
14 *after considering—*

15 “(i) *the eligibility of the State as de-*
16 *scribed in paragraph (2);*

17 “(ii) *the comprehensiveness and qual-*
18 *ity of the educational flexibility plan de-*
19 *scribed in subparagraph (A);*

20 “(iii) *the ability of the educational*
21 *flexibility plan to ensure accountability for*
22 *the activities and goals described in such*
23 *plan;*

1 “(iv) the degree to which the State’s ob-
2 jectives described in subparagraph
3 (A)(iii)—

4 “(I) are clear and have the ability
5 to be assessed; and

6 “(II) take into account the per-
7 formance of local educational agencies
8 or schools, and students, particularly
9 those affected by waivers;

10 “(v) the significance of the State statu-
11 tory or regulatory requirements relating to
12 education that will be waived; and

13 “(vi) the quality of the State edu-
14 cational agency’s process for approving ap-
15 plications for waivers of Federal statutory
16 or regulatory requirements as described in
17 paragraph (1)(A) and for monitoring and
18 evaluating the results of such waivers.

19 “(4) LOCAL APPLICATION.—

20 “(A) IN GENERAL.—Each local educational
21 agency or school requesting a waiver of a Federal
22 statutory or regulatory requirement as described
23 in paragraph (1)(A) and any relevant State
24 statutory or regulatory requirement from a State
25 educational agency shall submit an application

1 to the State educational agency at such time, in
2 such manner, and containing such information
3 as the State educational agency may reasonably
4 require. Each such application shall—

5 “(i) indicate each Federal program af-
6 fected and each statutory or regulatory re-
7 quirement that will be waived;

8 “(ii) describe the purposes and overall
9 expected results of waiving each such re-
10 quirement;

11 “(iii) describe, for each school year,
12 specific, measurable, educational goals for
13 each local educational agency or school af-
14 fected by the proposed waiver, and for the
15 students served by the local educational
16 agency or school who are affected by the
17 waiver;

18 “(iv) explain why the waiver will as-
19 sist the local educational agency or school
20 in reaching such goals; and

21 “(v) in the case of an application from
22 a local educational agency, describe how the
23 local educational agency will meet the re-
24 quirements of paragraph (8).

1 “(B) *EVALUATION OF APPLICATIONS.*—A
2 *State educational agency shall evaluate an ap-*
3 *plication submitted under subparagraph (A) in*
4 *accordance with the State’s educational flexi-*
5 *bility plan described in paragraph (3)(A).*

6 “(C) *APPROVAL.*—A *State educational*
7 *agency shall not approve an application for a*
8 *waiver under this paragraph unless—*

9 “(i) *the local educational agency or*
10 *school requesting such waiver has developed*
11 *a local reform plan that is applicable to*
12 *such agency or school, respectively;*

13 “(ii) *the waiver of Federal statutory or*
14 *regulatory requirements as described in*
15 *paragraph (1)(A) will assist the local edu-*
16 *cational agency or school in reaching its*
17 *educational goals, particularly goals with*
18 *respect to school and student performance;*
19 *and*

20 “(iii) *the State educational agency is*
21 *satisfied that the underlying purposes of the*
22 *statutory requirements of each program for*
23 *which a waiver is granted will continue to*
24 *be met.*

1 “(D) *TERMINATION.*—*The State educational*
2 *agency shall annually review the performance of*
3 *any local educational agency or school granted a*
4 *waiver of Federal statutory or regulatory re-*
5 *quirements as described in paragraph (1)(A) in*
6 *accordance with the evaluation requirement de-*
7 *scribed in paragraph (3)(A)(v), and shall termi-*
8 *nate any waiver granted to the local educational*
9 *agency or school if the State educational agency*
10 *determines, after notice and an opportunity for*
11 *a hearing, that the local educational agency or*
12 *school’s performance with respect to meeting the*
13 *accountability requirement described in para-*
14 *graph (2)(C) and the goals described in para-*
15 *graph (4)(A)(iii)—*

16 “(i) *has been inadequate to justify con-*
17 *tinuation of such waiver; or*

18 “(ii) *has decreased for two consecutive*
19 *years, unless the State educational agency*
20 *determines that the decrease in performance*
21 *was justified due to exceptional or uncon-*
22 *trollable circumstances.*

23 “(5) *OVERSIGHT AND REPORTING.*—

24 “(A) *OVERSIGHT.*—*Each State educational*
25 *agency participating in the educational flexi-*

1 *bility program under this section shall annually*
2 *monitor the activities of local educational agen-*
3 *cies and schools receiving waivers under this sec-*
4 *tion.*

5 “(B) *STATE REPORTS.*—

6 “(i) *ANNUAL REPORTS.*—*The State*
7 *educational agency shall submit to the Sec-*
8 *retary an annual report on the results of*
9 *such oversight and the impact of the waiv-*
10 *ers on school and student performance.*

11 “(ii) *PERFORMANCE DATA.*—*Not later*
12 *than 2 years after the date a State is des-*
13 *ignated an Ed-Flex Partnership State, each*
14 *such State shall include, as part of the*
15 *State’s annual report submitted under*
16 *clause (i), data demonstrating the degree to*
17 *which progress has been made toward meet-*
18 *ing the State’s educational objectives. The*
19 *data, when applicable, shall include—*

20 “(I) *information on the total*
21 *number of waivers granted for Federal*
22 *and State statutory and regulatory re-*
23 *quirements under this section, includ-*
24 *ing the number of waivers granted for*
25 *each type of waiver;*

1 “(II) information describing the
2 effect of the waivers on the implemen-
3 tation of State and local educational
4 reforms pertaining to school and stu-
5 dent performance;

6 “(III) information describing the
7 relationship of the waivers to the per-
8 formance of schools and students af-
9 fected by the waivers; and

10 “(IV) an assurance from State
11 program managers that the data re-
12 ported under this section are reliable,
13 complete, and accurate, as defined by
14 the State, or a description of a plan
15 for improving the reliability, complete-
16 ness, and accuracy of such data as de-
17 fined by the State.

18 “(C) SECRETARY’S REPORTS.—The Sec-
19 retary, not later than 2 years after the date of
20 enactment of the Education Flexibility Partner-
21 ship Act of 1999 and annually thereafter, shall—

22 “(i) make each State report submitted
23 under subparagraph (B) available to Con-
24 gress and the public; and

1 “(ii) submit to Congress a report that
2 summarizes the State reports and describes
3 the effects that the educational flexibility
4 program under this section had on the im-
5 plementation of State and local educational
6 reforms and on the performance of students
7 affected by the waivers.

8 “(6) DURATION OF FEDERAL WAIVERS.—

9 “(A) IN GENERAL.—The Secretary shall not
10 approve the application of a State educational
11 agency under paragraph (3) for a period exceed-
12 ing 5 years, except that the Secretary may ex-
13 tend such period if the Secretary determines that
14 such agency’s authority to grant waivers—

15 “(i) has been effective in enabling such
16 State or affected local educational agencies
17 or schools to carry out their State or local
18 reform plans and to continue to meet the
19 accountability requirement described in
20 paragraph (2)(C); and

21 “(ii) has improved student perform-
22 ance.

23 “(B) PERFORMANCE REVIEW.—Three years
24 after the date a State is designated an Ed-Flex
25 Partnership State, the Secretary shall review the

1 *performance of the State educational agency in*
2 *granting waivers of Federal statutory or regu-*
3 *latory requirements as described in paragraph*
4 *(1)(A) and shall terminate such agency’s author-*
5 *ity to grant such waivers if the Secretary deter-*
6 *mines, after notice and an opportunity for a*
7 *hearing, that such agency’s performance (includ-*
8 *ing performance with respect to meeting the ob-*
9 *jectives described in paragraph (3)(A)(iii)) has*
10 *been inadequate to justify continuation of such*
11 *authority.*

12 “(C) *RENEWAL.*—*In deciding whether to ex-*
13 *tend a request for a State educational agency’s*
14 *authority to issue waivers under this section, the*
15 *Secretary shall review the progress of the State*
16 *educational agency to determine if the State edu-*
17 *cational agency—*

18 “(i) *has made progress toward achiev-*
19 *ing the objectives described in the applica-*
20 *tion submitted pursuant to paragraph*
21 *(3)(A)(iii); and*

22 “(ii) *demonstrates in the request that*
23 *local educational agencies or schools affected*
24 *by the waiver authority or waivers have*
25 *made progress toward achieving the desired*

1 *results described in the application sub-*
2 *mitted pursuant to paragraph (4)(A)(iii).*

3 “(7) *AUTHORITY TO ISSUE WAIVERS.*—*Notwith-*
4 *standing any other provision of law, the Secretary is*
5 *authorized to carry out the educational flexibility*
6 *program under this section for each of the fiscal years*
7 *2002 through 2008.*

8 “(8) *PUBLIC NOTICE AND COMMENT.*—*Each*
9 *State educational agency seeking waiver authority*
10 *under this section and each local educational agency*
11 *seeking a waiver under this section—*

12 *“(A) shall provide the public with adequate*
13 *and efficient notice of the proposed waiver au-*
14 *thority or waiver, consisting of a description of*
15 *the agency’s application for the proposed waiver*
16 *authority or waiver in a widely read or distrib-*
17 *uted medium, including a description of any im-*
18 *proved student performance that is expected to*
19 *result from the waiver authority or waiver;*

20 *“(B) shall provide the opportunity for par-*
21 *ents, educators, and all other interested members*
22 *of the community to comment regarding the pro-*
23 *posed waiver authority or waiver;*

24 *“(C) shall provide the opportunity described*
25 *in subparagraph (B) in accordance with any ap-*

1 *plicable State law specifying how the comments*
2 *may be received, and how the comments may be*
3 *reviewed by any member of the public; and*

4 *“(D) shall submit the comments received*
5 *with the agency’s application to the Secretary or*
6 *the State educational agency, as appropriate.*

7 *“(b) INCLUDED PROGRAMS.—The statutory or regu-*
8 *latory requirements referred to in subsection (a)(1)(A) are*
9 *any such requirements for programs carried out under the*
10 *following provisions:*

11 *“(1) Title I (other than subsections (a) and (c)*
12 *of section 1116, subpart 2 of part B, and part F).*

13 *“(2) Subparts 1, 2, and 3 of part A of title II.*

14 *“(3) Part C of title II.*

15 *“(4) Part C of title III.*

16 *“(5) Part A of title IV.*

17 *“(6) Subpart 4 of this part.*

18 *“(7) The Carl D. Perkins Vocational and Tech-*
19 *nicul Education Act of 1998.*

20 *“(c) WAIVERS NOT AUTHORIZED.—The Secretary and*
21 *the State educational agency may not waive under sub-*
22 *section (a)(1)(A) any statutory or regulatory requirement—*

23 *“(1) relating to—*

24 *“(A) maintenance of effort;*

25 *“(B) comparability of services;*

1 “(C) equitable participation of students and
2 professional staff in private schools;

3 “(D) parental participation and involve-
4 ment;

5 “(E) distribution of funds to States or to
6 local educational agencies;

7 “(F) serving eligible school attendance areas
8 in rank order under section 1113(a)(3);

9 “(G) the selection of a school attendance
10 area or school under subsections (a) and (b) of
11 section 1113, except that a State educational
12 agency may grant a waiver to allow a school at-
13 tendance area or school to participate in activi-
14 ties under part A of title I if the percentage of
15 children from low-income families in the school
16 attendance area of such school or who attend
17 such school is not less than 10 percentage points
18 below the lowest percentage of such children for
19 any school attendance area or school of the local
20 educational agency that meets the requirements
21 of such subsections (a) and (b);

22 “(H) use of Federal funds to supplement,
23 not supplant, non-Federal funds; and

24 “(I) applicable civil rights requirements;
25 and

1 “(2) *unless the underlying purposes of the statu-*
2 *tory requirements of the program for which a waiver*
3 *is granted continue to be met to the satisfaction of the*
4 *Secretary.*

5 “(d) *TREATMENT OF EXISTING ED-FLEX PARTNER-*
6 *SHIP STATES.—*

7 “(1) *IN GENERAL.—Except as provided in para-*
8 *graphs (3) and (4), this section shall not apply to a*
9 *State educational agency that has been granted waiv-*
10 *er authority under the provisions of law described in*
11 *paragraph (2) (as such provisions were in effect on*
12 *the day before the date of enactment of the Better*
13 *Education for Students and Teachers Act) for the du-*
14 *ration of the waiver authority.*

15 “(2) *APPLICABLE PROVISIONS.—The provisions*
16 *of law referred to in paragraph (1) are as follows:*

17 “(A) *Section 311(e) of the Goals 2000: Edu-*
18 *cate America Act (as such section was in effect*
19 *on the day before the date of enactment of the*
20 *Better Education for Students and Teachers*
21 *Act).*

22 “(B) *The proviso referring to such section*
23 *311(e) under the heading ‘EDUCATION REFORM’*
24 *in the Department of Education Appropriations*

1 *Act, 1996 (Public Law 104–134; 110 Stat. 1321–*
2 *229).*

3 “(3) *SPECIAL RULE.—If a State educational*
4 *agency granted waiver authority pursuant to the pro-*
5 *visions of law described in subparagraph (A) or (B)*
6 *of paragraph (2) applies to the Secretary for waiver*
7 *authority under this section—*

8 “(A) *the Secretary shall review the progress*
9 *of the State educational agency in achieving the*
10 *objectives set forth in the application submitted*
11 *pursuant to section 311(e) of the Goals 2000:*
12 *Educate America Act (as such section was in ef-*
13 *fect on the day before the date of enactment of*
14 *the Better Education for Students and Teachers*
15 *Act); and*

16 “(B) *the Secretary shall administer the*
17 *waiver authority granted under this section in*
18 *accordance with the requirements of this section.*

19 “(4) *TECHNOLOGY.—In the case of a State edu-*
20 *cational agency granted waiver authority under the*
21 *provisions of law described in subparagraph (A) or*
22 *(B) of paragraph (2), the Secretary shall permit a*
23 *State educational agency to expand, on or after the*
24 *date of enactment of the Better Education for Stu-*

1 *dents and Teachers Act, the waiver authority to in-*
2 *clude programs under part C of title II.*

3 “(e) *PUBLICATION.*—*A notice of the Secretary’s deci-*
4 *sion to authorize State educational agencies to issue waivers*
5 *under this section, including a description of the rationale*
6 *the Secretary used to approve applications under subsection*
7 *(a)(3)(B), shall be published in the Federal Register and*
8 *the Secretary shall provide for the dissemination of such*
9 *notice to State educational agencies, interested parties (in-*
10 *cluding educators, parents, students, and advocacy and*
11 *civil rights organizations), and the public.*

12 **“Subpart 2—Rural Education Initiative**

13 **“SEC. 5221. SHORT TITLE.**

14 “*This subpart may be cited as the ‘Rural Education*
15 *Achievement Program’.*

16 **“SEC. 5222. PURPOSE.**

17 “*It is the purpose of this subpart to address the unique*
18 *needs of rural school districts that frequently—*

19 “(1) *lack the personnel and resources needed to*
20 *compete for Federal competitive grants; and*

21 “(2) *receive formula allocations in amounts too*
22 *small to be effective in meeting their intended pur-*
23 *poses.*

1 **“SEC. 5223. AUTHORIZATION OF APPROPRIATIONS.**

2 *“There are authorized to be appropriated to carry out*
 3 *this subpart—*

4 *“(1) to carry out chapter 1—*

5 *“(A) \$150,000,000 for fiscal year 2002; and*

6 *“(B) such sums as may be necessary for*
 7 *each of the 6 succeeding fiscal years; and*

8 *“(2) to carry out chapter 2—*

9 *“(A) \$150,000,000 for fiscal year 2002; and*

10 *“(B) such sums as may be necessary for*
 11 *each of the 6 succeeding fiscal years.*

12 **“Chapter 1—Small, Rural School Achievement**

13 **Program**

14 **“SEC. 5231. FORMULA GRANT PROGRAM AUTHORIZED.**

15 *“(a) ALTERNATIVE USES.—*

16 *“(1) IN GENERAL.—Notwithstanding any other*
 17 *provision of law, an eligible local educational agency*
 18 *may use the applicable funding, that the agency is el-*
 19 *igible to receive from the State educational agency for*
 20 *a fiscal year, to carry out activities described in sec-*
 21 *tion 1114, 1115, 1116, 2123, 4116, or 5331(b).*

22 *“(2) NOTIFICATION.—An eligible local edu-*
 23 *catational agency shall notify the State educational*
 24 *agency of the local educational agency’s intention to*
 25 *use the applicable funding in accordance with para-*

1 *graph (1) not later than a date that is established by*
2 *the State educational agency for the notification.*

3 “(b) *ELIGIBILITY.*—*A local educational agency shall be*
4 *eligible to use the applicable funding in accordance with*
5 *subsection (a) if—*

6 “(1)(A) *the total number of students in average*
7 *daily attendance at all of the schools served by the*
8 *local educational agency is less than 600; or*

9 “(B) *each county in which a school served by the*
10 *local educational agency is located has a total popu-*
11 *lation density of less than 10 persons per square mile;*
12 *and*

13 “(2) *all of the schools served by the local edu-*
14 *cational agency are designated with a School Locale*
15 *Code of 7 or 8, as determined by the Secretary, except*
16 *that the Secretary may waive the School Locale Code*
17 *requirement of this paragraph if the Secretary deter-*
18 *mines, based on certification provided by the local*
19 *educational agency or the State educational agency*
20 *on behalf of the local educational agency, that the*
21 *local educational agency is located in an area defined*
22 *as rural by a governmental agency of the State.*

23 “(c) *APPLICABLE FUNDING.*—*In this section, the term*
24 *‘applicable funding’ means funds provided under each of*
25 *titles II and IV, and subpart 4 of this part.*

1 “(d) *DISBURSAL.*—*Each State educational agency that*
2 *receives applicable funding for a fiscal year shall disburse*
3 *the applicable funding to local educational agencies for al-*
4 *ternative uses under this section for the fiscal year at the*
5 *same time that the State educational agency disburses the*
6 *applicable funding to local educational agencies that do not*
7 *intend to use the applicable funding for such alternative*
8 *uses for the fiscal year.*

9 “(e) *SUPPLEMENT NOT SUPPLANT.*—*Funds made*
10 *available under this section shall be used to supplement and*
11 *not supplant any other Federal, State, or local education*
12 *funds.*

13 “(f) *SPECIAL RULE.*—*References in Federal law to*
14 *funds for the provisions of law set forth in subsection (c)*
15 *may be considered to be references to funds for this section.*

16 “(g) *CONSTRUCTION.*—*Nothing in this chapter shall be*
17 *construed to prohibit a local educational agency that enters*
18 *into cooperative arrangements with other local educational*
19 *agencies for the provision of special, compensatory, or other*
20 *education services pursuant to State law or a written agree-*
21 *ment from entering into similar arrangements for the use*
22 *or the coordination of the use of the funds made available*
23 *under this section.*

1 **“SEC. 5232. COMPETITIVE GRANT PROGRAM AUTHORIZED.**

2 “(a) *IN GENERAL.*—*The Secretary is authorized to*
3 *award grants to eligible local educational agencies to enable*
4 *the local educational agencies to carry out activities de-*
5 *scribed in section 1114, 1115, 1116, 2123, 2213, 2306, 4116,*
6 *or 5331(b).*

7 “(b) *ELIGIBILITY.*—*A local educational agency shall be*
8 *eligible to receive a grant under this section if—*

9 “(1)(A) *the total number of students in average*
10 *daily attendance at all of the schools served by the*
11 *local educational agency is less than 600; or*

12 “(B) *each county in which a school served by the*
13 *local educational agency is located has a total popu-*
14 *lation density of less than 10 persons per square mile;*
15 *and*

16 “(2) *all of the schools served by the local edu-*
17 *cational agency are designated with a School Locale*
18 *Code of 7 or 8, as determined by the Secretary, except*
19 *that the Secretary may waive the School Locale Code*
20 *requirement of this paragraph if the Secretary deter-*
21 *mines, based on certification provided by the local*
22 *educational agency or the State educational agency*
23 *on behalf of the local educational agency, that the*
24 *local educational agency is located in an area defined*
25 *as rural by a governmental agency of the State.*

26 “(c) *AMOUNT.*—

1 “(1) *IN GENERAL.*—*The Secretary shall award a*
2 *grant to a local educational agency under this section*
3 *for a fiscal year in an amount equal to the amount*
4 *determined under paragraph (2) for the fiscal year*
5 *minus the total amount received under the provisions*
6 *of law described under section 5231(c) for the fiscal*
7 *year.*

8 “(2) *DETERMINATION.*—*The amount referred to*
9 *in paragraph (1) is equal to \$100 multiplied by the*
10 *total number of students in excess of 50 students that*
11 *are in average daily attendance at the schools served*
12 *by the local educational agency, plus \$20,000, except*
13 *that the amount may not exceed \$60,000.*

14 “(3) *CENSUS DETERMINATION.*—

15 “(A) *IN GENERAL.*—*Each local educational*
16 *agency desiring a grant under this section shall*
17 *conduct a census not later than December 1 of*
18 *each year to determine the number of kinder-*
19 *garten through grade 12 students in average*
20 *daily attendance at the schools served by the*
21 *local educational agency.*

22 “(B) *SUBMISSION.*—*Each local educational*
23 *agency shall submit the number described in sub-*
24 *paragraph (A) to the Secretary not later than*
25 *March 1 of each year.*

1 “(4) *PENALTY.*—*If the Secretary determines that*
2 *a local educational agency has knowingly submitted*
3 *false information under paragraph (3) for the pur-*
4 *pose of gaining additional funds under this section,*
5 *then the local educational agency shall be fined an*
6 *amount equal to twice the difference between the*
7 *amount the local educational agency received under*
8 *this section, and the correct amount the local edu-*
9 *catinal agency would have received under this sec-*
10 *tion if the agency had submitted accurate information*
11 *under paragraph (3).*

12 “(d) *DISBURSAL.*—*The Secretary shall disburse the*
13 *funds awarded to a local educational agency under this sec-*
14 *tion for a fiscal year not later than July 1 of that year.*

15 “(e) *SUPPLEMENT NOT SUPPLANT.*—*Funds made*
16 *available under this section shall be used to supplement and*
17 *not supplant any other Federal, State, or local education*
18 *funds.*

19 “(f) *CONSTRUCTION.*—*Nothing in this chapter shall be*
20 *construed to prohibit a local educational agency that enters*
21 *into cooperative arrangements with other local educational*
22 *agencies for the provision of special, compensatory, or other*
23 *education services pursuant to State law or a written agree-*
24 *ment from entering into similar arrangements for the use*

1 *or the coordination of the use of the funds made available*
2 *under this section.*

3 **“SEC. 5233. ACCOUNTABILITY.**

4 *“(a) ACADEMIC ACHIEVEMENT.—*

5 *“(1) IN GENERAL.—Each local educational agen-*
6 *cy that uses or receives funds under section 5231 or*
7 *5232 for a fiscal year shall—*

8 *“(A) administer an assessment that is used*
9 *statewide and is consistent with the assessment*
10 *described in section 1111(b), to assess the aca-*
11 *ademic achievement of students in the schools*
12 *served by the local educational agency; or*

13 *“(B) in the case of a local educational agen-*
14 *cy for which there is no statewide assessment de-*
15 *scribed in subparagraph (A), administer a test,*
16 *that is selected by the local educational agency,*
17 *to assess the academic achievement of students in*
18 *the schools served by the local educational agen-*
19 *cy.*

20 *“(2) SPECIAL RULE.—Each local educational*
21 *agency that uses or receives funds under section 5231*
22 *or 5232 shall use the same assessment or test de-*
23 *scribed in paragraph (1) for each year of participa-*
24 *tion in the program carried out under such section.*

1 “(b) *STATE EDUCATIONAL AGENCY DETERMINATION*
2 *REGARDING CONTINUING PARTICIPATION.*—*Each State*
3 *educational agency that receives funding under the provi-*
4 *sions of law described in section 5231(c) shall—*

5 “(1) *after the 3rd year that a local educational*
6 *agency in the State participates in a program au-*
7 *thorized under section 5231 or 5232 and on the basis*
8 *of the results of the assessments or tests described in*
9 *subsection (a), determine whether the students served*
10 *by the local educational agency participating in the*
11 *program performed better on the assessments or tests*
12 *after the 3rd year of the participation than the stu-*
13 *dents performed on the assessments or tests after the*
14 *1st year of the participation;*

15 “(2) *permit only the local educational agencies*
16 *that participated in the program and served students*
17 *that performed better on the assessments or tests, as*
18 *described in paragraph (1), to continue to participate*
19 *in the program for an additional period of 3 years;*
20 *and*

21 “(3) *prohibit the local educational agencies that*
22 *participated in the program and served students that*
23 *did not perform better on the assessments or tests, as*
24 *described in paragraph (1), from participating in the*

1 *educational agency, located in a State that does not*
2 *participate in a program carried out under this*
3 *chapter for a fiscal year, which may apply directly*
4 *to the Secretary for a grant for such year in accord-*
5 *ance with section 5242(b).*

6 **“SEC. 5242. PROGRAM AUTHORIZED.**

7 *“(a) GRANTS TO STATES.—*

8 *“(1) IN GENERAL.—From the sum appropriated*
9 *under section 5223 for a fiscal year and made avail-*
10 *able to carry out this chapter, the Secretary shall*
11 *award grants, from allotments made under paragraph*
12 *(2), to State educational agencies that have applica-*
13 *tions approved under section 5244 to enable the State*
14 *educational agencies to award grants to eligible local*
15 *educational agencies for innovative assistance activi-*
16 *ties described in section 5331(b).*

17 *“(2) ALLOTMENT.—From the sum appropriated*
18 *under section 5223 for a fiscal year and made avail-*
19 *able to carry out this chapter, the Secretary shall*
20 *allot to each State educational agency an amount*
21 *that bears the same ratio to the sum as the number*
22 *of students in average daily attendance at the schools*
23 *served by eligible local educational agencies in the*
24 *State for that fiscal year bears to the number of all*

1 *such students at the schools served by eligible local*
2 *educational agencies in all States for that fiscal year.*

3 “(b) *DIRECT GRANTS TO SPECIALLY QUALIFIED*
4 *AGENCIES.*—

5 “(1) *NONPARTICIPATING STATE.*—*If a State edu-*
6 *cational agency elects not to participate in the pro-*
7 *gram carried out under this chapter or does not have*
8 *an application approved under section 5244, a spe-*
9 *cially qualified agency in such State desiring a grant*
10 *under this chapter shall apply directly to the Sec-*
11 *retary under section 5244 to receive a grant under*
12 *this chapter.*

13 “(2) *DIRECT AWARDS TO SPECIALLY QUALIFIED*
14 *AGENCIES.*—*The Secretary may award, on a competi-*
15 *tive basis, the amount the State educational agency is*
16 *eligible to receive under subsection (a)(2) directly to*
17 *specially qualified agencies in the State.*

18 “(c) *ADMINISTRATIVE COSTS.*—*A State educational*
19 *agency that receives a grant under this chapter may not*
20 *use more than 5 percent of the amount of the grant for State*
21 *administrative costs.*

22 **“SEC. 5243. STATE DISTRIBUTION OF FUNDS.**

23 “(a) *IN GENERAL.*—*A State educational agency that*
24 *receives a grant under this chapter may use the funds made*
25 *available through the grant to award grants to eligible local*

1 *educational agencies to enable the local educational agencies*
2 *to carry out innovative assistance activities described in*
3 *section 5331(b).*

4 “(b) *LOCAL AWARDS.*—

5 “(1) *ELIGIBILITY.*—*A local educational agency*
6 *shall be eligible to receive a grant under this chapter*
7 *if—*

8 “(A) *20 percent or more of the children age*
9 *5 through 17 that are served by the local edu-*
10 *cational agency are from families with incomes*
11 *below the poverty line; and*

12 “(B) *all of the schools served by the agency*
13 *are located in a community with a Locale Code*
14 *of 6, 7, or 8, as determined by the Secretary of*
15 *Education.*

16 “(c) *AWARD BASIS.*—*The State educational agency*
17 *shall award the grants to eligible local educational*
18 *agencies—*

19 “(1) *on a competitive basis; or*

20 “(2) *according to a formula based on the number*
21 *of students in average daily attendance at schools*
22 *served by the eligible local educational agencies.*

23 **“SEC. 5244. APPLICATIONS.**

24 “(a) *IN GENERAL.*—*Each State educational agency*
25 *and specially qualified agency desiring to receive a grant*

1 *under this chapter shall submit an application to the Sec-*
2 *retary at such time, in such manner, and accompanied by*
3 *such information as the Secretary may require.*

4 “(b) *CONTENTS.—At a minimum, such application*
5 *shall include information on specific measurable goals and*
6 *objectives to be achieved through the activities carried out*
7 *through the grant, which may include specific educational*
8 *goals and objectives relating to—*

9 “(1) *increased student academic achievement;*

10 “(2) *decreased student dropout rates; or*

11 “(3) *such other factors as the State educational*
12 *agency or specially qualified agency may choose to*
13 *measure.*

14 **“SEC. 5245. ACCOUNTABILITY.**

15 “(a) *STATE REPORTS.—Each State educational agen-*
16 *cy that receives a grant under this chapter shall prepare*
17 *and submit to the Secretary an annual report. The report*
18 *shall describe—*

19 “(1) *the method the State educational agency*
20 *used to award grants to eligible local educational*
21 *agencies under this chapter;*

22 “(2) *how the local educational agencies used the*
23 *funds provided under this chapter; and*

1 “(3) *the degree to which the State made progress*
2 *toward meeting the goals and objectives described in*
3 *the application submitted under section 5244.*

4 “(b) *SPECIALLY QUALIFIED AGENCY REPORT.—Each*
5 *specially qualified agency that receives a grant under this*
6 *chapter shall prepare and submit to the Secretary an an-*
7 *nual report. The report shall describe—*

8 “(1) *how such agency used the funds provided*
9 *under this chapter; and*

10 “(2) *the degree to which the agency made*
11 *progress toward meeting the goals and objectives de-*
12 *scribed in the application submitted under section*
13 *5244.*

14 “(c) *ACADEMIC ACHIEVEMENT.—*

15 “(1) *IN GENERAL.—Each local educational agen-*
16 *cy that receives a grant under this chapter for a fiscal*
17 *year shall—*

18 “(A) *administer an assessment that is used*
19 *statewide and is consistent with the assessment*
20 *described in section 1111(b), to assess the aca-*
21 *demical achievement of students in the schools*
22 *served by the local educational agency; or*

23 “(B) *in the case of a local educational agen-*
24 *cy for which there is no statewide assessment de-*
25 *scribed in subparagraph (A), administer a test,*

1 *that is selected by the local educational agency,*
2 *to assess the academic achievement of students in*
3 *the schools served by the local educational agen-*
4 *cy.*

5 “(2) *SPECIAL RULE.—Each local educational*
6 *agency that receives a grant under this chapter shall*
7 *use the same assessment or test described in para-*
8 *graph (1) for each year of participation in the pro-*
9 *gram carried out under this chapter.*

10 “(d) *STATE EDUCATIONAL AGENCY DETERMINATION*
11 *REGARDING CONTINUING PARTICIPATION.—Each State*
12 *educational agency that receives a grant under this chapter*
13 *shall—*

14 “(1) *after the 3rd year that a local educational*
15 *agency in the State participates in the program au-*
16 *thorized under this chapter and on the basis of the re-*
17 *sults of the assessments or tests described in subsection*
18 *(c), determine whether the students served by the local*
19 *educational agency participating in the program per-*
20 *formed better on the assessments or tests after the 3rd*
21 *year of the participation than the students performed*
22 *on the assessments or tests after the 1st year of the*
23 *participation;*

24 “(2) *permit only the local educational agencies*
25 *that participated in the program and served students*

1 *that performed better on the assessments or tests, as*
2 *described in paragraph (1), to continue to participate*
3 *in the program for an additional period of 3 years;*
4 *and*

5 *“(3) prohibit the local educational agencies that*
6 *participated in the program and served students that*
7 *did not perform better on the assessments or tests, as*
8 *described in paragraph (1), from participating in the*
9 *program for a period of 3 years from the date of the*
10 *determination.*

11 **“SEC. 5246. SUPPLEMENT NOT SUPPLANT.**

12 *“Funds made available under this chapter shall be*
13 *used to supplement and not supplant any other Federal,*
14 *State, or local education funds.*

15 **“SEC. 5247. SPECIAL RULE.**

16 *“No local educational agency may concurrently par-*
17 *ticipate in activities carried out under chapter 1 and ac-*
18 *tivities carried out under this chapter.*

19 **“Subpart 3—Waivers**

20 **“SEC. 5251. WAIVERS OF STATUTORY AND REGULATORY RE-**
21 **QUIREMENTS.**

22 *“(a) IN GENERAL.—Except as provided in subsection*
23 *(c), the Secretary may waive any statutory or regulatory*
24 *requirement of this Act for a State educational agency, local*

1 *educational agency, Indian tribe, or school through a local*
2 *educational agency, that—*

3 “(1) *receives funds under a program authorized*
4 *by this Act; and*

5 “(2) *requests a waiver under subsection (b).*

6 “(b) *REQUEST FOR WAIVER.—*

7 “(1) *IN GENERAL.—A State educational agency,*
8 *local educational agency, or Indian tribe which de-*
9 *sires a waiver shall submit a waiver request to the*
10 *Secretary that—*

11 “(A) *identifies the Federal programs af-*
12 *ected by such requested waiver;*

13 “(B) *describes which Federal requirements*
14 *are to be waived and how the waiving of such re-*
15 *quirements will—*

16 “(i) *increase the quality of instruction*
17 *for students; or*

18 “(ii) *improve the academic perform-*
19 *ance of students;*

20 “(C) *if applicable, describes which similar*
21 *State and local requirements will be waived and*
22 *how the waiving of such requirements will assist*
23 *the local educational agencies, Indian tribes or*
24 *schools, as appropriate, to achieve the objectives*

1 described in clauses (i) and (ii) of subparagraph
2 (B);

3 “(D) describes specific, measurable edu-
4 cational improvement goals and expected out-
5 comes for all affected students;

6 “(E) describes the methods to be used to
7 measure progress in meeting such goals and out-
8 comes; and

9 “(F) describes how schools will continue to
10 provide assistance to the same populations served
11 by programs for which waivers are requested.

12 “(2) *ADDITIONAL INFORMATION.*—Such
13 requests—

14 “(A) may provide for waivers of require-
15 ments applicable to State educational agencies,
16 local educational agencies, Indian tribes, and
17 schools; and

18 “(B) shall be developed and submitted—

19 “(i)(I) by local educational agencies
20 (on behalf of such agencies and schools) to
21 State educational agencies; and

22 “(II) by State educational agencies (on
23 behalf of, and based upon the requests of,
24 local educational agencies) to the Secretary;
25 or

1 “(ii) by Indian tribes (on behalf of
2 schools operated by such tribes) to the Sec-
3 retary.

4 “(3) GENERAL REQUIREMENTS.—

5 “(A) STATE EDUCATIONAL AGENCIES.—In
6 the case of a waiver request submitted by a State
7 educational agency acting in its own behalf, the
8 State educational agency shall—

9 “(i) provide all interested local edu-
10 cational agencies in the State with notice
11 and a reasonable opportunity to comment
12 on the request;

13 “(ii) submit the comments to the Sec-
14 retary; and

15 “(iii) provide notice and information
16 to the public regarding the waiver request
17 in the manner that the applying agency
18 customarily provides similar notices and
19 information to the public.

20 “(B) LOCAL EDUCATIONAL AGENCIES.—In
21 the case of a waiver request submitted by a local
22 educational agency that receives funds under this
23 Act—

24 “(i) such request shall be reviewed by
25 the State educational agency and be accom-

1 panied by the comments, if any, of such
2 State educational agency; and

3 “(ii) notice and information regarding
4 the waiver request shall be provided to the
5 public by the agency requesting the waiver
6 in the manner that such agency customarily
7 provides similar notices and information to
8 the public.

9 “(c) *RESTRICTIONS.*—The Secretary shall not waive
10 under this section any statutory or regulatory requirements
11 relating to—

12 “(1) the allocation or distribution of funds to
13 States, local educational agencies, or other recipients
14 of funds under this Act;

15 “(2) maintenance of effort;

16 “(3) comparability of services;

17 “(4) use of Federal funds to supplement, not sup-
18 plant, non-Federal funds;

19 “(5) equitable participation of private school stu-
20 dents and teachers;

21 “(6) parental participation and involvement;

22 “(7) applicable civil rights requirements;

23 “(8) the requirement for a charter school under
24 subpart 1 of part A;

25 “(9) the prohibitions regarding—

1 “(A) *State aid in section 5; or*

2 “(B) *use of funds for religious worship or*
3 *instruction in section 10; or*

4 “(10) *the selection of a school attendance area or*
5 *school under subsections (a) and (b) of section 1113,*
6 *except that the Secretary may grant a waiver to allow*
7 *a school attendance area or school to participate in*
8 *activities under part A of title I if the percentage of*
9 *children from low-income families in the school at-*
10 *tendance area of such school or who attend such school*
11 *is not less than 10 percentage points below the lowest*
12 *percentage of such children for any school attendance*
13 *area or school of the local educational agency that*
14 *meets the requirements of such subsections (a) and*
15 *(b).*

16 “(d) *DURATION AND EXTENSION OF WAIVER.—*

17 “(1) *IN GENERAL.—Except as provided in para-*
18 *graph (2), the duration of a waiver approved by the*
19 *Secretary under this section may be for a period not*
20 *to exceed 3 years.*

21 “(2) *EXTENSION.—The Secretary may extend the*
22 *period described in paragraph (1) if the Secretary de-*
23 *termines that—*

24 “(A) *the waiver has been effective in ena-*
25 *bling the State or affected recipients to carry out*

1 *the activities for which the waiver was requested*
2 *and the waiver has contributed to improved stu-*
3 *dent performance; and*

4 “(B) *such extension is in the public interest.*

5 “(e) *REPORTS.—*

6 “(1) *LOCAL WAIVER.—A local educational agen-*
7 *cy that receives a waiver under this section shall at*
8 *the end of the second year for which a waiver is re-*
9 *ceived under this section, and each subsequent year,*
10 *submit a report to the State educational agency*
11 *that—*

12 “(A) *describes the uses of such waiver by*
13 *such agency or by schools;*

14 “(B) *describes how schools continued to pro-*
15 *vide assistance to the same populations served by*
16 *the programs for which waivers are requested;*
17 *and*

18 “(C) *evaluates the progress of such agency*
19 *and of schools in improving the quality of in-*
20 *struction or the academic performance of stu-*
21 *dents.*

22 “(2) *STATE WAIVER.—A State educational agen-*
23 *cy that receives reports required under paragraph (1)*
24 *shall annually submit a report to the Secretary that*

1 *is based on such reports and contains such informa-*
2 *tion as the Secretary may require.*

3 “(3) *INDIAN TRIBE WAIVER.*—*An Indian tribe*
4 *that receives a waiver under this section shall annu-*
5 *ally submit a report to the Secretary that—*

6 “(A) *describes the uses of such waiver by*
7 *schools operated by such tribe; and*

8 “(B) *evaluates the progress of such schools*
9 *in improving the quality of instruction or the*
10 *academic performance of students.*

11 “(4) *REPORT TO CONGRESS.*—*Beginning in fis-*
12 *cal year 2002 and each subsequent year, the Secretary*
13 *shall submit to the Committee on Education and the*
14 *Workforce of the House of Representatives and the*
15 *Committee on Health, Education, Labor, and Pen-*
16 *sions of the Senate a report—*

17 “(A) *summarizing the uses of waivers by*
18 *State educational agencies, local educational*
19 *agencies, Indian tribes, and schools; and*

20 “(B) *describing whether such waivers—*

21 “(i) *increased the quality of instruc-*
22 *tion to students; or*

23 “(ii) *improved the academic perform-*
24 *ance of students.*

1 “(f) *TERMINATION OF WAIVERS.*—*The Secretary shall*
2 *terminate a waiver under this section if the Secretary deter-*
3 *mines that the performance of the State or other recipient*
4 *affected by the waiver has been inadequate to justify a con-*
5 *tinuation of the waiver or if the waiver is no longer nec-*
6 *essary to achieve its original purposes.*

7 “(g) *PUBLICATION.*—*A notice of the Secretary’s deci-*
8 *sion to grant each waiver under subsection (a) shall be pub-*
9 *lished in the Federal Register and the Secretary shall pro-*
10 *vide for the dissemination of such notice to State edu-*
11 *cational agencies, interested parties, including educators,*
12 *parents, students, advocacy and civil rights organizations,*
13 *and the public.*

14 **“Subpart 4—Innovative Education Program**

15 **Strategies**

16 **“SEC. 5301. PURPOSE; STATE AND LOCAL RESPONSIBILITY.**

17 “(a) *PURPOSE.*—*The purpose of this subpart is—*

18 “(1) *to support local education reform efforts*
19 *that are consistent with and support statewide edu-*
20 *cation reform efforts;*

21 “(2) *to provide funding to enable State and local*
22 *educational agencies to implement promising edu-*
23 *cational reform strategies;*

24 “(3) *to provide a continuing source of innova-*
25 *tion and educational improvement, including support*

1 *for library services and instructional and media ma-*
2 *terials; and*

3 *“(4) to develop and implement education pro-*
4 *grams to improve school, student, and teacher per-*
5 *formance, including professional development activi-*
6 *ties and class size reduction programs.*

7 *“(b) STATE AND LOCAL RESPONSIBILITY.—The basic*
8 *responsibility for the administration of funds made avail-*
9 *able under this subpart is within the State educational*
10 *agencies, but it is the intent of Congress that the responsi-*
11 *bility be carried out with a minimum of paperwork and*
12 *that the responsibility for the design and implementation*
13 *of programs assisted under this subpart will be mainly that*
14 *of local educational agencies, school superintendents and*
15 *principals, and classroom teachers and supporting per-*
16 *sonnel, because such agencies and individuals have the most*
17 *direct contact with students and are most likely to be able*
18 *to design programs to meet the educational needs of students*
19 *in their own school districts.*

20 **“SEC. 5302. AUTHORIZATION OF APPROPRIATIONS; DURA-**
21 **TION OF ASSISTANCE.**

22 *“(a) AUTHORIZATION.—To carry out the purposes of*
23 *this subpart, there are authorized to be appropriated*
24 *\$850,000,000 for fiscal year 2002 and such sums as may*
25 *be necessary for each of the 6 succeeding fiscal years.*

1 “(b) *DURATION OF ASSISTANCE.*—During the period
2 beginning October 1, 2002, and ending September 30, 2008,
3 the Secretary, in accordance with the provisions of this sub-
4 part, shall make payments to State educational agencies for
5 the purpose of this subpart.

6 **“SEC. 5303. DEFINITION OF EFFECTIVE SCHOOLS PROGRAM.**

7 *“In this subpart the term ‘effective schools program’*
8 *means a school-based program that—*

9 *“(1) may encompass preschool through secondary*
10 *school levels; and*

11 *“(2) has the objectives of—*

12 *“(A) promoting school-level planning, in-*
13 *structional improvement, and staff development*
14 *for all personnel;*

15 *“(B) increasing the academic performance*
16 *levels of all children and particularly education-*
17 *ally disadvantaged children; and*

18 *“(C) achieving as an ongoing condition in*
19 *the school the following factors identified through*
20 *effective schools research:*

21 *“(i) Strong and effective administra-*
22 *tive and instructional leadership.*

23 *“(ii) A safe and orderly school environ-*
24 *ment that enables teachers and students to*
25 *focus on academic performance.*

1 “(iii) *Continuous assessment of stu-*
2 *dents and initiatives to evaluate instruc-*
3 *tional techniques.*

4 **“Chapter 1—State and Local Programs**

5 **“SEC. 5311. ALLOTMENT TO STATES.**

6 “(a) *RESERVATIONS.—From the sums appropriated to*
7 *carry out this subpart in any fiscal year, the Secretary*
8 *shall reserve not more than 1 percent for payments to out-*
9 *lying areas to be allotted in accordance with their respective*
10 *needs.*

11 “(b) *ALLOTMENT.—From the remainder of such sums,*
12 *the Secretary shall allot to each State an amount which*
13 *bears the same ratio to the amount of such remainder as*
14 *the school-age population of the State bears to the school-*
15 *age population of all States, except that no State shall re-*
16 *ceive less than an amount equal to $\frac{1}{2}$ of 1 percent of such*
17 *remainder.*

18 “(c) *DEFINITIONS.—In this chapter:*

19 “(1) *SCHOOL-AGE POPULATION.—The term*
20 *‘school-age population’ means the population aged 5*
21 *through 17.*

22 “(2) *STATE.—The term ‘State’ includes the 50*
23 *States of the United States, the District of Columbia,*
24 *and the Commonwealth of Puerto Rico.*

1 **“SEC. 5312. ALLOCATION TO LOCAL EDUCATIONAL AGEN-**
2 **CIES.**

3 “(a) *FORMULA.*—*From the sums made available each*
4 *year to carry out this subpart, the State educational agency*
5 *shall distribute not less than 85 percent to local educational*
6 *agencies within such State according to the relative enroll-*
7 *ments in public and private elementary schools and sec-*
8 *ondary schools within the school districts of such agencies,*
9 *adjusted, in accordance with criteria approved by the Sec-*
10 *retary, to provide higher per pupil allocations to local edu-*
11 *cational agencies serving the greatest numbers or percent-*
12 *ages of children whose education imposes a higher than av-*
13 *erage cost per child, such as—*

14 “(1) *children living in areas with high con-*
15 *centrations of low-income families;*

16 “(2) *children from low-income families; and*

17 “(3) *children living in sparsely populated areas.*

18 “(b) *CALCULATION OF ENROLLMENTS.*—

19 “(1) *IN GENERAL.*—*The calculation of relative*
20 *enrollments under subsection (a) shall be on the basis*
21 *of the total of—*

22 “(A) *the number of children enrolled in*
23 *public schools; and*

24 “(B) *the number of children enrolled in pri-*
25 *vate nonprofit schools that desire that their chil-*
26 *dren participate in programs or projects assisted*

1 *under this subpart, for the fiscal year preceding*
2 *the fiscal year for which the determination is*
3 *made.*

4 “(2) *CONSTRUCTION.*—*Nothing in this subsection*
5 *shall diminish the responsibility of local educational*
6 *agencies to contact, on an annual basis, appropriate*
7 *officials from private nonprofit schools within the*
8 *areas served by such agencies in order to determine*
9 *whether such schools desire that their children partici-*
10 *pate in programs assisted under this subpart.*

11 “(3) *ADJUSTMENTS.*—

12 “(A) *IN GENERAL.*—*Relative enrollments*
13 *under subsection (a) shall be adjusted, in accord-*
14 *ance with criteria approved by the Secretary*
15 *under subparagraph (B), to provide higher per*
16 *pupil allocations only to local educational agen-*
17 *cies which serve the greatest numbers or percent-*
18 *ages of—*

19 “(i) *children living in areas with high*
20 *concentrations of low-income families;*

21 “(ii) *children from low-income fami-*
22 *lies; or*

23 “(iii) *children living in sparsely popu-*
24 *lated areas.*

1 “(B) *CRITERIA.*—*The Secretary shall review*
2 *criteria submitted by a State educational agency*
3 *for adjusting allocations under subparagraph (A)*
4 *and shall approve such criteria only if the Sec-*
5 *retary determines that such criteria are reason-*
6 *ably calculated to produce an adjusted allocation*
7 *that reflects the relative needs within the State’s*
8 *local educational agencies based on the factors set*
9 *forth in subparagraph (A).*

10 “(c) *PAYMENT OF ALLOCATIONS.*—

11 “(1) *DISTRIBUTION.*—*From the funds paid to a*
12 *State educational agency pursuant to section 5311 for*
13 *a fiscal year, a State educational agency shall dis-*
14 *tribute to each eligible local educational agency which*
15 *has submitted an application as required in section*
16 *5333 the amount of such local educational agency’s*
17 *allocation as determined under subsection (a).*

18 “(2) *ADDITIONAL FUNDS.*—

19 “(A) *IN GENERAL.*—*Additional funds re-*
20 *sulting from higher per pupil allocations pro-*
21 *vided to a local educational agency on the basis*
22 *of adjusted enrollments of children described in*
23 *subsection (a), may, at the discretion of the local*
24 *educational agency, be allocated for expenditures*
25 *to provide services for children enrolled in public*

1 *and private nonprofit schools in direct propor-*
2 *tion to the number of children described in sub-*
3 *section (a) and enrolled in such schools within*
4 *the local educational agency.*

5 “(B) *REQUIREMENT.*—*In any fiscal year,*
6 *any local educational agency that elects to allo-*
7 *cate such additional funds in the manner de-*
8 *scribed in subparagraph (A) shall allocate all*
9 *additional funds to schools within the local edu-*
10 *cational agency in such manner.*

11 “(C) *CONSTRUCTION.*—*The provisions of*
12 *subparagraphs (A) and (B) may not be con-*
13 *strued to require any school to limit the use of*
14 *such additional funds to the provision of services*
15 *to specific students or categories of students.*

16 **“Chapter 2—State Programs**

17 **“SEC. 5321. STATE USES OF FUNDS.**

18 “(a) *AUTHORIZED ACTIVITIES.*—*A State educational*
19 *agency may use funds made available for State use under*
20 *this subpart only for—*

21 “(1) *State administration of programs under*
22 *this subpart, including—*

23 “(A) *supervision of the allocation of funds*
24 *to local educational agencies;*

1 “(B) *planning, supervision, and processing*
2 *of State funds; and*

3 “(C) *monitoring and evaluation of pro-*
4 *grams and activities under this subpart;*

5 “(2) *support for planning, designing, and initial*
6 *implementation of charter schools as described in sub-*
7 *part 1 of part A;*

8 “(3) *support for designing and implementation*
9 *of high-quality yearly student assessments;*

10 “(4) *support for implementation of State and*
11 *local standards;*

12 “(5) *technical assistance and direct grants to*
13 *local educational agencies, and statewide education*
14 *reform activities, including effective schools programs*
15 *which assist local educational agencies to provide tar-*
16 *geted assistance; and*

17 “(6) *support for arrangements that provide for*
18 *independent analysis to measure and report on school*
19 *district achievement.*

20 “(b) *LIMITATIONS AND REQUIREMENTS.—Not more*
21 *than 15 percent of funds available for State programs under*
22 *this subpart in any fiscal year may be used for State ad-*
23 *ministration under subsection (a)(1).*

1 **“SEC. 5322. STATE APPLICATIONS.**

2 “(a) *APPLICATION REQUIREMENTS.*—*Any State which*
3 *desires to receive assistance under this subpart shall submit*
4 *to the Secretary an application which—*

5 “(1) *designates the State educational agency as*
6 *the State agency responsible for administration and*
7 *supervision of programs assisted under this subpart;*

8 “(2) *provides for a biennial submission of data*
9 *on the use of funds, the types of services furnished,*
10 *and the students served under this subpart;*

11 “(3) *sets forth the allocation of such funds re-*
12 *quired to implement section 5342;*

13 “(4) *provides that the State educational agency*
14 *will keep such records and provide such information*
15 *to the Secretary as may be required for fiscal audit*
16 *and program evaluation (consistent with the respon-*
17 *sibilities of the Secretary under this section);*

18 “(5) *provides assurances that, apart from tech-*
19 *nical and advisory assistance and monitoring compli-*
20 *ance with this subpart, the State educational agency*
21 *has not exercised and will not exercise any influence*
22 *in the decisionmaking processes of local educational*
23 *agencies as to the expenditure made pursuant to an*
24 *application under section 5333;*

25 “(6) *contains assurances that there is compliance*
26 *with the specific requirements of this subpart; and*

1 “(7) provides for timely public notice and public
2 dissemination of the information provided pursuant
3 to paragraph (2).

4 “(b) *PERIOD OF APPLICATION*.—An application filed
5 by the State under subsection (a) shall be for a period not
6 to exceed 3 years, and may be amended annually as may
7 be necessary to reflect changes without filing a new applica-
8 tion.

9 “(c) *AUDIT RULE*.—A local educational agency that
10 receives less than an average of \$10,000 under this subpart
11 for 3 fiscal years shall not be audited more frequently than
12 once every 5 years.

13 **“Chapter 3—Local Innovative Education Programs**

14 **“SEC. 5331. TARGETED USE OF FUNDS.**

15 “(a) *GENERAL RULE*.—Funds made available to local
16 educational agencies under section 5312 shall be used for
17 innovative assistance described in subsection (b).

18 “(b) *INNOVATIVE ASSISTANCE*.—

19 “(1) *IN GENERAL*.—The innovative assistance
20 programs referred to in subsection (a) include—

21 “(A) programs for the acquisition and use
22 of instructional and educational materials, in-
23 cluding library services and materials (including
24 media materials), assessments, and other cur-
25 ricular materials;

1 “(B) programs to improve teaching and
2 learning, including professional development ac-
3 tivities, that are consistent with comprehensive
4 State and local systemic education reform efforts;

5 “(C) activities that encourage and expand
6 improvements throughout the local educational
7 agency that are designed to advance student per-
8 formance;

9 “(D) initiatives to generate, maintain, and
10 strengthen parental and community involvement,
11 including initiatives creating activities for
12 school-age children and activities to meet the
13 educational needs of children aged birth through
14 5;

15 “(E) programs to recruit, hire, and train
16 certified teachers (including teachers certified
17 through State and local alternative routes) in
18 order to reduce class size;

19 “(F) programs to improve the academic
20 performance of educationally disadvantaged ele-
21 mentary school and secondary school students,
22 including activities to prevent students from
23 dropping out of school;

24 “(G) programs and activities that expand
25 learning opportunities through best practice

1 *models designed to improve classroom learning*
2 *and teaching;*

3 “(H) *programs to improve the literacy skills*
4 *of adults, especially the parents of children*
5 *served by the local educational agency, including*
6 *adult education and family literacy programs;*

7 “(I) *technology activities related to the im-*
8 *plementation of school-based reform efforts, in-*
9 *cluding professional development to assist teach-*
10 *ers and other school personnel (including school*
11 *library media personnel) regarding how to effec-*
12 *tively use technology in the classrooms and the*
13 *school library media centers involved;*

14 “(J) *school improvement programs or ac-*
15 *tivities under section 1116 or 1117;*

16 “(K) *programs to provide for the edu-*
17 *cational needs of gifted and talented children;*

18 “(L) *programs to provide same gender*
19 *schools and classrooms, consistent with applica-*
20 *ble law;*

21 “(M) *service learning activities;*

22 “(N) *school safety programs;*

23 “(O) *activities to promote consumer, eco-*
24 *nomics, and personal finance education, such as*
25 *disseminating and encouraging the use of the*

1 *best practices for teaching the basic principles of*
2 *economics and promoting the concept of achiev-*
3 *ing financial literacy through the teaching of*
4 *personal financial management skills (including*
5 *the basic principles involved in earning, spend-*
6 *ing, saving, and investing);*

7 “(P) *programs that employ research-based*
8 *cognitive and perceptual development approaches*
9 *and rely on a diagnostic-prescriptive model to*
10 *improve students’ learning of academic content*
11 *at the preschool, elementary, and secondary lev-*
12 *els; and*

13 “(Q) *supplemental educational services as*
14 *defined in section 1116(f)(6).*

15 “(2) *REQUIREMENTS.—The innovative assistance*
16 *programs referred to in subsection (a) shall be—*

17 “(A) *tied to promoting high academic*
18 *standards;*

19 “(B) *used to improve student performance;*
20 *and*

21 “(C) *part of an overall education reform*
22 *strategy.*

23 “(c) *AWARD CRITERIA AND OTHER GUIDELINES.—Not*
24 *later than 120 days after the date of enactment of the Better*
25 *Education for Students and Teachers Act, the Secretary*

1 *shall issue specific award criteria and other guidelines for*
2 *local educational agencies seeking funding for activities*
3 *under subsection (b)(1)(L).*

4 **“SEC. 5332. ADMINISTRATIVE AUTHORITY.**

5 *“In order to conduct the activities authorized by this*
6 *subpart, each State or local educational agency may use*
7 *funds made available under this subpart to make grants*
8 *to and to enter into contracts with local educational agen-*
9 *cies, institutions of higher education, libraries, museums,*
10 *and other public and private nonprofit agencies, organiza-*
11 *tions, and institutions.*

12 **“SEC. 5333. LOCAL APPLICATIONS.**

13 *“(a) CONTENTS OF APPLICATION.—A local educational*
14 *agency or consortium of such agencies may receive an allo-*
15 *cation of funds under this subpart for any year for which*
16 *an application is submitted to the State educational agency*
17 *and such application is certified to meet the requirements*
18 *of this section. The State educational agency shall certify*
19 *any such application if such application—*

20 *“(1)(A) sets forth the planned allocation of funds*
21 *among innovative assistance programs described in*
22 *section 5331 and describes the programs, projects, and*
23 *activities designed to carry out such innovative assist-*
24 *ance which the local educational agency intends to*

1 *support, together with the reasons for the selection of*
2 *such programs, projects, and activities; and*

3 *“(B) sets forth the allocation of such funds re-*
4 *quired to implement section 5342;*

5 *“(2) describes how assistance under this subpart*
6 *will contribute to improving student achievement or*
7 *improving the quality of education for students;*

8 *“(3) provides assurances of compliance with the*
9 *provisions of this subpart, including the participation*
10 *of children enrolled in private, nonprofit schools in*
11 *accordance with section 5342;*

12 *“(4) provides an assurance that the local edu-*
13 *cational agency will keep such records, and provide*
14 *such information to the State educational agency, as*
15 *reasonably may be required for fiscal audit and pro-*
16 *gram evaluation, consistent with the responsibilities*
17 *of the State educational agency under this subpart;*
18 *and*

19 *“(5) provides in the allocation of funds for the*
20 *assistance authorized by this subpart, and in the de-*
21 *sign, planning, and implementation of such pro-*
22 *grams, for systematic consultation with parents of*
23 *children attending elementary schools and secondary*
24 *schools in the area served by the local educational*
25 *agency, with teachers and administrative personnel*

1 *in such schools, and with other groups involved in the*
 2 *implementation of this subpart (such as librarians,*
 3 *school counselors, and other pupil services personnel)*
 4 *as may be considered appropriate by the local edu-*
 5 *cational agency.*

6 “(b) *PERIOD OF APPLICATION.*—*An application filed*
 7 *by a local educational agency under subsection (a) shall be*
 8 *for a period not to exceed 3 fiscal years, may provide for*
 9 *the allocation of funds to programs for a period of 3 years,*
 10 *and may be amended annually as may be necessary to re-*
 11 *flect changes without filing a new application.*

12 “(c) *LOCAL EDUCATIONAL AGENCY DISCRETION.*—
 13 *Subject to the limitations and requirements of this subpart,*
 14 *a local educational agency shall have complete discretion*
 15 *in determining how funds under this chapter shall be di-*
 16 *vided among the areas of targeted assistance. In exercising*
 17 *such discretion, a local educational agency shall ensure that*
 18 *expenditures under this chapter carry out the purposes of*
 19 *this subpart and are used to meet the educational needs*
 20 *within the schools of such local educational agency.*

21 **“Chapter 4—General Administrative Provisions**

22 **“SEC. 5341. MAINTENANCE OF EFFORT; FEDERAL FUNDS**
 23 **SUPPLEMENTARY.**

24 “(a) *MAINTENANCE OF EFFORT.*—

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), a State is entitled to receive its full alloca-*
3 *tion of funds under this subpart for any fiscal year*
4 *if the Secretary finds that either the combined fiscal*
5 *effort per student or the aggregate expenditures within*
6 *the State with respect to the provision of free public*
7 *education for the fiscal year preceding the fiscal year*
8 *for which the determination is made was not less*
9 *than 90 percent of such combined fiscal effort or ag-*
10 *gregate expenditures for the second fiscal year pre-*
11 *ceding the fiscal year for which the determination is*
12 *made.*

13 “(2) *REDUCTION OF FUNDS.*—*The Secretary*
14 *shall reduce the amount of the allocation of funds*
15 *under this subpart in any fiscal year in the exact*
16 *proportion to which the State fails to meet the re-*
17 *quirements of paragraph (1) by falling below 90 per-*
18 *cent of both the fiscal effort per student and aggregate*
19 *expenditures (using the measure most favorable to the*
20 *State), and no such lesser amount shall be used for*
21 *computing the effort required under paragraph (1) for*
22 *subsequent years.*

23 “(3) *WAIVERS.*—*The Secretary may waive, for 1*
24 *fiscal year only, the requirements of this section if the*
25 *Secretary determines that such a waiver would be eq-*

1 *appropriate private school officials, shall provide for the*
2 *benefit of such children in such schools secular, neu-*
3 *tral, and nonideological services, materials, and*
4 *equipment, including the participation of the teachers*
5 *of such children (and other educational personnel*
6 *serving such children) in training programs, and the*
7 *repair, minor remodeling, or construction of public*
8 *facilities as may be necessary for their provision (con-*
9 *sistent with subsection (c) of this section), or, if such*
10 *services, materials, and equipment are not feasible or*
11 *necessary in one or more such private schools as de-*
12 *termined by the local educational agency after con-*
13 *sultation with the appropriate private school officials,*
14 *shall provide such other arrangements as will assure*
15 *equitable participation of such children in the pur-*
16 *poses and benefits of this subpart.*

17 “(2) *OTHER PROVISIONS FOR SERVICES.—If no*
18 *program or project is carried out under paragraph*
19 *(1) in the school district of a local educational agen-*
20 *cy, the State educational agency shall make arrange-*
21 *ments, such as through contracts with nonprofit agen-*
22 *cies or organizations, under which children in private*
23 *schools in such district are provided with services and*
24 *materials to the extent that would have occurred if the*

1 *local educational agency had received funds under*
2 *this subpart.*

3 “(3) *APPLICATION OF REQUIREMENTS.*—*The re-*
4 *quirements of this section relating to the participa-*
5 *tion of children, teachers, and other personnel serving*
6 *such children shall apply to programs and projects*
7 *carried out under this subpart by a State or local*
8 *educational agency, whether directly or through*
9 *grants to or contracts with other public or private*
10 *agencies, institutions, or organizations.*

11 “(b) *EQUAL EXPENDITURES.*—*Expenditures for pro-*
12 *grams pursuant to subsection (a) shall be equal (consistent*
13 *with the number of children to be served) to expenditures*
14 *for programs under this subpart for children enrolled in*
15 *the public schools of the local educational agency, taking*
16 *into account the needs of the individual children and other*
17 *factors which relate to such expenditures, and when funds*
18 *available to a local educational agency under this subpart*
19 *are used to concentrate programs or projects on a particular*
20 *group, attendance area, or grade or age level, children en-*
21 *rolled in private schools who are included within the group,*
22 *attendance area, or grade or age level selected for such con-*
23 *centration shall, after consultation with the appropriate*
24 *private school officials, be assured equitable participation*
25 *in the purposes and benefits of such programs or projects.*

1 “(c) FUNDS.—

2 “(1) ADMINISTRATION OF FUNDS AND PROP-
3 *ERTY.*—*The control of funds provided under this sub-*
4 *part, and title to materials, equipment, and property*
5 *repaired, remodeled, or constructed with such funds,*
6 *shall be in a public agency for the uses and purposes*
7 *provided in this subpart, and a public agency shall*
8 *administer such funds and property.*

9 “(2) PROVISION OF SERVICES.—*The provision of*
10 *services pursuant to this subpart shall be provided by*
11 *employees of a public agency or through contract by*
12 *such public agency with a person, an association,*
13 *agency, or corporation who or which, in the provision*
14 *of such services, is independent of such private school*
15 *and of any religious organizations, and such employ-*
16 *ment or contract shall be under the control and super-*
17 *vision of such public agency, and the funds provided*
18 *under this subpart shall not be commingled with*
19 *State or local funds.*

20 “(d) STATE PROHIBITION WAIVER.—*If by reason of*
21 *any provision of law a State or local educational agency*
22 *is prohibited from providing for the participation in pro-*
23 *grams of children enrolled in private elementary schools*
24 *and secondary schools, as required by this section, the Sec-*
25 *retary shall waive such requirements and shall arrange for*

1 *the provision of services to such children through arrange-*
2 *ments which shall be subject to the requirements of this sec-*
3 *tion.*

4 “(e) *WAIVER AND PROVISION OF SERVICES.—*

5 “(1) *FAILURE TO COMPLY.—If the Secretary de-*
6 *termines that a State or a local educational agency*
7 *has substantially failed or is unwilling to provide for*
8 *the participation on an equitable basis of children en-*
9 *rolled in private elementary schools and secondary*
10 *schools as required by this section, the Secretary may*
11 *wave such requirements and shall arrange for the*
12 *provision of services to such children through arrange-*
13 *ments which shall be subject to the requirements of*
14 *this section.*

15 “(2) *WITHHOLDING OF ALLOCATION.—Pending*
16 *final resolution of any investigation or complaint*
17 *that could result in a determination under this sub-*
18 *section or subsection (d), the Secretary may withhold*
19 *from the allocation of the affected State or local edu-*
20 *cational agency the amount estimated by the Sec-*
21 *retary to be necessary to pay the cost of those services.*

22 “(f) *DETERMINATION.—Any determination by the Sec-*
23 *retary under this section shall continue in effect until the*
24 *Secretary determines that there will no longer be any fail-*

1 *ure or inability on the part of the State or local educational*
2 *agency to meet the requirements of subsections (a) and (b).*

3 “(g) *PAYMENT FROM STATE ALLOTMENT.*—When the
4 *Secretary arranges for services pursuant to this section, the*
5 *Secretary shall, after consultation with the appropriate*
6 *public and private school officials, pay the cost of such serv-*
7 *ices, including the administrative costs of arranging for*
8 *those services, from the appropriate allotment of the State*
9 *under this subpart.*

10 “(h) *REVIEW.*—

11 “(1) *WRITTEN OBJECTIONS.*—The Secretary shall
12 *not take any final action under this section until the*
13 *State educational agency and the local educational*
14 *agency affected by such action have had an oppor-*
15 *tunity, for not less than 45 days after receiving writ-*
16 *ten notice thereof, to submit written objections and to*
17 *appear before the Secretary or the Secretary’s des-*
18 *ignee to show cause why that action should not be*
19 *taken.*

20 “(2) *COURT ACTION.*—If a State or local edu-
21 *cational agency is dissatisfied with the Secretary’s*
22 *final action after a proceeding under paragraph (1),*
23 *such agency may, not later than 60 days after notice*
24 *of such action, file with the United States court of ap-*
25 *peals for the circuit in which such State is located a*

1 *petition for review of that action. A copy of the peti-*
2 *tion shall be transmitted by the clerk of the court to*
3 *the Secretary. The Secretary thereupon shall file in*
4 *the court the record of the proceedings on which the*
5 *Secretary based this action, as provided in section*
6 *2112 of title 28, United States Code.*

7 *“(3) REMAND TO SECRETARY.—The findings of*
8 *fact by the Secretary, if supported by substantial evi-*
9 *dence, shall be conclusive; but the court, for good*
10 *cause shown, may remand the case to the Secretary*
11 *to take further evidence and the Secretary may make*
12 *new or modified findings of fact and may modify the*
13 *Secretary’s previous action, and shall file in the court*
14 *the record of the further proceedings. Such new or*
15 *modified findings of fact shall likewise be conclusive*
16 *if supported by substantial evidence.*

17 *“(4) COURT REVIEW.—Upon the filing of such*
18 *petition, the court shall have jurisdiction to affirm the*
19 *action of the Secretary or to set such action aside, in*
20 *whole or in part. The judgment of the court shall be*
21 *subject to review by the Supreme Court of the United*
22 *States upon certiorari or certification as provided in*
23 *section 1254 of title 28, United States Code.*

24 *“(i) PRIOR DETERMINATION.—Any bypass determina-*
25 *tion by the Secretary under chapter 2 of part I of this Act*

1 *(as such chapter was in effect on the day preceding the date*
2 *of enactment of the Improving America’s Schools Act of*
3 *1994) shall, to the extent consistent with the purposes of*
4 *this subpart, apply to programs under this subpart.*

5 **“SEC. 5343. FEDERAL ADMINISTRATION.**

6 “(a) *TECHNICAL ASSISTANCE.—The Secretary, upon*
7 *request, shall provide technical assistance to State and local*
8 *educational agencies under this subpart.*

9 “(b) *RULEMAKING.—The Secretary shall issue regula-*
10 *tions under this subpart to the extent that such regulations*
11 *are necessary to ensure that there is compliance with the*
12 *specific requirements and assurances required by this sub-*
13 *part.*

14 “(c) *AVAILABILITY OF APPROPRIATIONS.—Notwith-*
15 *standing any other provision of law, unless expressly in*
16 *limitation of this subsection, funds appropriated in any fis-*
17 *cal year to carry out activities under this subpart shall be-*
18 *come available for obligation on July 1 of such fiscal year*
19 *and shall remain available for obligation until the end of*
20 *the subsequent fiscal year.*

21 **“Chapter 5—School Construction**

22 **“SEC. 5351. DEFINITIONS.**

23 *“In this chapter:*

24 “(1) *CONSTRUCTION.—*

1 “(A) *IN GENERAL.*—Subject to subpara-
2 graph (B), the term ‘construction’ means—

3 “(i) *preparation of drawings and spec-*
4 *ifications for school facilities;*

5 “(ii) *building new school facilities, or*
6 *acquiring, remodeling, demolishing, ren-*
7 *ovating, improving, or repairing facilities*
8 *to establish new school facilities; and*

9 “(iii) *inspection and supervision of the*
10 *construction of new school facilities.*

11 “(B) *RULE.*—An activity described in sub-
12 paragraph (A) shall be considered to be construc-
13 tion only if the labor standards described in sec-
14 tion 439 of the General Education Provisions
15 Act (20 U.S.C. 1232b) are applied with respect
16 to such activity.

17 “(2) *SCHOOL FACILITY.*—The term ‘school facil-
18 ity’ means a public structure suitable for use as a
19 classroom, laboratory, library, media center, or re-
20 lated facility the primary purpose of which is the in-
21 struction of public elementary school or secondary
22 school students. The term does not include an athletic
23 stadium or any other structure or facility intended
24 primarily for athletic exhibitions, contests, or games
25 for which admission is charged to the general public.

1 **“SEC. 5352. PROGRAM AUTHORIZED.**

2 “(a) *IN GENERAL.*—*Funds made available to local*
3 *educational agencies under section 5312 may, notwith-*
4 *standing section 5331(a), be used to enable the local edu-*
5 *cational agencies to carry out the construction of new public*
6 *elementary school and secondary school facilities.*

7 “(b) *NONAPPLICATION OF PROVISIONS.*—*The provi-*
8 *sions of chapter 4 shall not apply to this chapter.*

9 **“SEC. 5353. CONDITIONS FOR USE OF FUNDS.**

10 *“In order to use funds for construction under this*
11 *chapter a local educational agency shall meet the following*
12 *requirements:*

13 “(1) *Reduce school sizes for public elementary*
14 *schools and secondary schools served by the local edu-*
15 *cational agency to—*

16 “(A) *not more than 500 students in the case*
17 *of a school serving kindergarten through grade 5*
18 *students;*

19 “(B) *not more than 750 students in the case*
20 *of a school serving grade 6 through grade 8 stu-*
21 *dents; and*

22 “(C) *not more than 1,000 students in the*
23 *case of a school serving grade 9 through grade 12*
24 *students.*

25 “(2) *Provide matching funds, with respect to the*
26 *cost to be incurred in carrying out the activities for*

1 *which the grant is awarded, from non-Federal sources*
2 *in an amount equal to the Federal funds provided*
3 *under the grant.*

4 **“SEC. 5354. APPLICATIONS.**

5 “(a) *IN GENERAL.*—*Each local educational agency de-*
6 *siring to use funds under this chapter shall submit an ap-*
7 *plication to the State educational agency at such time and*
8 *in such manner as the State educational agency may re-*
9 *quire.*

10 “(b) *CONTENTS.*—*Each application shall contain—*

11 “(1) *an assurance that the grant funds will be*
12 *used in accordance with this chapter;*

13 “(2) *a brief description of the construction to be*
14 *conducted;*

15 “(3) *a cost estimate of the activities to be con-*
16 *ducted; and*

17 “(4) *a description of available non-Federal*
18 *matching funds.*

19 **“PART C—FLEXIBILITY IN THE USE OF**
20 **ADMINISTRATIVE AND OTHER FUNDS**

21 **“SEC. 5401. CONSOLIDATION OF STATE ADMINISTRATIVE**
22 **FUNDS FOR ELEMENTARY AND SECONDARY**
23 **EDUCATION PROGRAMS.**

24 “(a) *CONSOLIDATION OF ADMINISTRATIVE FUNDS.*—

1 “(1) *IN GENERAL.*—*A State educational agency*
2 *may consolidate the amounts specifically made avail-*
3 *able to such agency for State administration under*
4 *one or more of the programs specified under para-*
5 *graph (2) if such State educational agency can dem-*
6 *onstrate that the majority of such agency’s resources*
7 *come from non-Federal sources.*

8 “(2) *APPLICABILITY.*—*This section applies to*
9 *programs under title I, those covered programs de-*
10 *scribed in subparagraphs (C), (D), (E), and (F) of*
11 *section 3(10).*

12 “(b) *USE OF FUNDS.*—

13 “(1) *IN GENERAL.*—*A State educational agency*
14 *shall use the amount available under this section for*
15 *the administration of the programs included in the*
16 *consolidation under subsection (a).*

17 “(2) *ADDITIONAL USES.*—*A State educational*
18 *agency may also use funds available under this sec-*
19 *tion for administrative activities designed to enhance*
20 *the effective and coordinated use of funds under the*
21 *programs included in the consolidation under sub-*
22 *section (a), such as—*

23 “(A) *the coordination of such programs*
24 *with other Federal and non-Federal programs;*

1 “(B) the establishment and operation of
2 peer-review mechanisms under this Act;

3 “(C) the administration of this part, part
4 D, and sections 3 through 17;

5 “(D) the dissemination of information re-
6 garding model programs and practices; and

7 “(E) technical assistance under programs
8 specified in subsection (a)(2).

9 “(c) *RECORDS.*—A State educational agency that con-
10 solidates administrative funds under this section shall not
11 be required to keep separate records, by individual program,
12 to account for costs relating to the administration of pro-
13 grams included in the consolidation under subsection (a).

14 “(d) *REVIEW.*—To determine the effectiveness of State
15 administration under this section, the Secretary may peri-
16 odically review the performance of State educational agen-
17 cies in using consolidated administrative funds under this
18 section and take such steps as the Secretary finds appro-
19 priate to ensure the effectiveness of such administration.

20 “(e) *UNUSED ADMINISTRATIVE FUNDS.*—If a State
21 educational agency does not use all of the funds available
22 to such agency under this section for administration, such
23 agency may use such funds during the applicable period
24 of availability as funds available under one or more pro-
25 grams included in the consolidation under subsection (a).

1 *dures for responding to requests from local educational*
2 *agencies to consolidate administrative funds under sub-*
3 *section (a) and for establishing limitations on the amount*
4 *of funds under covered programs that may be used for ad-*
5 *ministration on a consolidated basis.*

6 “(c) *CONDITIONS.*—*A local educational agency that*
7 *consolidates administrative funds under this section for any*
8 *fiscal year shall not use any other funds under the programs*
9 *included in the consolidation for administration for that*
10 *fiscal year.*

11 “(d) *USES OF ADMINISTRATIVE FUNDS.*—*A local edu-*
12 *cational agency that consolidates administrative funds*
13 *under this section may use such consolidated funds for the*
14 *administration of covered programs and for the uses de-*
15 *scribed in section 5401(b)(2).*

16 “(e) *RECORDS.*—*A local educational agency that con-*
17 *solidates administrative funds under this section shall not*
18 *be required to keep separate records, by individual covered*
19 *program, to account for costs relating to the administration*
20 *of covered programs included in the consolidation.*

21 **“SEC. 5404. ADMINISTRATIVE FUNDS STUDIES.**

22 “(a) *FEDERAL FUNDS STUDY.*—

23 “(1) *IN GENERAL.*—*The Secretary shall conduct*
24 *a study of the use of funds under this Act for the ad-*
25 *ministration, by State and local educational agencies,*

1 of all covered programs, including the percentage of
2 grant funds used for such purpose in all covered pro-
3 grams.

4 “(2) *STATE DATA.*—Beginning in fiscal year
5 1995 and each succeeding fiscal year thereafter, each
6 State educational agency which receives funds under
7 title I shall submit to the Secretary a report on the
8 use of title I funds for the State administration of ac-
9 tivities assisted under title I. Such report shall in-
10 clude the proportion of State administrative funds
11 provided under section 1903 that are expended for—

12 “(A) basic program operation and compli-
13 ance monitoring;

14 “(B) statewide program services such as de-
15 velopment of standards and assessments, cur-
16 riculum development, and program evaluation;
17 and

18 “(C) technical assistance and other direct
19 support to local educational agencies and schools.

20 “(3) *FEDERAL FUNDS REPORT.*—The Secretary
21 shall complete the study conducted under this section
22 not later than July 1, 1997, and shall submit to the
23 President and the appropriate committees of the Con-
24 gress a report regarding such study within 30 days
25 of the completion of such study.

1 “(4) *RESULTS.—Based on the results of the*
2 *study described in subsection (a)(1), which may in-*
3 *clude collection and analysis of the data under para-*
4 *graph (2) and section 410(b) of the Improving Amer-*
5 *ica’s Schools Act of 1994, the Secretary shall—*

6 “(A) *develop a definition of what types of*
7 *activities constitute the administration of pro-*
8 *grams under this Act by State and local edu-*
9 *cational agencies; and*

10 “(B) *within one year of the completion of*
11 *such study, promulgate final regulations or*
12 *guidelines regarding the use of funds for admin-*
13 *istration under all programs, including the use*
14 *of such funds on a consolidated basis and limita-*
15 *tions on the amount of such funds that may be*
16 *used for administration where such limitation is*
17 *not otherwise specified in law.*

18 “(b) *GENERAL ADMINISTRATIVE FUNDS STUDY AND*
19 *REPORT.—Upon the date of completion of the pilot model*
20 *data system described in section 410(b) of the Improving*
21 *America’s Schools Act of 1994, the Secretary shall study*
22 *the information obtained through the use of such data sys-*
23 *tem and other relevant information, as well as any other*
24 *data systems which are in use on such date that account*
25 *for administrative expenses at the school, local educational*

1 agency, and State educational agency level, and shall report
2 to the Congress not later than July 1, 1997, regarding—

3 “(1) the potential for the reduction of adminis-
4 trative expenses at the school, local educational agen-
5 cy, and State educational agency levels;

6 “(2) the potential usefulness of such data system
7 to reduce such administrative expenses;

8 “(3) any other methods which may be employed
9 by schools, local educational agencies or State edu-
10 cational agencies to reduce administrative expenses
11 and maximize the use of funds for functions directly
12 affecting student learning; and

13 “(4) if appropriate, steps which may be taken to
14 assist schools, local educational agencies and State
15 educational agencies to account for and reduce ad-
16 ministrative expenses.

17 **“SEC. 5405. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
18 **OF THE INTERIOR FUNDS.**

19 “(a) *GENERAL AUTHORITY.*—

20 “(1) *TRANSFER.*—The Secretary shall transfer to
21 the Department of the Interior, as a consolidated
22 amount for covered programs, the Indian education
23 programs under part A of title VII of this Act, and
24 the education for homeless children and youth pro-
25 gram under subtitle B of title VII of the Stewart B.

1 *McKinney Homeless Assistance Act, the amounts al-*
2 *lotted to the Department of the Interior under those*
3 *programs.*

4 “(2) *AGREEMENT.—(A) The Secretary and the*
5 *Secretary of the Interior shall enter into an agree-*
6 *ment, consistent with the requirements of the pro-*
7 *grams specified in paragraph (1), for the distribution*
8 *and use of those program funds under terms that the*
9 *Secretary determines best meet the purposes of those*
10 *programs.*

11 “(B) *The agreement shall—*

12 “(i) *set forth the plans of the Secretary of*
13 *the Interior for the use of the amount trans-*
14 *ferred, and set forth performance measures to as-*
15 *sess program effectiveness, including measurable*
16 *goals and objectives; and*

17 “(ii) *be developed in consultation with In-*
18 *dian tribes.*

19 “(b) *ADMINISTRATION.—The Department of the Inte-*
20 *rior may use not more than 1.5 percent of the funds consoli-*
21 *dated under this section for such department’s costs related*
22 *to the administration of the funds transferred under this*
23 *section.*

1 **“SEC. 5406. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.**

2 *“With the approval of its State educational agency,*
 3 *a local educational agency that determines for any fiscal*
 4 *year that funds under a covered program (other than part*
 5 *A of title I) are not needed for the purpose of that covered*
 6 *program, may use such funds, not to exceed five percent*
 7 *of the total amount of such local educational agency’s funds*
 8 *under that covered program, for the purpose of another cov-*
 9 *ered program.*

10 **“PART D—COORDINATION OF PROGRAMS; CON-**
 11 **SOLIDATED STATE AND LOCAL PLANS AND**
 12 **APPLICATIONS**

13 **“SEC. 5501. PURPOSE.**

14 *“It is the purpose of this part to improve teaching and*
 15 *learning by encouraging greater cross-program coordina-*
 16 *tion, planning, and service delivery under this Act and en-*
 17 *hanced integration of programs under this Act with edu-*
 18 *cational activities carried out with State and local funds.*

19 **“SEC. 5502. OPTIONAL CONSOLIDATED STATE PLANS OR AP-**
 20 **PLICATIONS.**

21 *“(a) GENERAL AUTHORITY.—*

22 *“(1) SIMPLIFICATION.—In order to simplify ap-*
 23 *plication requirements and reduce the burden for*
 24 *State educational agencies under this Act, the Sec-*
 25 *retary, in accordance with subsection (b), shall estab-*
 26 *lish procedures and criteria under which, after con-*

1 *sultation with the Governor, a State educational*
2 *agency may submit a consolidated State plan or a*
3 *consolidated State application meeting the require-*
4 *ments of this section for—*

5 *“(A) each of the covered programs in which*
6 *the State participates; and*

7 *“(B) the additional programs described in*
8 *paragraph (2).*

9 *“(2) ADDITIONAL PROGRAMS.—After consulta-*
10 *tion with the Governor, a State educational agency*
11 *may also include in its consolidated State plan or*
12 *consolidated State application—*

13 *“(A) the Even Start program under part B*
14 *of title I;*

15 *“(B) the Prevention and Intervention Pro-*
16 *grams for Youth Who Are Neglected, Delinquent,*
17 *or At-Risk of Dropping Out under part D of*
18 *title I; and*

19 *“(C) such other programs as the Secretary*
20 *may designate.*

21 *“(3) CONSOLIDATED APPLICATIONS AND*
22 *PLANS.—After consultation with the Governor, a*
23 *State educational agency that submits a consolidated*
24 *State plan or a consolidated State application under*
25 *this section shall not be required to submit separate*

1 *State plans or applications under any of the pro-*
2 *grams to which the consolidated State plan or consoli-*
3 *dated State application under this section applies.*

4 “(b) *COLLABORATION.*—

5 “(1) *IN GENERAL.*—*In establishing criteria and*
6 *procedures under this section, the Secretary shall col-*
7 *laborate with State educational agencies and, as ap-*
8 *propriate, with other State agencies, local educational*
9 *agencies, public and private nonprofit agencies, orga-*
10 *nizations, and institutions, private schools, and rep-*
11 *resentatives of parents, students, and teachers.*

12 “(2) *CONTENTS.*—*Through the collaborative*
13 *process described in subsection (b)(1), the Secretary*
14 *shall establish, for each program under the Act to*
15 *which this section applies, the descriptions, informa-*
16 *tion, assurances, and other material required to be in-*
17 *cluded in a consolidated State plan or consolidated*
18 *State application.*

19 “(3) *NECESSARY MATERIALS.*—*The Secretary*
20 *shall require only descriptions, information, assur-*
21 *ances (including assurances of compliance with appli-*
22 *cable provisions regarding participation by private*
23 *school children and teachers), and other materials*
24 *that are absolutely necessary for the consideration of*

1 *the consolidated State plan or consolidated State ap-*
2 *plication.*

3 **“SEC. 5503. GENERAL APPLICABILITY OF STATE EDU-**
4 **CATIONAL AGENCY ASSURANCES.**

5 *“(a) ASSURANCES.—A State educational agency that*
6 *submits a consolidated State plan or consolidated State ap-*
7 *plication under this Act, whether separately or under sec-*
8 *tion 5502, shall have on file with the Secretary a single*
9 *set of assurances, applicable to each program for which such*
10 *plan or application is submitted, that provides that—*

11 *“(1) each such program will be administered in*
12 *accordance with all applicable statutes, regulations,*
13 *program plans, and applications;*

14 *“(2)(A) the control of funds provided under each*
15 *such program and title to property acquired with*
16 *program funds will be in a public agency, in a non-*
17 *profit private agency, institution, or organization, or*
18 *in an Indian tribe if the law authorizing the program*
19 *provides for assistance to such entities; and*

20 *“(B) the public agency, nonprofit private agen-*
21 *cy, institution, or organization, or Indian tribe will*
22 *administer such funds and property to the extent re-*
23 *quired by the authorizing law;*

24 *“(3) the State will adopt and use proper methods*
25 *of administering each such program, including—*

1 “(A) the enforcement of any obligations im-
2 posed by law on agencies, institutions, organiza-
3 tions, and other recipients responsible for car-
4 rying out each program;

5 “(B) the correction of deficiencies in pro-
6 gram operations that are identified through au-
7 dits, monitoring, or evaluation; and

8 “(C) the adoption of written procedures for
9 the receipt and resolution of complaints alleging
10 violations of law in the administration of such
11 programs;

12 “(4) the State will cooperate in carrying out any
13 evaluation of each such program conducted by or for
14 the Secretary or other Federal officials;

15 “(5) the State will use such fiscal control and
16 fund accounting procedures as will ensure proper dis-
17 bursement of, and accounting for, Federal funds paid
18 to the State under each such program;

19 “(6) the State will—

20 “(A) make reports to the Secretary as may
21 be necessary to enable the Secretary to perform
22 the Secretary’s duties under each such program;
23 and

24 “(B) maintain such records, provide such
25 information to the Secretary, and afford access

1 to the records as the Secretary may find nec-
2 essary to carry out the Secretary's duties; and

3 “(7) before the plan or application was sub-
4 mitted to the Secretary, the State has afforded a rea-
5 sonable opportunity for public comment on the plan
6 or application and has considered such comment.

7 “(b) *GEPA PROVISION.*—Section 441 of the General
8 Education Provisions Act shall not apply to programs
9 under this Act.

10 **“SEC. 5504. ADDITIONAL COORDINATION.**

11 “(a) *ADDITIONAL COORDINATION.*—In order to explore
12 ways for State educational agencies to reduce administra-
13 tive burdens and promote the coordination of the education
14 services of this Act with other health and social service pro-
15 grams administered by such agencies, the Secretary is di-
16 rected to seek agreements with other Federal agencies (in-
17 cluding the Departments of Health and Human Services,
18 Justice, Labor and Agriculture) for the purpose of estab-
19 lishing procedures and criteria under which a State edu-
20 cational agency would submit a consolidated State plan or
21 consolidated State application that meets the requirements
22 of the covered programs.

23 “(b) *REPORT.*—The Secretary shall report to the rel-
24 evant committees 6 months after the date of enactment of
25 the Improving America's Schools Act of 1994.

1 **“SEC. 5505. CONSOLIDATED LOCAL PLANS OR APPLICA-**
2 **TIONS.**

3 “(a) *GENERAL AUTHORITY.*—A local educational
4 agency receiving funds under more than one covered pro-
5 gram may submit plans or applications to the State edu-
6 cational agency under such programs on a consolidated
7 basis.

8 “(b) *REQUIRED CONSOLIDATED PLANS OR APPLICA-*
9 *TIONS.*—A State educational agency that has submitted and
10 had approved a consolidated State plan or application
11 under section 5502 may require local educational agencies
12 in the State receiving funds under more than one program
13 included in the consolidated State plan or consolidated
14 State application to submit consolidated local plans or ap-
15 plications under such programs.

16 “(c) *COLLABORATION.*—A State educational agency
17 shall collaborate with local educational agencies in the State
18 in establishing procedures for the submission of the consoli-
19 dated State plans or consolidated State applications under
20 this section.

21 “(d) *NECESSARY MATERIALS.*—The State educational
22 agency shall require only descriptions, information, assur-
23 ances, and other material that are absolutely necessary for
24 the consideration of the local educational agency plan or
25 application.

1 **“SEC. 5506. OTHER GENERAL ASSURANCES.**

2 “(a) *ASSURANCES.*—*Any applicant other than a State*
3 *educational agency that submits a plan or application*
4 *under this Act, whether separately or pursuant to section*
5 *5504, shall have on file with the State educational agency*
6 *a single set of assurances, applicable to each program for*
7 *which a plan or application is submitted, that provides*
8 *that—*

9 “(1) *each such program will be administered in*
10 *accordance with all applicable statutes, regulations,*
11 *program plans, and applications;*

12 “(2)(A) *the control of funds provided under each*
13 *such program and title to property acquired with*
14 *program funds will be in a public agency or in a*
15 *nonprofit private agency, institution, organization, or*
16 *Indian tribe, if the law authorizing the program pro-*
17 *vides for assistance to such entities; and*

18 “(B) *the public agency, nonprofit private agen-*
19 *cy, institution, or organization, or Indian tribe will*
20 *administer such funds and property to the extent re-*
21 *quired by the authorizing statutes;*

22 “(3) *the applicant will adopt and use proper*
23 *methods of administering each such program,*
24 *including—*

25 “(A) *the enforcement of any obligations im-*
26 *posed by law on agencies, institutions, organiza-*

1 *tions, and other recipients responsible for car-*
2 *rying out each program; and*

3 *“(B) the correction of deficiencies in pro-*
4 *gram operations that are identified through au-*
5 *ditions, monitoring, or evaluation;*

6 *“(4) the applicant will cooperate in carrying out*
7 *any evaluation of each such program conducted by or*
8 *for the State educational agency, the Secretary or*
9 *other Federal officials;*

10 *“(5) the applicant will use such fiscal control*
11 *and fund accounting procedures as will ensure proper*
12 *disbursement of, and accounting for, Federal funds*
13 *paid to such applicant under each such program;*

14 *“(6) the applicant will—*

15 *“(A) make reports to the State educational*
16 *agency and the Secretary as may be necessary to*
17 *enable such agency and the Secretary to perform*
18 *their duties under each such program; and*

19 *“(B) maintain such records, provide such*
20 *information, and afford access to the records as*
21 *the State educational agency or the Secretary*
22 *may find necessary to carry out the State edu-*
23 *cational agency’s or the Secretary’s duties; and*

24 *“(7) before the application was submitted, the*
25 *applicant afforded a reasonable opportunity for pub-*

1 *lic comment on the application and has considered*
2 *such comment.*

3 “(b) *GEPA PROVISION.*—Section 442 of the General
4 *Education Provisions Act does not apply to programs under*
5 *this Act.*

6 **“PART E—ADVANCED PLACEMENT PROGRAMS**

7 **“SEC. 5601. SHORT TITLE.**

8 “*This part may be cited as the ‘Access to High Stand-*
9 *ards Act’.*

10 **“SEC. 5602. FINDINGS AND PURPOSES.**

11 “(a) *FINDINGS.*—Congress finds that—

12 “(1) *far too many students are not being pro-*
13 *vided sufficient academic preparation in secondary*
14 *school, which results in limited employment opportu-*
15 *nities, college dropout rates of over 25 percent for the*
16 *first year of college, and remediation for almost one-*
17 *third of incoming college freshmen;*

18 “(2) *there is a growing consensus that raising*
19 *academic standards, establishing high academic ex-*
20 *pectations, and showing concrete results are at the*
21 *core of improving public education;*

22 “(3) *modeling academic standards on the well-*
23 *known program of advanced placement courses is an*
24 *approach that many education leaders and almost*
25 *half of all States have endorsed;*

1 “(4) advanced placement programs already are
2 providing 30 different college-level courses, serving al-
3 most 60 percent of all secondary schools, reaching
4 over 1,000,000 students (of whom 80 percent attend
5 public schools, 55 percent are females, and 30 percent
6 are minorities), and providing test scores that are ac-
7 cepted for college credit at over 3,000 colleges and
8 universities, every university in Germany, France,
9 and Austria, and most institutions in Canada and
10 the United Kingdom;

11 “(5) 24 States are now funding programs to in-
12 crease participation in advanced placement pro-
13 grams, including 19 States that provide funds for ad-
14 vanced placement teacher professional development, 3
15 States that require that all public secondary schools
16 offer advanced placement courses, 10 States that pay
17 the fees for advanced placement tests for some or all
18 students, and 4 States that require that their public
19 universities grant uniform academic credit for scores
20 of 3 or better on advanced placement tests; and

21 “(6) the State programs described in paragraph
22 (5) have shown the responsiveness of schools and stu-
23 dents to such programs, raised the academic stand-
24 ards both for students participating in such programs
25 and for other children taught by teachers who are in-

1 *involved in advanced placement courses, and have*
2 *shown tremendous success in increasing enrollment,*
3 *achievement, and minority participation in advanced*
4 *placement programs.*

5 *“(b) PURPOSES.—The purposes of this part are—*

6 *“(1) to encourage more of the 600,000 students*
7 *who take advanced placement courses but do not take*
8 *advanced placement exams each year to demonstrate*
9 *their achievements through taking the exams;*

10 *“(2) to build on the many benefits of advanced*
11 *placement programs for students, which benefits may*
12 *include the acquisition of skills that are important to*
13 *many employers, Scholastic Aptitude Tests (SAT)*
14 *scores that are 100 points above the national aver-*
15 *ages, and the achievement of better grades in sec-*
16 *ondary school and in college than the grades of stu-*
17 *dents who have not participated in the programs;*

18 *“(3) to support State and local efforts to raise*
19 *academic standards through advanced placement pro-*
20 *grams, and thus further increase the number of stu-*
21 *dents who participate and succeed in advanced place-*
22 *ment programs;*

23 *“(4) to increase the availability and broaden the*
24 *range of schools that have advanced placement pro-*
25 *grams, which programs are still often distributed un-*

1 *evenly among regions, States, and even secondary*
2 *schools within the same school district, while also in-*
3 *creasing and diversifying student participation in the*
4 *programs;*

5 *“(5) to build on the State programs described in*
6 *subsection (a)(5) and demonstrate that larger and*
7 *more diverse groups of students can participate and*
8 *succeed in advanced placement programs;*

9 *“(6) to provide greater access to advanced place-*
10 *ment courses for low-income and other disadvantaged*
11 *students;*

12 *“(7) to provide access to advanced placement*
13 *courses for secondary school juniors at schools that do*
14 *not offer advanced placement programs, increase the*
15 *rate of secondary school juniors and seniors who par-*
16 *ticipate in advanced placement courses to 25 percent*
17 *of the secondary school student population, and in-*
18 *crease the numbers of students who receive advanced*
19 *placement test scores for which college academic credit*
20 *is awarded; and*

21 *“(8) to increase the participation of low-income*
22 *individuals in taking advanced placement tests*
23 *through the payment or partial payment of the costs*
24 *of the advanced placement test fees.*

1 **“SEC. 5603. FUNDING DISTRIBUTION RULE.**

2 *“From amounts appropriated under section 5608 for*
3 *a fiscal year, the Secretary shall give first priority to fund-*
4 *ing activities under section 5606, and shall distribute any*
5 *remaining funds not so applied according to the following*
6 *ratio:*

7 *“(1) Seventy percent of the remaining funds*
8 *shall be available to carry out section 5604.*

9 *“(2) Thirty percent of the remaining funds shall*
10 *be available to carry out section 5605.*

11 **“SEC. 5604. ADVANCED PLACEMENT PROGRAM GRANTS.**

12 *“(a) GRANTS AUTHORIZED.—*

13 *“(1) IN GENERAL.—From amounts appropriated*
14 *under section 5608 and made available under section*
15 *5603(1) for a fiscal year, the Secretary shall award*
16 *grants, on a competitive basis, to eligible entities to*
17 *enable the eligible entities to carry out the authorized*
18 *activities described in subsection (c).*

19 *“(2) DURATION AND PAYMENTS.—*

20 *“(A) DURATION.—The Secretary shall*
21 *award a grant under this section for a period of*
22 *3 years.*

23 *“(B) PAYMENTS.—The Secretary shall make*
24 *grant payments under this section on an annual*
25 *basis.*

1 “(3) *DEFINITION OF ELIGIBLE ENTITY.*—*In this*
2 *section, the term ‘eligible entity’ means a State edu-*
3 *catational agency or a local educational agency in the*
4 *State.*

5 “(b) *PRIORITY.*—*In awarding grants under this sec-*
6 *tion the Secretary shall give priority to eligible entities sub-*
7 *mitting applications under subsection (d) that*
8 *demonstrate—*

9 “(1) *a pervasive need for access to advanced*
10 *placement incentive programs;*

11 “(2) *the involvement of business and community*
12 *organizations in the activities to be assisted;*

13 “(3) *the availability of matching funds from*
14 *State or local sources to pay for the cost of activities*
15 *to be assisted;*

16 “(4) *a focus on developing or expanding ad-*
17 *vanced placement programs and participation in the*
18 *core academic areas of English, mathematics, and*
19 *science; and*

20 “(5)(A) *in the case of an eligible entity that is*
21 *a State educational agency, the State educational*
22 *agency carries out programs in the State that*
23 *target—*

1 “(i) local educational agencies serving
2 schools with a high concentration of low-income
3 students; or

4 “(ii) schools with a high concentration of
5 low-income students; or

6 “(B) in the case of an eligible entity that is a
7 local educational agency, the local educational agency
8 serves schools with a high concentration of low-income
9 students.

10 “(c) *AUTHORIZED ACTIVITIES.*—An eligible entity
11 may use grant funds under this section to expand access
12 for low-income individuals to advanced placement incentive
13 programs that involve—

14 “(1) teacher training;

15 “(2) preadvanced placement course development;

16 “(3) curriculum coordination and articulation
17 between grade levels that prepare students for ad-
18 vanced placement courses;

19 “(4) curriculum development;

20 “(5) books and supplies; and

21 “(6) any other activity directly related to ex-
22 panding access to and participation in advanced
23 placement incentive programs particularly for low-in-
24 come individuals.

1 “(d) *APPLICATION.*—*Each eligible entity desiring a*
2 *grant under this section shall submit an application to the*
3 *Secretary at such time, in such manner, and accompanied*
4 *by such information as the Secretary may require.*

5 “(e) *DATA COLLECTION AND REPORTING.*—

6 “(1) *DATA COLLECTION.*—*Each eligible entity re-*
7 *ceiving a grant under this section shall annually re-*
8 *port to the Secretary—*

9 “(A) *the number of students taking ad-*
10 *vanced placement courses who are served by the*
11 *eligible entity;*

12 “(B) *the number of advanced placement*
13 *tests taken by students served by the eligible enti-*
14 *ty;*

15 “(C) *the scores on the advanced placement*
16 *tests; and*

17 “(D) *demographic information regarding*
18 *individuals taking the advanced placement*
19 *courses and tests disaggregated by race, eth-*
20 *nicity, sex, English proficiency status, and socio-*
21 *economic status.*

22 “(2) *REPORT.*—*The Secretary shall annually*
23 *compile the information received from each eligible*
24 *entity under paragraph (1) and report to Congress*
25 *regarding the information.*

1 **“SEC. 5605. ONLINE ADVANCED PLACEMENT COURSES.**

2 “(a) *GRANTS AUTHORIZED.*—*From amounts appro-*
3 *priated under section 5608 and made available under sec-*
4 *tion 5603(2) for a fiscal year, the Secretary shall award*
5 *grants to State educational agencies to enable such agencies*
6 *to award grants to local educational agencies to provide*
7 *students with online advanced placement courses.*

8 “(b) *STATE EDUCATIONAL AGENCY APPLICATIONS.*—

9 “(1) *APPLICATION REQUIRED.*—*Each State edu-*
10 *cational agency desiring a grant under this section*
11 *shall submit an application to the Secretary at such*
12 *time, in such manner, and accompanied by such in-*
13 *formation as the Secretary may require.*

14 “(2) *AWARD BASIS.*—*The Secretary shall award*
15 *grants under this section on a competitive basis.*

16 “(c) *GRANTS TO LOCAL EDUCATIONAL AGENCIES.*—

17 *Each State educational agency receiving a grant under sub-*
18 *section (b) shall award grants to local educational agencies*
19 *within the State to carry out activities described in sub-*
20 *section (e). In awarding grants under this subsection, the*
21 *State educational agency shall give priority to local edu-*
22 *cational agencies that—*

23 “(1) *serve high concentrations of low-income stu-*
24 *dents;*

25 “(2) *serve rural areas; and*

1 “(3) *the State educational agency determines*
2 *will not have access to online advanced placement*
3 *courses without assistance provided under this sec-*
4 *tion.*

5 “(d) *CONTRACTS.—A local educational agency that re-*
6 *ceives a grant under this section may enter into a contract*
7 *with a nonprofit or for-profit organization to provide the*
8 *online advanced placement courses, including contracting*
9 *for necessary support services.*

10 “(e) *USES.—Grant funds provided under this section*
11 *may be used to purchase the online curriculum, to train*
12 *teachers with respect to the use of online curriculum, and*
13 *to purchase course materials.*

14 **“SEC. 5606. ADVANCED PLACEMENT INCENTIVE PROGRAM.**

15 “(a) *GRANTS AUTHORIZED.—From amounts appro-*
16 *priated under section 5608 and made available under sec-*
17 *tion 5603 for a fiscal year, the Secretary shall award grants*
18 *to State educational agencies having applications approved*
19 *under subsection (c) to enable the State educational agencies*
20 *to reimburse low-income individuals to cover part or all*
21 *of the costs of advanced placement test fees, if the low-in-*
22 *come individuals—*

23 “(1) *are enrolled in an advanced placement*
24 *class; and*

25 “(2) *plan to take an advanced placement test.*

1 “(b) *AWARD BASIS.*—*In determining the amount of*
2 *the grant awarded to each State educational agency under*
3 *this section for a fiscal year, the Secretary shall consider*
4 *the number of children eligible to be counted under section*
5 *1124(c) in the State in relation to the number of such chil-*
6 *dren so counted in all the States.*

7 “(c) *INFORMATION DISSEMINATION.*—*A State edu-*
8 *cational agency shall disseminate information regarding*
9 *the availability of advanced placement test fee payments*
10 *under this section to eligible individuals through secondary*
11 *school teachers and guidance counselors.*

12 “(d) *APPLICATIONS.*—*Each State educational agency*
13 *desiring a grant under this section shall submit an applica-*
14 *tion to the Secretary at such time, in such manner, and*
15 *accompanied by such information as the Secretary may re-*
16 *quire. At a minimum, each State educational agency appli-*
17 *cation shall—*

18 “(1) *describe the advanced placement test fees the*
19 *State educational agency will pay on behalf of low-*
20 *income individuals in the State from grant funds*
21 *made available under this section;*

22 “(2) *provide an assurance that any grant funds*
23 *received under this section, other than funds used in*
24 *accordance with subsection (e), shall be used only to*
25 *pay for advanced placement test fees; and*

1 “(3) contain such information as the Secretary
2 may require to demonstrate that the State will ensure
3 that a student is eligible for payments under this sec-
4 tion, including documentation required under chapter
5 1 of subpart 2 of part A of title IV of the Higher
6 Education Act of 1965.

7 “(e) *ADDITIONAL USES OF FUNDS.*—If each eligible
8 low-income individual in a State pays not more than a
9 nominal fee to take an advanced placement test in a core
10 subject, then a State educational agency may use grant
11 funds made available under this section that remain after
12 advanced placement test fees have been paid on behalf of
13 all eligible low-income individuals in the State, for activi-
14 ties directly related to increasing—

15 “(1) the enrollment of low-income individuals in
16 advanced placement courses;

17 “(2) the participation of low-income individuals
18 in advanced placement courses; and

19 “(3) the availability of advanced placement
20 courses in schools serving high-poverty areas.

21 “(f) *SUPPLEMENT, NOT SUPPLANT.*—Grant funds pro-
22 vided under this section shall supplement, and not sup-
23 plant, other non-federal funds that are available to assist
24 low-income individuals in paying for the cost of advanced
25 placement test fees.

1 “(g) *REGULATIONS.*—*The Secretary shall prescribe*
2 *such regulations as are necessary to carry out this section.*

3 “(h) *REPORT.*—*Each State educational agency annu-*
4 *ally shall report to the Secretary information regarding—*

5 “(1) *the number of low-income individuals in the*
6 *State who received assistance under this section; and*

7 “(2) *any activities carried out pursuant to sub-*
8 *section (e).*

9 “(i) *DEFINITIONS.*—*In this section:*

10 “(1) *ADVANCED PLACEMENT TEST.*—*The term*
11 *‘advanced placement test’ includes only an advanced*
12 *placement test approved by the Secretary for the pur-*
13 *poses of this section.*

14 “(2) *LOW-INCOME INDIVIDUAL.*—*The term ‘low-*
15 *income individual’ has the meaning given the term in*
16 *section 402A(g)(2) of the Higher Education Act of*
17 *1965.*

18 **“SEC. 5607. DEFINITIONS.**

19 *“In this part:*

20 “(1) *ADVANCED PLACEMENT INCENTIVE PRO-*
21 *GRAM.*—*The term ‘advanced placement incentive pro-*
22 *gram’ means a program that provides advanced*
23 *placement activities and services to low-income indi-*
24 *viduals.*

1 “(2) *ADVANCED PLACEMENT TEST.*—*The term*
2 *‘advanced placement test’ means an advanced place-*
3 *ment test administered by the College Board or ap-*
4 *proved by the Secretary.*

5 “(3) *HIGH CONCENTRATION OF LOW-INCOME*
6 *STUDENTS.*—*The term ‘high concentration of low-in-*
7 *come students’, used with respect to a State edu-*
8 *cational agency, local educational agency or school,*
9 *means an agency or school, as the case may be, that*
10 *serves a student population 40 percent or more of*
11 *whom are from families with incomes below the pov-*
12 *erty level, as determined in the same manner as the*
13 *determination is made under section 1124(c)(2).*

14 “(4) *LOW-INCOME INDIVIDUAL.*—*The term ‘low-*
15 *income individual’ means, other than for purposes of*
16 *section 5606, a low-income individual (as defined in*
17 *section 402A(g)(2) of the Higher Education Act of*
18 *1965) who is academically prepared to take success-*
19 *fully an advanced placement test as determined by a*
20 *school teacher or advanced placement coordinator tak-*
21 *ing into consideration factors such as enrollment and*
22 *performance in an advanced placement course or su-*
23 *perior academic ability.*

24 “(5) *INSTITUTION OF HIGHER EDUCATION.*—*The*
25 *term ‘institution of higher education’ has the meaning*

1 *given the term in section 101(a) of the Higher Edu-*
2 *cation Act of 1965.*

3 “(6) *STATE.*—*The term ‘State’ means each of the*
4 *several States of the United States, the District of Co-*
5 *lumbia, the Commonwealth of Puerto Rico, Guam,*
6 *American Samoa, the United States Virgin Islands,*
7 *the Republic of the Marshall Islands, the Federated*
8 *States of Micronesia, and the Republic of Palau.*

9 **“SEC. 5608. AUTHORIZATION OF APPROPRIATIONS.**

10 *“There are authorized to be appropriated to carry out*
11 *this part \$50,000,000 for fiscal year 2002, and such sums*
12 *as may be necessary for each of the 6 succeeding fiscal years.*

13 **“PART F—PERFORMANCE AGREEMENTS**

14 **“SEC. 5701. SHORT TITLE.**

15 *“This part may be cited as the ‘Performance Agree-*
16 *ments Act’.*

17 **“SEC. 5702. PURPOSE.**

18 *“The purpose of this part is to create options for se-*
19 *lected State educational agencies and local educational*
20 *agencies—*

21 *“(1) to improve the academic achievement of all*
22 *students served by State educational agencies and*
23 *local educational agencies, and to focus the resources*
24 *of the Federal Government on that achievement;*

1 “(2) to better empower parents, educators, ad-
2 ministrators, and schools to effectively address the
3 needs of their children and students;

4 “(3) to give participating State educational
5 agencies and local educational agencies greater flexi-
6 bility in determining how to increase their students’
7 academic achievement and implement education re-
8 forms in their schools;

9 “(4) to eliminate barriers to implementing effec-
10 tive State and local education reform, while pre-
11 serving the goals of equality of opportunity for all
12 students and accountability for student progress;

13 “(5) to hold participating State educational
14 agencies and local educational agencies accountable
15 for increasing the academic achievement of all stu-
16 dents, especially disadvantaged students; and

17 “(6) to narrow achievement gaps between the
18 lowest and highest performing groups of students,
19 particularly low-income and minority students, so
20 that no child is left behind.

21 **“SEC. 5703. PROGRAM AUTHORITY; SELECTION OF STATE**
22 **EDUCATIONAL AGENCIES AND LOCAL EDU-**
23 **CATIONAL AGENCIES.**

24 “(a) PROGRAM AUTHORITY.—

1 “(1) *IN GENERAL.*—*Except as otherwise provided*
2 *in this part, the Secretary shall enter into perform-*
3 *ance agreements—*

4 “(A) *with State educational agencies and*
5 *local educational agencies that submit approv-*
6 *able performance agreement proposals and are*
7 *selected under paragraph (2); and*

8 “(B) *under which the agencies may consoli-*
9 *date and use funds as described in section 5705.*

10 “(2) *SELECTION OF STATE EDUCATIONAL AGEN-*
11 *CIES AND LOCAL EDUCATIONAL AGENCIES FOR PAR-*
12 *TICIPATION.*—

13 “(A) *IN GENERAL.*—*Subject to subpara-*
14 *graphs (C) and (D), the Secretary shall select not*
15 *more than 7 State educational agencies and 25*
16 *local educational agencies to enter into perform-*
17 *ance agreements under this part. The State edu-*
18 *cational agencies and local educational agencies*
19 *shall be selected from among those State edu-*
20 *cational agencies and local educational agencies*
21 *that—*

22 “(i) *demonstrate, to the satisfaction of*
23 *the Secretary, that the proposed perform-*
24 *ance agreement of the agency—*

1 “(I) has substantial promise of
2 meeting the requirements of this part;
3 and

4 “(II) describes a plan to combine
5 and use funds (as described in section
6 5705(a)(1)) under the agreement to ex-
7 ceed, by a statistically significant
8 amount, the State’s definition of ade-
9 quate yearly progress (as described in
10 subparagraph (B)) while meeting the
11 requirements of sections 1111 and
12 1116;

13 “(ii) have developed, and are admin-
14 istering, the assessments described in section
15 1111(b)(3);

16 “(iii) provide information in the pro-
17 posed performance agreement regarding how
18 the State educational agency—

19 “(I) has notified the local edu-
20 cational agencies within the State of
21 the State educational agency’s intent to
22 submit a proposed performance agree-
23 ment; and

1 “(II) consulted with the Governor
2 of the State about the terms of the pro-
3 posed performance agreement;

4 “(iv) consulted and involved parents
5 and educators in the development of the
6 proposal; and

7 “(v) provide such other information, at
8 such time and in such manner, as the Sec-
9 retary may reasonably require.

10 “(B) DEFINITION OF ADEQUATE YEARLY
11 PROGRESS.—In this part the term ‘adequate
12 yearly progress’ means the adequate yearly
13 progress determined by the State pursuant to
14 section 1111(b)(2)(B).

15 “(C) GEOGRAPHIC DISTRIBUTION.—If more
16 than 7 State educational agencies or 25 local
17 educational agencies submit approvable perform-
18 ance agreements under this part, then the Sec-
19 retary shall select agencies for performance
20 agreements under this part in a manner that en-
21 sures, to the greatest extent possible, an equitable
22 geographic distribution of such agencies selected
23 for performance agreements. In addition, if more
24 than 25 local educational agencies submit ap-
25 provable performance agreements under this

1 *part, then the Secretary shall select local edu-*
2 *cational agencies for performance agreements*
3 *under this part in a manner that ensures an eq-*
4 *uitable distribution of such agencies selected for*
5 *performance agreements among such agencies*
6 *serving urban and rural areas.*

7 “(D) *LOCAL EDUCATIONAL AGENCY PARTICI-*
8 *PATION.—*

9 “(i) *IN GENERAL.—If a local edu-*
10 *cational agency is located in a State that*
11 *does not enter into a performance agreement*
12 *under subparagraph (A), then the local edu-*
13 *cational agency may be selected to enter*
14 *into a performance agreement with the Sec-*
15 *retary under subparagraph (A), but only if*
16 *the local educational agency—*

17 “(I) *meets the requirements of this*
18 *part that are applicable to the local*
19 *educational agency pursuant to clause*
20 *(iii), except as provided under clause*
21 *(v);*

22 “(II) *notifies the State edu-*
23 *cational agency of the local educational*
24 *agency’s intent to enter into a perform-*
25 *ance agreement under this part; and*

1 “(III) notifies the Governor of the
2 State regarding the terms of the pro-
3 posed performance agreement.

4 “(ii) *PROHIBITION.*—In the event that
5 a local educational agency enters into a
6 performance agreement under this part, the
7 State educational agency serving the State
8 in which the local educational agency is lo-
9 cated may not enter into a performance
10 agreement under this part unless—

11 “(I) the State educational agency
12 has consulted the local educational
13 agency; and

14 “(II) the term of the local edu-
15 cational agency’s original performance
16 agreement has ended.

17 “(iii) *APPLICABILITY.*—Except as pro-
18 vided in clauses (iv) and (v), each require-
19 ment and limitation under this part that is
20 applicable to a State educational agency
21 with respect to a performance agreement
22 under this part shall be applicable to a
23 local educational agency with respect to a
24 performance agreement under this section,

1 to the extent the Secretary determines ap-
2 propriate.

3 “(iv) LOCAL EDUCATIONAL AGENCY
4 WAIVER.—

5 “(I) WAIVER.—If a local edu-
6 cational agency does not wish to par-
7 ticipate in the State educational agen-
8 cy’s performance agreement, then the
9 local educational agency shall apply to
10 the State educational agency for a
11 waiver within 45 days of notification
12 from the State educational agency of
13 the State educational agency’s desire to
14 participate in a performance agree-
15 ment.

16 “(II) RESPONSE.—A State edu-
17 cational agency that receives a waiver
18 application under subclause (I) shall
19 respond to the waiver application
20 within 45 days of receipt of the appli-
21 cation. In order to obtain the waiver,
22 the local educational agency shall rea-
23 sonably demonstrate to the State edu-
24 cational agency that the local edu-
25 cational agency would be better able to

1 *exceed adequate yearly progress by opt-*
2 *ing out of the performance agreement*
3 *and remaining subject to the require-*
4 *ments of the affected Federal programs.*
5 *If the State educational agency denies*
6 *the waiver, the State educational agen-*
7 *cy shall explain to the local edu-*
8 *cational agency the State educational*
9 *agency's reasons for the denial.*

10 “(III) *APPLICABILITY.*—*If a local*
11 *educational agency receives a waiver*
12 *under this clause, then the agency shall*
13 *receive funds and be subject to the pro-*
14 *visions of Federal law governing each*
15 *Federal program included in the State*
16 *educational agency's performance*
17 *agreement.*

18 “(v) *INAPPLICABILITY.*—*The following*
19 *provisions shall not apply to a local edu-*
20 *cational agency with respect to a perform-*
21 *ance agreement under this part:*

22 “(I) *The provisions of section*
23 *5703(a)(2)(A)(iii) relating to State*
24 *educational agency information.*

1 “(II) *The provisions of section*
2 *5704(a)(3)(B) limiting the use of funds*
3 *other than those funds provided under*
4 *part A of title I.*

5 “(III) *The provisions of section*
6 *5705(b), to the extent that those provi-*
7 *sions permit the consolidation of funds*
8 *that are awarded by a State on a com-*
9 *petitive basis.*

10 “(IV) *The provisions relating to*
11 *distribution of funds under section*
12 *5706.*

13 “(V) *The provisions limiting*
14 *State use of funds for administrative*
15 *purposes under section 5708(a).*

16 “(VI) *The provisions of section*
17 *5709(e)(1) regarding State sanctions.*

18 “(b) *ED-FLEX PROHIBITION.—Each State or local*
19 *educational agency that enters into a performance agree-*
20 *ment under this part shall be ineligible to receive a waiver*
21 *under part B for the term of the performance agreement.*

22 **“SEC. 5704. PERFORMANCE AGREEMENT.**

23 “(a) *TERMS OF PERFORMANCE AGREEMENT.—*

24 “(1) *REQUIRED PROVISIONS.—Each performance*
25 *agreement entered into by the Secretary and a State*

1 *educational agency or a local educational agency*
2 *under this part shall—*

3 *“(A) be for a term of 5 years, except as pro-*
4 *vided in section 5709(a);*

5 *“(B) provide that no requirements of any*
6 *program described in section 5705(b) and in-*
7 *cluded in the scope of the agreement shall apply,*
8 *except as otherwise provided in this part;*

9 *“(C) list which of the programs described in*
10 *section 5705(b) are included in the scope of the*
11 *performance agreement;*

12 *“(D) contain a 5-year plan describing how*
13 *the State educational agency will—*

14 *“(i) ensure compliance with sections*
15 *1003, 1111 (other than subsections (c) (3)*
16 *and (10)), 1112 (other than subsections (b)*
17 *(3) and (9), (c) (5), (7), and (9), and*
18 *(d)(3)), 1114, 1115, 1116, 1117, and 1118*
19 *(c), (d), and (e) (1), (3), and (7), except*
20 *that section 1114(a)(1) shall be applied sub-*
21 *stituting ‘35 percent’ for ‘40 percent’;*

22 *“(ii) address professional development*
23 *under the performance agreement;*

24 *“(iii) combine and use the funds from*
25 *programs included in the scope of the per-*

1 *formance agreement to exceed, by a statis-*
2 *tically significant amount, the State’s defi-*
3 *inition of adequate yearly progress;*

4 *“(iv) if title II is included in the per-*
5 *formance agreement, ensure compliance*
6 *with sections 2141(a) and 2142(a), as ap-*
7 *plicable; and*

8 *“(v) if title III is included in the per-*
9 *formance agreement, ensure compliance*
10 *with section 3329;*

11 *“(E) contain an assurance that the State*
12 *educational agency has provided parents, teach-*
13 *ers, schools, and local educational agencies in the*
14 *State, with notice and an opportunity to com-*
15 *ment on the proposed terms of the performance*
16 *agreement, including the distribution and use of*
17 *funds to be consolidated, in accordance with*
18 *State law;*

19 *“(F) provide that the State educational*
20 *agency will use fiscal control and fund-account-*
21 *ing procedures that will ensure proper disburse-*
22 *ment of, and accounting for, Federal funds con-*
23 *solidated and used under the performance agree-*
24 *ment;*

1 “(G) contain an assurance that the State
2 educational agency will meet the requirements of
3 all applicable Federal civil rights laws in car-
4 rying out the performance agreement and in con-
5 solidating and using the funds under the per-
6 formance agreement;

7 “(H) require that, in consolidating and
8 using funds under the performance agreement,
9 the State educational agency will comply with
10 the equitable participation requirements de-
11 scribed in section 5705(c);

12 “(I) provide that the State educational
13 agency will, for the duration of the performance
14 agreement, use funds consolidated and used
15 under section 5705 only to supplement the
16 amount of funds that would, in the absence of
17 those Federal funds, be made available from non-
18 Federal sources for the education of students par-
19 ticipating in programs assisted with the consoli-
20 dated funds and used under section 5705, and
21 not to supplant those funds;

22 “(J) contain an assurance that the State
23 educational agency will comply with the mainte-
24 nance of effort requirements of paragraph (2);

1 “(K) provide that, not later than 1 year
2 after the date on which the Secretary and the
3 State educational agency enter into the perform-
4 ance agreement, and annually thereafter during
5 the term of the agreement, the State educational
6 agency will disseminate widely to parents (in a
7 format and, to the extent practicable, in a lan-
8 guage the parents can understand) and the gen-
9 eral public, transmit to the Secretary, distribute
10 to print and broadcast media, and post on the
11 Internet, a report that includes—

12 “(i) the data as described in section
13 1111(j);

14 “(ii) a detailed description of how the
15 State educational agency used the funds
16 consolidated under the performance agree-
17 ment to exceed, by a statistically significant
18 amount, its definition of adequate yearly
19 progress; and

20 “(iii) whether the State educational
21 agency has met the teacher quality goals es-
22 tablished under title II; and

23 “(L) in the case of an agency that includes
24 subpart 1 of part A of title IV in its performance
25 agreement, contain an assurance that—

1 “(i) the agency will not diminish its
2 ability to provide a drug and violence free
3 learning environment as a result of entering
4 into the performance agreement, except that
5 nothing in this clause shall be construed to
6 limit the ability of the agency to participate
7 in a program under title IV due to an un-
8 foreseen event involving drugs or violence;

9 “(ii) the agency will prepare the needs
10 assessment described in section 4112(a)(2)
11 and the report described in section 4117 (b)
12 and (c), as appropriate, for each school
13 year; and

14 “(iii) the agency will use the informa-
15 tion in the assessment and report described
16 in clause (ii) to ensure compliance with
17 clause (i).

18 “(2) MAINTENANCE OF STATE FINANCIAL SUP-
19 PORT.—

20 “(A) IN GENERAL.—Each State entering
21 into a performance agreement under this part
22 shall not reduce the amount of State financial
23 support for education for a fiscal year below the
24 amount of such support for the preceding fiscal
25 year.

1 “(B) *REDUCTION OF FUNDS FOR FAILURE*
2 *TO MAINTAIN EFFORT.*—*The Secretary shall re-*
3 *duce the allotment of funds to a State pursuant*
4 *to the terms of the performance agreement for*
5 *any fiscal year following a fiscal year in which*
6 *the State fails to comply with subparagraph (A)*
7 *by the same amount by which the State fails to*
8 *meet the requirements of subparagraph (A).*

9 “(C) *WAIVERS FOR EXCEPTIONAL OR UN-*
10 *CONTROLLABLE CIRCUMSTANCES.*—*The Secretary*
11 *may waive the requirement of subparagraph (A)*
12 *for a State, for one fiscal year at a time, if the*
13 *Secretary determines that granting a waiver*
14 *would be equitable due to exceptional or uncon-*
15 *trollable circumstances such as a natural dis-*
16 *aster or a precipitous and unforeseen decline in*
17 *the financial resources of the State.*

18 “(D) *SUBSEQUENT YEARS.*—*If, for any*
19 *year, a State fails to meet the requirement of*
20 *subparagraph (A), including any year for which*
21 *the State is granted a waiver under subpara-*
22 *graph (C), then the financial support required of*
23 *the State in future years under subparagraph*
24 *(A) shall be the amount that would have been re-*

1 *quired in the absence of that failure and not the*
2 *reduced level of the State's support.*

3 “(3) *MAINTENANCE OF LOCAL FINANCIAL SUP-*
4 *PORT.—*

5 “(A) *IN GENERAL.—Each local educational*
6 *agency entering into a performance agreement*
7 *under this part shall not reduce the amount of*
8 *local educational agency financial support for*
9 *education for a fiscal year below 90 percent of*
10 *the amount of that support for the preceding fis-*
11 *cal year.*

12 “(B) *REDUCTION OF FUNDS FOR FAILURE*
13 *TO MAINTAIN SUPPORT.—The Secretary shall re-*
14 *duce the amount made available to a local edu-*
15 *cational agency under a performance agreement*
16 *under this part for any fiscal year following the*
17 *fiscal year in which the local educational agency*
18 *fails to comply with subparagraph (A) by the*
19 *same amount by which the local educational*
20 *agency fails to meet the requirements of subpara-*
21 *graph (A).*

22 “(C) *WAIVERS FOR EXCEPTIONAL OR UN-*
23 *CONTROLLABLE CIRCUMSTANCES.—The Secretary*
24 *may waive the requirement of subparagraph (A)*
25 *for a local educational agency if the Secretary*

1 *determines that granting a waiver would be eq-*
2 *uitable due to exceptional or uncontrollable cir-*
3 *cumstances such as a natural disaster or a pre-*
4 *cipitous and unforeseen decline in the financial*
5 *resources of the local educational agency, or to*
6 *permit the local educational agency to adjust for*
7 *changes in student population within the schools*
8 *served by the local educational agency.*

9 “(D) *SUBSEQUENT YEARS.—If, for any*
10 *year, a local educational agency fails to meet the*
11 *requirement of subparagraph (A), including any*
12 *year for which the local educational agency is*
13 *granted a waiver under subparagraph (C), then*
14 *the financial support required of the local edu-*
15 *cational agency in future years under subpara-*
16 *graph (A) shall be the amount that would have*
17 *been required in the absence of that failure and*
18 *not the reduced level of the local educational*
19 *agency’s support.*

20 “(4) *PROGRAM-SPECIFIC PROVISIONS.—*

21 “(A) *PART A OF TITLE I FUNDS.—If part A*
22 *of title I is included in the scope of the perform-*
23 *ance agreement, the performance agreement shall*
24 *provide that sections 1113, and 1124 through*
25 *1127, shall apply to the allocation of funds*

1 *under such part, unless the State educational*
2 *agency demonstrates, to the satisfaction of the*
3 *Secretary and prior to approval of the perform-*
4 *ance agreement, that the State educational agen-*
5 *cy will use an alternative allocation method that*
6 *will better target poverty or educational need.*
7 *Any alternative method shall result in the per-*
8 *centage of such funds allocated to each local edu-*
9 *cational agency served by the State educational*
10 *agency that meets the eligibility criteria for a*
11 *concentration grant according to section 1124A*
12 *exceeding the percentage of such funds allocated*
13 *to such local educational agency under part A of*
14 *title I. Such alternative allocation methods may*
15 *include implementation of a State’s weighted for-*
16 *mula, use of a State’s most current census data*
17 *to better target poor children, or a State setting*
18 *higher thresholds for poverty so that funding is*
19 *more targeted to schools with higher concentra-*
20 *tions of poverty.*

21 “(B) NONTITLE I FUNDS.—*The performance*
22 *agreement shall provide that, for funds other*
23 *than those under part A of title I that are con-*
24 *solidated and used under section 5705(b), the*
25 *State educational agency will demonstrate, to the*

1 *satisfaction of the Secretary and prior to ap-*
2 *proval of the performance agreement, that the*
3 *State educational agency will allocate the funds*
4 *in a manner that, each year, allocates funds to*
5 *serve high concentrations of children from low-*
6 *income families at a level proportional to or*
7 *higher than the level that would occur without*
8 *such consolidation or use.*

9 “(b) *APPROVAL OF PERFORMANCE AGREEMENT.*—

10 “(1) *IN GENERAL.*—*Subject to section 5703(a),*
11 *not later than 90 days after the deadline established*
12 *by the Secretary for receipt of a complete proposed*
13 *performance agreement, the Secretary shall approve*
14 *the performance agreement, or provide the State edu-*
15 *catinal agency with a written explanation for not*
16 *approving the performance agreement.*

17 “(2) *PEER REVIEW.*—*The Secretary shall—*

18 “(A) *establish a peer review process to assist*
19 *in the review of proposed performance agree-*
20 *ments under this part; and*

21 “(B) *appoint individuals to the peer review*
22 *process who are representative of parents, teach-*
23 *ers, State educational agencies, and local edu-*
24 *catinal agencies, and who are familiar with*
25 *educational standards, assessments, account-*

1 *ability, curriculum, instruction and staff devel-*
2 *opment, and other diverse educational needs of*
3 *students.*

4 “(c) *AMENDMENT TO PERFORMANCE AGREEMENT.*—

5 “(1) *IN GENERAL.*—*Not later than 1 year after*
6 *entering into a performance agreement under this*
7 *part, a State educational agency may amend its*
8 *agreement to—*

9 “(A) *remove from the scope of the agreement*
10 *any program described in section 5705(b); or*

11 “(B) *include in the scope of the agreement*
12 *any additional program described in section*
13 *5705(b), or any additional achievement indica-*
14 *tors for which the State educational agency will*
15 *be held accountable.*

16 “(2) *APPROVAL OF AMENDMENT.*—

17 “(A) *IN GENERAL.*—*Not later than 90 days*
18 *after the receipt of a complete proposed amend-*
19 *ment described in paragraph (1), the Secretary*
20 *shall approve the amendment unless the Sec-*
21 *retary, by that deadline, provides the State edu-*
22 *cational agency with a written determination*
23 *that the plan, as amended, would no longer have*
24 *substantial promise of meeting the requirements*
25 *of this part and meeting the State educational*

1 *agency's objective to exceed adequate yearly*
2 *progress.*

3 “(B) *TREATMENT AS APPROVED.—Each*
4 *amendment for which the Secretary fails to take*
5 *the action required under subparagraph (A) in*
6 *the time period described in that subparagraph*
7 *shall be considered to be approved.*

8 “(3) *ADDITIONAL AMENDMENTS.—In addition to*
9 *the amendments described in paragraph (1), the State*
10 *educational agency, at any time, may amend its per-*
11 *formance agreement if the State educational agency*
12 *demonstrates, to the satisfaction of the Secretary,*
13 *that—*

14 “(A) *the plan, as amended, will continue to*
15 *have substantial promise of meeting the require-*
16 *ments of this part; and*

17 “(B) *the amendment sought by the State*
18 *will not substantially alter the original agree-*
19 *ment.*

20 “(4) *TREATMENT OF PROGRAM FUNDS WITH-*
21 *DRAWN FROM AGREEMENT.—The addition, or re-*
22 *moval, of a program to or from the scope of a per-*
23 *formance agreement under paragraph (1) shall take*
24 *effect with respect to the participating agency's use of*
25 *funds made available under that program beginning*

1 *on the first day of the first full academic year fol-*
2 *lowing the approval of the amendment.*

3 **“SEC. 5705. CONSOLIDATION AND USE OF FUNDS.**

4 “(a) *IN GENERAL.*—

5 “(1) *AUTHORITY.*—*Under a performance agree-*
6 *ment entered into under this part, a State edu-*
7 *cational agency may consolidate, subject to subsection*
8 *(c), Federal funds made available to the State edu-*
9 *cational agency under the provisions listed in sub-*
10 *section (b) and use those funds for any purpose or use*
11 *permitted under any of the eligible programs listed in*
12 *section 5705(b), subject to paragraph (3).*

13 “(2) *PROGRAM REQUIREMENTS.*—*Except as oth-*
14 *erwise provided in this part, a State educational*
15 *agency may use funds under paragraph (1) notwith-*
16 *standing the requirements of the program under*
17 *which the funds were made available to the State edu-*
18 *cational agency.*

19 “(3) *CONTINUATION AWARDS.*—*A State edu-*
20 *cational agency shall make continuation awards for*
21 *the duration of the grants to recipients of multiyear*
22 *competitive grants under any of the programs de-*
23 *scribed in subsection (b) that were initially awarded*
24 *prior to entering into the performance agreement, and*
25 *shall not consolidate any funds under subsection (b)*

1 *for any year until after those continuation awards*
2 *are made.*

3 “(b) *ELIGIBLE PROGRAMS.—Only funds made avail-*
4 *able for fiscal year 2002 or any succeeding fiscal year to*
5 *State educational agencies under programs under any of*
6 *the following provisions of law may be consolidated and*
7 *used under subsection (a):*

8 “(1) *Part A (other than section 1003), subpart*
9 *1 of part B, part F or G, or subpart 2 of part H (but*
10 *only if appropriations for such subpart exceed*
11 *\$250,000,000 and the program becomes a State for-*
12 *mula grant program), of title I.*

13 “(2) *Subpart 1 or 2 of part A, or part C, of title*
14 *II.*

15 “(3) *Part A or D, as appropriate, of title III*
16 *(other than grant funds made available under section*
17 *3324(c)(1)).*

18 “(4) *Subpart 1 of part A of title IV.*

19 “(5) *Subpart 3 of part A, or subpart 4 of part*
20 *B, of title V.*

21 “(6) *Any appropriation subsequent to fiscal year*
22 *2001 for the purposes described in section 310 of the*
23 *Department of Education Appropriations Act, 2000.*

24 “(7) *Any appropriation subsequent to fiscal year*
25 *2001 for the purposes described in section 321(b)(2)*

1 *of the Department of Education Appropriations Act,*
2 *2001.*

3 “(8) *Any other program under this Act that is*
4 *enacted after the date of enactment of the Better Edu-*
5 *cation for Students and Teachers Act under which the*
6 *Secretary provides grants to State educational agen-*
7 *cies to assist elementary and secondary education on*
8 *the basis of a formula.*

9 “(c) *EQUITABLE PARTICIPATION REQUIREMENTS.—If*
10 *a State educational agency or local educational agency in-*
11 *cludes in the scope of its performance agreement programs*
12 *described in subsection (b) that have requirements relating*
13 *to the equitable participation of private schools, then—*

14 “(1) *each local educational agency in the State,*
15 *or the local educational agency, as appropriate, shall*
16 *determine the amount of consolidated funds to be used*
17 *for services and benefits for private school students*
18 *and teachers by—*

19 “(A) *calculating separately the amount of*
20 *funds for services and benefits for private school*
21 *students and teachers under each program that*
22 *is consolidated and to which those requirements*
23 *apply; and*

24 “(B) *totaling the amounts calculated under*
25 *subparagraph (A);*

1 “(2) except as described in paragraph (3), all equitable participation requirements, including any bypass requirements, applicable to the program that is consolidated shall continue to apply to the funds consolidated under the agreement from that program;
2 and
3 and
4 and
5 and
6 and

7 “(3) the agency may use the amount of funds determined under paragraph (1) only for those services and benefits for private school students and teachers in accordance with any of the consolidated programs to which the equitable participation requirements apply, but may not provide any additional benefits or services beyond those allowable under the applicable equitable participation requirements under this Act.
8 and
9 and
10 and
11 and
12 and
13 and
14 and
15 and

16 **“SEC. 5706. STATE RESERVATION FOR STATE-LEVEL ACTIVITIES.**
17 **TIES.**

18 “(a) STATE-LEVEL ACTIVITIES.—In order to carry out
19 State-level activities under the purposes described in section
20 5705(a)(1) to exceed, by a statistically significant amount,
21 the State’s definition of adequate yearly progress, a State
22 educational agency that—

23 “(1) includes part A of title I in the scope of its
24 performance agreement, may reserve not more than 5

1 *percent of the funds under that part to carry out such*
2 *activities; and*

3 “(2) *includes programs other than part A of title*
4 *I in the scope of its performance agreement, may re-*
5 *serve not more than 10 percent of the funds under*
6 *those other programs to carry out such activities.*

7 “(b) *DISTRIBUTION OF REMAINDER.—A State edu-*
8 *cational agency shall distribute the consolidated funds not*
9 *used under subsection (a) to local educational agencies in*
10 *the State in a manner determined by the State educational*
11 *agency in accordance with section 5707.*

12 **“SEC. 5707. DISTRIBUTION OF FUNDS UNDER AGREEMENT.**

13 *“The distribution of funds consolidated under a per-*
14 *formance agreement shall be determined by the State edu-*
15 *cational agency in consultation with the Governor of the*
16 *State, subject to the requirements of this part.*

17 **“SEC. 5708. LIMITATIONS ON ADMINISTRATIVE EXPENDI-**
18 **TURES.**

19 “(a) *STATE EDUCATIONAL AGENCY.—Subject to sec-*
20 *tion 5709(e)(1), each State educational agency that has en-*
21 *tered into a performance agreement under this part may*
22 *reserve for administrative purposes not more than 1 percent*
23 *of the total amount of funds made available to the State*
24 *educational agency under the programs included in the*
25 *scope of the performance agreement.*

1 “(b) *LOCAL EDUCATIONAL AGENCY.*—Subject to sec-
2 tion 5709(e)(2), each local educational agency that has en-
3 tered into a performance agreement with the Secretary
4 under this part may use for administrative purposes not
5 more than 4 percent of the total amount of funds made
6 available to the local educational agency under the pro-
7 grams included in the scope of the performance agreement.

8 **“SEC. 5709. PERFORMANCE REVIEW AND PENALTIES.**

9 “(a) *EARLY TERMINATION OF AGREEMENT.*—

10 “(1) *PERFORMANCE GOAL FAILURE.*—Beginning
11 with the first full academic year after a State edu-
12 cational agency enters into a performance agreement
13 under this part, and after providing the State edu-
14 cational agency with notice and an opportunity for
15 a hearing (including the opportunity to provide infor-
16 mation as provided in paragraph (3)), if the State
17 educational agency fails to meet its definition of ade-
18 quate yearly progress for 2 consecutive years, or fails
19 to exceed, by a statistically significant amount, its
20 definition of adequate yearly progress for 3 consecu-
21 tive years, then the Secretary shall terminate prompt-
22 ly the performance agreement.

23 “(2) *NONCOMPLIANCE.*—The Secretary may,
24 after providing notice and an opportunity for a hear-
25 ing (including the opportunity to provide information

1 *as provided in paragraph (3)), terminate a perform-*
2 *ance agreement if there is evidence that the State edu-*
3 *cational agency has failed to comply with the terms*
4 *of the performance agreement.*

5 “(3) *INFORMATION.—If a State educational*
6 *agency believes that the Secretary’s determination*
7 *under this subsection is in error for statistical or*
8 *other substantive reasons, the State educational agen-*
9 *cy may provide supporting evidence to the Secretary,*
10 *and the Secretary shall consider that evidence before*
11 *making a final early termination determination.*

12 “(b) *NO RENEWAL IF PERFORMANCE UNSATISFAC-*
13 *TORY.—If, at the end of the 5-year term of a performance*
14 *agreement entered into under this part, a State educational*
15 *agency has not substantially met the State’s definition of*
16 *adequate yearly progress, then the Secretary shall not renew*
17 *the agreement under section 5710.*

18 “(c) *TWO-YEAR WAIT-OUT PERIOD.—A State edu-*
19 *cational agency whose performance agreement was termi-*
20 *nated under subsection (a), or was not renewed in accord-*
21 *ance with subsection (b), may not enter into another per-*
22 *formance agreement under this part until after the State*
23 *educational agency meets its definition of adequate yearly*
24 *progress for 2 consecutive years following the termination*
25 *or nonrenewal.*

1 “(d) *PROGRAM REQUIREMENTS IN EFFECT AFTER*
2 *TERMINATION OR NONRENEWAL OF THE AGREEMENT.—Be-*
3 *ginning on the first day of the first full academic year fol-*
4 *lowing the end of a performance agreement under this part*
5 *(including through termination under subsection (a)) the*
6 *State educational agency shall comply with each of the pro-*
7 *gram requirements in effect on that date for each program*
8 *included in the performance agreement.*

9 “(e) *SANCTIONS.—*

10 “(1) *STATE SANCTIONS.—If, beginning with the*
11 *first full academic year after a State educational*
12 *agency enters into a performance agreement under*
13 *this part—*

14 “(A) *the Secretary determines, on the basis*
15 *of data from the State assessment system de-*
16 *scribed in section 1111 and data from State as-*
17 *sessments under the National Assessment of Edu-*
18 *cational Progress of 4th and 8th grade reading*
19 *and mathematics skills, for 2 consecutive years,*
20 *that—*

21 “(i) *the State educational agency has*
22 *failed to exceed, by a statistically signifi-*
23 *cant amount, the State’s definition of ade-*
24 *quate yearly progress; and*

1 “(i) students who are racial and eth-
2 nic minorities, and economically disadvan-
3 taged students, in the State failed to make
4 statistically significant progress in the aca-
5 demic subjects for which the State has devel-
6 oped State content and student performance
7 standards,

8 then the amount that the State educational agen-
9 cy may use for administrative expenses in ac-
10 cordance with section 5708 shall be reduced by
11 30 percent;

12 “(B) the Secretary determines that a State
13 educational agency which included title II in its
14 performance agreement failed to comply with
15 section 2141(a), then the Secretary shall with-
16 hold funds as described in section 2141(d); and

17 “(C) the Secretary determines that a State
18 educational agency which included title III in
19 its performance agreement failed to comply with
20 section 3329, then the Secretary shall withhold
21 funds as described in section 3329(b).

22 “(2) LOCAL EDUCATIONAL AGENCIES.—If, begin-
23 ning with the first full academic year after a local
24 educational agency enters into a performance agree-
25 ment under this part, the Secretary determines, on

1 *the basis of data from the State assessment system de-*
2 *scribed in section 1111 that a local educational agen-*
3 *cy failed to exceed, by a statistically significant*
4 *amount, the State’s definition of adequate yearly*
5 *progress for 2 consecutive years, then the amount that*
6 *the local educational agency may use for administra-*
7 *tive expenses in accordance with section 5708 shall be*
8 *reduced by 30 percent.*

9 **“SEC. 5710. RENEWAL OF PERFORMANCE AGREEMENT.**

10 “(a) *IN GENERAL.—Except as provided in section*
11 *5709 (a) and (b), and in accordance with this section, the*
12 *Secretary shall renew for 1 additional 5-year term a per-*
13 *formance agreement under this part if the Secretary deter-*
14 *mines, on the basis of the information reported under sec-*
15 *tion 5704(a)(1)(K), that the adequate yearly progress de-*
16 *scribed in the performance agreement has been exceeded by*
17 *a statistically significant amount.*

18 “(b) *NOTIFICATION.—The Secretary shall not renew a*
19 *performance agreement under this part unless the State*
20 *educational agency seeking the renewal notifies the Sec-*
21 *retary of the agency’s intention to renew the performance*
22 *agreement not less than 6 months prior to the end of the*
23 *original term of the performance agreement.*

24 “(c) *EFFECTIVE DATE.—A renewal under this section*
25 *shall be effective at the end of the original term of the per-*

1 *formance agreement or on the date on which the State edu-*
2 *cational agency provides to the Secretary all data and in-*
3 *formation required under the performance agreement,*
4 *whichever is later, except that in no case may there be a*
5 *renewal under this section unless that data and information*
6 *is provided to the Secretary not later than 60 days after*
7 *the end of the original term of the performance agreement.*

8 **“SEC. 5711. EVALUATION.**

9 “(a) *STUDY.*—*The Secretary is authorized to award*
10 *a grant to the Comptroller General to conduct a study ex-*
11 *amining the effectiveness of the demonstration program*
12 *under this part. The study shall examine—*

13 “(1) *the performance of the disaggregated groups*
14 *of students described in section 1111(b)(3)(K) prior to*
15 *entering into the performance agreement as compared*
16 *to the performance of such groups after completion of*
17 *the performance agreement on State assessments and*
18 *the National Assessment of Educational Progress;*

19 “(2) *the dropout data (as required by section*
20 *1111(j)) prior to entering into the performance agree-*
21 *ment as compared to the dropout data after comple-*
22 *tion of the performance agreement;*

23 “(3) *the ways in which the State educational*
24 *agencies and local educational agencies entering into*
25 *performance agreements distributed and used Federal*

1 *education resources as compared to the ways in which*
2 *such agencies distributed and used Federal education*
3 *resources prior to entering the performance agree-*
4 *ment;*

5 *“(4) a comparison of the data described in para-*
6 *graphs (1), (2), and (3) between State educational*
7 *agencies and local educational agencies entering into*
8 *performance agreements compared to other State edu-*
9 *cational agencies and local educational agencies to*
10 *determine the effectiveness of the program; and*

11 *“(5) any other factors that are relevant to evalu-*
12 *ating the effectiveness of the program.*

13 *“(b) REPORT.—The Secretary shall make public the*
14 *results of the evaluation carried out under subsection (a)*
15 *and shall report the results of the study to the Committee*
16 *on Health, Education, Labor, and Pensions of the Senate*
17 *and the Committee on Education and the Workforce of the*
18 *House of Representatives.*

19 **“SEC. 5712. TRANSMITTAL OF REPORTS TO CONGRESS.**

20 *“Not later than 60 days after the Secretary receives*
21 *an annual report described in section 5704(a)(1)(K), the*
22 *Secretary shall make the report available to the Committee*
23 *on Education and the Workforce of the House of Representa-*
24 *tives and the Committee on Health, Education, Labor, and*
25 *Pensions of the Senate.”.*

1 **SEC. 502. EMPOWERING PARENTS.**

2 (a) *SHORT TITLE.*—*This section may be cited as the*
3 *“Empowering Parents Act of 2001”.*

4 (b) *PUBLIC SCHOOL CHOICE.*—

5 (1) *SHORT TITLE OF SUBSECTION.*—*This sub-*
6 *section may be referred to as the “Enhancing Public*
7 *Education Through Choice Act”.*

8 (2) *PURPOSES.*—*The purposes of this subsection*
9 *are—*

10 (A) *to prevent children from being con-*
11 *signed to, or left trapped in, failing schools;*

12 (B) *to ensure that parents of children in*
13 *failing public schools have the choice to send*
14 *their children to higher performing public*
15 *schools, including public charter schools;*

16 (C) *to support and stimulate improved pub-*
17 *lic school performance through increased public*
18 *school competition and increased Federal finan-*
19 *cial assistance;*

20 (D) *to provide parents with more choices*
21 *among public school options; and*

22 (E) *to assist local educational agencies with*
23 *low-performing schools to implement districtwide*
24 *public school choice programs or enter into part-*
25 *nerships with other local educational agencies to*

1 “(4) *PUBLIC SCHOOL*.—The term ‘public school’
2 *means a charter school, a public elementary school,*
3 *and a public secondary school.*

4 “(5) *STUDENT IN POVERTY*.—The term ‘student
5 *in poverty’ means a student from a family with an*
6 *income below the poverty line.*

7 **“SEC. 5162. GRANTS.**

8 *“The Secretary shall make grants, on a competitive*
9 *basis, to State educational agencies and local educational*
10 *agencies, to enable the agencies, including the agencies serv-*
11 *ing the lowest performing schools, to implement programs*
12 *of universal public school choice.*

13 **“SEC. 5163. USE OF FUNDS.**

14 “(a) *IN GENERAL*.—An agency that receives a grant
15 *under this subpart shall use the funds made available*
16 *through the grant to pay for the expenses of implementing*
17 *a public school choice program, including—*

18 “(1) *the expenses of providing transportation*
19 *services or the cost of transportation to eligible chil-*
20 *dren;*

21 “(2) *the cost of making tuition transfer pay-*
22 *ments to public schools to which students transfer*
23 *under the program;*

1 “(3) *the cost of capacity-enhancing activities*
2 *that enable high-demand public schools to accommo-*
3 *date transfer requests under the program;*

4 “(4) *the cost of carrying out public education*
5 *campaigns to inform students and parents about the*
6 *program;*

7 “(5) *administrative costs; and*

8 “(6) *other costs reasonably necessary to imple-*
9 *ment the program.*

10 “(b) *SUPPLEMENT, NOT SUPPLANT.—Funds made*
11 *available under this subpart shall supplement, and not sup-*
12 *plant, State and local public funds expended to provide*
13 *public school choice programs for eligible individuals.*

14 **“SEC. 5164. REQUIREMENTS.**

15 “(a) *INCLUSION IN PROGRAM.—In carrying out a pub-*
16 *lic school choice program under this subpart, a State edu-*
17 *cational agency or local educational agency shall—*

18 “(1) *allow all students attending public schools*
19 *within the State or school district involved to attend*
20 *the public school of their choice within the State or*
21 *school district, respectively;*

22 “(2) *provide all eligible students in all grade lev-*
23 *els equal access to the program;*

1 “(3) include in the program charter schools and
2 any other public school in the State or school district,
3 respectively; and

4 “(4) develop the program with the involvement of
5 parents and others in the community to be served,
6 and individuals who will carry out the program, in-
7 cluding administrators, teachers, principals, and
8 other staff.

9 “(b) NOTICE.—In carrying out a public school choice
10 program under this subpart, a State educational agency or
11 local educational agency shall give parents of eligible stu-
12 dents prompt notice of the existence of the program and
13 the program’s availability to such parents, and a clear ex-
14 planation of how the program will operate.

15 “(c) TRANSPORTATION.—In carrying out a public
16 school choice program under this subpart, a State edu-
17 cational agency or local educational agency shall provide
18 eligible students with transportation services or the cost of
19 transportation to and from the public schools, including
20 charter schools, that the students choose to attend under this
21 program.

22 “(d) NONDISCRIMINATION.—Notwithstanding sub-
23 section (a)(3), no public school may discriminate on the
24 basis of race, color, religion, sex, national origin, sexual ori-

1 entation, or disability in providing programs and activities
2 under this subpart.

3 “(e) *PARALLEL ACCOUNTABILITY.*—Each State edu-
4 cational agency or local educational agency receiving a
5 grant under this subpart for a program through which a
6 charter school receives assistance shall hold the school ac-
7 countable for adequate yearly progress in improving stu-
8 dent performance as described in title I and as established
9 in the school’s charter, including the use of the standards
10 and assessments established under title I.

11 **“SEC. 5165. APPLICATIONS.**

12 “(a) *IN GENERAL.*—To be eligible to receive a grant
13 under this subpart, a State educational agency or local edu-
14 cational agency shall submit an application to the Sec-
15 retary at such time, in such manner, and containing such
16 information as the Secretary may require.

17 “(b) *CONTENTS.*—Each application for a grant under
18 this subpart shall include—

19 “(1) a description of the program for which the
20 agency seeks funds and the goals for such program;

21 “(2) a description of how the program will be co-
22 ordinated with, and will complement and enhance,
23 other related Federal and non-Federal projects;

1 “(3) if the program is carried out by a partner-
2 ship, the name of each partner and a description of
3 the partner’s responsibilities;

4 “(4) a description of the policies and procedures
5 the agency will use to ensure—

6 “(A) accountability for results, including
7 goals and performance indicators; and

8 “(B) that the program is open and acces-
9 sible to, and will promote high academic stand-
10 ards for, all students; and

11 “(5) such other information as the Secretary
12 may require.

13 **“SEC. 5166. PRIORITIES.**

14 *“In making grants under this subpart, the Secretary*
15 *shall give priority to—*

16 “(1) first, those State educational agencies and
17 local educational agencies serving the lowest per-
18 forming schools;

19 “(2) second, those State educational agencies and
20 local educational agencies serving the highest percent-
21 age of students in poverty; and

22 “(3) third, those State educational agencies or
23 local educational agencies forming a partnership that
24 seeks to implement an interdistrict approach to car-
25 rying out a public school choice program.

1 **“SEC. 5167. EVALUATIONS, TECHNICAL ASSISTANCE, AND**
2 **DISSEMINATION.**

3 “(a) *IN GENERAL.*—From the amount made available
4 to carry out this subpart for any fiscal year, the Secretary
5 may reserve not more than 5 percent to carry out evalua-
6 tions, to provide technical assistance, and to disseminate
7 information.

8 “(b) *EVALUATIONS.*—In carrying out evaluations
9 under subsection (a), the Secretary may use the amount re-
10 served under subsection (a) to carry out 1 or more evalua-
11 tions of State and local programs assisted under this sub-
12 part, which shall, at a minimum, address—

13 “(1) *how, and the extent to which, the programs*
14 *promote educational equity and excellence; and*

15 “(2) *the extent to which public schools carrying*
16 *out the programs are—*

17 “(A) *held accountable to the public;*

18 “(B) *effective in improving public edu-*
19 *cation; and*

20 “(C) *open and accessible to all students.*

21 **“SEC. 5168. AUTHORIZATION OF APPROPRIATIONS.**

22 “*There is authorized to be appropriated to carry out*
23 *this subpart \$125,000,000 for fiscal year 2002 and each*
24 *subsequent fiscal year.”.*

25 (c) *PUBLIC CHARTER SCHOOL FACILITIES FINANC-*
26 *ING.*—

1 (1) *SHORT TITLE OF SUBSECTION.*—*This sub-*
2 *section may be cited as the “Charter Schools Equity*
3 *Act”.*

4 (2) *PURPOSES.*—*The purposes of this subsection*
5 *are—*

6 (A) *to help eliminate the barriers that pre-*
7 *vent charter school developers from accessing the*
8 *credit markets, by encouraging lending institu-*
9 *tions to lend funds to charter schools on terms*
10 *more similar to the terms typically extended to*
11 *traditional public schools; and*

12 (B) *to encourage the States to provide sup-*
13 *port to charter schools for facilities financing in*
14 *an amount more nearly commensurate to the*
15 *amount the States have typically provided for*
16 *traditional public schools.*

17 (3) *CHARTER SCHOOLS.*—

18 (A) *CONFORMING AMENDMENT.*—*Section*
19 *5112(e)(1), as amended in section 501, is further*
20 *amended by inserting “(other than funds re-*
21 *served to carry out section 5115(b))” after “sec-*
22 *tion 5121”.*

23 (B) *MATCHING GRANTS TO STATES.*—*Sec-*
24 *tion 5115, as amended in section 501, is further*
25 *amended—*

1 (i) in subsection (a), by inserting
2 “(other than funds reserved to carry out
3 subsection (b))” after “this subpart”;

4 (ii) by redesignating subsection (b) as
5 subsection (c); and

6 (iii) by inserting after subsection (a)
7 the following:

8 “(b) *PER-PUPIL FACILITIES AID PROGRAMS.*—

9 “(1) *GRANTS.*—

10 “(A) *IN GENERAL.*—From the amount made
11 available to carry out this subsection under sec-
12 tion 5121 for any fiscal year, the Secretary shall
13 make grants, on a competitive basis, to States to
14 pay for the Federal share of the cost of estab-
15 lishing or enhancing, and administering, pro-
16 grams in which the States make payments, on a
17 per-pupil basis, to charter schools to assist the
18 schools in financing school facilities (referred to
19 in this subsection as ‘per-pupil facilities aid pro-
20 grams’).

21 “(B) *PERIOD.*—The Secretary shall award
22 grants under this subsection for periods of not
23 more than 5 years.

24 “(C) *FEDERAL SHARE.*—The Federal share
25 of the cost described in subparagraph (A) for a

1 *per-pupil facilities aid program shall be not*
2 *more than—*

3 “(i) 90 percent of the cost, for the first
4 *fiscal year for which the program receives*
5 *assistance under this subsection or its pred-*
6 *ecessor authority;*

7 “(ii) 80 percent in the second such
8 *year;*

9 “(iii) 60 percent in the third such
10 *year;*

11 “(iv) 40 percent in the fourth such
12 *year; and*

13 “(v) 20 percent in the fifth such year.

14 “(2) *USE OF FUNDS.—*

15 “(A) *IN GENERAL.—A State that receives a*
16 *grant under this subsection shall use the funds*
17 *made available through the grant to establish or*
18 *enhance, and administer, a per-pupil facilities*
19 *aid program for charter schools in the State.*

20 “(B) *EVALUATIONS; TECHNICAL ASSIST-*
21 *ANCE; DISSEMINATION.—From the amount made*
22 *available to a State through a grant under this*
23 *subsection for a fiscal year, the State may re-*
24 *serve not more than 5 percent of the amount to*

1 *carry out evaluations, to provide technical assist-*
2 *ance, and to disseminate information.*

3 “(C) *SUPPLEMENT, NOT SUPPLANT.—Funds*
4 *made available under this subsection shall sup-*
5 *plement, and not supplant, State and local pub-*
6 *lic funds expended to provide per-pupil facilities*
7 *aid programs, operations financing programs, or*
8 *other programs, for charter schools.*

9 “(3) *REQUIREMENTS.—*

10 “(A) *VOLUNTARY PARTICIPATION.—No State*
11 *may be required to participate in a program*
12 *carried out under this subsection.*

13 “(B) *STATE LAW.—To be eligible to receive*
14 *a grant under this subsection, a State shall es-*
15 *tablish or enhance, and administer, a per-pupil*
16 *facilities aid program for charter schools in the*
17 *State, that—*

18 “(i) *is specified in State law;*

19 “(ii) *provides annual financing, on a*
20 *per-pupil basis, for charter school facilities;*
21 *and*

22 “(iii) *provides financing that is dedi-*
23 *cated solely for funding the facilities.*

24 “(4) *APPLICATIONS.—To be eligible to receive a*
25 *grant under this subsection, a State shall submit an*

1 application to the Secretary at such time, in such
2 manner, and containing such information as the Sec-
3 retary may require.

4 “(5) *PRIORITIES.*—In making grants under this
5 subsection, the Secretary shall give priority to States
6 that meet the criteria described in paragraph (2), and
7 subparagraphs (A), (B), and (C) of paragraph (3), of
8 section 5112(e).

9 “(6) *EVALUATIONS, TECHNICAL ASSISTANCE,*
10 *AND DISSEMINATION.*—

11 “(A) *IN GENERAL.*—From the amount made
12 available to carry out this subsection under sec-
13 tion 5121 for any fiscal year, the Secretary may
14 carry out evaluations, provide technical assist-
15 ance, and disseminate information.

16 “(B) *EVALUATIONS.*—In carrying out eval-
17 uations under subparagraph (A), the Secretary
18 may carry out 1 or more evaluations of State
19 programs assisted under this subsection, which
20 shall, at a minimum, address—

21 “(i) how, and the extent to which, the
22 programs promote educational equity and
23 excellence; and

24 “(ii) the extent to which charter schools
25 supported through the programs are—

1 “(I) held accountable to the pub-
2 lic;

3 “(II) effective in improving public
4 education; and

5 “(III) open and accessible to all
6 students.”.

7 (C) AUTHORIZATION OF APPROPRIA-
8 TIONS.—Section 5121, as amended in section
9 501, is further amended to read as follows:

10 **“SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) IN GENERAL.—There are authorized to be appro-
12 priated to carry out this subpart \$400,000,000 for fiscal
13 year 2002 and such sums as may be necessary for each of
14 the 4 succeeding fiscal years.

15 “(b) RESERVATION.—For fiscal year 2002, the Sec-
16 retary shall reserve, from the amount appropriated under
17 subsection (a)—

18 “(1) \$200,000,000 to carry out this subpart,
19 other than section 5115(b); and

20 “(2) the remainder to carry out section
21 5115(b).”.

22 (4) CREDIT ENHANCEMENT INITIATIVES.—Sub-
23 part 1 of part A of title V, as amended in section 501,
24 is further amended—

1 (A) by inserting after the subpart heading
2 the following:

3 **“CHAPTER I—CHARTER SCHOOL PROGRAMS”;**

4 (B) by striking “this subpart” each place it
5 appears and inserting “this chapter”; and

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

7 **“CHAPTER II—CREDIT ENHANCEMENT INITIA-**
8 **TIVES TO PROMOTE CHARTER SCHOOL FA-**
9 **CILITY ACQUISITION, CONSTRUCTION, AND**
10 **RENOVATION**

11 **“SEC. 5126. PURPOSE.**

12 *“The purpose of this chapter is to provide grants to*
13 *eligible entities to permit the entities to establish or improve*
14 *innovative credit enhancement initiatives that assist char-*
15 *ter schools to address the cost of acquiring, constructing,*
16 *and renovating facilities.*

17 **“SEC. 5126A. GRANTS TO ELIGIBLE ENTITIES.**

18 **“(a) GRANTS FOR INITIATIVES.—**

19 **“(1) IN GENERAL.—***The Secretary shall use 100*
20 *percent of the amount available to carry out this*
21 *chapter to eligible entities having applications ap-*
22 *proved under this chapter to carry out innovative ini-*
23 *tiatives for assisting charter schools to address the*
24 *cost of acquiring, constructing, and renovating facili-*

1 *ties by enhancing the availability of loans or bond fi-*
2 *nancing.*

3 *“(2) NUMBER OF GRANTS.—The Secretary shall*
4 *award not fewer than 3 of the grants.*

5 *“(b) GRANTEE SELECTION.—*

6 *“(1) DETERMINATION.—The Secretary shall*
7 *evaluate each application submitted, and shall deter-*
8 *mine which applications are of sufficient quality to*
9 *merit approval and which are not.*

10 *“(2) MINIMUM GRANTS.—The Secretary shall*
11 *award at least—*

12 *“(A) 1 grant to an eligible entity described*
13 *in section 5126I(2)(A);*

14 *“(B) 1 grant to an eligible entity described*
15 *in section 5126I(2)(B); and*

16 *“(C) 1 grant to an eligible entity described*
17 *in section 5126I(2)(C),*

18 *if applications are submitted that permit the Sec-*
19 *retary to award the grants without approving an ap-*
20 *plication that is not of sufficient quality to merit ap-*
21 *proval.*

22 *“(c) GRANT CHARACTERISTICS.—Grants under this*
23 *chapter shall be in sufficient amounts, and for initiatives*
24 *of sufficient scope and quality, so as to effectively enhance*

1 *credit for the financing of charter school acquisition, con-*
2 *struction, or renovation.*

3 “(d) *SPECIAL RULE.*—*In the event the Secretary deter-*
4 *mines that the funds available to carry out this chapter are*
5 *insufficient to permit the Secretary to award not fewer than*
6 *3 grants in accordance with subsections (a) through (c)—*

7 “(1) *subsections (a)(2) and (b)(2) shall not*
8 *apply; and*

9 “(2) *the Secretary may determine the appro-*
10 *prate number of grants to be awarded in accordance*
11 *with subsections (a)(1), (b)(1), and (c).*

12 **“SEC. 5126B. APPLICATIONS.**

13 “(a) *IN GENERAL.*—*To receive a grant under this*
14 *chapter, an eligible entity shall submit to the Secretary an*
15 *application in such form as the Secretary may reasonably*
16 *require.*

17 “(b) *CONTENTS.*—*An application submitted under*
18 *subsection (a) shall contain—*

19 “(1) *a statement identifying the activities pro-*
20 *posed to be undertaken with funds received under this*
21 *chapter, including how the applicant will determine*
22 *which charter schools will receive assistance, and how*
23 *much and what types of assistance the charter schools*
24 *will receive;*

1 “(2) a description of the involvement of charter
2 schools in the application’s development and the de-
3 sign of the proposed activities;

4 “(3) a description of the applicant’s expertise in
5 capital market financing;

6 “(4) a description of how the proposed activities
7 will—

8 “(A) leverage private sector financing cap-
9 ital, to obtain the maximum amount of private
10 sector financing capital, relative to the amount
11 of government funding used, to assist charter
12 schools; and

13 “(B) otherwise enhance credit available to
14 charter schools;

15 “(5) a description of how the applicant possesses
16 sufficient expertise in education to evaluate the likeli-
17 hood of success of a charter school program for which
18 facilities financing is sought;

19 “(6) in the case of an application submitted by
20 a State governmental entity, a description of the ac-
21 tions that the entity has taken, or will take, to ensure
22 that charter schools within the State receive the fund-
23 ing the schools need to have adequate facilities; and

24 “(7) such other information as the Secretary
25 may reasonably require.

1 **“SEC. 5126C. CHARTER SCHOOL OBJECTIVES.**

2 *“An eligible entity receiving a grant under this chap-*
3 *ter shall use the funds received through the grant, and de-*
4 *posited in the reserve account established under section*
5 *5126D(a), to assist 1 or more charter schools to access pri-*
6 *vate sector capital to accomplish 1 or more of the following*
7 *objectives:*

8 *“(1) The acquisition (by purchase, lease, dona-*
9 *tion, or otherwise) of an interest (including an inter-*
10 *est held by a third party for the benefit of a charter*
11 *school) in improved or unimproved real property that*
12 *is necessary to commence or continue the operation of*
13 *a charter school.*

14 *“(2) The construction of new facilities, or the*
15 *renovation, repair, or alteration of existing facilities,*
16 *necessary to commence or continue the operation of a*
17 *charter school.*

18 *“(3) The payment of start-up costs, including the*
19 *costs of training teachers and purchasing materials*
20 *and equipment, including instructional materials and*
21 *computers, for a charter school.*

22 **“SEC. 5126D. RESERVE ACCOUNT.**

23 *“(a) IN GENERAL.—For the purpose of assisting char-*
24 *ter schools to accomplish the objectives described in section*
25 *5126C, an eligible entity receiving a grant under this chap-*
26 *ter shall deposit the funds received through the grant (other*

1 *than funds used for administrative costs in accordance with*
2 *section 5126E) in a reserve account established and main-*
3 *tained by the entity for that purpose. The entity shall make*
4 *the deposit in accordance with State and local law and may*
5 *make the deposit directly or indirectly, and alone or in col-*
6 *laboration with others.*

7 “(b) *USE OF FUNDS.—Amounts deposited in such ac-*
8 *count shall be used by the entity for 1 or more of the fol-*
9 *lowing purposes:*

10 “(1) *Guaranteeing, insuring, and reinsuring*
11 *bonds, notes, evidences of debt, loans, and interests*
12 *therein, the proceeds of which are used for an objective*
13 *described in section 5126C.*

14 “(2) *Guaranteeing and insuring leases of per-*
15 *sonal and real property for such an objective.*

16 “(3) *Facilitating financing for such an objective*
17 *by identifying potential lending sources, encouraging*
18 *private lending, and carrying out other similar ac-*
19 *tivities that directly promote lending to, or for the*
20 *benefit of, charter schools.*

21 “(4) *Facilitating the issuance of bonds by char-*
22 *ter schools, or by other public entities for the benefit*
23 *of charter schools, for such an objective, by providing*
24 *technical, administrative, and other appropriate as-*
25 *sistance (including the recruitment of bond counsel,*

1 *underwriters, and potential investors and the consoli-*
2 *ation of multiple charter school projects within a*
3 *single bond issue).*

4 *“(c) INVESTMENT.—Funds received under this chapter*
5 *and deposited in the reserve account shall be invested in*
6 *obligations issued or guaranteed by the United States or*
7 *a State, or in other similarly low-risk securities.*

8 *“(d) REINVESTMENT OF EARNINGS.—Any earnings on*
9 *funds received under this chapter shall be deposited in the*
10 *reserve account established under subsection (a) and used*
11 *in accordance with subsection (b).*

12 **“SEC. 5126E. LIMITATION ON ADMINISTRATIVE COSTS.**

13 *“An eligible entity that receives a grant under this*
14 *chapter may use not more than 0.25 percent of the funds*
15 *received through the grant for the administrative costs of*
16 *carrying out the entity’s responsibilities under this chapter.*

17 **“SEC. 5126F. AUDITS AND REPORTS.**

18 *“(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—*
19 *The financial records of each eligible entity receiving a*
20 *grant under this chapter shall be maintained in accordance*
21 *with generally accepted accounting principles and shall be*
22 *subject to an annual audit by an independent public ac-*
23 *countant.*

24 *“(b) REPORTS.—*

1 “(1) *GRANTEE ANNUAL REPORTS.*—Each eligible
2 entity receiving a grant under this chapter annually
3 shall submit to the Secretary a report of the entity’s
4 operations and activities under this chapter.

5 “(2) *CONTENTS.*—Each such annual report shall
6 include—

7 “(A) a copy of the most recent financial
8 statements, and any accompanying opinion on
9 such statements, prepared by the independent
10 public accountant auditing the financial records
11 of the eligible entity;

12 “(B) a copy of any report made on an
13 audit of the financial records of the eligible enti-
14 ty that was conducted under subsection (a) dur-
15 ing the reporting period;

16 “(C) an evaluation by the eligible entity of
17 the effectiveness of the entity’s use of the Federal
18 funds provided under this chapter in leveraging
19 private funds;

20 “(D) a listing and description of the charter
21 schools served by the entity with such Federal
22 funds during the reporting period;

23 “(E) a description of the activities carried
24 out by the eligible entity to assist charter schools

1 “(1) *all of the funds in a reserve account estab-*
2 *lished by an eligible entity under section 5126D(a) if*
3 *the Secretary determines, not earlier than 2 years*
4 *after the date on which the entity first received funds*
5 *under this chapter, that the entity has failed to make*
6 *substantial progress in carrying out the purposes de-*
7 *scribed in section 5126D(b); or*

8 “(2) *all or a portion of the funds in a reserve ac-*
9 *count established by an eligible entity under section*
10 *5126D(a) if the Secretary determines that the eligible*
11 *entity has permanently ceased to use all or a portion*
12 *of the funds in such account to accomplish any pur-*
13 *pose described in section 5126D(b).*

14 “(b) *EXERCISE OF AUTHORITY.—The Secretary shall*
15 *not exercise the authority provided in subsection (a) to col-*
16 *lect from any eligible entity any funds that are being prop-*
17 *erly used to achieve 1 or more of the purposes described*
18 *in section 5126D(b).*

19 “(c) *PROCEDURES.—The provisions of sections 451,*
20 *452, and 458 of the General Education Provisions Act (20*
21 *U.S.C. 1234 et seq.) shall apply to the recovery of funds*
22 *under subsection (a).*

23 “(d) *CONSTRUCTION.—This section shall not be con-*
24 *strued to impair or affect the authority of the Secretary*

1 *to recover funds under part D of the General Education*
2 *Provisions Act (20 U.S.C. 1234 et seq.).*

3 **“SEC. 5126I. DEFINITIONS.**

4 *“In this chapter:*

5 *“(1) CHARTER SCHOOL.—The term ‘charter*
6 *school’ has the meaning given such term in section*
7 *5120.*

8 *“(2) ELIGIBLE ENTITY.—The term ‘eligible enti-*
9 *ty’ means—*

10 *“(A) a public entity, such as a State or*
11 *local governmental entity;*

12 *“(B) a private nonprofit entity; or*

13 *“(C) a consortium of entities described in*
14 *subparagraphs (A) and (B).*

15 **“SEC. 5126J. AUTHORIZATION OF APPROPRIATIONS.**

16 *“There are authorized to be appropriated to carry out*
17 *this chapter \$200,000,000 for fiscal year 2002 and each sub-*
18 *sequent fiscal year.”.*

19 **TITLE VI—PARENTAL INVOLVE-**
20 **MENT AND ACCOUNTABILITY**

21 **SEC. 601. PARENTAL INVOLVEMENT AND ACCOUNTABILITY.**

22 *Title VI (20 U.S.C. 7301 et seq.) is amended to read*
23 *as follows:*

1 **“TITLE VI—PARENTAL INVOLVE-**
2 **MENT AND ACCOUNTABILITY**

3 **“PART A—PARENTAL ASSISTANCE**

4 **“SEC. 6101. PARENTAL INFORMATION AND RESOURCE CEN-**
5 **TERS.**

6 *“(a) PURPOSE.—The purpose of this part is—*

7 *“(1) to provide leadership, technical assistance,*
8 *and financial support to nonprofit organizations (in-*
9 *cluding statewide nonprofit organizations) and local*
10 *educational agencies to help the organizations and*
11 *agencies implement successful and effective parental*
12 *involvement policies, programs, and activities that*
13 *lead to improvements in student performance;*

14 *“(2) to strengthen partnerships among parents*
15 *(including parents of children from birth through age*
16 *5), teachers, principals, administrators, and other*
17 *school personnel in meeting the educational needs of*
18 *children;*

19 *“(3) to develop and strengthen the relationship*
20 *between parents and the school;*

21 *“(4) to further the developmental progress pri-*
22 *marily of children assisted under this part;*

23 *“(5) to coordinate activities funded under this*
24 *part with parental involvement initiatives funded*

1 *under section 1118 and other provisions of this Act;*
2 *and*

3 “(6) *to provide a comprehensive approach to im-*
4 *proving student learning through coordination and*
5 *integration of Federal, State, and local services and*
6 *programs.*

7 “(b) *GRANTS AUTHORIZED.—*

8 “(1) *IN GENERAL.—The Secretary is authorized*
9 *to award grants in each fiscal year to nonprofit orga-*
10 *nizations (including statewide nonprofit organiza-*
11 *tions), and nonprofit organizations in consortia with*
12 *local educational agencies, to establish school-linked*
13 *or school-based parental information and resource*
14 *centers that provide comprehensive training, informa-*
15 *tion, and support to—*

16 “(A) *parents of children enrolled in elemen-*
17 *tary schools and secondary schools;*

18 “(B) *individuals who work with the parents*
19 *described in subparagraph (A);*

20 “(C) *State educational agencies, local edu-*
21 *cational agencies, schools, organizations that*
22 *support family-school partnerships (such as par-*
23 *ent-teacher associations and Parents as Teachers*
24 *organizations), and other organizations that*

1 *carry out parent education and family involve-*
2 *ment programs; and*

3 “(D) *parents of children from birth through*
4 *age 5.*

5 “(2) *AWARD RULE.—In awarding grants under*
6 *this part, the Secretary shall ensure that such grants*
7 *are distributed in all geographic regions of the United*
8 *States.*

9 “(c) *CONSTRUCTION.—Nothing in this section shall be*
10 *construed to prohibit a parental information and resource*
11 *center from—*

12 “(1) *having its employees or agents meet with a*
13 *parent at a site that is not on school grounds; or*

14 “(2) *working with another agency that serves*
15 *children.*

16 **“SEC. 6102. APPLICATIONS.**

17 “(a) *GRANTS APPLICATIONS.—*

18 “(1) *IN GENERAL.—Each nonprofit organization*
19 *(including a statewide nonprofit organization) or*
20 *nonprofit organization in consortium with a local*
21 *educational agency that desires a grant under this*
22 *part shall submit an application to the Secretary at*
23 *such time and in such manner as the Secretary shall*
24 *require.*

1 “(2) CONTENTS.—Each application submitted
2 under paragraph (1), at a minimum, shall include
3 assurances that the organization or consortium will—

4 “(A)(i) be governed by a board of directors
5 the membership of which includes parents; or

6 “(ii) be an organization or consortium that
7 represents the interests of parents;

8 “(B) establish a special advisory committee
9 the membership of which includes—

10 “(i) parents described in section
11 6101(b)(1)(A), who shall constitute a major-
12 ity of the members of the special advisory
13 committee;

14 “(ii) representatives of education pro-
15 fessionals with expertise in improving serv-
16 ices for disadvantaged children; and

17 “(iii) representatives of local elemen-
18 tary schools and secondary schools who may
19 include students and representatives from
20 local youth organizations;

21 “(C) use at least $\frac{1}{2}$ of the funds provided
22 under this part in each fiscal year to serve areas
23 with high concentrations of low-income families
24 in order to serve parents who are severely educa-
25 tionally or economically disadvantaged;

1 “(D) operate a center of sufficient size,
2 scope, and quality to ensure that the center is
3 adequate to serve the parents in the area;

4 “(E) serve both urban and rural areas;

5 “(F) design a center that meets the unique
6 training, information, and support needs of par-
7 ents described in section 6101(b)(1)(A), particu-
8 larly such parents who are educationally or eco-
9 nomically disadvantaged;

10 “(G) demonstrate the capacity and expertise
11 to conduct the effective training, information
12 and support activities for which assistance is
13 sought;

14 “(H) network with—

15 “(i) local educational agencies and
16 schools;

17 “(ii) parents of children enrolled in el-
18 ementary schools and secondary schools;

19 “(iii) parent training and information
20 centers assisted under section 682 of the In-
21 dividuals with Disabilities Education Act;

22 “(iv) clearinghouses; and

23 “(v) other organizations and agencies;

24 “(I) focus on serving parents described in
25 section 6101(b)(1)(A) who are parents of low-in-

1 *come, minority, and limited English proficient,*
2 *children;*

3 “(J) *use at least 1/2 of the funds received*
4 *under this part to establish, expand, or operate*
5 *Parents as Teachers programs or Home Instruc-*
6 *tion for Preschool Youngsters programs or other*
7 *early childhood parent education programs;*

8 “(K) *provide assistance to parents in such*
9 *areas as understanding State and local stand-*
10 *ards and measures of student and school per-*
11 *formance;*

12 “(L) *work with State and local educational*
13 *agencies to determine parental needs and deliv-*
14 *ery of services;*

15 “(M) *identify and coordinate Federal,*
16 *State, and local services and programs that sup-*
17 *port improved student learning, including pro-*
18 *grams supported under this Act, violence preven-*
19 *tion programs, nutrition programs, housing pro-*
20 *grams, Head Start, adult education, and job*
21 *training; and*

22 “(N) *work with and foster partnerships*
23 *with other agencies that provide programs and*
24 *deliver services described in subparagraph (M) to*

1 *make such programs and services more accessible*
2 *to children and families.*

3 “(b) *GRANT RENEWAL.*—*For each fiscal year after the*
4 *first fiscal year an organization or consortium receives as-*
5 *sistance under this part, the organization or consortium*
6 *shall demonstrate in the application submitted for such fis-*
7 *cal year after the first fiscal year that a portion of the serv-*
8 *ices provided by the organization or consortium is sup-*
9 *ported through non-Federal contributions, which contribu-*
10 *tions may be in cash or in kind.*

11 **“SEC. 6103. USES OF FUNDS.**

12 “(a) *IN GENERAL.*—*Grant funds received under this*
13 *part shall be used—*

14 “(1) *to assist parents in participating effectively*
15 *in their children’s education and to help their chil-*
16 *dren meet State and local standards, such as assisting*
17 *parents—*

18 “(A) *to engage in activities that will im-*
19 *prove student performance, including under-*
20 *standing the accountability systems in place*
21 *within their State educational agency and local*
22 *educational agency and understanding their*
23 *children’s educational performance in compari-*
24 *son to State and local standards;*

1 “(B) to provide followup support for their
2 children’s educational achievement;

3 “(C) to communicate effectively with teach-
4 ers, principals, counselors, administrators, and
5 other school personnel;

6 “(D) to become active participants in the
7 development, implementation, and review of
8 school-parent compacts, parent involvement poli-
9 cies, and school planning and improvement;

10 “(E) to participate in the design and provi-
11 sion of assistance to students who are not mak-
12 ing adequate educational progress;

13 “(F) to participate in State and local deci-
14 sionmaking; and

15 “(G) to train other parents (such as train-
16 ing related to Parents as Teachers activities);

17 “(2) to obtain information about the range of op-
18 tions, programs, services, and resources available at
19 the national, State, and local levels to assist parents
20 and school personnel who work with parents;

21 “(3) to help the parents learn and use the tech-
22 nology applied in their children’s education;

23 “(4) to plan, implement, and fund activities for
24 parents that coordinate the education of their children

1 *with other Federal, State, and local services and pro-*
2 *grams that serve their children or their families;*

3 *“(5) to provide support for State or local edu-*
4 *cational personnel if the participation of such per-*
5 *sonnel will further the activities assisted under the*
6 *grant; and*

7 *“(6) to coordinate and integrate early childhood*
8 *programs with school age programs.*

9 *“(b) PERMISSIVE ACTIVITIES.—Grant funds received*
10 *under this part may be used to assist schools with activities*
11 *such as—*

12 *“(1) developing and implementing their plans or*
13 *activities under sections 1118 and 1119; and*

14 *“(2) developing and implementing school im-*
15 *provement plans, including addressing problems that*
16 *develop in the implementation of sections 1118 and*
17 *1119.*

18 *“(3) providing information about assessment*
19 *and individual results to parents in a manner and*
20 *a language the family can understand;*

21 *“(4) coordinating the efforts of Federal, State,*
22 *and local parent education and family involvement*
23 *initiatives; and*

24 *“(5) providing training, information, and sup-*
25 *port to—*

1 “(A) *State educational agencies;*

2 “(B) *local educational agencies and schools,*
3 *especially those local educational agencies and*
4 *schools that are low performing; and*

5 “(C) *organizations that support family-*
6 *school partnerships.*

7 “(c) *GRANDFATHER CLAUSE.—The Secretary shall use*
8 *funds made available under this part to continue to make*
9 *grant or contract payments to each entity that was awarded*
10 *a multiyear grant or contract under title IV of the Goals*
11 *2000: Educate America Act (as such title was in effect on*
12 *the day before the date of enactment of the Better Education*
13 *for Students and Teachers Act) for the duration of the grant*
14 *or contract award.*

15 **“SEC. 6104. TECHNICAL ASSISTANCE.**

16 *“The Secretary shall provide technical assistance, by*
17 *grant or contract, for the establishment, development, and*
18 *coordination of parent training, information, and support*
19 *programs and parental information and resource centers.*

20 **“SEC. 6105. REPORTS.**

21 “(a) *INFORMATION.—Each organization or consortium*
22 *receiving assistance under this part shall submit to the Sec-*
23 *retary, on an annual basis, information concerning the pa-*
24 *rental information and resource centers assisted under this*
25 *part, including—*

1 “(1) the number of parents (including the num-
2 ber of minority and limited English proficient par-
3 ents) who receive information and training;

4 “(2) the types and modes of training, informa-
5 tion, and support provided under this part;

6 “(3) the strategies used to reach and serve par-
7 ents of minority and limited English proficient chil-
8 dren, parents with limited literacy skills, and other
9 parents in need of the services provided under this
10 part;

11 “(4) the parental involvement policies and prac-
12 tices used by the center and an evaluation of whether
13 such policies and practices are effective in improving
14 home-school communication, student achievement, stu-
15 dent and school performance, and parental involve-
16 ment in school planning, review, and improvement;
17 and

18 “(5) the effectiveness of the activities that local
19 educational agencies and schools are carrying out
20 with regard to parental involvement and other activi-
21 ties assisted under this Act that lead to improved stu-
22 dent achievement and improved student and school
23 performance.

24 “(b) *DISSEMINATION.*—The Secretary annually shall
25 disseminate, widely to the public and to Congress, the infor-

1 *mation that each organization or consortium submits under*
2 *subsection (a) to the Secretary.*

3 **“SEC. 6106. GENERAL PROVISIONS.**

4 *“Notwithstanding any other provision of this part—*

5 *“(1) no person, including a parent who educates*
6 *a child at home, a public school parent, or a private*
7 *school parent, shall be required to participate in any*
8 *program of parent education or developmental screen-*
9 *ing pursuant to the provisions of this part; and*

10 *“(2) no program or center assisted under this*
11 *part shall take any action that infringes in any man-*
12 *ner on the right of a parent to direct the education*
13 *of their children.*

14 **“SEC. 6106A. LOCAL FAMILY INFORMATION CENTERS.**

15 *“(a) CENTERS AUTHORIZED.—The Secretary shall*
16 *award grants to, and enter into contracts and cooperative*
17 *agreements with, local nonprofit parent organizations to*
18 *enable the organizations to support local family informa-*
19 *tion centers that help ensure that parents of students in*
20 *schools assisted under this part have the training, informa-*
21 *tion, and support the parents need to enable the parents*
22 *to participate effectively in their children’s early childhood*
23 *education, in their children’s elementary and secondary*
24 *education and in helping their children to meet challenging*
25 *State standards.*

1 “(b) *DEFINITION OF LOCAL NONPROFIT PARENT OR-*
2 *GANIZATION.*—*In this section, the term ‘local nonprofit par-*
3 *ent organization’ means a private nonprofit organization*
4 *(other than an institution of higher education) that—*

5 “(1) *has a demonstrated record of working with*
6 *low-income individuals and parents;*

7 “(2)(A) *has a board of directors the majority of*
8 *whom are parents of students in schools that are as-*
9 *sisted under this part and located in the geographic*
10 *area to be served by the center; or*

11 “(B) *has a special governing committee to direct*
12 *and implement the center, a majority of the members*
13 *of whom are parents of students in schools assisted*
14 *under this part; and*

15 “(3) *is located in a community with schools that*
16 *receive funds under this part, and is accessible to the*
17 *families of students in those schools.*

18 **“SEC. 6107. PARENTAL ASSISTANCE AND LOCAL FAMILY IN-**
19 **FORMATION CENTERS.**

20 “(a) *IN GENERAL.*—*For the purpose of carrying out*
21 *this part, there are authorized to be appropriated*
22 *\$80,000,000 for fiscal year 2002 and such sums as may be*
23 *necessary for each of the 6 succeeding fiscal years.*

24 “(b) *RESERVATION.*—*Of the amount appropriated*
25 *under subsection (a) for a fiscal year—*

1 “(1) the Secretary shall reserve \$50,000,000 to
2 carry out this part, other than section 6106A; and

3 “(2) in the case of any amounts appropriated in
4 excess of \$50,000,000 for such fiscal year, the Sec-
5 retary shall allocate an amount equal to—

6 “(A) 50 percent of such excess to carry out
7 section 6106A; and

8 “(B) 50 percent of such excess to carry out
9 parent information and resource centers under
10 this part.

11 **“PART B—IMPROVING ACADEMIC ACHIEVEMENT**

12 **“SEC. 6201. EDUCATION AWARDS.**

13 “(a) *ACHIEVEMENT IN EDUCATION AWARDS.*—

14 “(1) *IN GENERAL.*—The Secretary may make
15 awards, to be known as ‘Achievement in Education
16 Awards’, using a peer review process, to the States
17 that, beginning with the 2002–2003 school year, make
18 the most progress in improving educational achieve-
19 ment.

20 “(2) *CRITERIA.*—

21 “(A) *IN GENERAL.*—The Secretary shall
22 make the awards on the basis of criteria con-
23 sisting of—

1 “(i) the progress of each of the cat-
2 egories of students described in section
3 1111(b)(2)(B)(v)(II)—

4 “(I) towards the goal of all such
5 students reaching the proficient level of
6 performance; and

7 “(II) beginning with the 2nd year
8 for which data are available for all
9 States, on State assessments under the
10 National Assessment of Educational
11 Progress of 4th and 8th grade reading
12 and mathematics skills;

13 “(ii) the progress of all students in the
14 State towards the goal of all students reach-
15 ing the proficient level of performance, and
16 (beginning with the 2nd year for which
17 data are available for all States) the
18 progress of all students on the assessments
19 described in clause (i)(II);

20 “(iii) the progress of the State in im-
21 proving the English proficiency of students
22 who enter school with limited English pro-
23 ficiency;

1 “(iv) the progress of the State in in-
2 creasing the percentage of students who
3 graduate from secondary school; and

4 “(v) the progress of the State in in-
5 creasing the percentage of students who take
6 advanced coursework, such as advanced
7 placement and international baccalaureate
8 courses, and who pass advanced placement
9 and international baccalaureate tests.

10 “(B) WEIGHT.—In applying the criteria de-
11 scribed in subparagraph (A), the Secretary shall give
12 the greatest weight to the criterion described in sub-
13 paragraph (A)(i).

14 “(b) ASSESSMENT COMPLETION BONUSES.—

15 “(1) IN GENERAL.—At the end of school year
16 2006–2007, the Secretary shall make 1-time bonus
17 payments to States that develop State assessments by
18 the deadline established under section 1111(b)(3)(F)
19 and as required under section 1111(b)(3)(F) that are
20 of particularly high quality in terms of assessing the
21 performance of students in grades 3 through 8. The
22 Secretary shall make the awards to States that de-
23 velop assessments that most successfully assess the
24 range and depth of student knowledge and proficiency
25 in meeting State performance standards, in each aca-

1 *demographic subject in which the State is required to con-*
2 *duct the assessments.*

3 *“(2) PEER REVIEW.—In making awards under*
4 *paragraph (1), the Secretary shall use a peer review*
5 *process.*

6 *“(c) NO CHILD LEFT BEHIND AWARDS.—The Sec-*
7 *retary may make awards, to be known as ‘No Child Left*
8 *Behind Awards’ to the schools that—*

9 *“(1) are nominated by the States in which the*
10 *schools are located or, in the case of a Bureau of In-*
11 *Indian Affairs funded school, by the Secretary of the In-*
12 *terior; and*

13 *“(2) have made the greatest progress in improv-*
14 *ing the educational achievement of economically dis-*
15 *advantaged students.*

16 *“(d) FUND TO IMPROVE EDUCATION ACHIEVEMENT.—*
17 *The Secretary may make awards for activities other than*
18 *the activities described in subsections (a) through (c), such*
19 *as character education and the identification and recogni-*
20 *tion of exemplary schools and programs such as Blue Rib-*
21 *bon Schools, that are designed to promote the improvement*
22 *of elementary and secondary education nationally.*

23 *“(e) BLUE RIBBON SCHOOLS DISSEMINATION DEM-*
24 *ONSTRATION.—*

1 “(1) *IN GENERAL.*—*The Secretary shall conduct*
2 *demonstration projects to evaluate the effectiveness of*
3 *using the best practices of Blue Ribbon Schools to im-*
4 *prove the educational outcomes of elementary and sec-*
5 *ondary schools that fail to make adequate yearly*
6 *progress, as defined in the plan of the State under*
7 *section 1111(b)(2)(B).*

8 “(2) *REPORT TO CONGRESS.*—*Not later than 3*
9 *years after the date on which the Secretary imple-*
10 *ments the initial demonstration projects under sub-*
11 *section (a), the Secretary shall submit to Congress a*
12 *report regarding the effectiveness of the demonstration*
13 *projects.*

14 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
15 *There is authorized to be appropriated to carry out*
16 *this subsection \$7,500,000 for fiscal year 2002, and*
17 *such sums as may be necessary in each of the 7 fiscal*
18 *years thereafter.*

19 **“SEC. 6202. LOSS OF ADMINISTRATIVE FUNDS.**

20 “(a) *2 YEARS OF INSUFFICIENT PROGRESS.*—

21 “(1) *REDUCTION.*—*If the Secretary makes the*
22 *determinations described in paragraph (2) for 2 con-*
23 *secutive years, the Secretary shall reduce, by not more*
24 *than 30 percent, the amount of funds that the State*
25 *may reserve for the subsequent fiscal year for State*

1 *administration under the programs authorized by this*
2 *Act that the Secretary determines are formula grant*
3 *programs.*

4 *“(2) DETERMINATIONS.—The determinations re-*
5 *ferred to in paragraph (1) are determinations, made*
6 *primarily on the basis of data from the State assess-*
7 *ment system described in section 1111 and data from*
8 *State assessments under the National Assessment of*
9 *Educational Progress of 4th and 8th grade reading*
10 *and mathematics skills, that—*

11 *“(A) the State has failed to make adequate*
12 *yearly progress as defined under section*
13 *1111(b)(2) (B) and (D) for all students and for*
14 *each of the categories of students described in sec-*
15 *tion 1111(b)(2)(B)(v)(II);*

16 *“(B) beginning with the 2nd year for which*
17 *data are available on State assessments under*
18 *the National Assessment of Educational Progress*
19 *of 4th and 8th grade reading and mathematics,*
20 *the State has failed to demonstrate an increase*
21 *in the achievement of each of the categories of*
22 *students described in section*
23 *1111(b)(2)(B)(v)(II); and*

24 *“(C) the State has failed to meet its annual*
25 *measurable performance objectives, for helping*

1 *limited English proficient students develop pro-*
2 *ficiency in English, that are required to be devel-*
3 *oped under section 3329.*

4 “(b) *THREE OR MORE YEARS OF INSUFFICIENT*
5 *PROGRESS.—If the Secretary makes the determinations de-*
6 *scribed in subsection (a)(2) for a third or subsequent con-*
7 *secutive year, the Secretary shall reduce, by not more than*
8 *75 percent, the amount of funds that the State may reserve*
9 *for the subsequent fiscal year for State administration*
10 *under the programs authorized by this Act that the Sec-*
11 *retary determines are formula grant programs.*

12 “(c) *SMALL STATES.—For the purpose of carrying out*
13 *subsection (a)(2) and section 6201(a)(2)(A)(i)(II), with re-*
14 *spect to any year for which a small State described in sec-*
15 *tion 1111(c)(2) does not participate in the assessments de-*
16 *scribed in section 1111(c)(2), the Secretary shall use the*
17 *most recent data from those assessments for that State.*

18 **“SEC. 6203. STUDY OF ASSESSMENT COSTS.**

19 “(a) *STUDY.—*

20 “(1) *IN GENERAL.—The Comptroller General of*
21 *the United States shall conduct a study of the costs*
22 *of conducting student assessments under section 1111.*

23 “(2) *CONTENTS.—In conducting the study, the*
24 *Comptroller General of the United States shall—*

1 “(A) draw on and use the best available data,
2 including cost data from each State that has devel-
3 oped or administered statewide student assessments
4 under section 1111 and cost or pricing data from
5 companies that develop student assessments described
6 in such section;

7 “(B) determine the aggregate cost for all States
8 to develop the student assessments required under sec-
9 tion 1111, and the portion of that cost that is ex-
10 pected to be incurred in each of fiscal years 2002
11 through 2008;

12 “(C) determine the aggregate cost for all States
13 to administer the student assessments required under
14 section 1111 and the portion of that cost that is ex-
15 pected to be incurred in each of fiscal years 2002
16 through 2008; and

17 “(D) determine the costs and portions described
18 in subparagraphs (B) and (C) for each State, and the
19 factors that may explain variations in the costs and
20 portions among States.

21 “(b) REPORT.—

22 “(1) IN GENERAL.—The Comptroller General of
23 the United States shall, not later than May 31, 2002,
24 submit a report containing the results of the study de-
25 scribed in subsection (a) to—

1 “(A) the Committee on Appropriations of
2 the House of Representatives and the Sub-
3 committee on Labor, Health and Human Serv-
4 ices, and Education of that Committee;

5 “(B) the Committee on Appropriations of
6 the Senate and the Subcommittee on Labor,
7 Health and Human Services, and Education of
8 that Committee;

9 “(C) the Committee on Education and the
10 Workforce of the House of Representatives; and

11 “(D) the Committee on Health, Education,
12 Labor, and Pensions of the Senate.

13 “(2) CONTENTS.—The report shall include—

14 “(A) a thorough description of the method-
15 ology employed in conducting the study; and

16 “(B) the determinations of costs and por-
17 tions described in subparagraphs (B) through
18 (D) of subsection (a)(2).

19 “(c) DEFINITION.—In this section, the term ‘State’
20 means 1 of the several States of the United States.

21 **“SEC. 6204. GRANTS FOR STATE ASSESSMENTS AND RE-**
22 **LATED ACTIVITIES.**

23 “(a) STATE GRANTS AUTHORIZED.—From amounts
24 appropriated under subsection (c) the Secretary shall

1 *award grants to States to enable the States to pay the costs*
2 *of—*

3 “(1) *developing assessments and standards re-*
4 *quired by amendments made to this Act by the Better*
5 *Education for Students and Teachers Act;*

6 “(2) *working in voluntary partnerships with*
7 *other States to develop such assessments and stand-*
8 *ards; and*

9 “(3) *other activities described in this part or re-*
10 *lated to ensuring accountability for results in the*
11 *State’s public elementary schools or secondary schools,*
12 *and local educational agencies, such as—*

13 “(A) *developing content and performance*
14 *standards, and aligned assessments, in subjects*
15 *other than those assessments that were required*
16 *by amendments made to section 1111 by the Bet-*
17 *ter Education for Students and Teachers Act;*
18 *and*

19 “(B) *administering the assessments required*
20 *by amendments made to section 1111 by the Bet-*
21 *ter Education for Students and Teachers Act.*

22 “(b) *ALLOCATIONS TO STATES.—*

23 “(1) *IN GENERAL.—From the amount appro-*
24 *priated to carry out this section for any fiscal year,*

1 *the Secretary first shall allocate \$3,000,000 to each*
2 *State.*

3 “(2) *REMAINDER.*—*The Secretary shall allocate*
4 *any remaining funds among the States on the basis*
5 *of their respective numbers of children enrolled in*
6 *grades 3 through 8 in public elementary schools and*
7 *secondary schools.*

8 “(3) *DEFINITION OF STATE.*—*For the purpose of*
9 *this subsection, the term ‘State’ means each of the 50*
10 *States, the District of Columbia, and the Common-*
11 *wealth of Puerto Rico.*

12 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*For the*
13 *purposes of carrying out this section, there are authorized*
14 *to be appropriated \$400,000,000 for fiscal year 2002, and*
15 *such sums as may be necessary for each of the succeeding*
16 *6 fiscal years.*

17 **“SEC. 6205. AUTHORIZATION OF APPROPRIATIONS.**

18 “(a) *GRANTS FOR STATE ASSESSMENTS AND RELATED*
19 *ACTIVITIES.*—

20 “(1) *STATE GRANTS AUTHORIZED.*—*From*
21 *amounts appropriated under paragraph (3) the Sec-*
22 *retary shall award grants to States to enable the*
23 *States to pay the costs of—*

24 “(A) *developing assessments and standards*
25 *required by amendments made to this Act by the*

1 *Better Education for Students and Teachers Act;*
2 *and*

3 *“(B) other activities described in this part*
4 *or related to ensuring accountability for results*
5 *in the State’s public elementary schools or sec-*
6 *ondary schools, and local educational agencies,*
7 *such as—*

8 *“(i) developing content and perform-*
9 *ance standards, and aligned assessments, in*
10 *subjects other than those assessments that*
11 *were required by amendments made to sec-*
12 *tion 1111 by the Better Education for Stu-*
13 *dents and Teachers Act; and*

14 *“(ii) administering the assessments re-*
15 *quired by amendments made to section 1111*
16 *by the Better Education for Students and*
17 *Teachers Act.*

18 *“(2) ALLOCATIONS TO STATES.—*

19 *“(A) IN GENERAL.—From the amount ap-*
20 *propriated to carry out this subsection for any*
21 *fiscal year, the Secretary shall first allocate*
22 *\$3,000,000 to each State.*

23 *“(B) REMAINDER.—The Secretary shall al-*
24 *locate any remaining funds among the States on*
25 *the basis of their respective numbers of children*

1 enrolled in grades 3 through 8 in public elemen-
2 tary schools and secondary schools.

3 “(C) *DEFINITION OF STATE.*—For the pur-
4 pose of this subsection, the term ‘State’ means
5 each of the 50 States, the District of Columbia,
6 and the Commonwealth of Puerto Rico.

7 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—For
8 the purposes of carrying out paragraph (1), there are
9 authorized to be appropriated \$400,000,000 for fiscal
10 year 2002, and such sums as may be necessary for
11 each of the succeeding 6 fiscal years.

12 “(b) *NATIONAL ASSESSMENT OF EDUCATIONAL*
13 *PROGRESS.*—For the purpose of administering the State as-
14 *sessments under the National Assessment of Educational*
15 *Progress, there are authorized to be appropriated*
16 *\$110,000,000 for fiscal year 2002, and such sums as may*
17 *be necessary for each of the 6 succeeding fiscal years.*

18 “(c) *EDUCATION AWARDS.*—For the purpose of car-
19 *rying out section 6201, there are authorized to be appro-*
20 *priated \$50,000,000 for fiscal year 2002, and such sums*
21 *as may be necessary for each of the 6 succeeding fiscal years.*

22 **“PART C—STUDENT EDUCATION ENRICHMENT**
23 **“SEC. 6301. SHORT TITLE.**

24 *“This part may be cited as the ‘Student Education*
25 *Enrichment Demonstration Act’.*

1 **“SEC. 6302. PURPOSE.**

2 *“The purpose of this part is to establish a demonstra-*
3 *tion program that provides Federal support to States and*
4 *local educational agencies to provide high quality summer*
5 *academic enrichment programs, for public school students*
6 *who are struggling academically, that are implemented as*
7 *part of statewide education accountability programs.*

8 **“SEC. 6303. DEFINITION.**

9 *“In this part, the term ‘student’ means an elementary*
10 *school or secondary school student.*

11 **“SEC. 6304. GRANTS TO STATES.**

12 *“(a) IN GENERAL.—The Secretary shall establish a*
13 *demonstration program through which the Secretary shall*
14 *make grants to State educational agencies, on a competitive*
15 *basis, to enable the agencies to assist local educational agen-*
16 *cies in carrying out high quality summer academic enrich-*
17 *ment programs as part of statewide education account-*
18 *ability programs.*

19 *“(b) ELIGIBILITY.—For a State educational agency to*
20 *be eligible to receive a grant under subsection (a), the State*
21 *served by the State educational agency shall—*

22 *“(1) have in effect all standards and assessments*
23 *required under section 1111; and*

24 *“(2) compile and annually distribute to parents*
25 *a public school report card that, at a minimum, in-*
26 *cludes information on student and school performance*

1 *for each of the assessments required under section*
2 *1111.*

3 “(c) *APPLICATION.*—

4 “(1) *IN GENERAL.*—*To be eligible to receive a*
5 *grant under this section, a State educational agency*
6 *shall submit an application to the Secretary at such*
7 *time, in such manner, and containing such informa-*
8 *tion as the Secretary may require.*

9 “(2) *CONTENTS.*—*Such application shall*
10 *include—*

11 “(A) *information describing specific meas-*
12 *urable goals and objectives to be achieved in the*
13 *State through the summer academic enrichment*
14 *programs carried out under this part, which*
15 *may include specific measurable annual edu-*
16 *cational goals and objectives relating to—*

17 “(i) *increased student academic*
18 *achievement;*

19 “(ii) *decreased student dropout rates;*

20 *or*

21 “(iii) *such other factors as the State*
22 *educational agency may choose to measure;*
23 *and*

24 “(B) *information on criteria, established or*
25 *adopted by the State, that—*

1 “(i) the State will use to select local
2 educational agencies for participation in
3 the summer academic enrichment programs
4 carried out under this part; and

5 “(ii) at a minimum, will assure that
6 grants provided under this part are pro-
7 vided to—

8 “(I) the local educational agencies
9 in the State that—

10 “(aa) are serving more than
11 1 school identified for school im-
12 provement under section 1116(c);
13 and

14 “(bb) have the highest per-
15 centages of students not achieving
16 a proficient level of performance
17 on State assessments required
18 under section 1111;

19 “(II) local educational agencies
20 that submit grant applications under
21 section 6305 describing programs that
22 the State determines would be both
23 highly successful and replicable; and

1 “(III) an assortment of local edu-
2 cational agencies serving urban, subur-
3 ban, and rural areas.

4 **“SEC. 6305. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

5 “(a) *IN GENERAL.*—

6 “(1) *FIRST YEAR.*—

7 “(A) *IN GENERAL.*—For the first year that
8 a State educational agency receives a grant
9 under this part, the State educational agency
10 shall use the funds made available through the
11 grant to make grants to eligible local educational
12 agencies in the State to pay for the Federal share
13 of the cost of carrying out the summer academic
14 enrichment programs, except as provided in sub-
15 paragraph (B).

16 “(B) *TECHNICAL ASSISTANCE AND PLAN-*
17 *NING ASSISTANCE.*—The State educational agen-
18 cy may use not more than 5 percent of the
19 funds—

20 “(i) to provide to the local educational
21 agencies technical assistance that is aligned
22 with the curriculum of the agencies for the
23 programs;

24 “(ii) to enable the agencies to obtain
25 such technical assistance from entities other

1 *than the State educational agency that have*
2 *demonstrated success in using the cur-*
3 *riculum; and*

4 *“(iii) to assist the agencies in plan-*
5 *ning activities to be carried out under this*
6 *part.*

7 “(2) *SUCCEEDING YEARS.—*

8 *“(A) IN GENERAL.—For the second and*
9 *third year that a State educational agency re-*
10 *ceives a grant under this part, the State edu-*
11 *cational agency shall use the funds made avail-*
12 *able through the grant to make grants to eligible*
13 *local educational agencies in the State to pay for*
14 *the Federal share of the cost of carrying out the*
15 *summer academic enrichment programs, except*
16 *as provided in subparagraph (B).*

17 *“(B) TECHNICAL ASSISTANCE AND PLAN-*
18 *NING ASSISTANCE.—The State educational agen-*
19 *cy may use not more than 5 percent of the*
20 *funds—*

21 *“(i) to provide to the local educational*
22 *agencies technical assistance that is aligned*
23 *with the curriculum of the agencies for the*
24 *programs;*

1 “(ii) to enable the agencies to obtain
2 such technical assistance from entities other
3 than the State educational agency that have
4 demonstrated success in using the cur-
5 riculum; and

6 “(iii) to assist the agencies in evalu-
7 ating activities carried out under this part.

8 “(b) APPLICATION.—

9 “(1) IN GENERAL.—To be eligible to receive a
10 grant under this section, a local educational agency
11 shall submit an application to the State educational
12 agency at such time, in such manner, and containing
13 by such information as the Secretary or the State
14 may require.

15 “(2) CONTENTS.—The State shall require that
16 such an application shall include, to the greatest ex-
17 tent practicable—

18 “(A) information that—

19 “(i) demonstrates that the local edu-
20 cational agency will carry out a summer
21 academic enrichment program funded under
22 this section—

23 “(I) that provides intensive high
24 quality programs that are aligned with
25 challenging State content and student

1 *performance standards and that are fo-*
2 *cused on reinforcing and boosting the*
3 *core academic skills and knowledge of*
4 *students who are struggling academi-*
5 *cally, as determined by the State;*

6 *“(II) that focuses on accelerated*
7 *learning so that students served*
8 *through the program will master the*
9 *high level skills and knowledge needed*
10 *to meet the highest State standards or*
11 *to perform at high levels on all State*
12 *assessments required under section*
13 *1111;*

14 *“(III) that is based on, and incor-*
15 *porates best practices developed from,*
16 *research-based enrichment methods and*
17 *practices;*

18 *“(IV) that has a proposed cur-*
19 *riculum that is directly aligned with*
20 *State content and student performance*
21 *standards;*

22 *“(V) for which only teachers who*
23 *are certified and licensed, and are oth-*
24 *erwise fully qualified teachers, provide*

1 *academic instruction to students en-*
2 *rolled in the program;*

3 *“(VI) that offers to staff in the*
4 *program professional development and*
5 *technical assistance that are aligned*
6 *with the approved curriculum for the*
7 *program; and*

8 *“(VII) that incorporates a paren-*
9 *tal involvement component that seeks*
10 *to involve parents in the program’s*
11 *topics and students’ daily activities;*

12 *“(ii) may include—*

13 *“(I) the proposed curriculum for*
14 *the summer academic enrichment pro-*
15 *gram;*

16 *“(II) the local educational agen-*
17 *cy’s plan for recruiting highly quali-*
18 *fied and highly effective teachers to*
19 *participate in the program; and*

20 *“(III) a schedule for the program*
21 *that indicates that the program is of*
22 *sufficient duration and intensity to*
23 *achieve the State’s goals and objectives*
24 *described in section 6304(c)(2)(A); and*

1 “(iii) shall include an explanation of
2 how the local educational agency will de-
3 velop and utilize individualized learning
4 plans that outline the steps to be taken to
5 help each student successfully meet that
6 State’s academic standards upon completion
7 of the summer academic enrichment pro-
8 gram;

9 “(B) an outline indicating how the local
10 educational agency will utilize other applicable
11 Federal, State, local, or other funds, other than
12 funds made available through the grant, to sup-
13 port the program;

14 “(C) an explanation of how the local edu-
15 cational agency will ensure that only highly
16 qualified personnel who volunteer to work with
17 the type of student targeted for the program will
18 work with the program and that the instruction
19 provided through the program will be provided
20 by qualified teachers;

21 “(D) an explanation of the types of inten-
22 sive training or professional development,
23 aligned with the curriculum of the program, that
24 will be provided for staff of the program;

1 “(E) an explanation of the facilities to be
2 used for the program;

3 “(F) an explanation regarding the duration
4 of the periods of time that students and teachers
5 in the program will have contact for instruc-
6 tional purposes (such as the hours per day and
7 days per week of that contact, and the total
8 length of the program);

9 “(G) an explanation of the proposed stu-
10 dent/teacher ratio for the program, analyzed by
11 grade level;

12 “(H) an explanation of the grade levels that
13 will be served by the program;

14 “(I) an explanation of the approximate cost
15 per student for the program;

16 “(J) an explanation of the salary costs for
17 teachers in the program;

18 “(K) a description of a method for evalu-
19 ating the effectiveness of the program at the local
20 level;

21 “(L) information describing specific meas-
22 urable goals and objectives, for each academic
23 subject in which the program will provide in-
24 struction, that are consistent with, or more rig-
25 orous than, the annual measurable objectives for

1 *adequate yearly progress established by the State*
2 *under section 1111;*

3 “(M) *a description of how the local edu-*
4 *cational agency will involve parents and the*
5 *community in the program in order to raise aca-*
6 *demically achievement;*

7 “(N) *a description of how the local edu-*
8 *cational agency will acquire any needed tech-*
9 *nical assistance that is aligned with the cur-*
10 *riculum of the agency for the program, from the*
11 *State educational agency or other entities with*
12 *demonstrated success in using the curriculum;*
13 *and*

14 “(O) *a description of the supplemental edu-*
15 *cational and related services that the local edu-*
16 *cational agency will provide to students not*
17 *meeting State academic standards and a de-*
18 *scription of the additional or alternative pro-*
19 *grams (other than summer academic enrichment*
20 *programs) that the local educational agency will*
21 *provide to students who continue to fail to meet*
22 *State academic standards, after participating in*
23 *such programs.*

24 “(c) *PRIORITY.—In making grants under this section,*
25 *the State educational agency shall give priority to appli-*

1 *cants who demonstrate a high level of need for the summer*
2 *academic enrichment programs.*

3 “(d) *FEDERAL SHARE.*—

4 “(1) *IN GENERAL.*—*The Federal share of the cost*
5 *described in subsection (a) is 50 percent.*

6 “(2) *NON-FEDERAL SHARE.*—*The non-Federal*
7 *share of the cost may be provided in cash or in kind,*
8 *fairly evaluated, including plant, equipment, or serv-*
9 *ices.*

10 **“SEC. 6306. SUPPLEMENT NOT SUPPLANT.**

11 “*Funds appropriated pursuant to the authority of this*
12 *part shall be used to supplement and not supplant other*
13 *Federal, State, and local public or private funds expended*
14 *to provide academic enrichment programs.*

15 **“SEC. 6307. REPORTS.**

16 “(a) *STATE REPORTS.*—*Each State educational agen-*
17 *cy that receives a grant under this part shall annually pre-*
18 *pare and submit to the Secretary a report. The report shall*
19 *describe—*

20 “(1) *the method the State educational agency*
21 *used to make grants to eligible local educational agen-*
22 *cies and to provide assistance to schools under this*
23 *part;*

24 “(2) *the specific measurable goals and objectives*
25 *described in section 6304(c)(2)(A) for the State as a*

1 *whole and the extent to which the State met each of*
2 *the goals and objectives in the year preceding the sub-*
3 *mission of the report;*

4 “(3) *the specific measurable goals and objectives*
5 *described in section 6305(b)(2)(L) for each of the local*
6 *educational agencies receiving a grant under this*
7 *part in the State and the extent to which each of the*
8 *agencies met each of the goals and objectives in that*
9 *preceding year;*

10 “(4) *the steps that the State will take to ensure*
11 *that any such local educational agency who did not*
12 *meet the goals and objectives in that year will meet*
13 *the goals and objectives in the year following the sub-*
14 *mission of the report or the plan that the State has*
15 *for revoking the grant of such an agency and redis-*
16 *tributing the grant funds to existing or new pro-*
17 *grams;*

18 “(5) *how eligible local educational agencies and*
19 *schools used funds provided by the State educational*
20 *agency under this part; and*

21 “(6) *the degree to which progress has been made*
22 *toward meeting the goals and objectives described in*
23 *section 6304(c)(2)(A).*

1 “(b) *REPORT TO CONGRESS.*—*The Secretary shall an-*
2 *nually prepare and submit to Congress a report. The report*
3 *shall describe—*

4 “(1) *the methods the State educational agencies*
5 *used to make grants to eligible local educational agen-*
6 *cies and to provide assistance to schools under this*
7 *part;*

8 “(2) *how eligible local educational agencies and*
9 *schools used funds provided under this part; and*

10 “(3) *the degree to which progress has been made*
11 *toward meeting the goals and objectives described in*
12 *sections 6304(c)(2)(A) and 6305(b)(2)(L).*

13 “(c) *GOVERNMENT ACCOUNTING OFFICE REPORT TO*
14 *CONGRESS.*—*The Comptroller General of the United States*
15 *shall conduct a study regarding the demonstration program*
16 *carried out under this part and the impact of the program*
17 *on student achievement. The Comptroller General shall pre-*
18 *pare and submit to Congress a report containing the results*
19 *of the study.*

20 **“SEC. 6308. ADMINISTRATION.**

21 *“The Secretary shall develop program guidelines for*
22 *and oversee the demonstration program carried out under*
23 *this part.*

1 **“SEC. 6309. AUTHORIZATION OF APPROPRIATIONS.**

2 *“There are authorized to be appropriated to carry out*
3 *this part \$25,000,000 for each of fiscal years 2002 through*
4 *2004.*

5 **“SEC. 6310. TERMINATION.**

6 *“The authority provided by this part terminates 3*
7 *years after the date of enactment of the Better Education*
8 *for Students and Teachers Act.*

9 **“PART D—INCREASING PARENTAL INVOLVEMENT**
10 **AND PROTECTING STUDENT PRIVACY**

11 **“SEC. 6401. INTENT.**

12 *“It is the purpose of this part to provide parents with*
13 *notice of and opportunity to make informed decisions re-*
14 *garding the collection of information for commercial pur-*
15 *poses occurring in their children’s classrooms.*

16 **“SEC. 6402. COMMERCIALIZATION POLICIES AND PRIVACY**
17 **FOR STUDENTS.**

18 *“(a) PROHIBITION.—Except as provided in subsection*
19 *(b), no State educational agency or local educational agency*
20 *that is a recipient of funds under this Act may—*

21 *“(1) disclose data or information the agency*
22 *gathered from a student to a person or entity that*
23 *seeks disclosure of the data or information for the*
24 *purpose of benefiting the person or entity’s commer-*
25 *cial interests; or*

1 “(2) *permit a person or entity to gather from a*
2 *student, or assist a person or entity in gathering from*
3 *a student, data or information, if the purpose of gath-*
4 *ering the data or information is to benefit the com-*
5 *mercial interests of the person or entity.*

6 “(b) *PARENTAL CONSENT.—*

7 “(1) *DISCLOSURE.—A State educational agency*
8 *or local educational agency that is a recipient of*
9 *funds under this Act may disclose data or informa-*
10 *tion under subsection (a)(1) if the agency, prior to the*
11 *disclosure—*

12 “(A) *explains to the student’s parent, in*
13 *writing, what data or information will be dis-*
14 *closed, to which person or entity the data or in-*
15 *formation will be disclosed, the amount of class*
16 *time, if any, that will be consumed by the disclo-*
17 *sure, and how the person or entity will use the*
18 *data or information; and*

19 “(B) *obtains the parent’s written permis-*
20 *sion for the disclosure.*

21 “(2) *GATHERING.—A State educational agency*
22 *or local educational agency that is a recipient of*
23 *funds under this Act may permit or assist a person*
24 *or entity with the gathering of data or information*

1 *under subsection (a)(2) if the agency, prior to the*
2 *gathering—*

3 *“(A) explains to the student’s parent, in*
4 *writing, what data or information will be gath-*
5 *ered including whether any of the information is*
6 *personally identifiable, which person or entity*
7 *will gather the data or information, the amount*
8 *of class time if any, that will be consumed by the*
9 *gathering, and how the person or entity will use*
10 *the data or information; and*

11 *“(B) obtains the parent’s written permis-*
12 *sion for the gathering.*

13 *“(c) DEFINITIONS.—In this part:*

14 *“(1) STUDENT.—The term ‘student’ means a stu-*
15 *dent under the age of 18.*

16 *“(2) COMMERCIAL INTEREST.—The term ‘com-*
17 *mmercial interest’ does not include the interest of a per-*
18 *son or entity in developing, evaluating, or providing*
19 *educational products or services for or to students or*
20 *educational institutions, such as—*

21 *“(A) college and other post-secondary edu-*
22 *cation recruiting;*

23 *“(B) book clubs and other programs pro-*
24 *viding access to low cost books or other related*
25 *literary products;*

1 “(C) *curriculum and instructional mate-*
2 *rials used by elementary and secondary schools*
3 *to teach if—*

4 “(i) *the information is not used to sell*
5 *or advertise another product;*

6 “(ii) *the information is not used to de-*
7 *velop another product that is not covered by*
8 *the exemption from commercial interest in*
9 *this paragraph; and*

10 “(iii) *the curriculum and instructional*
11 *materials are used in accordance with ap-*
12 *plicable Federal, State, and local policies, if*
13 *any; and*

14 “(D) *the development and administration of*
15 *tests and assessments used by elementary and*
16 *secondary schools to provide cognitive, evalua-*
17 *tive, diagnostic, clinical, aptitude, or achieve-*
18 *ment information about students (or to generate*
19 *other statistically useful data for the purpose of*
20 *securing such tests and assessments) and the sub-*
21 *sequent analysis and public release of aggregate*
22 *data if—*

23 “(i) *the information is not used to sell*
24 *or advertise another product;*

1 “(ii) the information is not used to de-
2 velop another product that is not covered by
3 the exemption from commercial interest in
4 this paragraph; and

5 “(iii) the tests are conducted in accord-
6 ance with applicable Federal, State, and
7 local policies, if any.

8 “(d) *LOCALLY DEVELOPED EXCEPTIONS.*—A local
9 educational agency, in consultation with parents, may de-
10 velop appropriate exceptions to the consent requirements
11 contained in this part if—

12 “(1) the information to be collected is not person-
13 ally identifiable;

14 “(2) the local educational agency provides writ-
15 ten notice to all parents of its policy regarding data
16 or information collection activities for commercial
17 purposes; and

18 “(3) with respect to any particular data or in-
19 formation gathering or disclosure, the agency provides
20 written notice to all parents of—

21 “(A) the data or information to be collected;

22 “(B) the person or entity to whom the data
23 or information will be disclosed;

24 “(C) the amount of class time, if any, that
25 will be consumed by the collection activities; and

1 “(D) *the manner in which the person or en-*
2 *tity will use the data or information.*

3 “(e) *FUNDING.—A State educational agency or local*
4 *educational agency may use funds provided under subpart*
5 *4 of part B of title V to enhance parental involvement in*
6 *areas affecting children’s in-school privacy.*

7 “(f) *TECHNICAL ASSISTANCE.—Upon the request of a*
8 *State educational agency or local educational agency, the*
9 *Secretary shall provide technical assistance to such an*
10 *agency concerning compliance with this part.*

11 “(g) *ENFORCEMENT.—The Secretary shall take appro-*
12 *priate actions to enforce, and address violations of, this sec-*
13 *tion, in accordance with this chapter.*

14 “(h) *OFFICE, FUNCTIONS.—The Secretary shall des-*
15 *ignate an office to enforce this section and to provide tech-*
16 *nical assistance.*

17 “(i) *RULE OF CONSTRUCTION.—Nothing in this sec-*
18 *tion shall be construed to supersede the Family Educational*
19 *Rights and Privacy Act (20 U.S.C. 1232g).”.*

20 **SEC. 602. GUIDELINES FOR STUDENT PRIVACY.**

21 “(a) *DEVELOPMENT OF STUDENT PRIVACY GUIDE-*
22 *LINES.—A State or local educational agency that receives*
23 *funds under this Act shall develop and adopt guidelines re-*
24 *garding arrangements to protect student privacy that are*

1 *entered into by the agency with public and private entities*
2 *that are not schools.*

3 **(b) NOTIFICATION OF PARENTS OF PRIVACY GUIDE-**
4 *LINES.—The guidelines developed by an educational agency*
5 *under subsection (a) shall provide for a reasonable notice*
6 *of the adoption of such guidelines to be given, by the agency*
7 *or a school under the agency’s supervision, to the parents*
8 *and guardians of students under the jurisdiction of such*
9 *agency or school. Such notice shall be provided at least an-*
10 *nually and within a reasonable period of time after any*
11 *change in such guidelines.*

12 **(c) EXCEPTIONS.—This section shall not apply to the**
13 *development, evaluation, or provision of educational prod-*
14 *ucts or services for or to students or educational institu-*
15 *tions, such as the following:*

16 **(1) College or other post-secondary education re-**
17 *ruitment or military recruitment.*

18 **(2) Book clubs, magazines, and programs pro-**
19 *viding access to other literary products.*

20 **(3) Curriculum and instructional materials used**
21 *by elementary and secondary schools to teach.*

22 **(4) The development and administration of tests**
23 *and assessments used by elementary and secondary*
24 *schools to provide cognitive, evaluative, diagnostic,*
25 *clinical, aptitude, or achievement information about*

1 *students (or to generate other statistically useful data*
2 *for the purpose of securing such tests and assessments)*
3 *and the subsequent analysis and public release of ag-*
4 *gregate data.*

5 *(5) The sale by students of products or services*
6 *to raise funds for school- or education-related activi-*
7 *ties.*

8 *(6) Student recognition programs.*

9 *(d) INFORMATION ACTIVITIES BY THE SECRETARY.—*
10 *Once each year, the Secretary shall inform each State edu-*
11 *cational agency and each local educational agency of the*
12 *educational agency’s obligations under section 438 of the*
13 *General Education Provisions Act (added by the Family*
14 *Educational Rights and Privacy Act of 1974; 20 U.S.C.*
15 *1232g) and the Children’s Online Privacy Protection Act*
16 *of 1998 (15 U.S.C. 6501 et seq.).*

17 *(e) FUNDING.—A State educational agency or local*
18 *educational agency may use funds provided under subpart*
19 *4 of part B of title V of the Elementary and Secondary*
20 *Education Act of 1965 to enhance parental involvement in*
21 *areas affecting children’s in-school privacy.*

22 *(f) DEFINITIONS.—In this section, the terms “elemen-*
23 *tary school”, “local educational agency”, “secondary*
24 *school”, “Secretary”, and “State educational agency” have*

1 *the meanings given those terms in section 3 of the Elemen-*
2 *tary and Secondary Education Act of 1965.*

3 **TITLE VII—INDIAN, NATIVE HA-**
4 **WAIIAN, AND ALASKA NATIVE**
5 **EDUCATION**

6 **SEC. 701. PROGRAMS.**

7 *Title VII (20 U.S.C. 7401 et seq.) is amended to read*
8 *as follows:*

9 **“TITLE VII—INDIAN, NATIVE HA-**
10 **WAIIAN, AND ALASKA NATIVE**
11 **EDUCATION**

12 **“PART A—INDIAN EDUCATION**

13 **“SEC. 7101. FINDINGS.**

14 *“Congress finds that—*

15 *“(1) the Federal Government has a special re-*
16 *sponsibility to ensure that educational programs for*
17 *all American Indian and Alaska Native children and*
18 *adults—*

19 *“(A) are based on high-quality, internation-*
20 *ally competitive content standards and student*
21 *performance standards, and build on Indian cul-*
22 *ture and the Indian community;*

23 *“(B) assist local educational agencies, In-*
24 *dian tribes, and other entities and individuals in*
25 *providing Indian students the opportunity to*

1 *achieve the standards described in subparagraph*
2 *(A); and*

3 *“(C) meet the unique educational and cul-*
4 *turally related academic needs of American In-*
5 *Indian and Alaska Native students;*

6 *“(2) since the date of enactment of the Indian*
7 *Education Act in 1972, the level of involvement of In-*
8 *Indian parents in the planning, development, and im-*
9 *plementation of educational programs that affect such*
10 *parents and their children has increased significantly,*
11 *and schools should continue to foster such involve-*
12 *ment;*

13 *“(3) although the number of Indian teachers, ad-*
14 *ministrators, and university professors has increased*
15 *since 1972, teacher training programs are not recruit-*
16 *ing, training, or retraining a sufficient number of In-*
17 *Indian individuals as educators to meet the needs of a*
18 *growing Indian student population in elementary,*
19 *secondary, vocational, adult, and higher education;*

20 *“(4) the dropout rate for Indian students is un-*
21 *acceptably high: 9 percent of Indian students who*
22 *were eighth graders in 1988 had already dropped out*
23 *of school by 1990;*

24 *“(5) during the period from 1980 to 1990, the*
25 *percentage of Indian individuals living at or below*

1 *the poverty level increased from 24 percent to 31 per-*
2 *cent, and the readiness of Indian children to learn is*
3 *hampered by the high incidence of poverty, unemploy-*
4 *ment, and health problems among Indian children*
5 *and their families; and*

6 “(6) *research related specifically to the education*
7 *of Indian children and adults is very limited, and*
8 *much of the research is of poor quality or is focused*
9 *on limited local or regional issues.*

10 **“SEC. 7102. PURPOSE.**

11 “(a) *PURPOSE.—The purpose of this part is to support*
12 *the efforts of local educational agencies, Indian tribes and*
13 *organizations, postsecondary institutions, and other entities*
14 *to meet the unique educational and culturally related aca-*
15 *demic needs of American Indian and Alaska Native stu-*
16 *dents, so that such students can meet the same challenging*
17 *State performance standards as are expected for all stu-*
18 *dents.*

19 “(b) *PROGRAMS.—This part carries out the purpose*
20 *described in subsection (a) by authorizing programs of di-*
21 *rect assistance for—*

22 “(1) *meeting the unique educational and cul-*
23 *turally related academic needs of American Indians*
24 *and Alaska Natives;*

25 “(2) *the education of Indian children and adults;*

1 *dian children who are eligible under section 7117,*
2 *and who were enrolled in the schools of the agency,*
3 *and to whom the agency provided free public edu-*
4 *cation, during the preceding fiscal year—*

5 “(A) *was at least 10; or*

6 “(B) *constituted not less than 25 percent of*
7 *the total number of individuals enrolled in the*
8 *schools of such agency.*

9 “(2) *EXCLUSION.—The requirement of para-*
10 *graph (1) shall not apply in Alaska, California, or*
11 *Oklahoma, or with respect to any local educational*
12 *agency located on, or in proximity to, a reservation.*

13 “(c) *INDIAN TRIBES.—*

14 “(1) *IN GENERAL.—If a local educational agency*
15 *that is otherwise eligible for a grant under this sub-*
16 *part does not establish a parent committee under sec-*
17 *tion 7114(c)(4), an Indian tribe that represents not*
18 *less than 1/2 of the eligible Indian children who are*
19 *served by such local educational agency may apply*
20 *for such grant by submitting an application in ac-*
21 *cordance with section 7114.*

22 “(2) *SPECIAL RULE.—The Secretary shall treat*
23 *each Indian tribe applying for a grant pursuant to*
24 *paragraph (1) as if such Indian tribe were a local*
25 *educational agency for purposes of this subpart, ex-*

1 *cept that any such tribe shall not be subject to section*
2 *7114(c)(4) (relating to a parent committee), section*
3 *7118(c) (relating to maintenance of effort), or section*
4 *7119 (relating to State review of applications).*

5 **“SEC. 7113. AMOUNT OF GRANTS.**

6 **“(a) AMOUNT OF GRANT AWARDS.—**

7 **“(1) IN GENERAL.—***Except as provided in sub-*
8 *sections (c) and (d), for purposes of making grants*
9 *under this subpart the Secretary shall allocate to each*
10 *local educational agency that has an approved appli-*
11 *cation under this subpart an amount equal to the*
12 *product of—*

13 **“(A) the number of Indian children who are**
14 *eligible under section 7117 and served by such*
15 *agency; and*

16 **“(B) the greater of—**

17 **“(i) the average per-pupil expenditure**
18 *of the State in which such agency is located;*
19 *or*

20 **“(ii) 80 percent of the average per-**
21 *pupil expenditure of all the States.*

22 **“(2) REDUCTION.—***The Secretary shall reduce*
23 *the amount of each allocation determined under para-*
24 *graph (1) or subsection (b) in accordance with sub-*
25 *section (c).*

1 “(b) *SCHOOLS OPERATED OR SUPPORTED BY THE BU-*
2 *REAU OF INDIAN AFFAIRS.*—

3 “(1) *IN GENERAL.*—*In addition to the grants*
4 *awarded under subsection (a), and subject to para-*
5 *graph (2), for purposes of making grants under this*
6 *subpart the Secretary shall allocate to the Secretary*
7 *of the Interior an amount equal to the product of—*

8 “(A) *the total number of Indian children*
9 *enrolled in schools that are operated by—*

10 “(i) *the Bureau of Indian Affairs; or*

11 “(ii) *an Indian tribe, or an organiza-*
12 *tion controlled or sanctioned by an Indian*
13 *tribal government, for the children of such*
14 *tribe under a contract with, or grant from,*
15 *the Department of the Interior under the*
16 *Indian Self-Determination Act or the Trib-*
17 *ally Controlled Schools Act of 1988; and*

18 “(B) *the greater of—*

19 “(i) *the average per-pupil expenditure*
20 *of the State in which the school is located;*
21 *or*

22 “(ii) *80 percent of the average per-*
23 *pupil expenditure of all the States.*

24 “(2) *SPECIAL RULE.*—*Any school described in*
25 *paragraph (1) may apply for an allocation under*

1 *this subpart by submitting an application in accord-*
2 *ance with section 7114. The Secretary shall treat the*
3 *school as if the school were a local educational agency*
4 *for purposes of this subpart, except that any such*
5 *school shall not be subject to section 7114(c)(4),*
6 *7118(c), or 7119.*

7 *“(c) RATABLE REDUCTIONS.—If the sums appro-*
8 *priated for any fiscal year under section 7162(a) are insuf-*
9 *ficient to pay in full the amounts determined for local edu-*
10 *cational agencies under subsection (a) and for the Secretary*
11 *of the Interior under subsection (b), each of those amounts*
12 *shall be ratably reduced.*

13 *“(d) MINIMUM GRANT.—*

14 *“(1) IN GENERAL.—Notwithstanding subsection*
15 *(c), a local educational agency (including an Indian*
16 *tribe as authorized under section 7112(b)) that is eli-*
17 *gible for a grant under section 7112, and a school*
18 *that is operated or supported by the Bureau of Indian*
19 *Affairs that is eligible for a grant under subsection*
20 *(b), that submits an application that is approved by*
21 *the Secretary, shall, subject to appropriations, receive*
22 *a grant under this subpart in an amount that is not*
23 *less than \$3,000.*

1 “(2) *CONSORTIA.*—*Local educational agencies*
2 *may form a consortium for the purpose of obtaining*
3 *grants under this subpart.*

4 “(3) *INCREASE.*—*The Secretary may increase*
5 *the minimum grant under paragraph (1) to not more*
6 *than \$4,000 for all grant recipients if the Secretary*
7 *determines such increase is necessary to ensure qual-*
8 *ity programs.*

9 “(e) *DEFINITION.*—*In this section, the term ‘average*
10 *per-pupil expenditure’, for a State, means an amount equal*
11 *to—*

12 “(1) *the sum of the aggregate current expendi-*
13 *tures of all the local educational agencies in the State,*
14 *plus any direct current expenditures by the State for*
15 *the operation of such agencies, without regard to the*
16 *sources of funds from which such local or State ex-*
17 *penditures were made, during the second fiscal year*
18 *preceding the fiscal year for which the computation is*
19 *made; divided by*

20 “(2) *the aggregate number of children who were*
21 *included in average daily attendance and for whom*
22 *such agencies provided free public education during*
23 *such preceding fiscal year.*

1 **“SEC. 7114. APPLICATIONS.**

2 “(a) *APPLICATION REQUIRED.*—Each local edu-
3 cational agency that desires to receive a grant under this
4 subpart shall submit an application to the Secretary at
5 such time, in such manner, and containing such informa-
6 tion as the Secretary may reasonably require.

7 “(b) *COMPREHENSIVE PROGRAM REQUIRED.*—Each
8 application submitted under subsection (a) shall include a
9 description of a comprehensive program for meeting the
10 needs of Indian children served by the local educational
11 agency, including the language and cultural needs of the
12 children, that—

13 “(1) describes how the comprehensive program
14 will offer programs and activities to meet the cul-
15 turally related academic needs of American Indian
16 and Alaska Native students;

17 “(2)(A) is consistent with the State and local
18 plans submitted under other provisions of this Act;
19 and

20 “(B) includes academic content and student per-
21 formance goals for such children, and benchmarks for
22 attaining such goals, that are based on the chal-
23 lenging State standards adopted under title I for all
24 children;

1 “(3) explains how Federal, State, and local pro-
2 grams, especially programs carried out under title I,
3 will meet the needs of such students;

4 “(4) demonstrates how funds made available
5 under this subpart will be used for activities described
6 in section 7115;

7 “(5) describes the professional development op-
8 portunities that will be provided, as needed, to ensure
9 that—

10 “(A) teachers and other school professionals
11 who are new to the Indian community are pre-
12 pared to work with Indian children; and

13 “(B) all teachers who will be involved in
14 programs assisted under this subpart have been
15 properly trained to carry out such programs;
16 and

17 “(6) describes how the local educational
18 agency—

19 “(A) will periodically assess the progress of
20 all Indian children enrolled in the schools of the
21 local educational agency, including Indian chil-
22 dren who do not participate in programs as-
23 sisted under this subpart, in meeting the goals
24 described in paragraph (2);

1 “(B) will provide the results of each assess-
2 ment referred to in subparagraph (A) to—

3 “(i) the committee of parents described
4 in subsection (c)(4); and

5 “(ii) the community served by the local
6 educational agency; and

7 “(C) is responding to findings of any pre-
8 vious assessments that are similar to the assess-
9 ments described in subparagraph (A).

10 “(c) ASSURANCES.—Each application submitted
11 under subsection (a) shall include assurances that—

12 “(1) the local educational agency will use funds
13 received under this subpart only to supplement the
14 funds that, in the absence of the Federal funds made
15 available under this subpart, such agency would make
16 available for the education of Indian children, and
17 not to supplant such funds;

18 “(2) the local educational agency will prepare
19 and submit to the Secretary such reports, in such
20 form and containing such information, as the Sec-
21 retary may require to—

22 “(A) carry out the functions of the Sec-
23 retary under this subpart; and

24 “(B) determine the extent to which activi-
25 ties carried out with funds provided to the local

1 *educational agency under this subpart are effec-*
2 *tive in improving the educational achievement of*
3 *Indian students served by such agency;*

4 “(3) the program for which assistance is
5 *sought—*

6 “(A) is based on a comprehensive local as-
7 *essment and prioritization of the unique edu-*
8 *cational and culturally related academic needs of*
9 *the American Indian and Alaska Native students*
10 *for whom the local educational agency is pro-*
11 *viding an education;*

12 “(B) will use the best available talents and
13 *resources, including individuals from the Indian*
14 *community; and*

15 “(C) was developed by such agency in open
16 *consultation with parents of Indian children and*
17 *teachers, and, if appropriate, Indian students*
18 *from secondary schools, including through public*
19 *hearings held by such agency to provide to the*
20 *individuals described in this subparagraph a full*
21 *opportunity to understand the program and to*
22 *offer recommendations regarding the program;*
23 *and*

1 “(4) the local educational agency developed the
2 program with the participation and written approval
3 of a committee—

4 “(A) that is composed of, and selected by—

5 “(i) parents of Indian children in the
6 local educational agency’s schools and
7 teachers in the schools; and

8 “(ii) if appropriate, Indian students
9 attending secondary schools of the agency;

10 “(B) a majority of whose members are par-
11 ents of Indian children;

12 “(C) that has set forth such policies and
13 procedures, including policies and procedures re-
14 lating to the hiring of personnel, as will ensure
15 that the program for which assistance is sought
16 will be operated and evaluated in consultation
17 with, and with the involvement of, parents of the
18 children, and representatives of the area, to be
19 served;

20 “(D) with respect to an application describ-
21 ing a schoolwide program carried out in accord-
22 ance with section 7115(c), that has—

23 “(i) reviewed in a timely fashion the
24 program; and

1 “(ii) determined that the program will
2 enhance the availability of culturally re-
3 lated activities for American Indian and
4 Alaska Native students; and

5 “(E) that has adopted reasonable bylaws for
6 the conduct of the activities of the committee and
7 abides by such bylaws.

8 **“SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.**

9 “(a) *GENERAL REQUIREMENTS.*—Each local edu-
10 cational agency that receives a grant under this subpart
11 shall use the grant funds, in a manner consistent with the
12 purpose specified in section 7111, for services and activities
13 that—

14 “(1) are designed to carry out the comprehensive
15 program of the local educational agency for Indian
16 students, and described in the application of the local
17 educational agency submitted to the Secretary under
18 section 7114;

19 “(2) are designed with special regard for the lan-
20 guage and cultural needs of the Indian students; and

21 “(3) supplement and enrich the regular school
22 program of such agency.

23 “(b) *PARTICULAR SERVICES AND ACTIVITIES.*—The
24 services and activities referred to in subsection (a) may
25 include—

1 “(1) *culturally related activities that support the*
2 *program described in the application submitted by*
3 *the local educational agency;*

4 “(2) *early childhood and family programs that*
5 *emphasize school readiness;*

6 “(3) *enrichment programs that focus on problem-*
7 *solving and cognitive skills development and directly*
8 *support the attainment of challenging State content*
9 *standards and State student performance standards;*

10 “(4) *integrated educational services in combina-*
11 *tion with other programs that meet the needs of In-*
12 *Indian children and their families;*

13 “(5) *career preparation activities to enable In-*
14 *Indian students to participate in programs such as the*
15 *programs supported by Public Law 103–239 and*
16 *Public Law 88–210, including programs for tech-*
17 *prep, mentoring, and apprenticeship activities;*

18 “(6) *activities to educate individuals concerning*
19 *substance abuse and to prevent substance abuse;*

20 “(7) *the acquisition of equipment, but only if the*
21 *acquisition of the equipment is essential to meet the*
22 *purpose described in section 7111;*

23 “(8) *activities that promote the incorporation of*
24 *culturally responsive teaching and learning strategies*

1 *into the educational program of the local educational*
2 *agency;*

3 “(9) *activities that incorporate American Indian*
4 *and Alaska Native specific curriculum content, con-*
5 *sistent with State standards, into the curriculum used*
6 *by the local educational agency;*

7 “(10) *activities to promote coordination and col-*
8 *laboration between tribal, Federal, and State public*
9 *schools in areas that will improve American Indian*
10 *and Alaska Native student achievement; and*

11 “(11) *family literacy services.*

12 “(c) *SCHOOLWIDE PROGRAMS.—Notwithstanding any*
13 *other provision of law, a local educational agency may use*
14 *funds made available to such agency under this subpart to*
15 *support a schoolwide program under section 1114 if—*

16 “(1) *the committee composed of parents estab-*
17 *lished pursuant to section 7114(c)(4) approves the use*
18 *of the funds for the schoolwide program; and*

19 “(2) *the schoolwide program is consistent with*
20 *the purpose described in section 7111.*

21 “(d) *ADMINISTRATIVE COSTS.—Not more than 5 per-*
22 *cent of the funds made available to a local educational agen-*
23 *cy through a grant made under this subpart for a fiscal*
24 *year may be used to pay for administrative costs.*

1 **“SEC. 7116. INTEGRATION OF SERVICES AUTHORIZED.**

2 “(a) *PLAN.*—*An entity receiving funds under this sub-*
3 *part may submit a plan to the Secretary for a demonstra-*
4 *tion project for the integration of education and related*
5 *services provided to Indian students.*

6 “(b) *CONSOLIDATION OF PROGRAMS.*—*Upon the re-*
7 *ceipt of an acceptable plan under subsection (a), the Sec-*
8 *retary, in cooperation with each Federal agency providing*
9 *grants for the provision of education and related services*
10 *to the applicant, shall authorize the applicant to consoli-*
11 *date, in accordance with such plan, the federally funded*
12 *education and related services programs of the applicant*
13 *and the agencies, or portions of the programs, serving In-*
14 *dian students in a manner that integrates the program*
15 *services involved into a single, coordinated, comprehensive*
16 *program and reduces administrative costs by consolidating*
17 *administrative functions.*

18 “(c) *PROGRAMS AFFECTED.*—*The funds that may be*
19 *consolidated in a demonstration project under any such*
20 *plan referred to in subsection (b) shall include funds for*
21 *any Federal program exclusively serving Indian children,*
22 *or the funds reserved exclusively to serve Indian children*
23 *under any program, for which the applicant is eligible for*
24 *receipt of funds under a statutory or administrative for-*
25 *mula for the purposes of providing education and related*
26 *services for Indian students.*

1 “(d) *PLAN REQUIREMENTS.*—*For a plan to be accept-*
2 *able pursuant to subsection (b), the plan shall—*

3 “(1) *identify the programs or funding sources to*
4 *be consolidated;*

5 “(2) *be consistent with the objectives of this sec-*
6 *tion authorizing the program services to be integrated*
7 *in a demonstration project;*

8 “(3) *describe a comprehensive strategy that iden-*
9 *tifies the full range of potential educational opportu-*
10 *nities and related services to be provided to assist In-*
11 *Indian students to achieve the objectives set forth in this*
12 *subpart;*

13 “(4) *describe the way in which the services are*
14 *to be integrated and delivered and the results expected*
15 *from the plan;*

16 “(5) *identify the projected expenditures under*
17 *the plan in a single budget;*

18 “(6) *identify the State, tribal, or local agencies*
19 *to be involved in the delivery of the services integrated*
20 *under the plan;*

21 “(7) *identify any statutory provisions, regula-*
22 *tions, policies, or procedures that the applicant be-*
23 *lieves need to be waived in order to implement the*
24 *plan;*

1 “(8) set forth measures of student achievement
2 and performance goals designed to be met within a
3 specified period of time for activities provided under
4 the plan; and

5 “(9) be approved by a parent committee formed
6 in accordance with section 7114(c)(4), if such a com-
7 mittee exists, in consultation with the Committee on
8 Resources of the House of Representatives and the
9 Committee on Indian Affairs of the Senate.

10 “(e) *PLAN REVIEW*.—Upon receipt of the plan from
11 an eligible entity, the Secretary shall consult with the head
12 of each Federal agency providing funds to be used to imple-
13 ment the plan, and with the entity submitting the plan.
14 The parties so consulting shall identify any waivers of stat-
15 utory requirements or of Federal regulations, policies, or
16 procedures necessary to enable the applicant to implement
17 the plan. Notwithstanding any other provision of law, the
18 Secretary of the affected agency shall have the authority to
19 waive, for the applicant, any regulation, policy, or proce-
20 dure promulgated by that agency that has been so identified
21 by the applicant or agency, unless the head of the affected
22 agency determines that such a waiver is inconsistent with
23 the objectives of this subpart or the provisions of the statute
24 from which the program involved derives authority that are
25 specifically applicable to Indian students.

1 “(f) *PLAN APPROVAL.*—Within 90 days after the re-
2 *ceipt of an applicant’s plan by the Secretary under sub-*
3 *section (a), the Secretary shall inform the applicant, in*
4 *writing, of the Secretary’s approval or disapproval of the*
5 *plan. If the plan is disapproved, the applicant shall be in-*
6 *formed, in writing, of the reasons for the disapproval and*
7 *shall be given an opportunity to amend the plan or to peti-*
8 *tion the Secretary to reconsider such disapproval.*

9 “(g) *RESPONSIBILITIES OF DEPARTMENT OF EDU-*
10 *CATION.*—Not later than 180 days after the date of enact-
11 *ment of the Better Education for Students and Teachers*
12 *Act, the Secretary of Education, the Secretary of the Inte-*
13 *rior, and the head of any other Federal agency identified*
14 *by the Secretary of Education, shall enter into an inter-*
15 *agency memorandum of agreement providing for the imple-*
16 *mentation of the demonstration projects authorized under*
17 *this section. The lead agency for a demonstration project*
18 *authorized under this section shall be—*

19 “(1) *the Department of the Interior, in the case*
20 *of an applicant that is a contract or grant school, as*
21 *defined in section 1146 of the Education Amendments*
22 *of 1978; or*

23 “(2) *the Department of Education, in the case of*
24 *any other applicant.*

1 “(h) *RESPONSIBILITIES OF LEAD AGENCY.*—The re-
2 *sponsibilities of the lead agency for a demonstration project*
3 *shall include—*

4 “(1) *the use of a single report format related to*
5 *the plan for the individual project, which shall be*
6 *used by an eligible entity to report on the activities*
7 *undertaken under the project;*

8 “(2) *the use of a single report format related to*
9 *the projected expenditures for the individual project,*
10 *which shall be used by an eligible entity to report on*
11 *all project expenditures;*

12 “(3) *the development of a single system of Fed-*
13 *eral oversight for the project, which shall be imple-*
14 *mented by the lead agency; and*

15 “(4) *the provision of technical assistance to an*
16 *eligible entity appropriate to the project, except that*
17 *an eligible entity shall have the authority to accept or*
18 *reject the plan for providing such technical assistance*
19 *and the technical assistance provider.*

20 “(i) *REPORT REQUIREMENTS.*—

21 “(1) *IN GENERAL.*—*The Secretary shall develop,*
22 *consistent with the requirements of this section, a sin-*
23 *gle report format for the reports described in sub-*
24 *section (h).*

1 “(2) *REPORT INFORMATION.*—*Such report for-*
2 *mat shall require that the reports shall—*

3 “(A) *contain such information as will allow*
4 *a determination that the eligible entity has com-*
5 *plied with the requirements incorporated in the*
6 *entity’s approved plan, including the demonstra-*
7 *tion of student achievement; and*

8 “(B) *provide assurances to the Secretary of*
9 *Education and the Secretary of the Interior that*
10 *the eligible entity has complied with all directly*
11 *applicable statutory requirements and with those*
12 *directly applicable regulatory requirements that*
13 *have not been waived.*

14 “(3) *RECORD INFORMATION.*—*The Secretary*
15 *shall require that records maintained at the local level*
16 *on the programs consolidated for the project shall con-*
17 *tain the information and provide the assurances de-*
18 *scribed in paragraph (2).*

19 “(j) *NO REDUCTION IN AMOUNTS.*—*In no case shall*
20 *the amount of Federal funds available to an eligible entity*
21 *involved in any demonstration project be reduced as a re-*
22 *sult of the enactment of this section.*

23 “(k) *INTERAGENCY FUND TRANSFERS AUTHORIZED.*—
24 *The Secretary is authorized to take such action as may be*
25 *necessary to provide for an interagency transfer of funds*

1 *otherwise available to an eligible entity in order to further*
2 *the objectives of this section.*

3 *“(l) ADMINISTRATION OF FUNDS.—*

4 *“(1) IN GENERAL.—An eligible entity shall ad-*
5 *minister the program funds for the consolidated pro-*
6 *grams in such a manner as to allow for a determina-*
7 *tion that funds from a specific program are spent on*
8 *allowable activities authorized under such program,*
9 *except that the eligible entity shall determine the pro-*
10 *portion of the funds that shall be allocated to such*
11 *program.*

12 *“(2) SEPARATE RECORDS NOT REQUIRED.—*

13 *Nothing in this section shall be construed as requiring*
14 *the eligible entity to maintain separate records trac-*
15 *ing any services or activities conducted under the ap-*
16 *proved plan to the individual programs under which*
17 *funds were authorized for the services or activities,*
18 *nor shall the eligible entity be required to allocate ex-*
19 *penditures among such individual programs.*

20 *“(m) OVERAGE.—The eligible entity may commingle*
21 *all administrative funds from the consolidated programs*
22 *and shall be entitled to the full amount of such funds (under*
23 *each program’s or agency’s regulations). The overage (de-*
24 *finied as the difference between the amount of the commin-*
25 *gled funds and the actual administrative cost of the pro-*

1 *grams) shall be considered to be properly spent for Federal*
2 *audit purposes, if the overage is used for the purposes pro-*
3 *vided for under this section.*

4 “(n) *FISCAL ACCOUNTABILITY.—Nothing in this part*
5 *shall be construed so as to interfere with the ability of the*
6 *Secretary or the lead agency to fulfill responsibilities for*
7 *safeguarding Federal funds pursuant to chapter 75 of title*
8 *31, United States Code.*

9 “(o) *REPORT ON STATUTORY OBSTACLES TO PROGRAM*
10 *INTEGRATION.—*

11 “(1) *PRELIMINARY REPORT.—Not later than 2*
12 *years after the date of enactment of the Better Edu-*
13 *cation for Students and Teachers Act, the Secretary*
14 *of Education shall submit a preliminary report to the*
15 *Committee on Education and the Workforce and the*
16 *Committee on Resources of the House of Representa-*
17 *tives and the Committee on Health, Education,*
18 *Labor, and Pensions and the Committee on Indian*
19 *Affairs of the Senate on the status of the implementa-*
20 *tion of the demonstration projects authorized under*
21 *this section.*

22 “(2) *FINAL REPORT.—Not later than 5 years*
23 *after the date of enactment of the Better Education*
24 *for Students and Teachers Act, the Secretary of Edu-*
25 *cation shall submit a report to the Committee on*

1 *Education and the Workforce and the Committee on*
2 *Resources of the House of Representatives and the*
3 *Committee on Health, Education, Labor, and Pen-*
4 *sions and the Committee on Indian Affairs of the*
5 *Senate on the results of the implementation of the*
6 *demonstration projects authorized under this section.*
7 *Such report shall identify statutory barriers to the*
8 *ability of participants to integrate more effectively*
9 *their education and related services to Indian stu-*
10 *dents in a manner consistent with the objectives of*
11 *this section.*

12 “(p) *DEFINITION.—In this section, the term ‘Sec-*
13 *retary’ means—*

14 “(1) *the Secretary of the Interior, in the case of*
15 *an applicant that is a contract or grant school, as de-*
16 *fined in section 1146 of the Education Amendments*
17 *of 1978; or*

18 “(2) *the Secretary of Education, in the case of*
19 *any other applicant.*

20 **“SEC. 7117. STUDENT ELIGIBILITY FORMS.**

21 “(a) *IN GENERAL.—The Secretary shall require that,*
22 *as part of an application for a grant under this subpart,*
23 *each applicant shall maintain a file, with respect to each*
24 *Indian child for whom the local educational agency pro-*
25 *vides a free public education, that contains a form that sets*

1 *forth information establishing the status of the child as an*
2 *Indian child eligible for assistance under this subpart, and*
3 *that otherwise meets the requirements of subsection (b).*

4 “(b) *FORMS.*—*The form described in subsection (a)*
5 *shall include—*

6 “(1) *either—*

7 “(A)(i) *the name of the tribe or band of In-*
8 *dians (as defined in section 7161(3)) with re-*
9 *spect to which the child claims membership;*

10 “(ii) *the enrollment number establishing the*
11 *membership of the child (if readily available);*
12 *and*

13 “(iii) *the name and address of the organiza-*
14 *tion that maintains updated and accurate mem-*
15 *bership data for such tribe or band of Indians;*
16 *or*

17 “(B) *if the child is not a member of the*
18 *tribe or band of Indians (as so defined), the*
19 *name, the enrollment number (if readily avail-*
20 *able), and the name and address of the organiza-*
21 *tion responsible for maintaining updated and*
22 *accurate membership rolls, of any parent or*
23 *grandparent of the child from whom the child*
24 *claims eligibility under this subpart;*

1 “(2) a statement of whether the tribe or band of
2 Indians (as so defined) with respect to which the
3 child, or parent or grandparent of the child, claims
4 membership is federally recognized;

5 “(3) the name and address of the parent or legal
6 guardian of the child;

7 “(4) a signature of the parent or legal guardian
8 of the child that verifies the accuracy of the informa-
9 tion supplied; and

10 “(5) any other information that the Secretary
11 considers necessary to provide an accurate program
12 profile.

13 “(c) *STATUTORY CONSTRUCTION.*—Nothing in this sec-
14 tion shall be construed to affect a definition contained in
15 section 7161.

16 “(d) *FORMS AND STANDARDS OF PROOF.*—The forms
17 and the standards of proof (including the standard of good
18 faith compliance) that were in use during the 1985–86 aca-
19 demic year to establish the eligibility of a child for entitle-
20 ment under the Indian Elementary and Secondary School
21 Assistance Act shall be the forms and standards of proof
22 used—

23 “(1) to establish eligibility under this subpart;
24 and

25 “(2) to meet the requirements of subsection (a).

1 “(e) *DOCUMENTATION.*—*For purposes of determining*
2 *whether a child is eligible to be counted for the purpose of*
3 *computing the amount of a grant award under section*
4 *7113, the membership of the child, or any parent or grand-*
5 *parent of the child, in a tribe or band of Indians (as so*
6 *defined) may be established by proof other than an enroll-*
7 *ment number, notwithstanding the availability of an enroll-*
8 *ment number for a member of such tribe or band.*

9 “(f) *MONITORING AND EVALUATION REVIEW.*—

10 “(1) *IN GENERAL.*—

11 “(A) *REVIEW.*—*For each fiscal year, in*
12 *order to provide such information as is necessary*
13 *to carry out the responsibility of the Secretary to*
14 *provide technical assistance under this subpart,*
15 *the Secretary shall conduct a monitoring and*
16 *evaluation review of a sampling of the local edu-*
17 *cational agencies that are recipients of grants*
18 *under this subpart. The sampling conducted*
19 *under this paragraph shall take into account the*
20 *size of such a local educational agency and the*
21 *geographic location of such agency.*

22 “(B) *EXCEPTION.*—*A local educational*
23 *agency may not be held liable to the United*
24 *States or be subject to any penalty by reason of*
25 *the findings of an audit that relates to the date*

1 *of completion, or the date of submission, of any*
2 *forms used to establish, before April 28, 1988, the*
3 *eligibility of a child for entitlement under the*
4 *Indian Elementary and Secondary School As-*
5 *sistance Act.*

6 “(2) *FALSE INFORMATION.*—*Any local edu-*
7 *cational agency that provides false information in an*
8 *application for a grant under this subpart shall—*

9 “(A) *be ineligible to apply for any other*
10 *grant under this subpart; and*

11 “(B) *be liable to the United States for any*
12 *funds from the grant that have not been ex-*
13 *pended.*

14 “(3) *EXCLUDED CHILDREN.*—*A student who pro-*
15 *vides false information for the form required under*
16 *subsection (a) shall not be counted for the purpose of*
17 *computing the amount of a grant award under sec-*
18 *tion 7113.*

19 “(g) *TRIBAL GRANT AND CONTRACT SCHOOLS.*—*Not-*
20 *withstanding any other provision of this section, the Sec-*
21 *retary, in computing the amount of a grant award under*
22 *section 7113 to a tribal school that receives a grant or con-*
23 *tract from the Bureau of Indian Affairs, shall use only 1*
24 *of the following, as selected by the school:*

1 “(1) A count, certified by the Bureau, of the
2 number of students in the school.

3 “(2) A count of the number of students for whom
4 the school has eligibility forms that comply with this
5 section.

6 “(h) *TIMING OF CHILD COUNTS.*—For purposes of de-
7 termining the number of children to be counted in com-
8 puting the amount of a local educational agency’s grant
9 award under section 7113 (other than in the case described
10 in subsection (g)(1)), the local educational agency shall—

11 “(1) establish a date on, or a period not longer
12 than 31 consecutive days during which, the agency
13 counts those children, if that date or period occurs be-
14 fore the deadline established by the Secretary for sub-
15 mitting an application under section 7114; and

16 “(2) determine that each such child was enrolled,
17 and receiving a free public education, in a school of
18 the agency on that date or during that period, as the
19 case may be.

20 **“SEC. 7118. PAYMENTS.**

21 “(a) *IN GENERAL.*—Subject to subsections (b) and (c),
22 the Secretary shall pay to each local educational agency
23 that submits an application that is approved by the Sec-
24 retary under this subpart the amount computed under sec-
25 tion 7113. The Secretary shall notify the local educational

1 *agency of the amount of the payment not later than June*
2 *1 of the year for which the Secretary makes the payment.*

3 “(b) *PAYMENTS TAKEN INTO ACCOUNT BY THE*
4 *STATE.—The Secretary may not make a grant under this*
5 *subpart to a local educational agency for a fiscal year if,*
6 *for such fiscal year, the State in which the local educational*
7 *agency is located takes into consideration payments made*
8 *under this subpart in determining the eligibility of the local*
9 *educational agency for State aid, or the amount of the State*
10 *aid, with respect to the free public education of children*
11 *during such fiscal year or the preceding fiscal year.*

12 “(c) *REDUCTION OF PAYMENT FOR FAILURE TO MAIN-*
13 *TAIN FISCAL EFFORT.—*

14 “(1) *IN GENERAL.—The Secretary may not pay*
15 *a local educational agency in a State the full amount*
16 *of a grant award computed under section 7113 for*
17 *any fiscal year unless the State educational agency*
18 *notifies the Secretary, and the Secretary determines,*
19 *that with respect to the provision of free public edu-*
20 *cation by the local educational agency for the pre-*
21 *ceding fiscal year, that the combined fiscal effort of*
22 *the local educational agency and the State, computed*
23 *on either a per student or aggregate expenditure basis*
24 *was not less than 90 percent of the amount of the*

1 *combined fiscal effort, computed on the same basis, for*
2 *the second preceding fiscal year.*

3 “(2) *FAILURE.*—*If, for any fiscal year, the Sec-*
4 *retary determines that a local educational agency and*
5 *State failed to maintain the combined fiscal effort at*
6 *the level specified in paragraph (1), the Secretary*
7 *shall—*

8 “(A) *reduce the amount of the grant that*
9 *would otherwise be made to such agency under*
10 *this subpart in the exact proportion of the fail-*
11 *ure to maintain the fiscal effort at such level;*
12 *and*

13 “(B) *not use the reduced amount of the*
14 *combined fiscal effort for the year to determine*
15 *compliance with paragraph (1) for any suc-*
16 *ceeding fiscal year, but shall use the amount of*
17 *expenditures that would have been required to*
18 *comply with paragraph (1) during the fiscal*
19 *year for which the determination is made.*

20 “(3) *WAIVER.*—

21 “(A) *IN GENERAL.*—*The Secretary may*
22 *waive the requirement of paragraph (1) for a*
23 *local educational agency, for not more than 1*
24 *year at a time, if the Secretary determines that*
25 *the failure to comply with such requirement is*

1 *due to exceptional or uncontrollable cir-*
2 *cumstances, such as a natural disaster or a pre-*
3 *cipitous and unforeseen decline in the agency's*
4 *financial resources.*

5 “(B) *FUTURE DETERMINATIONS.*—*The Sec-*
6 *retary shall not use the reduced amount of the*
7 *combined fiscal effort for the year for which the*
8 *waiver is granted to determine compliance with*
9 *paragraph (1) for any succeeding fiscal year, but*
10 *shall use the amount of expenditures that would*
11 *have been required to comply with paragraph (1)*
12 *in the absence of the waiver during the fiscal*
13 *year for which the waiver is granted.*

14 “(d) *REALLOCATIONS.*—*The Secretary may reallocate,*
15 *in a manner that the Secretary determines will best carry*
16 *out the purpose of this subpart, any amounts that—*

17 “(1) *based on estimates made by local edu-*
18 *cational agencies or other information, the Secretary*
19 *determines will not be needed by such agencies to*
20 *carry out approved programs under this subpart; or*

21 “(2) *otherwise become available for reallocation*
22 *under this subpart.*

23 **“SEC. 7119. STATE EDUCATIONAL AGENCY REVIEW.**

24 *“Before submitting an application to the Secretary*
25 *under section 7114, a local educational agency shall submit*

1 *the application to the State educational agency, which may*
2 *comment on the application. If the State educational agen-*
3 *cy comments on the application, the agency shall comment*
4 *on each such application submitted by a local educational*
5 *agency in the State and shall provide the comment to the*
6 *appropriate local educational agency, with an opportunity*
7 *to respond.*

8 **“Subpart 2—Special Programs and Projects To Im-**
9 **prove Educational Opportunities for Indian Chil-**
10 **dren**

11 **“SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
12 **TIES FOR INDIAN CHILDREN.**

13 **“(a) PURPOSE.—**

14 **“(1) IN GENERAL.—***The purpose of this section is*
15 *to support projects to develop, test, and demonstrate*
16 *the effectiveness of services and programs to improve*
17 *educational opportunities and achievement of Indian*
18 *children.*

19 **“(2) COORDINATION.—***The Secretary shall take*
20 *such actions as are necessary to achieve the coordina-*
21 *tion of activities assisted under this subpart with—*

22 **“(A) other programs funded under this Act;**
23 **and**

1 “(B) other Federal programs operated for
2 the benefit of American Indian and Alaska Na-
3 tive children.

4 “(b) *ELIGIBLE ENTITIES*.—In this section, the term
5 ‘eligible entity’ means a State educational agency, local
6 educational agency, Indian tribe, Indian organization, fed-
7 erally supported elementary school or secondary school for
8 Indian students, Indian institution (including an Indian
9 institution of higher education) or a consortium of such en-
10 tities.

11 “(c) *GRANTS AUTHORIZED*.—

12 “(1) *IN GENERAL*.—The Secretary shall award
13 grants to eligible entities to enable such entities to
14 carry out activities that meet the purpose specified in
15 subsection (a)(1), including—

16 “(A) innovative programs related to the
17 educational needs of educationally disadvantaged
18 children;

19 “(B) educational services that are not avail-
20 able to such children in sufficient quantity or
21 quality, including remedial instruction, to raise
22 the achievement of Indian children in 1 or more
23 of the core academic subjects of English, mathe-
24 matics, science, foreign languages, art, history,
25 and geography;

1 “(C) *bilingual and bicultural programs and*
2 *projects;*

3 “(D) *special health and nutrition services,*
4 *and other related activities, that address the spe-*
5 *cial health, social, and psychological problems of*
6 *Indian children;*

7 “(E) *special compensatory and other pro-*
8 *grams and projects designed to assist and en-*
9 *courage Indian children to enter, remain in, or*
10 *reenter school, and to increase the rate of sec-*
11 *ondary school graduation for Indian children;*

12 “(F) *comprehensive guidance, counseling,*
13 *and testing services;*

14 “(G) *early childhood and kindergarten pro-*
15 *grams, including family-based preschool pro-*
16 *grams that emphasize school readiness and pa-*
17 *rental skills, and the provision of services to In-*
18 *dian children with disabilities;*

19 “(H) *partnership projects between local edu-*
20 *cational agencies and institutions of higher edu-*
21 *cation that allow secondary school students to*
22 *enroll in courses at the postsecondary level to aid*
23 *such students in the transition from secondary*
24 *school to postsecondary education;*

1 “(I) partnership projects between schools
2 and local businesses for school-to-work transition
3 programs designed to provide Indian youth with
4 the knowledge and skills the youth need to make
5 an effective transition from school to a first job
6 in a high-skill, high-wage career;

7 “(J) programs designed to encourage and
8 assist Indian students to work toward, and gain
9 entrance into, an institution of higher education;

10 “(K) family literacy services; or

11 “(L) other services that meet the purpose de-
12 scribed in subsection (a)(1).

13 “(2) *PRE-SERVICE OR IN-SERVICE TRAINING.*—
14 *Pre-service or in-service training of professional and*
15 *paraprofessional personnel may be a part of any pro-*
16 *gram assisted under this section.*

17 “(d) *GRANT REQUIREMENTS AND APPLICATIONS.*—

18 “(1) *GRANT REQUIREMENTS.*—

19 “(A) *IN GENERAL.*—*The Secretary may*
20 *make multiyear grants under subsection (c) for*
21 *the planning, development, pilot operation, or*
22 *demonstration of any activity described in sub-*
23 *section (c). The Secretary shall make the grants*
24 *for periods of not more than 5 years.*

1 “(B) *PRIORITY.*—*In making multiyear*
2 *grants described in this paragraph, the Secretary*
3 *shall give priority to entities submitting applica-*
4 *tions that present a plan for combining 2 or*
5 *more of the activities described in subsection (c)*
6 *over a period of more than 1 year.*

7 “(C) *PROGRESS.*—*The Secretary shall make*
8 *a payment for a grant described in this para-*
9 *graph to an eligible entity after the initial year*
10 *of the multiyear grant period only if the Sec-*
11 *retary determines that the eligible entity has*
12 *made substantial progress in carrying out the*
13 *activities assisted under the grant in accordance*
14 *with the application submitted under paragraph*
15 *(3) and any subsequent modifications to such*
16 *application.*

17 “(2) *DISSEMINATION GRANTS.*—

18 “(A) *IN GENERAL.*—*In addition to award-*
19 *ing the multiyear grants described in paragraph*
20 *(1), the Secretary may award grants under sub-*
21 *section (c) to eligible entities for the dissemina-*
22 *tion of exemplary materials or programs assisted*
23 *under this section.*

24 “(B) *DETERMINATION.*—*The Secretary may*
25 *award a dissemination grant described in this*

1 paragraph if, prior to awarding the grant, the
2 Secretary determines that the material or pro-
3 gram to be disseminated—

4 “(i) has been adequately reviewed;

5 “(ii) has demonstrated educational
6 merit; and

7 “(iii) can be replicated.

8 “(3) APPLICATION.—

9 “(A) IN GENERAL.—Any eligible entity that
10 desires to receive a grant under this section shall
11 submit an application to the Secretary at such
12 time and in such manner as the Secretary may
13 require.

14 “(B) CONTENTS.—Each application sub-
15 mitted to the Secretary under subparagraph (A),
16 other than an application for a dissemination
17 grant under paragraph (2), shall contain—

18 “(i) a description of how parents of In-
19 dian children and representatives of Indian
20 tribes have been, and will be, involved in
21 developing and implementing the activities
22 for which assistance is sought;

23 “(ii) assurances that the applicant will
24 participate, at the request of the Secretary,

1 *in any national evaluation of activities as-*
2 *sisted under this section;*

3 “(iii) *information demonstrating that*
4 *the proposed program for the activities is a*
5 *scientifically based research program, which*
6 *may include a program that has been modi-*
7 *fied to be culturally appropriate for stu-*
8 *dents who will be served;*

9 “(iv) *a description of how the appli-*
10 *cant will incorporate the proposed activities*
11 *into the ongoing school program involved*
12 *once the grant period is over; and*

13 “(v) *such other assurances and infor-*
14 *mation as the Secretary may reasonably re-*
15 *quire.*

16 “(e) *ADMINISTRATIVE COSTS.—Not more than 5 per-*
17 *cent of the funds provided to a grant recipient under this*
18 *subpart for any fiscal year may be used to pay for adminis-*
19 *trative costs.*

20 **“SEC. 7122. PROFESSIONAL DEVELOPMENT.**

21 “(a) *PURPOSES.—The purposes of this section are—*

22 “(1) *to increase the number of qualified Indian*
23 *individuals in teaching or other education professions*
24 *that serve Indian people;*

1 “(2) to provide training to qualified Indian in-
2 dividuals to enable such individuals to become teach-
3 ers, administrators, teacher aides, social workers, and
4 ancillary educational personnel; and

5 “(3) to improve the skills of qualified Indian in-
6 dividuals who serve in the capacities described in
7 paragraph (2).

8 “(b) *ELIGIBLE ENTITIES*.—In this section, the term
9 ‘eligible entity’ means a consortium of—

10 “(1) a State or local educational agency; and

11 “(2) an institution of higher education (includ-
12 ing an Indian institution of higher education) or an
13 Indian tribe or organization.

14 “(c) *PROGRAM AUTHORIZED*.—The Secretary is au-
15 thorized to award grants to eligible entities with applica-
16 tions approved under subsection (e) to enable such entities
17 to carry out the activities described in subsection (d).

18 “(d) *AUTHORIZED ACTIVITIES*.—

19 “(1) *IN GENERAL*.—Grant funds made available
20 under subsection (c) shall be used for activities to pro-
21 vide support and training for Indian individuals in
22 a manner consistent with the purposes of this section.
23 Such activities may include continuing programs,
24 symposia, workshops, conferences, and direct finan-
25 cial support.

1 “(2) *SPECIAL RULES.*—

2 “(A) *TYPE OF TRAINING.*—*For education*
3 *personnel, the training received pursuant to a*
4 *grant awarded under subsection (c) may be in-*
5 *service or pre-service training.*

6 “(B) *PROGRAM.*—*For individuals who are*
7 *being trained to enter any field other than edu-*
8 *cation, the training received pursuant to a grant*
9 *awarded under subsection (c) shall be in a pro-*
10 *gram that results in a graduate degree.*

11 “(e) *APPLICATION.*—*Each eligible entity desiring a*
12 *grant under subsection (c) shall submit an application to*
13 *the Secretary at such time, in such manner, and accom-*
14 *panied by such information, as the Secretary may reason-*
15 *ably require.*

16 “(f) *SPECIAL RULE.*—*In awarding grants under sub-*
17 *section (c), the Secretary—*

18 “(1) *shall consider the prior performance of an*
19 *eligible entity; and*

20 “(2) *may not limit eligibility to receive a grant*
21 *under subsection (c) on the basis of—*

22 “(A) *the number of previous grants the Sec-*
23 *retary has awarded such entity; or*

24 “(B) *the length of any period during which*
25 *such entity received such grants.*

1 “(g) *GRANT PERIOD.*—Each grant awarded under sub-
2 *section (c)* shall be awarded for a program of activities of
3 *not more than 5 years.*

4 “(h) *SERVICE OBLIGATION.*—

5 “(1) *IN GENERAL.*—The Secretary shall require,
6 *by regulation, that an individual who receives pre-*
7 *service training pursuant to a grant awarded under*
8 *subsection (c)*—

9 “(A) *perform work*—

10 “(i) *related to the training received*
11 *under this section; and*

12 “(ii) *that benefits Indian people; or*

13 “(B) *repay all or a prorated part of the as-*
14 *sistance received for the training.*

15 “(2) *REPORTING.*—The Secretary shall establish,
16 *by regulation, a reporting procedure under which a*
17 *recipient of the pre-service training shall, not later*
18 *than 12 months after the date of completion of the*
19 *training, and periodically thereafter, provide infor-*
20 *mation concerning the compliance of such recipient*
21 *with the work requirement described in paragraph*
22 *(1).*

23 “(i) *INSERVICE TRAINING FOR TEACHERS OF INDIAN*
24 *CHILDREN.*—

1 “(1) *GRANTS AUTHORIZED.*—*In addition to the*
2 *grants authorized by subsection (c), the Secretary*
3 *may make grants to eligible consortia for the provi-*
4 *sion of high quality in-service training. The Secretary*
5 *may make such a grant to—*

6 “(A) *a consortium of a tribal college and an*
7 *institution of higher education that awards a de-*
8 *gree in education; or*

9 “(B) *a consortium of—*

10 “(i) *a tribal college;*

11 “(ii) *an institution of higher education*
12 *that awards a degree in education; and*

13 “(iii) *1 or more elementary schools or*
14 *secondary schools operated by the Bureau of*
15 *Indian Affairs, local educational agencies*
16 *servicing Indian children, or tribal edu-*
17 *cational agencies.*

18 “(2) *USE OF FUNDS.*—

19 “(A) *IN-SERVICE TRAINING.*—*A consortium*
20 *that receives a grant under paragraph (1) shall*
21 *use the grant funds only to provide high quality*
22 *in-service training to teachers, including teachers*
23 *who are not Indians, in schools of local edu-*
24 *cational agencies with substantial numbers of*

1 *Indian children enrolled in their schools, in*
2 *order to better meet the needs of those children.*

3 “(B) COMPONENTS.—*The training described*
4 *in subparagraph (A) shall include such activities*
5 *as preparing teachers to use the best available*
6 *scientifically based research practices and learn-*
7 *ing strategies, and to make the most effective use*
8 *of curricula and materials, to respond to the*
9 *unique needs of Indian children in their class-*
10 *rooms.*

11 “(3) PREFERENCE FOR INDIAN APPLICANTS.—*In*
12 *applying section 7153 to this subsection, the Sec-*
13 *retary shall give a preference to any consortium that*
14 *includes 1 or more of the entities described in that*
15 *section.*

16 **“SEC. 7123. FELLOWSHIPS FOR INDIAN STUDENTS.**

17 “(a) FELLOWSHIPS.—

18 “(1) AUTHORITY.—*The Secretary is authorized*
19 *to award fellowships to Indian students to enable such*
20 *students to study in graduate and professional pro-*
21 *grams at institutions of higher education.*

22 “(2) REQUIREMENTS.—*The fellowships described*
23 *in paragraph (1) shall be awarded to Indian students*
24 *to enable such students to pursue a course of study—*

1 “(A) of not more than 4 academic years;

2 and

3 “(B) that leads—

4 “(i) toward a postbaccalaureate degree

5 in medicine, clinical psychology, psy-

6 chology, law, education, or a related field;

7 or

8 “(ii) to an undergraduate or graduate

9 degree in engineering, business administra-

10 tion, natural resources, or a related field.

11 “(b) *STIPENDS.*—The Secretary shall pay to Indian

12 students awarded fellowships under subsection (a) such sti-

13 pends (including allowances for subsistence of such students

14 and dependents of such students) as the Secretary deter-

15 mines to be consistent with prevailing practices under com-

16 parable federally supported programs.

17 “(c) *PAYMENTS TO INSTITUTIONS IN LIEU OF TUI-*

18 *TION.*—The Secretary shall pay to the institution of higher

19 education at which such a fellowship recipient is pursuing

20 a course of study, in lieu of tuition charged to such recipi-

21 ent, such amounts as the Secretary may determine to be

22 necessary to cover the cost of education provided to such

23 recipient.

24 “(d) *SPECIAL RULES.*—

1 “(1) *IN GENERAL.*—If a fellowship awarded
2 under subsection (a) is vacated prior to the end of the
3 period for which the fellowship is awarded, the Sec-
4 retary may award an additional fellowship for the
5 unexpired portion of the period of the first fellowship.

6 “(2) *WRITTEN NOTICE.*—Not later than 45 days
7 before the commencement of an academic term, the
8 Secretary shall provide to each individual who is
9 awarded a fellowship under subsection (a) for such
10 academic term written notice of—

11 “(A) the amount of the funding for the fel-
12 lowship; and

13 “(B) any stipends or other payments that
14 will be made under this section to, or for the ben-
15 efit of, the individual for the academic term.

16 “(3) *PRIORITY.*—Not more than 10 percent of the
17 fellowships awarded under subsection (a) shall be
18 awarded, on a priority basis, to persons receiving
19 training in guidance counseling with a specialty in
20 the area of alcohol and substance abuse counseling
21 and education.

22 “(e) *SERVICE OBLIGATION.*—

23 “(1) *IN GENERAL.*—The Secretary shall require,
24 by regulation, that an individual who receives finan-
25 cial assistance under this section—

1 “(A) perform work—

2 “(i) related to the training for which
3 the individual receives the assistance under
4 this section; and

5 “(ii) that benefits Indian people; or

6 “(B) repay all or a prorated portion of such
7 assistance.

8 “(2) *REPORTING.*—The Secretary shall establish,
9 by regulation, a reporting procedure under which a
10 recipient of assistance under this section shall, not
11 later than 12 months after the date of completion of
12 the training, and periodically thereafter, provide in-
13 formation concerning the compliance of such recipient
14 with the work requirement described in paragraph
15 (1).

16 “(f) *ADMINISTRATION OF FELLOWSHIPS.*—The Sec-
17 retary may administer the fellowships authorized under
18 this section through a grant to, or contract or cooperative
19 agreement with, an Indian organization with demonstrated
20 qualifications to administer all facets of the program as-
21 sisted under this section.

22 “**SEC. 7124. GIFTED AND TALENTED INDIAN STUDENTS.**

23 “(a) *PROGRAM AUTHORIZED.*—The Secretary is au-
24 thorized to—

1 “(1) establish 2 centers for gifted and talented
2 Indian students at tribally controlled community col-
3 leges in accordance with this section; and

4 “(2) support demonstration projects described in
5 subsection (c).

6 “(b) *ELIGIBLE ENTITIES.*—The Secretary shall make
7 grants, or enter into contracts, for the activities described
8 in subsection (a), to or with—

9 “(1) 2 tribally controlled community colleges
10 that—

11 “(A) are eligible for funding under the Trib-
12 ally Controlled College or University Assistance
13 Act of 1978; and

14 “(B) are fully accredited; or

15 “(2) if the Secretary does not receive applica-
16 tions that the Secretary determines to be approvable
17 from 2 colleges that meet the requirements of para-
18 graph (1), the American Indian Higher Education
19 Consortium.

20 “(c) *USE OF FUNDS.*—

21 “(1) *IN GENERAL.*—Funds made available
22 through the grants made, or contracts entered into, by
23 the Secretary under subsection (b) shall be used for—

24 “(A) the establishment of centers described
25 in subsection (a); and

1 “(B) carrying out demonstration projects
2 designed to—

3 “(i) address the special needs of Indian
4 students in elementary schools and sec-
5 ondary schools who are gifted and talented;
6 and

7 “(ii) provide such support services to
8 the families of the students described in
9 clause (i) as are needed to enable such stu-
10 dents to benefit from the projects.

11 “(2) *SUBCONTRACTS.*—Each recipient of a grant
12 or contract under subsection (b) to carry out a dem-
13 onstration project under subsection (a) may enter into
14 a contract with any other entity, including the Chil-
15 dren’s Television Workshop, to carry out the dem-
16 onstration project.

17 “(3) *DEMONSTRATION PROJECTS.*—Demonstra-
18 tion projects assisted under subsection (b) may
19 include—

20 “(A) the identification of the special needs
21 of gifted and talented Indian students, particu-
22 larly at the elementary school level, giving atten-
23 tion to—

24 “(i) identifying the emotional and psy-
25 chosocial needs of such students; and

1 “(i) providing such support services to
2 the families of such students as are needed
3 to enable such students to benefit from the
4 project;

5 “(B) the conduct of educational, psycho-
6 social, and developmental activities that the Sec-
7 retary determines hold a reasonable promise of
8 resulting in substantial progress toward meeting
9 the educational needs of such gifted and talented
10 children, including—

11 “(i) demonstrating and exploring the
12 use of Indian languages and exposure to In-
13 dian cultural traditions; and

14 “(ii) carrying out mentoring and ap-
15 prenticeship programs;

16 “(C) the provision of technical assistance
17 and the coordination of activities at schools that
18 receive grants under subsection (d) with respect
19 to the activities assisted under such grants, the
20 evaluation of programs assisted under such
21 grants, or the dissemination of such evaluations;

22 “(D) the use of public television in meeting
23 the special educational needs of such gifted and
24 talented children;

1 “(E) leadership programs designed to rep-
2 licate programs for such children throughout the
3 United States, including disseminating informa-
4 tion derived from the demonstration projects con-
5 ducted under subsection (a); and

6 “(F) appropriate research, evaluation, and
7 related activities pertaining to the needs of such
8 children and to the provision of such support
9 services to the families of such children as are
10 needed to enable such children to benefit from the
11 project.

12 “(4) APPLICATION.—Each entity desiring a
13 grant or contract under subsection (b) shall submit an
14 application to the Secretary at such time and in such
15 manner as the Secretary may prescribe.

16 “(d) ADDITIONAL GRANTS.—

17 “(1) IN GENERAL.—The Secretary, in consulta-
18 tion with the Secretary of the Interior, shall award
19 5 grants to schools funded by the Bureau of Indian
20 Affairs (referred to individually in this section as a
21 ‘Bureau school’) for program research and develop-
22 ment and the development and dissemination of cur-
23 riculum and teacher training material, regarding—

24 “(A) gifted and talented students;

1 “(B) college preparatory studies (including
2 programs for Indian students with an interest in
3 pursuing teaching careers);

4 “(C) students with special culturally related
5 academic needs, including students with social,
6 lingual, and cultural needs; or

7 “(D) mathematics and science education.

8 “(2) *APPLICATIONS.*—Each Bureau school desir-
9 ing a grant to conduct 1 or more of the activities de-
10 scribed in paragraph (1) shall submit an application
11 to the Secretary at such time and in such manner as
12 the Secretary may prescribe.

13 “(3) *SPECIAL RULE.*—Each application de-
14 scribed in paragraph (2) shall be developed, and each
15 grant under this subsection shall be administered,
16 jointly by the supervisor of the Bureau school and the
17 local educational agency serving such school.

18 “(4) *REQUIREMENTS.*—In awarding grants
19 under paragraph (1), the Secretary shall achieve a
20 mixture of the programs described in paragraph (1)
21 that ensures that Indian students at all grade levels
22 and in all geographic areas of the United States are
23 able to participate in a program assisted under this
24 subsection.

1 “(5) *GRANT PERIOD.*—*Subject to the availability*
2 *of appropriations, a grant awarded under paragraph*
3 *(1) shall be awarded for a 3-year period and may be*
4 *renewed by the Secretary for additional 3-year peri-*
5 *ods if the Secretary determines that the performance*
6 *of the grant recipient has been satisfactory.*

7 “(6) *DISSEMINATION.*—

8 “(A) *COOPERATIVE EFFORTS.*—*The dissemi-*
9 *nation of any materials developed from activities*
10 *assisted under paragraph (1) shall be carried out*
11 *in cooperation with entities that receive funds*
12 *pursuant to subsection (b).*

13 “(B) *REPORT.*—*The Secretary shall prepare*
14 *and submit to the Secretary of the Interior and*
15 *to Congress a report concerning any results from*
16 *activities described in this subsection.*

17 “(7) *EVALUATION COSTS.*—

18 “(A) *DIVISION.*—*The costs of evaluating*
19 *any activities assisted under paragraph (1) shall*
20 *be divided between the Bureau schools conducting*
21 *such activities and the recipients of grants or*
22 *contracts under subsection (b) who conduct dem-*
23 *onstration projects under subsection (a).*

24 “(B) *GRANTS AND CONTRACTS.*—*If no funds*
25 *are provided under subsection (b) for—*

1 “(i) the evaluation of activities assisted
2 under paragraph (1);

3 “(ii) technical assistance and coordina-
4 tion with respect to such activities; or

5 “(iii) the dissemination of the evalua-
6 tions referred to in clause (i),

7 the Secretary shall make such grants, or enter
8 into such contracts, as are necessary to provide
9 for the evaluations, technical assistance, and co-
10 ordination of such activities, and the dissemina-
11 tion of the evaluations.

12 “(e) **INFORMATION NETWORK.**—The Secretary shall
13 encourage each recipient of a grant or contract under this
14 section to work cooperatively as part of a national network
15 to ensure that the information developed by the grant or
16 contract recipient is readily available to the entire edu-
17 cational community.

18 **“SEC. 7125. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
19 **TRATIVE PLANNING AND DEVELOPMENT.**

20 “(a) **IN GENERAL.**—The Secretary may make grants
21 to Indian tribes, and tribal organizations approved by In-
22 dian tribes, to plan and develop a centralized tribal admin-
23 istrative entity to—

1 “(1) coordinate all education programs operated
2 by the tribe or within the territorial jurisdiction of
3 the tribe;

4 “(2) develop education codes for schools within
5 the territorial jurisdiction of the tribe;

6 “(3) provide support services and technical as-
7 sistance to schools serving children of the tribe; and

8 “(4) perform child-find screening services for the
9 preschool-aged children of the tribe to—

10 “(A) ensure placement in appropriate edu-
11 cational facilities; and

12 “(B) coordinate the provision of any needed
13 special services for conditions such as disabilities
14 and English language skill deficiencies.

15 “(b) *PERIOD OF GRANT.*—Each grant awarded under
16 this section may be awarded for a period of not more than
17 3 years. Such grant may be renewed upon the termination
18 of the initial period of the grant if the grant recipient dem-
19 onstrates to the satisfaction of the Secretary that renewing
20 the grant for an additional 3-year period is necessary to
21 carry out the objectives of the grant described in subsection
22 (c)(2)(A).

23 “(c) *APPLICATION FOR GRANT.*—

24 “(1) *IN GENERAL.*—Each Indian tribe and tribal
25 organization desiring a grant under this section shall

1 *submit an application to the Secretary at such time,*
2 *in such manner, containing such information, and*
3 *consistent with such criteria, as the Secretary may*
4 *prescribe in regulations.*

5 “(2) *CONTENTS.—Each application described in*
6 *paragraph (1) shall contain—*

7 “(A) *a statement describing the activities to*
8 *be conducted, and the objectives to be achieved,*
9 *under the grant; and*

10 “(B) *a description of the method to be used*
11 *for evaluating the effectiveness of the activities*
12 *for which assistance is sought and for deter-*
13 *mining whether such objectives are achieved.*

14 “(3) *APPROVAL.—The Secretary may approve an*
15 *application submitted by a tribe or tribal organiza-*
16 *tion pursuant to this section only if the Secretary is*
17 *satisfied that such application, including any docu-*
18 *mentation submitted with the application—*

19 “(A) *demonstrates that the applicant has*
20 *consulted with other education entities, if any,*
21 *within the territorial jurisdiction of the appli-*
22 *cant who will be affected by the activities to be*
23 *conducted under the grant;*

24 “(B) *provides for consultation with such*
25 *other education entities in the operation and*

1 *ment and educational opportunities for adult Indi-*
2 *ans;*

3 “(2) *to assist in the establishment and operation*
4 *of programs that are designed to stimulate—*

5 “(A) *the provision of basic literacy opportu-*
6 *nities for all nonliterate Indian adults; and*

7 “(B) *the provision of opportunities to all*
8 *Indian adults to qualify for a secondary school*
9 *diploma, or its recognized equivalent, in the*
10 *shortest period of time feasible;*

11 “(3) *to support a major research and develop-*
12 *ment program to develop more innovative and effec-*
13 *tive techniques for achieving literacy and secondary*
14 *school equivalency for Indians;*

15 “(4) *to provide for basic surveys and evaluations*
16 *to define accurately the extent of the problems of illit-*
17 *eracy and lack of secondary school completion among*
18 *Indians; and*

19 “(5) *to encourage the dissemination of informa-*
20 *tion and materials relating to, and the evaluation of,*
21 *the effectiveness of education programs that may offer*
22 *educational opportunities to Indian adults.*

23 “(b) *EDUCATIONAL SERVICES.—The Secretary may*
24 *make grants to Indian tribes, institutions, and organiza-*
25 *tions to develop and establish educational services and pro-*

1 *grams specifically designed to improve educational oppor-*
2 *tunities for Indian adults.*

3 “(c) *INFORMATION AND EVALUATION.*—*The Secretary*
4 *may make grants to, and enter into contracts with, public*
5 *agencies and institutions and Indian tribes, institutions,*
6 *and organizations, for—*

7 “(1) *the dissemination of information concerning*
8 *educational programs, services, and resources avail-*
9 *able to Indian adults, including evaluations of the*
10 *programs, services, and resources; and*

11 “(2) *the evaluation of federally assisted programs*
12 *in which Indian adults may participate to determine*
13 *the effectiveness of the programs in achieving the pur-*
14 *poses of the programs with respect to Indian adults.*

15 “(d) *APPLICATIONS.*—

16 “(1) *IN GENERAL.*—*Each entity desiring a grant*
17 *or contract under this section shall submit to the Sec-*
18 *retary an application at such time, in such manner,*
19 *containing such information, and consistent with*
20 *such criteria, as the Secretary may prescribe in regu-*
21 *lations.*

22 “(2) *CONTENTS.*—*Each application described in*
23 *paragraph (1) shall contain—*

1 “(A) a statement describing the activities to
2 be conducted and the objectives to be achieved
3 under the grant or contract; and

4 “(B) a description of the method to be used
5 for evaluating the effectiveness of the activities
6 for which assistance is sought and determining
7 whether the objectives of the grant or contract are
8 achieved.

9 “(3) *APPROVAL.*—The Secretary shall not ap-
10 prove an application described in paragraph (1) un-
11 less the Secretary determines that such application,
12 including any documentation submitted with the ap-
13 plication, indicates that—

14 “(A) there has been adequate participation,
15 by the individuals to be served and the appro-
16 priate tribal communities, in the planning and
17 development of the activities to be assisted; and

18 “(B) the individuals and tribal commu-
19 nities referred to in subparagraph (A) will par-
20 ticipate in the operation and evaluation of the
21 activities to be assisted.

22 “(4) *PRIORITY.*—In approving applications
23 under paragraph (1), the Secretary shall give priority
24 to applications from Indian educational agencies, or-
25 ganizations, and institutions.

1 “(e) *ADMINISTRATIVE COSTS.*—Not more than 5 per-
2 cent of the funds made available to an entity through a
3 grant or contract made or entered into under this section
4 for a fiscal year may be used to pay for administrative
5 costs.

6 **“Subpart 4—National Research Activities**

7 **“SEC. 7141. NATIONAL ACTIVITIES.**

8 “(a) *AUTHORIZED ACTIVITIES.*—The Secretary may
9 use funds made available under section 7162(b) for each
10 fiscal year to—

11 “(1) *conduct research related to effective ap-*
12 *proaches for the education of Indian children and*
13 *adults;*

14 “(2) *evaluate federally assisted education pro-*
15 *grams from which Indian children and adults may*
16 *benefit;*

17 “(3) *collect and analyze data on the educational*
18 *status and needs of Indians; and*

19 “(4) *carry out other activities that are consistent*
20 *with the purpose of this part.*

21 “(b) *ELIGIBILITY.*—The Secretary may carry out any
22 of the activities described in subsection (a) directly or
23 through grants to, or contracts or cooperative agreements
24 with, Indian tribes, Indian organizations, State edu-
25 cational agencies, local educational agencies, institutions of

1 *higher education, including Indian institutions of higher*
2 *education, and other public and private agencies and insti-*
3 *tutions.*

4 “(c) *COORDINATION.—Research activities supported*
5 *under this section—*

6 “(1) *shall be carried out in consultation with the*
7 *Office of Educational Research and Improvement to*
8 *assure that such activities are coordinated with and*
9 *enhance the research and development activities sup-*
10 *ported by the Office of Educational Research and Im-*
11 *provement; and*

12 “(2) *may include collaborative research activities*
13 *that are jointly funded and carried out by the Office*
14 *of Indian Education and the Office of Educational*
15 *Research and Improvement.*

16 “(d) *ADMINISTRATIVE COSTS.—Not more than 5 per-*
17 *cent of the funds made available to an entity through a*
18 *grant, contract, or agreement made or entered into under*
19 *this subpart for a fiscal year may be used to pay for admin-*
20 *istrative costs.*

1 **“Subpart 5—Federal Administration**

2 **“SEC. 7151. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
3 **CATION.**

4 “(a) *MEMBERSHIP.*—*There is established a National*
5 *Advisory Council on Indian Education (referred to in this*
6 *section as the ‘Council’), which shall—*

7 “(1) *consist of 15 Indian members, who shall be*
8 *appointed by the President from lists of nominees fur-*
9 *nished, from time to time, by Indian tribes and In-*
10 *dian organizations; and*

11 “(2) *represent different geographic areas of the*
12 *United States.*

13 “(b) *DUTIES.*—*The Council shall—*

14 “(1) *advise the Secretary concerning the funding*
15 *and administration (including the development of*
16 *regulations and administrative policies and practices)*
17 *of any program, including any program established*
18 *under this part—*

19 “(A) *with respect to which the Secretary has*
20 *jurisdiction; and*

21 “(B)(i) *that includes Indian children or*
22 *adults as participants; or*

23 “(ii) *that may benefit Indian children or*
24 *adults;*

1 “(2) make recommendations to the Secretary for
2 *filling the position of Director of Indian Education*
3 *whenever a vacancy occurs; and*

4 “(3) prepare and submit to Congress, not later
5 *than June 30 of each year, a report on the activities*
6 *of the Council, including—*

7 “(A) any recommendations that the Council
8 *considers to be appropriate for the improvement*
9 *of Federal education programs that include In-*
10 *Indian children or adults as participants, or that*
11 *may benefit Indian children or adults; and*

12 “(B) recommendations concerning the fund-
13 *ing of any program described in subparagraph*
14 (A).

15 **“SEC. 7152. PEER REVIEW.**

16 *“The Secretary may use a peer review process to re-*
17 *view applications submitted to the Secretary under subpart*
18 *2, 3, or 4.*

19 **“SEC. 7153. PREFERENCE FOR INDIAN APPLICANTS.**

20 *“In making grants and entering into contracts or co-*
21 *operative agreements under subpart 2, 3, or 4, the Secretary*
22 *shall give a preference to Indian tribes, organizations, and*
23 *institutions of higher education under any program with*
24 *respect to which Indian tribes, organizations, and institu-*

1 tions are eligible to apply for grants, contracts, or coopera-
2 tive agreements.

3 **“SEC. 7154. MINIMUM GRANT CRITERIA.**

4 “The Secretary may not approve an application for
5 a grant, contract, or cooperative agreement under subpart
6 2 or 3 unless the application is for a grant, contract, or
7 cooperative agreement that is—

8 “(1) of sufficient size, scope, and quality to
9 achieve the purpose or objectives of such grant, con-
10 tract, or cooperative agreement; and

11 “(2) based on relevant research findings.

12 **“Subpart 6—Definitions; Authorizations of**
13 **Appropriations**

14 **“SEC. 7161. DEFINITIONS.**

15 “In this part:

16 “(1) *ADULT*.—The term ‘adult’ means an indi-
17 vidual who—

18 “(A) has attained age 16; or

19 “(B) has attained an age that is greater
20 than the age of compulsory school attendance
21 under an applicable State law.

22 “(2) *FREE PUBLIC EDUCATION*.—The term ‘free
23 public education’ means education that is—

1 “(A) provided at public expense, under pub-
2 lic supervision and direction, and without tui-
3 tion charge; and

4 “(B) provided as elementary or secondary
5 education in the applicable State or to preschool
6 children.

7 “(3) INDIAN.—The term ‘Indian’ means an indi-
8 vidual who is—

9 “(A) a member of an Indian tribe or band,
10 as membership is defined by the tribe or band,
11 including—

12 “(i) any tribe or band terminated since
13 1940; and

14 “(ii) any tribe or band recognized by
15 the State in which the tribe or band resides;

16 “(B) a descendant, in the first or second de-
17 gree, of an individual described in subparagraph
18 (A);

19 “(C) an individual who is considered by the
20 Secretary of the Interior to be an Indian for any
21 purpose;

22 “(D) an Eskimo, Aleut, or other Alaska Na-
23 tive (as defined in section 7306); or

24 “(E) a member of an organized Indian
25 group that received a grant under the Indian

1 *Education Act of 1988 as in effect the day pre-*
2 *ceding the date of enactment of the ‘Improving*
3 *America’s Schools Act of 1994’ (108 Stat. 3518).*

4 **“SEC. 7162. AUTHORIZATIONS OF APPROPRIATIONS.**

5 “(a) *SUBPART 1.—There are authorized to be appro-*
6 *priated to the Secretary of Education to carry out subpart*
7 *1 \$93,000,000 for fiscal year 2002 and such sums as may*
8 *be necessary for each of the 6 succeeding fiscal years.*

9 “(b) *SUBPARTS 2 THROUGH 4.—There are authorized*
10 *to be appropriated to the Secretary of Education to carry*
11 *out subparts 2, 3, and 4 \$20,000,000 for fiscal year 2002*
12 *and such sums as may be necessary for each of the 6 suc-*
13 *ceeding fiscal years.*

14 **“PART B—NATIVE HAWAIIAN EDUCATION**

15 **“SEC. 7201. SHORT TITLE.**

16 *“This part may be cited as the ‘Native Hawaiian Edu-*
17 *cation Act’.*

18 **“SEC. 7202. FINDINGS.**

19 *“Congress finds the following:*

20 “(1) *Native Hawaiians are a distinct and*
21 *unique indigenous people with a historical continuity*
22 *to the original inhabitants of the Hawaiian archi-*
23 *pelago, whose society was organized as a nation and*
24 *internationally recognized as a nation by the United*
25 *States, Britain, France, and Japan, as evidenced by*

1 *treaties governing friendship, commerce, and naviga-*
2 *tion.*

3 “(2) *At the time of the arrival of the first non-*
4 *indigenous people in Hawai‘i in 1778, the Native*
5 *Hawaiian people lived in a highly organized, self-suf-*
6 *ficient subsistence social system based on a communal*
7 *land tenure system with a sophisticated language,*
8 *culture, and religion.*

9 “(3) *A unified monarchal government of the Ha-*
10 *waiian Islands was established in 1810 under Kame-*
11 *hameha I, the first King of Hawai‘i.*

12 “(4) *From 1826 until 1893, the United States*
13 *recognized the sovereignty and independence of the*
14 *Kingdom of Hawai‘i, which was established in 1810*
15 *under Kamehameha I, extended full and complete*
16 *diplomatic recognition to the Kingdom of Hawai‘i,*
17 *and entered into treaties and conventions with the*
18 *Kingdom of Hawai‘i to govern friendship, commerce*
19 *and navigation in 1826, 1842, 1849, 1875, and 1887.*

20 “(5) *In 1893, the sovereign, independent, inter-*
21 *nationally recognized, and indigenous government of*
22 *Hawai‘i, the Kingdom of Hawai‘i, was overthrown by*
23 *a small group of non-Hawaiians, including United*
24 *States citizens, who were assisted in their efforts by*
25 *the United States Minister, a United States naval*

1 *representative, and armed naval forces of the United*
2 *States. Because of the participation of United States*
3 *agents and citizens in the overthrow of the Kingdom*
4 *of Hawai‘i, in 1993 the United States apologized to*
5 *Native Hawaiians for the overthrow and the depriva-*
6 *tion of the rights of Native Hawaiians to self-deter-*
7 *mination through Public Law 103–150 (107 Stat.*
8 *1510).*

9 “(6) *In 1898, the joint resolution entitled ‘Joint*
10 *Resolution to provide for annexing the Hawaiian Is-*
11 *lands to the United States’, approved July 7, 1898*
12 *(30 Stat. 750), ceded absolute title of all lands held*
13 *by the Republic of Hawai‘i, including the government*
14 *and crown lands of the former Kingdom of Hawai‘i,*
15 *to the United States, but mandated that revenue gen-*
16 *erated from the lands be used ‘solely for the benefit of*
17 *the inhabitants of the Hawaiian Islands for edu-*
18 *cational and other public purposes’.*

19 “(7) *By 1919, the Native Hawaiian population*
20 *had declined from an estimated 1,000,000 in 1778 to*
21 *an alarming 22,600, and in recognition of this severe*
22 *decline, Congress enacted the Hawaiian Homes Com-*
23 *mission Act, 1920 (42 Stat. 108), which designated*
24 *approximately 200,000 acres of ceded public lands for*
25 *homesteading by Native Hawaiians.*

1 “(8) *Through the enactment of the Hawaiian*
2 *Homes Commission Act, 1920, Congress affirmed the*
3 *special relationship between the United States and the*
4 *Native Hawaiians, which was described by then Sec-*
5 *retary of the Interior Franklin K. Lane, who said:*
6 *‘One thing that impressed me . . . was the fact that*
7 *the natives of the island who are our wards, I should*
8 *say, and for whom in a sense we are trustees, are fall-*
9 *ing off rapidly in numbers and many of them are in*
10 *poverty.’*

11 “(9) *In 1938, Congress again acknowledged the*
12 *unique status of the Hawaiian people by including in*
13 *the Act of June 20, 1938 (52 Stat. 781, chapter 530;*
14 *16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a*
15 *provision to lease lands within the National Parks ex-*
16 *tension to Native Hawaiians and to permit fishing in*
17 *the area ‘only by native Hawaiian residents of said*
18 *area or of adjacent villages and by visitors under*
19 *their guidance.’*

20 “(10) *Under the Act entitled ‘An Act to provide*
21 *for the admission of the State of Hawai‘i into the*
22 *Union’, approved March 18, 1959 (73 Stat. 4), the*
23 *United States transferred responsibility for the ad-*
24 *ministration of the Hawaiian Home Lands to the*
25 *State of Hawai‘i but reaffirmed the trust relationship*

1 *between the United States and the Hawaiian people*
2 *by retaining the exclusive power to enforce the trust,*
3 *including the power to approve land exchanges and*
4 *amendments to such Act affecting the rights of bene-*
5 *ficiaries under such Act.*

6 “(11) *In 1959, under the Act entitled ‘An Act to*
7 *provide for the admission of the State of Hawai‘i into*
8 *the Union’, the United States also ceded to the State*
9 *of Hawai‘i title to the public lands formerly held by*
10 *the United States, but mandated that such lands be*
11 *held by the State ‘in public trust’ and reaffirmed the*
12 *special relationship that existed between the United*
13 *States and the Hawaiian people by retaining the*
14 *legal responsibility to enforce the public trust respon-*
15 *sibility of the State of Hawai‘i for the betterment of*
16 *the conditions of Native Hawaiians, as defined in sec-*
17 *tion 201(a) of the Hawaiian Homes Commission Act,*
18 *1920.*

19 “(12) *The United States has recognized and re-*
20 *affirmed that—*

21 “(A) *Native Hawaiians have a cultural,*
22 *historic, and land-based link to the indigenous*
23 *people who exercised sovereignty over the Hawai-*
24 *ian Islands, and that group has never relin-*

1 *quished its claims to sovereignty or its sovereign*
2 *lands;*

3 “(B) *Congress does not extend services to*
4 *Native Hawaiians because of their race, but be-*
5 *cause of their unique status as the indigenous*
6 *people of a once sovereign nation as to whom the*
7 *United States has established a trust relation-*
8 *ship;*

9 “(C) *Congress has also delegated broad au-*
10 *thority to administer a portion of the Federal*
11 *trust responsibility to the State of Hawai‘i;*

12 “(D) *the political status of Native Hawai-*
13 *ians is comparable to that of American Indians*
14 *and Alaska Natives; and*

15 “(E) *the aboriginal, indigenous people of*
16 *the United States have—*

17 “(i) *a continuing right to autonomy in*
18 *their internal affairs; and*

19 “(ii) *an ongoing right of self-deter-*
20 *mination and self-governance that has never*
21 *been extinguished.*

22 “(13) *The political relationship between the*
23 *United States and the Native Hawaiian people has*
24 *been recognized and reaffirmed by the United States,*

1 *as evidenced by the inclusion of Native Hawaiians*
2 *in—*

3 “(A) *the Native American Programs Act of*
4 *1974 (42 U.S.C. 2991 et seq.);*

5 “(B) *the American Indian Religious Free-*
6 *dom Act (42 U.S.C. 1996);*

7 “(C) *the National Museum of the American*
8 *Indian Act (20 U.S.C. 80q et seq.);*

9 “(D) *the Native American Graves Protec-*
10 *tion and Repatriation Act (25 U.S.C. 3001 et*
11 *seq.);*

12 “(E) *the National Historic Preservation Act*
13 *(16 U.S.C. 470 et seq.);*

14 “(F) *the Native American Languages Act*
15 *(25 U.S.C. 2901 et seq.);*

16 “(G) *the American Indian, Alaska Native,*
17 *and Native Hawaiian Culture and Art Develop-*
18 *ment Act (20 U.S.C. 4401 et seq.);*

19 “(H) *the Workforce Investment Act of 1998*
20 *(29 U.S.C. 2801 et seq.); and*

21 “(I) *the Older Americans Act of 1965 (42*
22 *U.S.C. 3001 et seq.).*

23 “(14) *In 1981, Congress instructed the Office of*
24 *Education to submit to Congress a comprehensive re-*
25 *port on Native Hawaiian education. The report, enti-*

1 *tled the ‘Native Hawaiian Educational Assessment*
2 *Project’, was released in 1983 and documented that*
3 *Native Hawaiians scored below parity with regard to*
4 *national norms on standardized achievement tests,*
5 *were disproportionately represented in many negative*
6 *social and physical statistics indicative of special*
7 *educational needs, and had educational needs that*
8 *were related to their unique cultural situation, such*
9 *as different learning styles and low self-image.*

10 *“(15) In recognition of the educational needs of*
11 *Native Hawaiians, in 1988, Congress enacted title IV*
12 *of the Augustus F. Hawkins-Robert T. Stafford Ele-*
13 *mentary and Secondary School Improvement Amend-*
14 *ments of 1988 (102 Stat. 130) to authorize and de-*
15 *velop supplemental educational programs to address*
16 *the unique conditions of Native Hawaiians.*

17 *“(16) In 1993, the Kamehameha Schools Bishop*
18 *Estate released a 10-year update of findings of the*
19 *Native Hawaiian Educational Assessment Project,*
20 *which found that despite the successes of the programs*
21 *established under title IV of the Augustus F. Haw-*
22 *kins-Robert T. Stafford Elementary and Secondary*
23 *School Improvement Amendments of 1988, many of*
24 *the same educational needs still existed for Native*
25 *Hawaiians. Subsequent reports by the Kamehameha*

1 *Schools Bishop Estate and other organizations have*
2 *generally confirmed those findings. For example—*

3 *“(A) educational risk factors continue to*
4 *start even before birth for many Native Hawai-*
5 *ian children, including—*

6 *“(i) late or no prenatal care;*

7 *“(ii) high rates of births by Native Ha-*
8 *waiian women who are unmarried; and*

9 *“(iii) high rates of births to teenage*
10 *parents;*

11 *“(B) Native Hawaiian students continue to*
12 *begin their school experience lagging behind other*
13 *students in terms of readiness factors such as vo-*
14 *cabulary test scores;*

15 *“(C) Native Hawaiian students continue to*
16 *score below national norms on standardized edu-*
17 *cation achievement tests at all grade levels;*

18 *“(D) both public and private schools con-*
19 *tinue to show a pattern of lower percentages of*
20 *Native Hawaiian students in the uppermost*
21 *achievement levels and in gifted and talented*
22 *programs;*

23 *“(E) Native Hawaiian students continue to*
24 *be overrepresented among students qualifying for*
25 *special education programs provided to students*

1 *with learning disabilities, mild mental retarda-*
2 *tion, emotional impairment, and other such dis-*
3 *abilities;*

4 “(F) *Native Hawaiians continue to be*
5 *underrepresented in institutions of higher edu-*
6 *cation and among adults who have completed 4*
7 *or more years of college;*

8 “(G) *Native Hawaiians continue to be dis-*
9 *proportionately represented in many negative so-*
10 *cial and physical statistics indicative of special*
11 *educational needs, as demonstrated by the fact*
12 *that—*

13 “(i) *Native Hawaiian students are*
14 *more likely to be retained in grade level and*
15 *to be excessively absent in secondary school;*

16 “(ii) *Native Hawaiian students have*
17 *the highest rates of drug and alcohol use in*
18 *the State of Hawai‘i; and*

19 “(iii) *Native Hawaiian children con-*
20 *tinue to be disproportionately victimized by*
21 *child abuse and neglect; and*

22 “(H) *Native Hawaiians now comprise over*
23 *23 percent of the students served by the State of*
24 *Hawai‘i Department of Education, and there are*
25 *and will continue to be geographically rural, iso-*

1 *lated areas with a high Native Hawaiian popu-*
2 *lation density.*

3 “(17) *In the 1998 National Assessment of Edu-*
4 *cational Progress, Hawaiian fourth-graders ranked*
5 *39th among groups of students from 39 States in*
6 *reading. Given that Hawaiian students rank among*
7 *the lowest groups of students nationally in reading,*
8 *and that Native Hawaiian students rank the lowest*
9 *among Hawaiian students in reading, it is impera-*
10 *tive that greater focus be placed on beginning reading*
11 *and early education and literacy in Hawai‘i.*

12 “(18) *The findings described in paragraphs (16)*
13 *and (17) are inconsistent with the high rates of lit-*
14 *eracy and integration of traditional culture and*
15 *Western education historically achieved by Native*
16 *Hawaiians through a Hawaiian language-based pub-*
17 *lic school system established in 1840 by Kamehameha*
18 *III.*

19 “(19) *Following the overthrow of the Kingdom of*
20 *Hawai‘i in 1893, Hawaiian medium schools were*
21 *banned. After annexation, throughout the territorial*
22 *and statehood period of Hawai‘i, and until 1986, use*
23 *of the Hawaiian language as an instructional me-*
24 *diu in education in public schools was declared un-*
25 *lawful. The declaration caused incalculable harm to a*

1 *culture that placed a very high value on the power of*
2 *language, as exemplified in the traditional saying: ‘I*
3 *ka ‘ōlelo nō ke ola; I ka ‘ōlelo nō ka make. In the lan-*
4 *guage rests life; In the language rests death.’.*

5 *“(20) Despite the consequences of over 100 years*
6 *of nonindigenous influence, the Native Hawaiian peo-*
7 *ple are determined to preserve, develop, and transmit*
8 *to future generations their ancestral territory and*
9 *their cultural identity in accordance with their own*
10 *spiritual and traditional beliefs, customs, practices,*
11 *language, and social institutions.*

12 *“(21) The State of Hawai‘i, in the constitution*
13 *and statutes of the State of Hawai‘i—*

14 *“(A) reaffirms and protects the unique right*
15 *of the Native Hawaiian people to practice and*
16 *perpetuate their culture and religious customs,*
17 *beliefs, practices, and language;*

18 *“(B) recognizes the traditional language of*
19 *the Native Hawaiian people as an official lan-*
20 *guage of the State of Hawai‘i, which may be*
21 *used as the language of instruction for all sub-*
22 *jects and grades in the public school system; and*

23 *“(C) promotes the study of the Hawaiian*
24 *culture, language, and history by providing a*
25 *Hawaiian education program and using commu-*

1 *nity expertise as a suitable and essential means*
2 *to further the program.*

3 **“SEC. 7203. PURPOSES.**

4 *“The purposes of this part are to—*

5 *“(1) authorize and develop innovative edu-*
6 *cational programs to assist Native Hawaiians;*

7 *“(2) provide direction and guidance to appro-*
8 *priate Federal, State, and local agencies to focus re-*
9 *sources, including resources made available under this*
10 *part, on Native Hawaiian education, and to provide*
11 *periodic assessment and data collection;*

12 *“(3) supplement and expand programs and au-*
13 *thorities in the area of education to further the pur-*
14 *poses of this title; and*

15 *“(4) encourage the maximum participation of*
16 *Native Hawaiians in planning and management of*
17 *Native Hawaiian education programs.*

18 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL AND**
19 **ISLAND COUNCILS.**

20 *“(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDU-*
21 *CATION COUNCIL.—In order to better effectuate the purposes*
22 *of this part through the coordination of educational and*
23 *related services and programs available to Native Hawai-*
24 *ians, including those programs receiving funding under this*
25 *part, the Secretary is authorized to establish a Native Ha-*

1 *waiian Education Council (referred to in this part as the*
2 *‘Education Council’).*

3 “(b) *COMPOSITION OF EDUCATION COUNCIL.—The*
4 *Education Council shall consist of not more than 21 mem-*
5 *bers, unless otherwise determined by a majority of the coun-*
6 *cil.*

7 “(c) *CONDITIONS AND TERMS.—*

8 “(1) *CONDITIONS.—At least 10 members of the*
9 *Education Council shall be Native Hawaiian edu-*
10 *cation service providers and 10 members of the Edu-*
11 *cation Council shall be Native Hawaiians or Native*
12 *Hawaiian education consumers. In addition, a rep-*
13 *resentative of the State of Hawai‘i Office of Hawai-*
14 *ian Affairs shall serve as a member of the Education*
15 *Council.*

16 “(2) *APPOINTMENTS.—The members of the Edu-*
17 *cation Council shall be appointed by the Secretary*
18 *based on recommendations received from the Native*
19 *Hawaiian community.*

20 “(3) *TERMS.—Members of the Education Council*
21 *shall serve for staggered terms of 3 years, except as*
22 *provided in paragraph (4).*

23 “(4) *COUNCIL DETERMINATIONS.—Additional*
24 *conditions and terms relating to membership on the*
25 *Education Council, including term lengths and term*

1 *renewals, shall be determined by a majority of the*
2 *Education Council.*

3 “(d) *NATIVE HAWAIIAN EDUCATION COUNCIL*
4 *GRANT.—The Secretary shall make a direct grant to the*
5 *Education Council in order to enable the Education Coun-*
6 *cil to—*

7 “(1) *coordinate the educational and related serv-*
8 *ices and programs available to Native Hawaiians, in-*
9 *cluding the programs assisted under this part;*

10 “(2) *assess the extent to which such services and*
11 *programs meet the needs of Native Hawaiians, and*
12 *collect data on the status of Native Hawaiian edu-*
13 *cation;*

14 “(3) *provide direction and guidance, through the*
15 *issuance of reports and recommendations, to appro-*
16 *priate Federal, State, and local agencies in order to*
17 *focus and improve the use of resources, including re-*
18 *sources made available under this part, relating to*
19 *Native Hawaiian education, and serve, where appro-*
20 *priate, in an advisory capacity; and*

21 “(4) *make direct grants, if such grants enable the*
22 *Education Council to carry out the duties of the Edu-*
23 *cation Council, as described in paragraphs (1)*
24 *through (3).*

1 “(e) *ADDITIONAL DUTIES OF THE EDUCATION COUN-*
2 *CIL.—*

3 “(1) *IN GENERAL.—The Education Council shall*
4 *provide copies of any reports and recommendations*
5 *issued by the Education Council, including any infor-*
6 *mation that the Education Council provides to the*
7 *Secretary pursuant to subsection (i), to the Secretary,*
8 *the Committee on Education and the Workforce of the*
9 *House of Representatives, and the Committee on In-*
10 *Indian Affairs of the Senate.*

11 “(2) *ANNUAL REPORT.—The Education Council*
12 *shall prepare and submit to the Secretary an annual*
13 *report on the Education Council’s activities.*

14 “(3) *ISLAND COUNCIL SUPPORT AND ASSIST-*
15 *ANCE.—The Education Council shall provide such ad-*
16 *ministrative support and financial assistance to the*
17 *island councils established pursuant to subsection (f)*
18 *as the Secretary determines to be appropriate, in a*
19 *manner that supports the distinct needs of each island*
20 *council.*

21 “(f) *ESTABLISHMENT OF ISLAND COUNCILS.—*

22 “(1) *IN GENERAL.—In order to better effectuate*
23 *the purposes of this part and to ensure the adequate*
24 *representation of island and community interests*
25 *within the Education Council, the Secretary is au-*

1 *thorized to facilitate the establishment of Native Ha-*
 2 *waiian education island councils (referred to individ-*
 3 *ually in this part as an ‘island council’) for the fol-*
 4 *lowing islands:*

5 “(A) *Hawai‘i.*

6 “(B) *Mauī.*

7 “(C) *Moloka‘i.*

8 “(D) *Lana‘i.*

9 “(E) *O‘ahu.*

10 “(F) *Kaua‘i.*

11 “(G) *Ni‘ihau.*

12 “(2) *COMPOSITION OF ISLAND COUNCILS.—Each*
 13 *island council shall consist of parents, students, and*
 14 *other community members who have an interest in*
 15 *the education of Native Hawaiians, and shall be rep-*
 16 *resentative of individuals concerned with the edu-*
 17 *cational needs of all age groups, from children in pre-*
 18 *school through adults. At least $\frac{3}{4}$ of the members of*
 19 *each island council shall be Native Hawaiians.*

20 “(g) *ADMINISTRATIVE PROVISIONS RELATING TO EDU-*
 21 *CATION COUNCIL AND ISLAND COUNCILS.—The Education*
 22 *Council and each island council shall meet at the call of*
 23 *the chairperson of the appropriate council, or upon the re-*
 24 *quest of the majority of the members of the appropriate*
 25 *council, but in any event not less often than 4 times during*

1 *each calendar year. The provisions of the Federal Advisory*
2 *Committee Act shall not apply to the Education Council*
3 *and each island council.*

4 “(h) *COMPENSATION.—Members of the Education*
5 *Council and each island council shall not receive any com-*
6 *penensation for service on the Education Council and each*
7 *island council, respectively.*

8 “(i) *REPORT.—Not later than 4 years after the date*
9 *of enactment of the Better Education for Students and*
10 *Teachers Act, the Secretary shall prepare and submit to the*
11 *Committee on Education and the Workforce of the House*
12 *of Representatives and the Committee on Indian Affairs of*
13 *the Senate a report that summarizes the annual reports of*
14 *the Education Council, describes the allocation and use of*
15 *funds under this part, and contains recommendations for*
16 *changes in Federal, State, and local policy to advance the*
17 *purposes of this part.*

18 “(j) *AUTHORIZATION OF APPROPRIATIONS.—There are*
19 *authorized to be appropriated to carry out this section*
20 *\$300,000 for fiscal year 2002 and such sums as may be*
21 *necessary for each of the 6 succeeding fiscal years. Funds*
22 *appropriated under this subsection shall remain available*
23 *until expended.*

24 **“SEC. 7205. PROGRAM AUTHORIZED.**

25 “(a) *GENERAL AUTHORITY.—*

1 “(1) *GRANTS AND CONTRACTS.*—*The Secretary is*
2 *authorized to make direct grants to, or enter into con-*
3 *tracts with—*

4 “(A) *Native Hawaiian educational organi-*
5 *zations;*

6 “(B) *Native Hawaiian community-based*
7 *organizations;*

8 “(C) *public and private nonprofit organiza-*
9 *tions, agencies, and institutions with experience*
10 *in developing or operating Native Hawaiian*
11 *programs or programs of instruction in the Na-*
12 *tive Hawaiian language; and*

13 “(D) *consortia of the organizations, agen-*
14 *cies, and institutions described in subparagraphs*
15 *(A) through (C),*

16 *to carry out programs that meet the purposes of this*
17 *part.*

18 “(2) *PRIORITIES.*—*In awarding grants or con-*
19 *tracts to carry out activities described in paragraph*
20 *(3), the Secretary shall give priority to entities pro-*
21 *posing projects that are designed to address—*

22 “(A) *beginning reading and literacy among*
23 *students in kindergarten through third grade;*

24 “(B) *the needs of at-risk children and*
25 *youth;*

1 “(C) needs in fields or disciplines in which
2 *Native Hawaiians are underemployed; and*

3 “(D) the use of the *Hawaiian language in*
4 *instruction.*

5 “(3) *AUTHORIZED ACTIVITIES.—Activities pro-*
6 *vided through programs carried out under this part*
7 *may include—*

8 “(A) *the development and maintenance of a*
9 *statewide Native Hawaiian early education and*
10 *care system to provide a continuum of services*
11 *for Native Hawaiian children from the prenatal*
12 *period of the children through age 5;*

13 “(B) *the operation of family-based edu-*
14 *cation centers that provide such services as—*

15 “(i) *programs for Native Hawaiian*
16 *parents and their infants from the prenatal*
17 *period of the infants through age 3;*

18 “(ii) *preschool programs for Native*
19 *Hawaiians; and*

20 “(iii) *research on, and development*
21 *and assessment of, family-based, early child-*
22 *hood, and preschool programs for Native*
23 *Hawaiians;*

24 “(C) *activities that enhance beginning read-*
25 *ing and literacy in either the Hawaiian or the*

1 *English language among Native Hawaiian stu-*
2 *dents in kindergarten through third grade and*
3 *assistance in addressing the distinct features of*
4 *combined English and Hawaiian literacy for*
5 *Hawaiian speakers in fifth and sixth grade;*

6 “(D) activities to meet the special needs of
7 *Native Hawaiian students with disabilities,*
8 *including—*

9 “(i) the identification of such students
10 *and their needs;*

11 “(ii) the provision of support services
12 *to the families of those students; and*

13 “(iii) other activities consistent with
14 *the requirements of the Individuals with*
15 *Disabilities Education Act;*

16 “(E) activities that address the special
17 *needs of Native Hawaiian students who are gift-*
18 *ed and talented, including—*

19 “(i) educational, psychological, and de-
20 *velopmental activities designed to assist in*
21 *the educational progress of those students;*
22 *and*

23 “(ii) activities that involve the parents
24 *of those students in a manner designed to*
25 *assist in the students’ educational progress;*

1 “(F) the development of academic and voca-
2 tional curricula to address the needs of Native
3 Hawaiian children and adults, including cur-
4 riculum materials in the Hawaiian language
5 and mathematics and science curricula that in-
6 corporate Native Hawaiian tradition and cul-
7 ture;

8 “(G) professional development activities for
9 educators, including—

10 “(i) the development of programs to
11 prepare prospective teachers to address the
12 unique needs of Native Hawaiian students
13 within the context of Native Hawaiian cul-
14 ture, language, and traditions;

15 “(ii) in-service programs to improve
16 the ability of teachers who teach in schools
17 with concentrations of Native Hawaiian
18 students to meet those students’ unique
19 needs; and

20 “(iii) the recruitment and preparation
21 of Native Hawaiians, and other individuals
22 who live in communities with a high con-
23 centration of Native Hawaiians, to become
24 teachers;

1 “(H) the operation of community-based
2 learning centers that address the needs of Native
3 Hawaiian families and communities through the
4 coordination of public and private programs and
5 services, including—

6 “(i) preschool programs;

7 “(ii) after-school programs; and

8 “(iii) vocational and adult education
9 programs;

10 “(I) activities to enable Native Hawaiians
11 to enter and complete programs of postsecondary
12 education, including—

13 “(i) provision of full or partial schol-
14 arships for undergraduate or graduate
15 study that are awarded to students based on
16 their academic promise and financial need,
17 with a priority, at the graduate level, given
18 to students entering professions in which
19 Native Hawaiians are underrepresented;

20 “(ii) family literacy services;

21 “(iii) counseling and support services
22 for students receiving scholarship assistance;

23 “(iv) counseling and guidance for Na-
24 tive Hawaiian secondary students who have
25 the potential to receive scholarships; and

1 “(v) *faculty development activities de-*
2 *signed to promote the matriculation of Na-*
3 *tive Hawaiian students;*

4 “(J) *research and data collection activities*
5 *to determine the educational status and needs of*
6 *Native Hawaiian children and adults;*

7 “(K) *other research and evaluation activi-*
8 *ties related to programs carried out under this*
9 *part;*

10 “(L) *construction, renovation, and mod-*
11 *ernization of any elementary school, secondary*
12 *school, or structure related to an elementary*
13 *school or secondary school, run by the Depart-*
14 *ment of Education of the State of Hawaii, that*
15 *serves a predominantly Native Hawaiian stu-*
16 *dent body; and*

17 “(M) *other activities, consistent with the*
18 *purposes of this part, to meet the educational*
19 *needs of Native Hawaiian children and adults.*

20 “(4) *SPECIAL RULE AND CONDITIONS.—*

21 “(A) *INSTITUTIONS OUTSIDE HAWAII.—The*
22 *Secretary shall not establish a policy under this*
23 *section that prevents a Native Hawaiian student*
24 *enrolled at a 2- or 4-year degree granting insti-*
25 *tution of higher education outside of the State of*

1 *Hawai'i from receiving a scholarship pursuant*
2 *to paragraph (3)(I).*

3 “(B) *SCHOLARSHIP CONDITIONS.*—*The Sec-*
4 *retary shall establish conditions for receipt of a*
5 *scholarship awarded under paragraph (3)(I).*
6 *The conditions shall require that an individual*
7 *seeking such a scholarship enter into a contract*
8 *to provide professional services, either during the*
9 *scholarship period or upon completion of a pro-*
10 *gram of postsecondary education, to the Native*
11 *Hawaiian community.*

12 “(b) *ADMINISTRATIVE COSTS.*—*Not more than 5 per-*
13 *cent of funds provided to a grant recipient under this sec-*
14 *tion for any fiscal year may be used for administrative pur-*
15 *poses.*

16 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
17 *authorized to be appropriated to carry out this section*
18 *\$35,000,000 for fiscal year 2002 and such sums as may be*
19 *necessary for each of the 6 succeeding fiscal years. Funds*
20 *appropriated under this subsection shall remain available*
21 *until expended.*

22 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

23 “(a) *APPLICATION REQUIRED.*—*No grant may be*
24 *made under this part, and no contract may be entered into*
25 *under this part, unless the entity seeking the grant or con-*

1 tract submits an application to the Secretary at such time,
2 in such manner, and containing such information as the
3 Secretary may determine to be necessary to carry out the
4 provisions of this part.

5 “(b) *SPECIAL RULE.*—Each applicant for a grant or
6 contract under this part shall submit the application for
7 comment to the local educational agency serving students
8 who will participate in the program to be carried out under
9 the grant or contract, and include those comments, if any,
10 with the application to the Secretary.

11 **“SEC. 7207. DEFINITIONS.**

12 *“In this part:*

13 “(1) *NATIVE HAWAIIAN.*—The term ‘Native Ha-
14 waiian’ means any individual who is—

15 “(A) a citizen of the United States; and

16 “(B) a descendant of the aboriginal people
17 who, prior to 1778, occupied and exercised sov-
18 ereignty in the area that now comprises the
19 State of Hawai‘i, as evidenced by—

20 “(i) genealogical records;

21 “(ii) *Kupuna* (elders) or *Kama‘aina*
22 (long-term community residents)
23 verification; or

24 “(iii) certified birth records.

1 “(2) *NATIVE HAWAIIAN COMMUNITY-BASED ORGA-*
2 *NIZATION.—The term ‘Native Hawaiian community-*
3 *based organization’ means any organization that is*
4 *composed primarily of Native Hawaiians from a spe-*
5 *cific community and that assists in the social, cul-*
6 *tural, and educational development of Native Hawai-*
7 *ians in that community.*

8 “(3) *NATIVE HAWAIIAN EDUCATIONAL ORGANIZA-*
9 *TION.—The term ‘Native Hawaiian educational orga-*
10 *nization’ means a private nonprofit organization*
11 *that—*

12 “(A) *serves the interests of Native Hawai-*
13 *ians;*

14 “(B) *has Native Hawaiians in substantive*
15 *and policymaking positions within the organiza-*
16 *tion;*

17 “(C) *incorporates Native Hawaiian per-*
18 *spective, values, language, culture, and tradi-*
19 *tions into the core function of the organization;*

20 “(D) *has demonstrated expertise in the edu-*
21 *cation of Native Hawaiian youth; and*

22 “(E) *has demonstrated expertise in research*
23 *and program development.*

24 “(4) *NATIVE HAWAIIAN LANGUAGE.—The term*
25 *‘Native Hawaiian language’ means the single Native*

1 *American language indigenous to the original inhab-*
 2 *itants of the State of Hawai‘i.*

3 “(5) *NATIVE HAWAIIAN ORGANIZATION.*—*The*
 4 *term ‘Native Hawaiian organization’ means a pri-*
 5 *vate nonprofit organization that—*

6 “(A) *serves the interests of Native Hawai-*
 7 *ians;*

8 “(B) *has Native Hawaiians in substantive*
 9 *and policymaking positions within the organiza-*
 10 *tions; and*

11 “(C) *is recognized by the Governor of*
 12 *Hawai‘i for the purpose of planning, conducting,*
 13 *or administering programs (or portions of pro-*
 14 *grams) for the benefit of Native Hawaiians.*

15 “(6) *OFFICE OF HAWAIIAN AFFAIRS.*—*The term*
 16 *‘Office of Hawaiian Affairs’ means the office of Ha-*
 17 *waiian Affairs established by the Constitution of the*
 18 *State of Hawai‘i.*

19 **“PART C—ALASKA NATIVE EDUCATION**

20 **“SEC. 7301. SHORT TITLE.**

21 *“This part may be cited as the ‘Alaska Native Edu-*
 22 *cational Equity, Support, and Assistance Act’.*

23 **“SEC. 7302. FINDINGS.**

24 *“Congress finds the following:*

1 “(1) *The attainment of educational success is*
2 *critical to the betterment of the conditions, long-term*
3 *well-being, and preservation of the culture of Alaska*
4 *Natives.*

5 “(2) *It is the policy of the Federal Government*
6 *to encourage the maximum participation by Alaska*
7 *Natives in the planning and the management of Alas-*
8 *ka Native education programs.*

9 “(3) *Alaska Native children enter and exit school*
10 *with serious educational handicaps.*

11 “(4) *The educational achievement of Alaska Na-*
12 *tive children is far below national norms. Native per-*
13 *formance on standardized tests is low, Native student*
14 *dropout rates are high, and Natives are significantly*
15 *underrepresented among holders of baccalaureate de-*
16 *grees in the State of Alaska. As a result, Native stu-*
17 *dents are being denied their opportunity to become*
18 *full participants in society by grade school and high*
19 *school educations that are condemning an entire gen-*
20 *eration to an underclass status and a life of limited*
21 *choices.*

22 “(5) *The programs authorized in this title, com-*
23 *bined with expanded Head Start, infant learning and*
24 *early childhood education programs, and parent edu-*

1 *cation programs are essential if educational handi-*
2 *caps are to be overcome.*

3 *“(6) The sheer magnitude of the geographic bar-*
4 *riers to be overcome in delivering educational services*
5 *in rural Alaska and Alaska villages should be ad-*
6 *dressed through the development and implementation*
7 *of innovative, model programs in a variety of areas.*

8 *“(7) Congress finds that Native children should*
9 *be afforded the opportunity to begin their formal edu-*
10 *cation on a par with their non-Native peers. The Fed-*
11 *eral Government should lend support to efforts devel-*
12 *oped by and undertaken within the Alaska Native*
13 *community to improve educational opportunity for*
14 *all students.*

15 **“SEC. 7303. PURPOSES.**

16 *“The purposes of this part are to—*

17 *“(1) recognize the unique educational needs of*
18 *Alaska Natives;*

19 *“(2) authorize the development of supplemental*
20 *educational programs to benefit Alaska Natives;*

21 *“(3) supplement programs and authorities in the*
22 *area of education to further the objectives of this part;*
23 *and*

24 *“(4) provide direction and guidance to appro-*
25 *priate Federal, State, and local agencies to focus re-*

1 *sources, including resources made available under this*
2 *part, on meeting the educational needs of Alaska Na-*
3 *tives.*

4 **“SEC. 7304. PROGRAM AUTHORIZED.**

5 *“(a) GENERAL AUTHORITY.—*

6 *“(1) GRANTS AND CONTRACTS.—The Secretary is*
7 *authorized to make grants to, or enter into contracts*
8 *with, Alaska Native organizations, educational enti-*
9 *ties with experience in developing or operating Alaska*
10 *Native programs or programs of instruction con-*
11 *ducted in Alaska Native languages, cultural and com-*
12 *munity-based organizations with experience in devel-*
13 *oping or operating programs to benefit Alaska Na-*
14 *tives, and consortia of organizations and entities de-*
15 *scribed in this paragraph to carry out programs that*
16 *meet the purposes of this part.*

17 *“(2) PERMISSIBLE ACTIVITIES.—Activities pro-*
18 *vided through programs carried out under this part*
19 *may include—*

20 *“(A) the development and implementation*
21 *of plans, methods, and strategies to improve the*
22 *education of Alaska Natives;*

23 *“(B) the development of curricula and edu-*
24 *cational programs that address the educational*
25 *needs of Alaska Native students, including—*

1 “(i) curriculum materials that reflect
2 the cultural diversity or the contributions of
3 Alaska Natives;

4 “(ii) instructional programs that make
5 use of Native Alaskan languages; and

6 “(iii) networks that introduce success-
7 ful programs, materials, and techniques to
8 urban and rural schools;

9 “(C) professional development activities for
10 educators, including—

11 “(i) programs to prepare teachers to
12 address the cultural diversity and unique
13 needs of Alaska Native students;

14 “(ii) in-service programs to improve
15 the ability of teachers to meet the unique
16 needs of Alaska Native students; and

17 “(iii) recruitment and preparation of
18 teachers who are Alaska Native, reside in
19 communities with high concentrations of
20 Alaska Native students, or are likely to suc-
21 ceed as teachers in isolated, rural commu-
22 nities and engage in cross-cultural instruc-
23 tion in Alaska;

24 “(D) the development and operation of home
25 instruction programs for Alaska Native preschool

1 *children, the purpose of which is to ensure the*
2 *active involvement of parents in their children’s*
3 *education from the earliest ages;*

4 *“(E) family literacy services;*

5 *“(F) the development and operation of stu-*
6 *dent enrichment programs in science and mathe-*
7 *matics that—*

8 *“(i) are designed to prepare Alaska*
9 *Native students from rural areas, who are*
10 *preparing to enter secondary school, to excel*
11 *in science and math; and*

12 *“(ii) provide appropriate support serv-*
13 *ices to the families of such students that are*
14 *needed to enable such students to benefit*
15 *from the programs;*

16 *“(G) research and data collection activities*
17 *to determine the educational status and needs of*
18 *Alaska Native children and adults;*

19 *“(H) other research and evaluation activi-*
20 *ties related to programs carried out under this*
21 *part;*

22 *“(I) remedial and enrichment programs to*
23 *assist Alaska Native students in performing at a*
24 *high level on standardized tests;*

1 “(J) education and training of Alaska Na-
2 tive students enrolled in a degree program that
3 will lead to certification or licensing as teachers;

4 “(K) parenting education for parents and
5 caregivers of Alaska Native children to improve
6 parenting and caregiving skills (including skills
7 relating to discipline and cognitive develop-
8 ment), including parenting education provided
9 through in-home visitation of new mothers;

10 “(L) cultural education programs operated
11 by the Alaska Native Heritage Center and de-
12 signed to share the Alaska Native culture with
13 students;

14 “(M) a cultural exchange program operated
15 by the Alaska Humanities Forum and designed
16 to share Alaska Native culture with urban stu-
17 dents in a rural setting, which shall be known as
18 the Rose Cultural Exchange Program;

19 “(N) activities carried out through Even
20 Start programs carried out under subpart 1 of
21 part B of title I and Head Start programs car-
22 ried out under the Head Start Act, including the
23 training of teachers for programs described in
24 this subparagraph;

1 “(O) other early learning and preschool
2 programs;

3 “(P) dropout prevention programs such as
4 the Cook Inlet Tribal Council’s Partners for Suc-
5 cess program;

6 “(Q) an Alaska Initiative for Community
7 Engagement program;

8 “(R) career preparation activities to enable
9 Alaska Native children and adults to prepare for
10 meaningful employment, including programs
11 providing tech-prep, mentoring, training, and
12 apprenticeship activities;

13 “(S) provision of operational support and
14 construction funding, and purchasing of equip-
15 ment, to develop regional vocational schools in
16 rural areas of Alaska, including boarding
17 schools, for Alaska Native students in grades 9 to
18 12, and higher levels of education, to provide the
19 students with necessary resources to prepare for
20 skilled employment opportunities; and

21 “(T) other activities, consistent with the
22 purposes of this part, to meet the educational
23 needs of Alaska Native children and adults.

24 “(3) HOME INSTRUCTION PROGRAMS.—Home in-
25 struction programs for Alaska Native preschool chil-

1 *dren carried out under paragraph (2)(D) may*
2 *include—*

3 *“(A) programs for parents and their in-*
4 *fant, from the prenatal period of the infant*
5 *through age 3;*

6 *“(B) preschool programs; and*

7 *“(C) training, education, and support for*
8 *parents in such areas as reading readiness, ob-*
9 *servaion, story telling, and critical thinking.*

10 *“(b) ADMINISTRATIVE COSTS.—Not more than 5 per-*
11 *cent of funds provided to a grant recipient under this sec-*
12 *tion for any fiscal year may be used for administrative pur-*
13 *poses.*

14 *“(c) PRIORITIES.—In awarding grants or contracts to*
15 *carry out activities described in subsection (a)(2), except*
16 *for activities listed in subsection (d)(2), the Secretary shall*
17 *give priority to applications from Alaska Native regional*
18 *nonprofit organizations, or consortia that include at least*
19 *1 Alaska Native regional nonprofit organization.*

20 *“(d) AUTHORIZATION OF APPROPRIATIONS.—*

21 *“(1) IN GENERAL.—For fiscal year 2002 and*
22 *each of the 6 succeeding fiscal years, there is author-*
23 *ized to be appropriated to carry out this section the*
24 *same amount as is authorized to be appropriated*

1 *under section 7205 for activities under that section*
2 *for that fiscal year.*

3 *“(2) AVAILABILITY OF FUNDS.—Of the funds ap-*
4 *propriated and made available under this section for*
5 *a fiscal year, the Secretary shall make available—*

6 *“(A) not less than \$1,000,000 to support ac-*
7 *tivities described in subsection (a)(2)(K);*

8 *“(B) not less than \$1,000,000 to support ac-*
9 *tivities described in subsection (a)(2)(L);*

10 *“(C) not less than \$1,000,000 to support ac-*
11 *tivities described in subsection (a)(2)(M);*

12 *“(D) not less than \$2,000,000 to support ac-*
13 *tivities described in subsection (a)(2)(P); and*

14 *“(E) not less than \$2,000,000 to support ac-*
15 *tivities described in subsection (a)(2)(Q).*

16 **“SEC. 7305. ADMINISTRATIVE PROVISIONS.**

17 *“(a) APPLICATION REQUIRED.—No grant may be*
18 *made under this part, and no contract may be entered into*
19 *under this part, unless the entity seeking the grant or con-*
20 *tract submits an application to the Secretary at such time,*
21 *in such manner, and containing such information as the*
22 *Secretary may determine to be necessary to carry out the*
23 *provisions of this part.*

24 *“(b) APPLICATIONS.—A State educational agency or*
25 *local educational agency may apply for a grant or contract*

1 *under this part only as part of a consortium involving an*
2 *Alaska Native organization. The consortium may include*
3 *other eligible applicants.*

4 “(c) *CONSULTATION REQUIRED.*—*Each applicant for*
5 *a grant or contract under this part shall provide for ongo-*
6 *ing advice from and consultation with representatives of the*
7 *Alaska Native community.*

8 “(d) *LOCAL EDUCATIONAL AGENCY COORDINATION.*—
9 *Each applicant for a grant or contract under this part shall*
10 *inform each local educational agency serving students who*
11 *will participate in the program to be carried out under the*
12 *grant or contract about the application.*

13 “(e) *REPORTING REQUIREMENTS.*—*Each recipient of*
14 *a grant or contract under this part shall, not later than*
15 *March 15 of each fiscal year in which the organization ex-*
16 *pends funds under the grant or contract, prepare and sub-*
17 *mit to the Committee on Appropriations of the House of*
18 *Representatives and the Committee on Appropriations of*
19 *the Senate, summary reports, of not more than 2 pages in*
20 *length. Such reports shall describe activities undertaken*
21 *under the grant or contract, and progress made toward the*
22 *overall objectives of the activities to be carried out under*
23 *the grant or contract.*

24 **“SEC. 7306. DEFINITIONS.**

25 *“In this part:*

1 “(1) *ALASKA NATIVE*.—The term ‘Alaska Native’
2 has the meaning given the term ‘Native’ in section
3 3(b) of the Alaska Native Claims Settlement Act.

4 “(2) *ALASKA NATIVE ORGANIZATION*.—The term
5 ‘Alaska Native organization’ means a federally recog-
6 nized tribe, consortium of tribes, regional nonprofit
7 Native association, or another organization that—

8 “(A) has or commits to acquire expertise in
9 the education of Alaska Natives; and

10 “(B) has Alaska Natives in substantive and
11 policymaking positions within the organization.

12 **SEC. 702. CONFORMING AMENDMENTS.**

13 (a) *HIGHER EDUCATION ACT OF 1965*.—Section
14 317(b) of the Higher Education Act of 1965 (20 U.S.C.
15 1059d(b)) is amended—

16 (1) in paragraph (1), by striking “section 9308”
17 and inserting “section 7306”; and

18 (2) in paragraph (3), by striking “section 9212”
19 and inserting “section 7207”.

20 (b) *PUBLIC LAW 88–210*.—Section 116 of Public Law
21 88–210 (as added by section 1 of Public Law 105–332 (112
22 Stat. 3076)) is amended by striking “section 9212 of the
23 Native Hawaiian Education Act (20 U.S.C. 7912)” and in-
24 serting “section 7207 of the Native Hawaiian Education
25 Act”.

1 (c) *CARL D. PERKINS VOCATIONAL AND TECHNICAL*
2 *EDUCATION ACT OF 1998.*—Section 116(a)(5) of the Carl
3 *D. Perkins Vocational and Technical Education Act of 1998*
4 *(20 U.S.C. 2326(a)(5)) is amended by striking “section*
5 *9212” and all that follows and inserting “section 7207 of*
6 *the Native Hawaiian Education Act”.*

7 (d) *MUSEUM AND LIBRARY SERVICES ACT.*—Section
8 *261 of the Museum and Library Services Act (20 U.S.C.*
9 *9161) is amended by striking “section 9212 of the Native*
10 *Hawaiian Education Act (20 U.S.C. 7912)” and inserting*
11 *“section 7207 of the Native Hawaiian Education Act”.*

12 (e) *ACT OF APRIL 16, 1934.*—Section 5 of the Act of
13 *April 16, 1934 (commonly known as the “Johnson-O’Malley*
14 *Act”)* (88 Stat. 2213; 25 U.S.C. 456) is amended by strik-
15 *ing “section 9104(c)(4)” and inserting “section 7114(c)(4)”.*

16 (f) *NATIVE AMERICAN LANGUAGES ACT.*—Section 103
17 *of the Native American Languages Act (25 U.S.C. 2902)*
18 *is amended—*

19 (1) *in paragraph (2), by striking “section*
20 *9161(4) of the Elementary and Secondary Education*
21 *Act of 1965 (20 U.S.C. 7881(4))” and inserting “sec-*
22 *tion 7161(3) of the Elementary and Secondary Edu-*
23 *cation Act of 1965”;* and

24 (2) *in paragraph (3), by striking “section*
25 *9212(1) of the Elementary and Secondary Education*

1 *Act of 1965 (20 U.S.C. 7912(1))” and inserting “sec-*
 2 *tion 7207 of the Elementary and Secondary Edu-*
 3 *cation Act of 1965”.*

4 *(g) WORKFORCE INVESTMENT ACT OF 1998.—Section*
 5 *166(b)(3) of the Workforce Investment Act of 1998 (29*
 6 *U.S.C. 2911(b)(3)) is amended by striking “paragraphs (1)*
 7 *and (3), respectively, of section 9212 of the Native Hawai-*
 8 *ian Education Act (20 U.S.C. 7912)” and inserting “sec-*
 9 *tion 7207 of the Native Hawaiian Education Act”.*

10 *(h) ASSETS FOR INDEPENDENCE ACT.—Section*
 11 *404(11) of the Assets for Independence Act (42 U.S.C. 604*
 12 *note) is amended by striking “section 9212 of the Native*
 13 *Hawaiian Education Act (20 U.S.C. 7912)” and inserting*
 14 *“section 7207 of the Native Hawaiian Education Act”.*

15 **TITLE VIII—IMPACT AID**

16 **SEC. 801. ELIGIBILITY UNDER SECTION 8003 FOR CERTAIN** 17 **HEAVILY IMPACTED LOCAL EDUCATIONAL** 18 **AGENCIES.**

19 *(a) ELIGIBILITY.—Section 8003(b)(2)(C) (20 U.S.C.*
 20 *7703(b)(2)(C)) is amended—*

21 *(1) in clauses (i) and (ii) by inserting after*
 22 *“Federal military installation” each place it appears*
 23 *the following: “(or the agency is a qualified local edu-*
 24 *cational agency as described in clause (iv))”; and*

25 *(2) by adding at the end the following:*

1 “(iv) *QUALIFIED LOCAL EDUCATIONAL*
2 *AGENCY.*—A qualified local educational
3 agency described in this clause is an agency
4 that meets the following requirements:

5 “(I) *The boundaries are the same*
6 *as island property designated by the*
7 *Secretary of the Interior to be property*
8 *that is held in trust by the Federal*
9 *Government.*

10 “(II) *The agency has no taxing*
11 *authority.*

12 “(III) *The agency received a pay-*
13 *ment under paragraph (1) for fiscal*
14 *year 2001.”.*

15 (b) *EFFECTIVE DATE.*—*The Secretary shall consider*
16 *an application for a payment under section 8003(b)(2) for*
17 *fiscal year 2002 from a qualified local educational agency*
18 *described in section 8003(b)(2)(C)(iv), as added by sub-*
19 *section (a), as meeting the requirements of section*
20 *8003(b)(2)(C)(iii), and shall provide a payment under sec-*
21 *tion 8003(b)(2) for fiscal year 2002, if the agency submits*
22 *to the Secretary an application for payment under such sec-*
23 *tion not later than 60 days after the date of enactment of*
24 *this Act.*

1 **TITLE IX—REPEALS**

2 **SEC. 901. REPEALS.**

3 (a) *ELEMENTARY AND SECONDARY EDUCATION ACT*
 4 *OF 1965.—Titles IX through XIV (20 U.S.C. 7801 et seq.,*
 5 *8801 et seq.) are repealed.*

6 (b) *GOALS 2000: EDUCATE AMERICA ACT.—The Goals*
 7 *2000: Educate America Act (20 U.S.C. 5801 et seq.) is re-*
 8 *pealed.*

9 **TITLE X—MISCELLANEOUS**
 10 **PROVISIONS**

11 **SEC. 1001. INDEPENDENT EVALUATION.**

12 *The Act (20 U.S.C. 6301 et seq.) (as amended by sec-*
 13 *tion 901(a)) is amended further by adding at the end the*
 14 *following:*

15 **“TITLE IX—MISCELLANEOUS**
 16 **PROVISIONS**

17 **“PART A—INDEPENDENT EVALUATION**

18 **“SEC. 9101. IN GENERAL.**

19 *“The Secretary is authorized to award a grant to the*
 20 *Board on Testing and Assessment of the National Research*
 21 *Council of the National Academy of Sciences to enable the*
 22 *Board to conduct, in consultation with the Department*
 23 *(and others that the Board determines appropriate), an on-*
 24 *going evaluation, not to exceed 4 years in duration, of a*
 25 *representative sample of State and local educational agen-*

1 *cies regarding high stakes assessments used by the State and*
 2 *local educational agencies. The evaluation shall be based on*
 3 *a research design determined by the Board, in consultation*
 4 *with others, that includes existing data, and the develop-*
 5 *ment of new data as feasible and advisable. The evaluation*
 6 *shall address, at a minimum, the 3 components described*
 7 *in section 9102.*

8 **“SEC. 9102. COMPONENTS EVALUATED.**

9 *“The 3 components of the evaluation described in sec-*
 10 *tion 9101 are as follows:*

11 *“(1) STUDENTS, TEACHERS, PARENTS, FAMILIES,*
 12 *SCHOOLS, AND SCHOOL DISTRICTS.—The intended*
 13 *and unintended consequences of the assessments on in-*
 14 *dividual students, teachers, parents, families, schools,*
 15 *and school districts, including—*

16 *“(A) overall improvement or decline in*
 17 *what students are learning based on independent*
 18 *measures;*

19 *“(B) changes in course offerings, teaching*
 20 *practices, course content, and instructional mate-*
 21 *rial;*

22 *“(C) measures of teacher satisfaction with*
 23 *the assessments;*

24 *“(D) changes in rates of teacher and ad-*
 25 *ministrator turnover;*

1 “(E) changes in dropout, grade retention,
2 and graduation rates for students;

3 “(F) the relationship of student performance
4 on the assessments to school resources, teacher
5 and instructional quality, or such factors as lan-
6 guage barriers or construct-irrelevant disabili-
7 ties;

8 “(G) changes in the frequency of referrals
9 for enrichment opportunities, remedial measures,
10 and other consequences;

11 “(H) changes in student post-graduation
12 outcomes, including admission to, and signs of
13 success (such as reduced need for remediation
14 services) at, colleges, community colleges, or tech-
15 nical school training programs;

16 “(I) cost of preparing for, conducting, and
17 grading the assessments in terms of dollars ex-
18 pended by the school district and time expended
19 by students and teachers;

20 “(J) changes in funding levels and distribu-
21 tion of instructional and staffing resources for
22 schools based on the results of the assessments;

23 “(K) purposes for which the assessments or
24 components of the assessments are used beyond
25 what is required under part A of title I, and the

1 *consequences for students and teachers because of*
2 *those uses;*

3 “(L) *differences in the areas studied under*
4 *this section between high poverty and high con-*
5 *centration minority schools and school districts,*
6 *and schools and school districts with lower rates*
7 *of poverty and minority students; and*

8 “(M) *the level of involvement of parents and*
9 *families in the development and implementation*
10 *of the assessments and the extent to which the*
11 *parents and families are informed of assessment*
12 *results and consequences.*

13 “(2) *STUDENTS WITH DISABILITIES.—The in-*
14 *tended and unintended consequences of the assess-*
15 *ments for students with disabilities, including—*

16 “(A) *the overall improvement or decline in*
17 *academic achievement for students with disabil-*
18 *ities;*

19 “(B) *the numbers and characteristics of stu-*
20 *dents with disabilities who are excluded from the*
21 *assessments, and the number and type of modi-*
22 *fications and accommodations extended;*

23 “(C) *changes in the rate of referral of stu-*
24 *dents to special education;*

1 “(D) changes in attendance patterns and
2 dropout, retention, and graduation rates for stu-
3 dents with disabilities;

4 “(E) changes in rates at which students
5 with disabilities are retained in grade level;

6 “(F) changes in rates of transfers of stu-
7 dents with disabilities to other schools or institu-
8 tions; and

9 “(G) the level of involvement of parents and
10 families of students with disabilities in the devel-
11 opment and implementation of the assessments
12 and the extent to which the parents and families
13 are informed of assessment results and con-
14 sequences.

15 “(3) *LOW SOCIO-ECONOMIC STUDENTS, LIMITED*
16 *ENGLISH PROFICIENT STUDENTS, AND MINORITY STU-*
17 *DENTS.—The intended and unintended consequences*
18 *of the assessments for low socio-economic status stu-*
19 *dents, limited English proficient students, and racial*
20 *and ethnic minority students, independently and as*
21 *compared to middle or high socio-economic status stu-*
22 *dents, nonlimited English proficient students, and*
23 *white students, including—*

24 “(A) the overall improvement or decline in
25 academic achievement for such students;

1 “(B) the numbers and characteristics of
2 such students excused from taking the assess-
3 ments, and the number and type of modifications
4 and accommodations extended to such students;

5 “(C) changes in the rate of referral of such
6 students to special education;

7 “(D) changes in attendance patterns and
8 dropout and graduation rates for such students;

9 “(E) changes in rates at which such stu-
10 dents are retained in grade level;

11 “(F) changes in rates of transfer of such
12 students to other schools or institutions; and

13 “(G) the level of involvement of parents and
14 families of low socio-economic students, limited
15 English proficient students, and racial and eth-
16 nic minority students in the development and
17 implementation of the assessments and the extent
18 to which the parents and families are informed
19 of assessment results and consequences.

20 **“SEC. 9103. REPORTING.**

21 “The Secretary shall make public annually the results
22 of the evaluation carried out under this part and shall re-
23 port the findings of the evaluation to Congress and to the
24 States not later than 2 months after the completion of the
25 evaluation.

1 **“SEC. 9104. DEFINITIONS.**

2 *“In this part:*

3 *“(1) HIGH STAKES ASSESSMENT.—The term*
4 *‘high stakes assessment’ means a standardized test*
5 *that is one of the mandated determining factors in*
6 *making decisions concerning a student’s promotion,*
7 *graduation, or tracking.*

8 *“(2) STANDARDIZED TEST.—The term ‘standard-*
9 *ized test’ means a test that is administered and scored*
10 *under conditions uniform to all students so that the*
11 *test scores are comparable across individuals.*

12 **“SEC. 9105. AUTHORIZATION OF APPROPRIATIONS.**

13 *“There are authorized to be appropriated to carry out*
14 *this part \$4,000,000 for fiscal year 2002. Such funds shall*
15 *remain available until expended.”.*

16 **“PART B—TRANSITION PROVISION**

17 **“SEC. 9201. CERTAIN MULTIYEAR GRANTS AND CONTRACTS.**

18 *“(a) IN GENERAL.—Notwithstanding any other provi-*
19 *sion of this Act, from funds appropriated under subsection*
20 *(b) the Secretary shall continue to fund any multiyear*
21 *grant or contract awarded under section 3141 or part A*
22 *or C of title XIII (as such section or part was in effect*
23 *on the day preceding the date of the enactment of the Better*
24 *Education for Students and Teachers Act) for the duration*
25 *of the multiyear award.*

1 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
2 *are authorized to be appropriated for each fiscal year such*
3 *sums as may be necessary to carry out subsection (a).*

4 “(c) *REPEAL.*—*This section is repealed on the date of*
5 *enactment of a law that—*

6 “(1) *reauthorizes a provision of the Educational*
7 *Research, Development, Dissemination, and Improve-*
8 *ment Act of 1994; and*

9 “(2) *is enacted after the date of enactment of the*
10 *Better Education for Students and Teachers Act.*”.

11 **SEC. 1002. HELPING CHILDREN SUCCEED BY FULLY FUND-**
12 **ING THE INDIVIDUALS WITH DISABILITIES**
13 **EDUCATION ACT (IDEA).**

14 “(a) *FINDINGS.*—*Congress makes the following findings:*

15 “(1) *All children deserve a quality education.*

16 “(2) *In Pennsylvania Association for Retarded*
17 *Children vs. Commonwealth of Pennsylvania (334 F.*
18 *Supp. 1247)(E. Dist. Pa. 1971), and Mills vs. Board*
19 *of Education of the District of Columbia (348 F.*
20 *Supp. 866)(Dist. D.C. 1972), the courts found that*
21 *children with disabilities are entitled to an equal op-*
22 *portunity to an education under the 14th amendment*
23 *of the Constitution.*

24 “(3) *In 1975, Congress passed what is now known*
25 *as the Individuals with Disabilities Education Act*

1 (referred to in this section as “*IDEA*”) (20 U.S.C.
2 1400 et seq.) to help States provide all children with
3 disabilities a free, appropriate public education in the
4 least restrictive environment. At full funding, Con-
5 gress contributes 40 percent of the average per pupil
6 expenditure for each child with a disability served.

7 (4) Before 1975, only $\frac{1}{5}$ of the children with dis-
8 abilities received a formal education. At that time,
9 many States had laws that specifically excluded
10 many children with disabilities, including children
11 who were blind, deaf, or emotionally disturbed, from
12 receiving such an education.

13 (5) *IDEA* currently serves an estimated 200,000
14 infants and toddlers, 600,000 preschoolers, and
15 5,400,000 children 6 to 21 years of age.

16 (6) *IDEA* enables children with disabilities to be
17 educated in their communities, and thus, has assisted
18 in dramatically reducing the number of children with
19 disabilities who must live in State institutions away
20 from their families.

21 (7) The number of children with disabilities who
22 complete high school has grown significantly since the
23 enactment of *IDEA*.

1 (8) *The number of children with disabilities who*
2 *enroll in college as freshmen has more than tripled*
3 *since the enactment of IDEA.*

4 (9) *The overall effectiveness of IDEA depends*
5 *upon well trained special education and general edu-*
6 *cation teachers, related services personnel, and other*
7 *school personnel. Congress recognizes concerns about*
8 *the nationwide shortage of personnel serving students*
9 *with disabilities and the need for improvement in the*
10 *qualifications of such personnel.*

11 (10) *IDEA has raised the Nation's awareness*
12 *about the abilities and capabilities of children with*
13 *disabilities.*

14 (11) *Improvements to IDEA in the 1997 amend-*
15 *ments increased the academic achievement of children*
16 *with disabilities and helped them to lead productive,*
17 *independent lives.*

18 (12) *Changes made in 1997 also addressed the*
19 *needs of those children whose behavior impedes learn-*
20 *ing by implementing behavioral assessments and*
21 *intervention strategies to ensure that they receive ap-*
22 *propriate supports in order to receive a quality edu-*
23 *cation.*

24 (13) *IDEA requires a full partnership between*
25 *parents of children with disabilities and education*

1 *professionals in the design and implementation of the*
2 *educational services provided to children with disabili-*
3 *ties.*

4 (14) *While the Federal Government has more*
5 *than doubled funding for part B of IDEA since 1995,*
6 *the Federal Government has never provided more*
7 *than 15 percent of the maximum State grant alloca-*
8 *tion for educating children with disabilities.*

9 (15) *By fully funding IDEA, Congress will*
10 *strengthen the ability of States and localities to im-*
11 *plement the requirements of IDEA.*

12 (b) *LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—*
13 *Clauses (i) and (ii) of section 613(a)(2)(C) of the Individ-*
14 *uals with Disabilities Education Act (20 U.S.C.*
15 *1413(a)(2)(C)) is amended to read as follows:*

16 “(i) *Notwithstanding clauses (ii) and*
17 *(iii) of subparagraph (A), for any fiscal*
18 *year for which amounts appropriated to*
19 *carry out section 611 exceeds*
20 *\$4,100,000,000, a local educational agency*
21 *may treat as local funds, for the purpose of*
22 *such clauses, up to 55 percent of the amount*
23 *of funds it receives under this part that ex-*
24 *ceeds the amount it received under this part*
25 *for fiscal year 2001, except where a local*

1 *educational agency shows that it is meeting*
2 *the requirements of this part, the local edu-*
3 *cational agency may petition the State to*
4 *waive, in whole or in part, the 55 percent*
5 *cap under this clause.*

6 “(ii) *Notwithstanding clause (i), if the*
7 *Secretary determines that a local edu-*
8 *cational agency is not meeting the require-*
9 *ments of this part, the Secretary may pro-*
10 *hibit the local educational agency from*
11 *treating funds received under this part as*
12 *local funds under clause (i) for any fiscal*
13 *year, and may redirect the use of those*
14 *funds to other educational programs within*
15 *the local educational agency.”.*

16 *(c) FUNDING.—Section 611(j) of the Individuals with*
17 *Disabilities Education Act (20 U.S.C. 1411(j)) is amended*
18 *to read as follows:*

19 “(j) *FUNDING.—For the purpose of carrying out this*
20 *part, other than section 619, there are authorized to be ap-*
21 *propriated, and there are appropriated—*

22 “(1) *\$8,823,685,000 for fiscal year 2002;*

23 “(2) *\$11,323,685,000 for fiscal year 2003;*

24 “(3) *\$13,823,685,000 for fiscal year 2004;*

25 “(4) *\$16,323,685,000 for fiscal year 2005;*

1 “(5) \$18,823,685,000 for fiscal year 2006;

2 “(6) not more than \$21,067,600,000, or the sum
3 of the maximum amount that all States may receive
4 under subsection (a)(2), whichever is lower, for fiscal
5 year 2007;

6 “(7) not more than \$21,742,019,000, or the sum
7 of the maximum amount that all States may receive
8 under subsection (a)(2), whichever is lower, for fiscal
9 year 2008;

10 “(8) not more than \$22,423,068,000, or the sum
11 of the maximum amount that all States may receive
12 under subsection (a)(2), whichever is lower, for fiscal
13 year 2009;

14 “(9) not more than \$23,095,622,000, or the sum
15 of the maximum amount that all States may receive
16 under subsection (a)(2), whichever is lower, for fiscal
17 year 2010; and

18 “(10) not more than \$23,751,456,000, or the sum
19 of the maximum amount that all States may receive
20 under subsection (a)(2), whichever is lower, for fiscal
21 year 2011.”.

1 **SEC. 1003. SENSE OF THE SENATE; AUTHORIZATION OF AP-**
2 **PROPRIATIONS FOR TITLE II OF THE ELE-**
3 **MENTARY AND SECONDARY EDUCATION ACT**
4 **OF 1965.**

5 (a) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*
6 *ate that Congress should appropriate \$3,000,000,000 for fis-*
7 *cal year 2002 to carry out part A of title II of the Elemen-*
8 *tary and Secondary Education Act of 1965 and thereby—*

9 (1) *provide that schools, local educational agen-*
10 *cies, and States have the resources they need to put*
11 *a highly qualified teacher in every classroom in each*
12 *school in which 50 percent or more of the children are*
13 *from low income families, over the next 4 years;*

14 (2) *provide 125,000 new teachers with mentors*
15 *and year-long supervised internships; and*

16 (3) *provide high quality pedagogical training for*
17 *every teacher in every school.*

18 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
19 *authorized to be appropriated to carry out part A of title*
20 *II of the Elementary and Secondary Education Act of*
21 *1965—*

22 (1) *\$3,500,000,000 for fiscal year 2003;*

23 (2) *\$4,000,000,000 for fiscal year 2004;*

24 (3) *\$4,500,000,000 for fiscal year 2005;*

25 (4) *\$5,000,000,000 for fiscal year 2006;*

26 (5) *\$5,500,000,000 for fiscal year 2007; and*

1 (6) \$6,000,000,000 for fiscal year 2008.

2 **SEC. 1004. SENSE OF THE SENATE REGARDING EDUCATION**

3 **OPPORTUNITY TAX RELIEF.**

4 (a) *FINDINGS.*—*The Senate finds the following:*

5 (1) *Improving the education of our children is*
6 *an essential and important responsibility facing this*
7 *country.*

8 (2) *Strong parental involvement is a cornerstone*
9 *for academic success; it is parents who know and un-*
10 *derstand the special, individual needs of their own*
11 *children.*

12 (3) *Advanced technology has fueled unprece-*
13 *ded economic growth and positively transformed*
14 *the way Americans conduct business and commu-*
15 *nicate with each other.*

16 (4) *Families will need ready access to the tech-*
17 *nical tools and skills necessary for their school age*
18 *children to succeed in the classroom and the increas-*
19 *ingly competitive international marketplace.*

20 (5) *Studies have shown that the presence of a*
21 *computer in the home has a positive impact on a stu-*
22 *dent's level of academic achievement and performance*
23 *in school.*

24 (6) *Tax relief, enabling the purchase of tech-*
25 *nology and tutorial services for K–12 education pur-*

1 *poses, would significantly help defray the cost of edu-*
2 *cation expenses by: Empowering families financially*
3 *and increasing education spending; allowing families*
4 *to provide their children access to a far greater range*
5 *of educational opportunities suited to their individual*
6 *needs; and bridging the digital divide.*

7 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
8 *ate that Congress and the President should—*

9 *(1) act expeditiously to pass legislation in the*
10 *First Session of the One Hundred Seventh Congress*
11 *that provides tax relief to parents of K–12 students*
12 *for the cost of their children’s education-related ex-*
13 *penses, specifically, computers, peripherals and com-*
14 *puter-related technology, educational software, Inter-*
15 *net access and tutoring services; and*

16 *(2) that such tax relief would not apply toward*
17 *the cost of private school tuition.*

18 **SEC. 1005. SENSE OF THE SENATE REGARDING TAX RELIEF**
19 **FOR ELEMENTARY AND SECONDARY EDU-**
20 **CATORS.**

21 *(a) FINDINGS.—The Senate finds the following:*

22 *(1) The average salary for an elementary and*
23 *secondary school teacher in the United States with a*
24 *Master’s degree and 16 years of experience is approxi-*
25 *mately \$40,582.*

1 (2) *The average starting salary for teachers in*
2 *the United States is \$26,000.*

3 (3) *Our educators make many personal and fi-*
4 *nancial sacrifices to educate our youth.*

5 (4) *Teachers spend on average \$408 a year, out*
6 *of their own money, to bring educational supplies*
7 *into their classrooms.*

8 (5) *Educators spend significant money out of*
9 *their own pocket every year on professional develop-*
10 *ment expenses so they can better educate our youth.*

11 (6) *Many educators accrue significant higher*
12 *education student loans that must be repaid and*
13 *whereas these loans are accrued by educators in order*
14 *for them to obtain degrees necessary to become quali-*
15 *fied to serve in our Nation's schools.*

16 (7) *As a result of these numerous out of pocket*
17 *expenses that our teachers spend every year, and other*
18 *factors, 6 percent of the Nation's teaching force leaves*
19 *the profession every year, and 20 percent of all new*
20 *hires leave the teaching profession within three years.*

21 (8) *This country is in the midst of a teacher*
22 *shortage, with estimates that 2.4 million new teachers*
23 *will be needed by 2009 because of teacher attrition,*
24 *teacher retirement, and increased student enrollment.*

1 *of the Elementary and Secondary Education Act of 1965*
2 *and thereby—*

3 (1) *provide that schools, local educational agen-*
4 *cies, and States have the resources they need to assist*
5 *all limited English proficient students in attaining*
6 *proficiency in the English language, and meeting the*
7 *same challenging State content and student perform-*
8 *ance standards that all students are expected to meet*
9 *in core academic subjects;*

10 (2) *provide for the development and implementa-*
11 *tion of bilingual education programs and language*
12 *instruction educational programs that are tied to sci-*
13 *entifically based research, and that effectively serve*
14 *limited English proficient students; and*

15 (3) *provide for the development of programs that*
16 *strengthen and improve the professional training of*
17 *educational personnel who work with limited English*
18 *proficient students.*

19 (b) *AUTHORIZATION OF APPROPRIATIONS.—There are*
20 *authorized to be appropriated to carry out part A and part*
21 *D of title III of the Elementary and Secondary Education*
22 *Act of 1965—*

23 (1) *\$1,100,000,000 for fiscal year 2003;*

24 (2) *\$1,400,000,000 for fiscal year 2004;*

25 (3) *\$1,700,000,000 for fiscal year 2005;*

1 (4) \$2,100,000,000 for fiscal year 2006;

2 (5) \$2,400,000,000 for fiscal year 2007; and

3 (6) \$2,800,000,000 for fiscal year 2008.

4 **SEC. 1007. GRANTS FOR THE TEACHING OF TRADITIONAL**
5 **AMERICAN HISTORY AS A SEPARATE SUB-**
6 **JECT.**

7 *Title IX (as added by section 1001) is amended by*
8 *adding at the end the following:*

9 **“PART C—TEACHING OF TRADITIONAL AMERICAN**
10 **HISTORY**

11 **“SEC. 9301. GRANTS FOR THE TEACHING OF TRADITIONAL**
12 **AMERICAN HISTORY AS A SEPARATE SUB-**
13 **JECT.**

14 “(a) *IN GENERAL.—There are authorized to be appro-*
15 *priated \$100,000,000 to enable the Secretary to establish*
16 *and implement a program to be known as the ‘Teaching*
17 *American History Grant Program’ under which the Sec-*
18 *retary shall award grants on a competitive basis to local*
19 *educational agencies—*

20 “(1) *to carry out activities to promote the teach-*
21 *ing of traditional American history in schools as a*
22 *separate subject; and*

23 “(2) *for the development, implementation, and*
24 *strengthening of programs to teach American history*
25 *as a separate subject (not as a component of social*

1 *studies) within the school curricula, including the im-*
2 *plementation of activities to improve the quality of*
3 *instruction and to provide professional development*
4 *and teacher education activities with respect to Amer-*
5 *ican history.*

6 “(b) *REQUIRED PARTNERSHIP.*—*A local educational*
7 *agency that receives a grant under subsection (a) shall*
8 *carry out activities under the grant in partnership with*
9 *1 or more of the following:*

10 “(1) *An institution of higher education.*”

11 “(2) *A non-profit history or humanities organi-*
12 *zation.*”

13 “(3) *A library or museum.*”

14 **SEC. 1008. STUDY AND INFORMATION.**

15 (a) *STUDY.*—

16 (1) *IN GENERAL.*—*The Director of the National*
17 *Institutes of Health and the Secretary of Education*
18 *jointly shall—*

19 (A) *conduct a study regarding how exposure*
20 *to violent entertainment (such as movies, music,*
21 *television, Internet content, video games, and ar-*
22 *cade games) affects children’s cognitive develop-*
23 *ment and educational achievement; and*

24 (B) *submit a final report to Congress re-*
25 *garding the study.*

1 (3) *it was then in order for the bill to be en-*
2 *grossed and officially delivered to the House of Rep-*
3 *resentatives of the United States;*

4 (4) *the precedents and traditions of the Senate*
5 *dictate that bills passed by the Senate are routinely*
6 *sent in a timely manner to the House of Representa-*
7 *tives;*

8 (5) *the will of the majority of the Senate, having*
9 *voted in favor of campaign finance reform is being*
10 *unduly thwarted;*

11 (6) *the American people are taught that when a*
12 *bill passes one body of Congress, it is routinely sent*
13 *to the other body for consideration; and*

14 (7) *the delay in sending S. 27 to the House of*
15 *Representatives appears to be an arbitrary action*
16 *taken to deliberately thwart the will of the majority*
17 *of the Senate.*

18 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
19 *ate that the Secretary of the Senate should properly engross*
20 *and deliver S. 27 to the House of Representatives without*
21 *any intervening delay.*

1 **SEC. 1010. SENSE OF THE SENATE; AUTHORIZATION OF AP-**
2 **PROPRIATIONS FOR TITLE I OF THE ELEMEN-**
3 **TARY AND SECONDARY EDUCATION ACT OF**
4 **1965.**

5 (a) *SENSE OF THE SENATE.*—Congress finds that—

6 (1) *Congress should continue toward the goal of*
7 *providing the necessary funding for afterschool pro-*
8 *grams by appropriating the authorized level of*
9 *\$1,500,000,000 for fiscal year 2002 to carry out part*
10 *F of title I of the Elementary and Secondary Edu-*
11 *cation Act of 1965;*

12 (2) *this funding should be the benchmark for fu-*
13 *ture years in order to reach the goal of providing aca-*
14 *demically enriched activities during after school hours*
15 *for the 7,000,000 children in need.*

16 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There are
17 *authorized to be appropriated to carry out part F of title*
18 *I of the Elementary and Secondary Education Act of*
19 *1965—*

20 (1) *\$2,000,000,000 for fiscal year 2003;*

21 (2) *\$2,500,000,000 for fiscal year 2004;*

22 (3) *\$3,000,000,000 for fiscal year 2005;*

23 (4) *\$3,500,000,000 for fiscal year 2006;*

24 (5) *\$4,000,000,000 for fiscal year 2007; and*

25 (6) *\$4,500,000,000 for fiscal year 2008.*

1 **SEC. 1011. EXCELLENCE IN ECONOMIC EDUCATION.**

2 *Title IX, as amended by section 1001, is further*
3 *amended by adding at the end the following:*

4 **“PART D—EXCELLENCE IN ECONOMIC**
5 **EDUCATION**

6 **“SEC. 9401. SHORT TITLE; FINDINGS.**

7 *“(a) SHORT TITLE.—This part may be cited as the*
8 *“Excellence in Economic Education Act of 2001”.*

9 *“(b) FINDINGS.—Congress makes the following find-*
10 *ings:*

11 *“(1) The need for economic literacy in the*
12 *United States has grown exponentially in the 1990’s*
13 *as a result of rapid technological advancements and*
14 *increasing globalization, giving individuals in the*
15 *United States more numerous and complex economic*
16 *and financial choices than ever before as members of*
17 *the workforce, managers of their families’ resources,*
18 *and voting citizens.*

19 *“(2) Studies show that many individuals in the*
20 *United States lack essential knowledge in personal fi-*
21 *nance and economic literacy.*

22 *“(3) A 1998-1999 test conducted by the National*
23 *Council on Economic Education pointed out that*
24 *many individuals in the United States believe that*
25 *there is a need for our Nation’s youth to possess an*
26 *understanding of personal finance and economic*

1 *principles, with 96 percent of adults tested believing*
2 *that basic economics should be taught in secondary*
3 *school.*

4 **“SEC. 9402. EXCELLENCE IN ECONOMIC EDUCATION.**

5 *“(a) PURPOSE.—The purpose of this part is to pro-*
6 *mote economic and financial literacy among all United*
7 *States students in kindergarten through grade 12 by award-*
8 *ing a competitive grant to a national nonprofit educational*
9 *organization that has as its primary purpose the improve-*
10 *ment of the quality of student understanding of personal*
11 *finance and economics.*

12 *“(b) GOALS.—The goals of this part are—*

13 *“(1) to increase students’ knowledge of and*
14 *achievement in economics to enable the students to be-*
15 *come more productive and informed citizens;*

16 *“(2) to strengthen teachers’ understanding of and*
17 *competency in economics to enable the teachers to in-*
18 *crease student mastery of economic principles and*
19 *their practical application;*

20 *“(3) to encourage economic education research*
21 *and development, to disseminate effective instruc-*
22 *tional materials, and to promote replication of best*
23 *practices and exemplary programs that foster eco-*
24 *nomics literacy;*

1 “(4) to assist States in measuring the impact of
2 education in economics, which is 1 of 9 national core
3 content areas described in section 306(c) of the Goals
4 2000: Educate America Act (20 U.S.C. 5886(c)); and

5 “(5) to leverage and expand private and public
6 support for economic education partnerships at na-
7 tional, State, and local levels.

8 **“SEC. 9403. GRANT PROGRAM AUTHORIZED.**

9 “(a) *COMPETITIVE GRANT PROGRAM FOR EXCEL-*
10 *LENCE IN ECONOMIC EDUCATION.—*

11 “(1) *IN GENERAL.—The Secretary is authorized*
12 *to award a competitive grant to a national nonprofit*
13 *educational organization that has as its primary pur-*
14 *pose the improvement of the quality of student under-*
15 *standing of personal finance and economics through*
16 *effective teaching of economics in the Nation’s class-*
17 *rooms (referred to in this section as the ‘grantee’).*

18 “(2) *USE OF GRANT FUNDS.—*

19 “(A) *ONE-QUARTER.—The grantee shall use*
20 *1/4 of the funds made available through the grant*
21 *and not reserved under subsection (f) for a fiscal*
22 *year—*

23 “(i) *to strengthen and expand the*
24 *grantee’s relationships with State and local*

1 *personal finance, entrepreneurial, and eco-*
2 *nomie education organizations;*

3 “(ii) *to support and promote training,*
4 *of teachers who teach a grade from kinder-*
5 *garten through grade 12, regarding econom-*
6 *ics, including the dissemination of informa-*
7 *tion on effective practices and research find-*
8 *ings regarding the teaching of economics;*

9 “(iii) *to support research on effective*
10 *teaching practices and the development of*
11 *assessment instruments to document student*
12 *performance; and*

13 “(iv) *to develop and disseminate ap-*
14 *propriate materials to foster economic lit-*
15 *eracy.*

16 “(B) *THREE-QUARTERS.—The grantee shall*
17 *use $\frac{3}{4}$ of the funds made available through the*
18 *grant for a fiscal year to award grants to State*
19 *or local school boards, and State or local eco-*
20 *nomie, personal finance, or entrepreneurial edu-*
21 *cation organizations (which shall be referred to*
22 *in this section as a ‘recipient’). The grantee shall*
23 *award such a grant to pay for the Federal share*
24 *of the cost of enabling the recipient to work in*
25 *partnership with 1 or more of the entities de-*

1 *scribed in paragraph (3) for 1 or more of the fol-*
2 *lowing purposes:*

3 “(i) *Collaboratively establishing and*
4 *conducting teacher training programs that*
5 *use effective and innovative approaches to*
6 *the teaching of economics, personal finance,*
7 *and entrepreneurship.*

8 “(ii) *Providing resources to school dis-*
9 *tricts that want to incorporate economics*
10 *and personal finance into the curricula of*
11 *the schools in the districts.*

12 “(iii) *Conducting evaluations of the*
13 *impact of economic and financial literacy*
14 *education on students.*

15 “(iv) *Conducting economic and finan-*
16 *cial literacy education research.*

17 “(v) *Creating and conducting school-*
18 *based student activities to promote con-*
19 *sumer, economic, and personal finance edu-*
20 *cation, such as saving, investing, and entre-*
21 *preneurial education, and to encourage*
22 *awareness and student achievement in eco-*
23 *nomics.*

1 “(vi) *Encouraging replication of best*
2 *practices to encourage economic and finan-*
3 *cial literacy.*

4 “(C) *ADDITIONAL REQUIREMENTS AND*
5 *TECHNICAL ASSISTANCE.—The grantee shall—*

6 “(i) *meet such other requirements as*
7 *the Secretary determines to be necessary to*
8 *assure compliance with this section; and*

9 “(ii) *provide such technical assistance*
10 *as may be necessary to carry out this sec-*
11 *tion.*

12 “(3) *PARTNERSHIP ENTITIES.—The entities re-*
13 *ferred to in paragraph (2)(B) are the following:*

14 “(A) *A private sector entity.*

15 “(B) *A State educational agency.*

16 “(C) *A local educational agency.*

17 “(D) *An institution of higher education.*

18 “(E) *Another organization promoting eco-*
19 *nomics development.*

20 “(F) *Another organization promoting edu-*
21 *cational excellence.*

22 “(G) *Another organization promoting per-*
23 *sonal finance or entrepreneurial education.*

24 “(4) *ADMINISTRATIVE COSTS.—The grantee and*
25 *each recipient receiving a grant under this section for*

1 *a fiscal year may use not more than 25 percent of the*
2 *funds made available through the grant for adminis-*
3 *trative costs.*

4 “(b) *TEACHER TRAINING PROGRAMS.—In carrying*
5 *out the teacher training programs described in subsection*
6 *(a)(2)(B) a recipient shall—*

7 “(1) *train teachers who teach a grade from kin-*
8 *dergarten through grade 12; and*

9 “(2) *encourage teachers from disciplines other*
10 *than economics and financial literacy to participate*
11 *in such teacher training programs, if the training*
12 *will promote the economic and financial literacy of*
13 *their students.*

14 “(c) *INVOLVEMENT OF BUSINESS COMMUNITY.—In*
15 *carrying out the activities assisted under this part the*
16 *grantee and recipients are strongly encouraged to—*

17 “(1) *include interactions with the local business*
18 *community to the fullest extent possible, to reinforce*
19 *the connection between economic and financial lit-*
20 *eracy and economic development; and*

21 “(2) *work with private businesses to obtain*
22 *matching contributions for Federal funds and assist*
23 *recipients in working toward self-sufficiency.*

24 “(d) *FEDERAL SHARE.—*

1 “(1) *IN GENERAL.*—*The Federal share of the cost*
2 *described in subsection (a)(2)(B) shall be 50 percent.*

3 “(2) *NON-FEDERAL SHARE.*—*The non-Federal*
4 *share may be paid in cash or in kind, fairly evalu-*
5 *ated, including plant, equipment, or services.*

6 “(e) *APPLICATIONS.*—

7 “(1) *GRANTEE.*—*To be eligible to receive a grant*
8 *under this section, the grantee shall submit to the Sec-*
9 *retary an application at such time, in such manner,*
10 *and accompanied by such information as the Sec-*
11 *retary may require.*

12 “(2) *RECIPIENTS.*—

13 “(A) *IN GENERAL.*—*To be eligible to receive*
14 *a grant under this section, a recipient shall sub-*
15 *mit an application to the grantee at such time,*
16 *in such manner, and accompanied by such infor-*
17 *mation as the grantee may require.*

18 “(B) *REVIEW.*—*The grantee shall invite the*
19 *individuals described in subparagraph (C) to re-*
20 *view all applications from recipients for a grant*
21 *under this section and to make recommendations*
22 *to the grantee regarding the funding of the appli-*
23 *cations.*

24 “(C) *INDIVIDUALS.*—*The individuals re-*
25 *ferred to in subparagraph (B) are the following:*

1 “(i) *Leaders in the fields of economics*
2 *and education.*

3 “(ii) *Such other individuals as the*
4 *grantee determines to be necessary, espe-*
5 *cially members of the State and local busi-*
6 *ness, banking, and finance community.*

7 “(f) *SUPPLEMENT AND NOT SUPPLANT.—Funds ap-*
8 *propriated under this section shall be used to supplement*
9 *and not supplant other Federal, State, and local funds ex-*
10 *pended for the purpose described in section 9302(a).*

11 “(g) *REPORT.—The Secretary shall prepare and sub-*
12 *mit to the appropriate committees of Congress a report re-*
13 *garding activities assisted under this section not later than*
14 *2 years after the date funds are first appropriated under*
15 *subsection (h) and every 2 years thereafter.*

16 “(h) *AUTHORIZATION OF APPROPRIATIONS.—There*
17 *are authorized to be appropriated to carry out this part*
18 *\$10,000,000 for fiscal year 2002, and such sums as may*
19 *be necessary for each of the 4 succeeding fiscal years.”.*

20 **SEC. 1012. LOAN FORGIVENESS FOR HEAD START TEACH-**
21 **ERS.**

22 “(a) *SHORT TITLE.—This section may be cited as the*
23 *“Loan Forgiveness for Head Start Teachers Act of 2001”.*

1 (b) *HEAD START TEACHERS*.—Section 428J of the
2 *Higher Education Act of 1965* (20 U.S.C 1078–10) is
3 amended—

4 (1) in subsection (b), by amending paragraph
5 (1) to read as follows:

6 “(1)(A) has been employed—

7 “(i) as a full-time teacher for 5 consecutive
8 complete school years in a school that qualifies
9 under section 465(a)(2)(A) for loan cancellation
10 for Perkins loan recipients who teach in such a
11 school; or

12 “(ii) as a Head Start teacher for 5 consecu-
13 tive complete program years under the Head
14 Start Act; and

15 “(B)(i) if employed as a secondary school teach-
16 er, is teaching a subject area that is relevant to the
17 borrower’s academic major as certified by the chief
18 administrative officer of the public or nonprofit pri-
19 vate secondary school in which the borrower is em-
20 ployed;

21 “(ii) if employed as an elementary school teach-
22 er, has demonstrated, as certified by the chief admin-
23 istrative officer of the public or nonprofit private ele-
24 mentary school in which the borrower is employed,
25 knowledge and teaching skills in reading, writing,

1 *mathematics, and other areas of the elementary school*
2 *curriculum; and*

3 “(iii) *if employed as a Head Start teacher, has*
4 *demonstrated knowledge and teaching skills in read-*
5 *ing, writing, early childhood development, and other*
6 *areas of a preschool curriculum, with a focus on cog-*
7 *nitive learning; and”;*

8 (2) *in subsection (g), by adding at the end the*
9 *following:*

10 “(3) *HEAD START.—An individual shall be eligi-*
11 *ble for loan forgiveness under this section for service*
12 *described in clause (ii) of subsection (b)(1)(A) only if*
13 *such individual received a baccalaureate or graduate*
14 *degree on or after the date of enactment of the Loan*
15 *Forgiveness for Head Start Teachers Act of 2001.”;*
16 *and*

17 (3) *by adding at the end the following:*

18 “(i) *AUTHORIZATION OF APPROPRIATIONS.—There are*
19 *authorized to be appropriated such sums as may be nec-*
20 *essary for fiscal year 2007 and succeeding fiscal years to*
21 *carry out loan repayment under this section for service de-*
22 *scribed in clause (ii) of subsection (b)(1)(A).”.*

23 (c) *CONFORMING AMENDMENTS.—Section 428J of such*
24 *Act (20 U.S.C. 1078–10) is amended—*

1 (1) *in subsection (c)(1), by inserting “or fifth*
 2 *complete program year” after “fifth complete school*
 3 *year of teaching”;*

4 (2) *in subsection (f), by striking “subsection (b)”*
 5 *and inserting “subsection (b)(1)(A)(i)”;*

6 (3) *in subsection (g)(1)(A), by striking “sub-*
 7 *section (b)(1)(A)” and inserting “subsection*
 8 *(b)(1)(A)(i)”;* *and*

9 (4) *in subsection (h), by inserting “except as*
 10 *part of the term ‘program year,’” before “where”.*

11 *(d) DIRECT STUDENT LOAN FORGIVENESS.—*

12 (1) *IN GENERAL.—Section 460 of the Higher*
 13 *Education Act of 1965 (20 U.S.C 1087j) is*
 14 *amended—*

15 (A) *in subsection (b)(1), by amending sub-*
 16 *paragraph (A) to read as follows:*

17 “*(A)(i) has been employed—*

18 “*(I) as a full-time teacher for 5 con-*
 19 *secutive complete school years in a school*
 20 *that qualifies under section 465(a)(2)(A) for*
 21 *loan cancellation for Perkins loan recipients*
 22 *who teach in such a school; or*

23 “*(II) as a Head Start teacher for 5*
 24 *consecutive complete program years under*
 25 *the Head Start Act; and*

1 “(i)(I) if employed as a secondary school
2 teacher, is teaching a subject area that is rel-
3 evant to the borrower’s academic major as cer-
4 tified by the chief administrative officer of the
5 public or nonprofit private secondary school in
6 which the borrower is employed;

7 “(II) if employed as an elementary school
8 teacher, has demonstrated, as certified by the
9 chief administrative officer of the public or non-
10 profit private elementary school in which the
11 borrower is employed, knowledge and teaching
12 skills in reading, writing, mathematics, and
13 other areas of the elementary school curriculum;
14 and

15 “(III) if employed as a Head Start teacher,
16 has demonstrated knowledge and teaching skills
17 in reading, writing, early childhood development,
18 and other areas of a preschool curriculum, with
19 a focus on cognitive learning; and”;

20 (B) in subsection (g), by adding at the end
21 the following:

22 “(3) HEAD START.—An individual shall be eligi-
23 ble for loan forgiveness under this section for service
24 described in subclause (II) of subsection (b)(1)(A)(i)
25 only if such individual received a baccalaureate or

1 graduate degree on or after the date of enactment of
 2 the Loan Forgiveness for Head Start Teachers Act of
 3 2001.”; and

4 (C) by adding at the end the following:

5 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 6 authorized to be appropriated such sums as may be nec-
 7 essary for fiscal year 2007 and succeeding fiscal years to
 8 carry out loan repayment under this section for service de-
 9 scribed in subclause (II) of subsection (b)(1)(A)(i).”.

10 (2) *CONFORMING AMENDMENTS.*—Section 460 of
 11 such Act (20 U.S.C. 1087j) is amended—

12 (A) in subsection (c)(1), by inserting “or
 13 fifth complete program year” after “fifth com-
 14 plete school year of teaching”;

15 (B) in subsection (f), by striking “subsection
 16 (b)” and inserting “subsection (b)(1)(A)(i)(I)”;

17 (C) in subsection (g)(1)(A), by striking
 18 “subsection (b)(1)(A)” and inserting “subsection
 19 (b)(1)(A)(i)(I)”;

20 (D) in subsection (h), by inserting “except
 21 as part of the term ‘program year,’” before
 22 “where”.

23 **SEC. 1013. SENSE OF THE SENATE REGARDING THE BENE-**
 24 **FITS OF MUSIC AND ARTS EDUCATION.**

25 (a) *FINDINGS.*—The Senate finds that—

1 (1) *there is a growing body of scientific research*
2 *demonstrating that children who receive music in-*
3 *struction perform better on spatial-temporal rea-*
4 *soning tests and proportional math problems;*

5 (2) *music education grounded in rigorous aca-*
6 *demie instruction is an important component of a*
7 *well-rounded academic program;*

8 (3) *opportunities in music and the arts have en-*
9 *abled children with disabilities to participate more*
10 *fully in school and community activities;*

11 (4) *music and the arts can motive at-risk stu-*
12 *dents to stay in school and become active participants*
13 *in the educational process;*

14 (5) *according to the College Board, college-bound*
15 *high school seniors in 1998 who received music or*
16 *arts instruction scored 57 points higher on the verbal*
17 *portion of the Scholastic Aptitude test and 43 points*
18 *higher on the math portion of the test than college-*
19 *bound seniors without any music or arts instruction;*

20 (6) *a 1999 report by the Texas Commission on*
21 *Drug and Alcohol Abuse states that individuals who*
22 *participated in band, choir, or orchestra reported the*
23 *lowest levels of current and lifelong use of alcohol, to-*
24 *bacco, and illicit drugs; and*

1 (7) *comprehensive sequential music education in-*
2 *struction enhances early brain development and im-*
3 *proves cognitive and communicative skills, self-dis-*
4 *cipline, and creativity.*

5 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
6 *ate that—*

7 (1) *music and arts education enhances intellec-*
8 *tual development and enriches the academic environ-*
9 *ment for children of all ages; and*

10 (2) *music and arts educators greatly contribute*
11 *to the artistic, intellectual, and social development of*
12 *the children of our Nation, and play a key role in*
13 *helping children to succeed in school.*

14 **SEC. 1014. SENSE OF THE SENATE CONCERNING POSTAL**
15 **RATES FOR EDUCATIONAL MATERIALS.**

16 (a) *FINDINGS.—The Senate finds that—*

17 (1) *the President and Congress both agree that*
18 *education is of the highest domestic priority;*

19 (2) *access to education is a basic right for all*
20 *Americans regardless of age, race, economic status or*
21 *geographic boundary;*

22 (3) *reading is the foundation of all educational*
23 *pursuits;*

24 (4) *the objective of schools, libraries, literacy pro-*
25 *grams, and early childhood development programs is*

1 to promote reading skills and prepare individuals for
2 a productive role in our society;

3 (5) individuals involved in the activities de-
4 scribed in paragraph (4) are less likely to be drawn
5 into negative social behavior such as alcohol and drug
6 abuse and criminal activity;

7 (6) a highly educated workforce in America is
8 directly tied to a strong economy and our national se-
9 curity;

10 (7) the increase in postal rates by the United
11 States Postal Service in the year 2000 for such read-
12 ing materials sent for these purposes was substan-
13 tially more than the increase for any other class of
14 mail and threatens the affordability and future dis-
15 tribution of such materials;

16 (8) failure to provide affordable access to reading
17 materials would seriously limit the fair and universal
18 distribution of books and classroom publications to
19 schools, libraries, literacy programs and early child-
20 hood development programs; and

21 (9) the Postal Service has the discretionary au-
22 thority to set postal rates.

23 (b) *SENSE OF THE SENATE.*—It is the sense of the Sen-
24 ate that, since educational materials sent to schools, librar-
25 ies, literacy programs, and early childhood development

1 *programs received the highest postal rate increase in the*
2 *year 2000 rate case, the United States Postal Service should*
3 *freeze the rates for those materials.*

4 **SEC. 1015. THE STUDY OF THE DECLARATION OF INDE-**
5 **PENDENCE, UNITED STATES CONSTITUTION,**
6 **AND THE FEDERALIST PAPERS.**

7 *It is the sense of Congress that—*

8 *(1) State and local governments and local edu-*
9 *catinal agencies are encouraged to dedicate at least*
10 *1 day of learning to the study and understanding of*
11 *the significance of the Declaration of Independence,*
12 *the United States Constitution, and the Federalist*
13 *Papers; and*

14 *(2) State and local governments and local edu-*
15 *catinal agencies are encouraged to include a require-*
16 *ment that, before receiving a certificate or diploma of*
17 *graduation from secondary school, students be tested*
18 *on the competency in understanding the Declaration*
19 *of Independence, the United States Constitution, and*
20 *the Federalist Papers.*

21 **SEC. 1016. STUDY AND RECOMMENDATION WITH RESPECT**
22 **TO SEXUAL ABUSE IN SCHOOLS.**

23 *(a) FINDINGS.—Congress finds that—*

1 (1) *sexual abuse in schools between a student and*
2 *a member of the school staff or a student and another*
3 *student is a cause for concern in the United States;*

4 (2) *relatively few studies have been conducted on*
5 *sexual abuse in schools and the extent of this problem*
6 *is unknown;*

7 (3) *according to the Child Abuse and Neglect Re-*
8 *porting Act, a school administrator is required to re-*
9 *port any allegation of sexual abuse to the appropriate*
10 *authorities;*

11 (4) *an individual who is falsely accused of sex-*
12 *ual misconduct with a student deserves appropriate*
13 *legal and professional protections;*

14 (5) *it is estimated that many cases of sexual*
15 *abuse in schools are not reported; and*

16 (6) *many of the accused staff quietly resign at*
17 *their present school district and are then rehired at*
18 *a new district which has no knowledge of their alleged*
19 *abuse.*

20 (b) *STUDY AND RECOMMENDATIONS.—The Secretary*
21 *of Education in conjunction with the Attorney General*
22 *shall provide for the conduct of a comprehensive study of*
23 *the prevalence of sexual abuse in schools. Not later than*
24 *May 1, 2002, the Secretary and the Attorney General shall*
25 *prepare and submit to the appropriate committees of Con-*

1 *gress and to State and local governments, a report con-*
2 *cerning the study conducted under this subsection, includ-*
3 *ing recommendations and legislative remedies for the prob-*
4 *lem of sexual abuse in schools.*

5 **SEC. 1017. SENSE OF SENATE ON THE PERCENTAGE OF FED-**
6 **ERAL EDUCATION FUNDING THAT IS SPENT**
7 **IN THE CLASSROOM.**

8 *(a) FINDINGS.—The Senate makes the following find-*
9 *ings:*

10 *(1) Effective and meaningful teaching begins by*
11 *helping children master basic academics, holding chil-*
12 *dren to high academic standards, using sound re-*
13 *search based methods of instruction in the classroom,*
14 *engaging and involving parents, establishing and*
15 *maintaining safe and orderly classrooms, and getting*
16 *funds to the classroom.*

17 *(2) America's children deserve an educational*
18 *system that provides them with numerous opportuni-*
19 *ties to excel.*

20 *(3) States and localities spend a significant*
21 *amount of education tax dollars on bureaucratic red*
22 *tape by applying for and administering Federal edu-*
23 *cation dollars.*

24 *(4) Several States have reported that although*
25 *they receive less than 10 percent of their education*

1 *funding from the Federal Government, more than 50*
2 *percent of their education paperwork and administra-*
3 *tion efforts are associated with those Federal funds.*

4 (5) *According to the Department of Education,*
5 *in 1998, 84 percent of the funds allocated by the De-*
6 *partment for elementary and secondary education*
7 *were allocated to local educational agencies and used*
8 *for instruction and instructional support.*

9 (6) *The remainder of the funds allocated by the*
10 *Department of Education for elementary and sec-*
11 *ondary education in 1998 was allocated to States,*
12 *universities, national programs, and other service*
13 *providers.*

14 (7) *The total spent by the Department of Edu-*
15 *cation for elementary and secondary education does*
16 *not take into account what States spend to receive*
17 *Federal funds and comply with Federal requirements*
18 *for elementary and secondary education, nor does it*
19 *reflect the percentage of Federal funds allocated to*
20 *school districts that is spent on students in the class-*
21 *room.*

22 (8) *American students are not performing up to*
23 *their full academic potential, despite significant Fed-*
24 *eral education initiatives and funding from a variety*
25 *of Federal agencies.*

1 (9) *According to the Digest of Education Statis-*
2 *tics, only 54 percent of \$278,965,657,000 spent on ele-*
3 *mentary and secondary education during the 1995–96*
4 *school year was spent on “instruction”.*

5 (10) *According to the National Center for Edu-*
6 *cation Statistics, only 52 percent of staff employed in*
7 *public elementary and secondary school systems in*
8 *1996 were teachers, and, according to the General Ac-*
9 *counting Office, Federal education dollars funded*
10 *13,397 full-time equivalent positions in State edu-*
11 *cational agencies in fiscal year 1993.*

12 (11) *In fiscal year 1998, the paperwork and data*
13 *reporting requirements of the Department of Edu-*
14 *cation amounted to 40,000,000 so-called “burden*
15 *hours”, which is equivalent to nearly 20,000 people*
16 *working 40 hours a week for one full year, time and*
17 *energy which would be better spent teaching children*
18 *in the classroom.*

19 (12) *Too large a percentage of Federal education*
20 *funds is spent on bureaucracy, special interests, and*
21 *ineffective programs, and too little is effectively and*
22 *efficiently spent on our America’s youth.*

23 (13) *Requiring an allocation of 95 percent of all*
24 *Federal elementary and secondary education funds to*

1 *classrooms would provide substantial additional fund-*
2 *ing per classroom across the United States.*

3 (14) *More education funding should be put in*
4 *the hands of someone in a classroom who knows the*
5 *children personally and frequently interacts with the*
6 *children.*

7 (15) *Burdensome regulations, requirements, and*
8 *mandates should be refined, consolidated or removed*
9 *so that school districts can devote more resources to*
10 *educating children in classrooms.*

11 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
12 *ate to urge the Department of Education, the States, and*
13 *local educational agencies to work together to ensure that*
14 *not less than 95 percent of all funds appropriated for car-*
15 *rying out elementary and secondary education programs*
16 *administered by the Department be spent to improve the*
17 *academic achievement of our children in their classrooms.*

18 **SEC. 1018. SENSE OF THE SENATE REGARDING BIBLE**

19 **TEACHING IN PUBLIC SCHOOLS.**

20 (a) *FINDINGS.—The Senate finds that—*

21 (1) *the Bible is the best selling, most widely read,*
22 *and most influential book in history;*

23 (2) *familiarity with the nature of religious be-*
24 *liefs is necessary to understanding history and con-*
25 *temporary events;*

1 (3) *the Bible is worthy of study for its literary*
2 *and historic qualities;*

3 (4) *many public schools throughout America are*
4 *currently teaching the Bible as literature and/or his-*
5 *tory.*

6 (b) *SENSE OF SENATE.—It is the sense of the Senate*
7 *that nothing in this Act or any provision of law shall dis-*
8 *courage the teaching of the Bible in any public school.*

9 **SEC. 1019. SENIOR OPPORTUNITIES.**

10 (a) *TWENTY-FIRST CENTURY COMMUNITY LEARNING*
11 *CENTERS.—Section 1609(a)(2) (as amended in section 161)*
12 *is further amended—*

13 (1) *in subparagraph (G), by striking “and” after*
14 *the semicolon;*

15 (2) *in subparagraph (H), by striking the period*
16 *and inserting “; and”; and*

17 (3) *by adding at the end the following:*

18 *“(I) if the organization plans to use seniors*
19 *as volunteers in activities carried out through*
20 *the center, a description of how the organization*
21 *will encourage and use appropriately qualified*
22 *seniors to serve as the volunteers.”.*

23 (b) *SAFE AND DRUG-FREE SCHOOLS AND COMMU-*
24 *NITIES; GOVERNOR’S PROGRAMS.—Section 4114(d) (as*
25 *amended in section 401) is further amended—*

1 (1) *in paragraph (14), by striking “and” after*
2 *the semicolon;*

3 (2) *in paragraph (15), by striking the period*
4 *and inserting “; and”; and*

5 (3) *by adding at the end the following:*

6 “(16) *drug and violence prevention activities*
7 *that use the services of appropriately qualified sen-*
8 *iors.”.*

9 (c) *SAFE AND DRUG-FREE SCHOOLS AND COMMU-*
10 *NITIES; LOCAL DRUG AND VIOLENCE PREVENTION PRO-*
11 *GRAMS.—Section 4116(b) (as amended in section 401) is*
12 *further amended—*

13 (1) *in paragraph (2)—*

14 (A) *in the matter preceding subparagraph*
15 *(A), by inserting “(including mentoring by ap-*
16 *propriately qualified seniors)” after “men-*
17 *toring”; and*

18 (B) *in subparagraph (C)—*

19 (i) *in clause (i), by striking “and”*
20 *after the semicolon;*

21 (ii) *in clause (ii), by inserting “and”*
22 *after the semicolon; and*

23 (iii) *by adding at the end the fol-*
24 *lowing:*

1 “(iii) drug and violence prevention ac-
2 tivities that use the services of appro-
3 priately qualified seniors;”;

4 (2) in paragraph (4)(C), by inserting “(includ-
5 ing mentoring by appropriately qualified seniors)”
6 after “mentoring programs”; and

7 (3) in paragraph (8), by inserting “, which may
8 involve appropriately qualified seniors working with
9 students” after “settings”.

10 (d) *SAFE AND DRUG-FREE SCHOOLS AND COMMU-*
11 *NITIES; FEDERAL ACTIVITIES.*—Section 4121(a) (as
12 *amended in section 401) is further amended—*

13 (1) in paragraph (10), by inserting “, including
14 projects and activities that promote the interaction of
15 youth and appropriately qualified seniors” after “re-
16 sponsibility”; and

17 (2) in paragraph (13), by inserting “, including
18 activities that integrate appropriately qualified sen-
19 iors in activities” after “title”.

20 (e) *INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE*
21 *EDUCATION; FORMULA GRANTS.*—Section 7115(b) (as
22 *amended in section 701) is further amended—*

23 (1) in paragraph (10), by striking “and” after
24 the semicolon;

1 (2) *in paragraph (11), by striking the period*
2 *and inserting “; and”; and*

3 (3) *by adding at the end the following:*

4 “(12) *activities that recognize and support the*
5 *unique cultural and educational needs of Indian chil-*
6 *dren, and incorporate appropriately qualified tribal*
7 *elders and seniors.”.*

8 (f) *INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE*
9 *EDUCATION; SPECIAL PROGRAMS AND PROJECTS.—Section*
10 7121(c)(1) *(as amended in section 701) is further*
11 *amended—*

12 (1) *in subparagraph (K), by striking “or” after*
13 *the semicolon;*

14 (2) *in subparagraph (L), by striking “(L)” and*
15 *inserting “(M)”;* and

16 (3) *by inserting after subparagraph (K) the fol-*
17 *lowing:*

18 “(L) *activities that recognize and support*
19 *the unique cultural and educational needs of In-*
20 *dian children, and incorporate appropriately*
21 *qualified tribal elders and seniors; or”.*

22 (g) *INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE*
23 *EDUCATION; PROFESSIONAL DEVELOPMENT.—The second*
24 *sentence of section 7122(d)(1) (as amended in section 701)*
25 *is further amended by striking the period and inserting “,*

1 *and may include programs designed to train tribal elders*
2 *and seniors.”.*

3 *(h) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE*
4 *EDUCATION; NATIVE HAWAIIAN PROGRAMS.—Section*
5 *7205(a)(3)(H) (as amended in section 701) is further*
6 *amended—*

7 *(1) in clause (ii), by striking “and” after the*
8 *semicolon;*

9 *(2) in clause (iii), by inserting “and” at the end;*
10 *and*

11 *(3) by adding at the end the following:*

12 *“(iv) programs that recognize and sup-*
13 *port the unique cultural and educational*
14 *needs of Native Hawaiian children, and in-*
15 *corporate appropriately qualified Native*
16 *Hawaiian elders and seniors;”.*

17 *(i) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE*
18 *EDUCATION; ALASKA NATIVE PROGRAMS.—Section*
19 *7304(a)(2)(F) (as amended in section 701) is further*
20 *amended—*

21 *(1) in clause (i), by striking “and” after the*
22 *semicolon;*

23 *(2) in clause (ii), by inserting “and” after the*
24 *semicolon; and*

25 *(3) by adding at the end the following:*

1 “(iii) may include activities that rec-
2 ognize and support the unique cultural and
3 educational needs of Alaskan Native chil-
4 dren, and incorporate appropriately quali-
5 fied Alaskan Native elders and seniors;”.

6 **SEC. 1020. IMPACT AID PAYMENTS RELATING TO FEDERAL**
7 **ACQUISITION OF REAL PROPERTY.**

8 Section 8002 (20 U.S.C. 7702), as amended by section
9 1803 of the Floyd D. Spence National Defense Authoriza-
10 tion Act for Fiscal Year 2001 (as enacted into law by Public
11 Law 106–398), is amended—

12 (1) in subsection (h)(4), by striking subpara-
13 graph (B) and inserting the following:

14 “(B) the Secretary shall make a payment to
15 each local educational agency that is eligible to
16 receive a payment under this section for the fis-
17 cal year involved in an amount that bears the
18 same relation to 75 percent of the remainder as
19 a percentage share determined for the local edu-
20 cational agency (as determined by dividing the
21 maximum amount that such agency is eligible to
22 receive under subsection (b) by the total max-
23 imum amounts that all such local educational
24 agencies are eligible to receive under such sub-
25 section) bears to the percentage share determined

1 *(in the same manner) for all local educational*
2 *agencies eligible to receive a payment under this*
3 *section for the fiscal year involved, except that*
4 *for purposes of calculating a local educational*
5 *agency’s maximum payment under subsection*
6 *(b), data from the most current fiscal year shall*
7 *be used.”; and*

8 *(2) by adding at the end the following:*

9 “(n) *LOSS OF ELIGIBILITY.—*

10 “(1) *IN GENERAL.—Notwithstanding any other*
11 *provision of this section, the Secretary shall make a*
12 *minimum payment to a local educational agency de-*
13 *scribed in paragraph (2), for the first fiscal year that*
14 *the agency loses eligibility for assistance under this*
15 *section as a result of property located within the*
16 *school district served by the agency failing to meet the*
17 *definition of Federal property under section*
18 *8013(5)(C)(iii), in an amount equal to 90 percent of*
19 *the amount received by the agency under this section*
20 *in the preceding year.*

21 “(2) *ELIGIBLE LOCAL EDUCATIONAL AGEN-*
22 *CIES.—A local educational agency described in this*
23 *paragraph is an agency that—*

24 “(A) *was eligible for, and received, a pay-*
25 *ment under this section for fiscal year 2002; and*

1 “(B) beginning in fiscal year 2003 or a
2 subsequent fiscal year, is no longer eligible for
3 payments under this section as provided for in
4 subsection (a)(1)(C) as a result of the transfer of
5 the Federal property involved to a non-Federal
6 entity.”.

7 **SEC. 1021. IMPACT AID TECHNICAL AMENDMENTS.**

8 (a) *FEDERAL PROPERTY PAYMENTS*.—Section 8002(h)
9 (20 U.S.C. 7702(h)) (as amended by section 1803(c) of the
10 *Impact Aid Reauthorization Act of 2000* (as enacted into
11 law by section 1 of Public Law 106-398)) is amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (A), by striking “and
14 was eligible to receive a payment under section
15 2 of the Act of September 30, 1950” and insert-
16 ing “and that filed, or has been determined pur-
17 suant to law to have filed, a timely application
18 and met, or has been determined pursuant to
19 law to meet, the eligibility requirements of sec-
20 tion 2(a)(1)(C) of the Act of September 30,
21 1950”; and

22 (B) in subparagraph (B), by striking “(or
23 if the local educational agency was not eligible
24 to receive a payment under such section 2 for fis-
25 cal year 1994,” and inserting “(or if the local

1 *educational agency did not meet, or has not been*
2 *determined pursuant to law to meet, the eligi-*
3 *bility requirements under section 2(a)(1)(C) of*
4 *the Act Of September 20, 1950, for fiscal year*
5 *1994,”.*

6 *(2) in paragraph (2)—*

7 *(A) in subparagraph (A), by inserting be-*
8 *fore the period the following: “, or whose appli-*
9 *cation for fiscal year 1995 was deemed by law*
10 *to be timely filed for the purpose of payments for*
11 *later years”;* and

12 *(B) in subparagraph (B)(ii), by striking*
13 *“for each local educational agency that received*
14 *a payment under this section for fiscal year*
15 *1995” and inserting “for each local educational*
16 *agency described in subparagraph (A)”;* and

17 *(3) in paragraph (4)(B)—*

18 *(A) by striking “(in the same manner as*
19 *percentage shares are determined for local edu-*
20 *cational agencies under paragraph (2)(B)(ii)”*
21 *and inserting “(by dividing the maximum*
22 *amount that the agency is eligible to receive*
23 *under subsection (b) by the total of the max-*
24 *imum amounts for all such agencies”;* and

1 (B) by striking “, except that for the pur-
2 pose of calculating a local educational agency’s
3 assessed value of the Federal property,” and in-
4 serting “, except that, for the purpose of calcu-
5 lating a local educational agency’s maximum
6 amount under subsection (b),”.

7 (b) *CALCULATION OF PAYMENT UNDER SECTION 8003*
8 *FOR SMALL LOCAL EDUCATIONAL AGENCIES.*—Section
9 8003(b)(3)(B)(iv) (20 U.S.C. 7703(b)(3)(B)(iv)) (as amend-
10 ed by section 1806(b)(2)(C) of the Impact Aid Reauthoriza-
11 tion Act of 2000 (as enacted into law by section 1 of Public
12 Law 106-398)) is amended by inserting after “of the State
13 in which the agency is located” the following: “or less than
14 the average per pupil expenditure of all the States”.

15 (c) *STATE CONSIDERATION OF PAYMENTS IN PRO-*
16 *VIDING STATE AID.*—Section 8009(b)(1) (20 U.S.C. 7709
17 (b)(1)) (as amended by section 1812(b)(1) of the Impact Aid
18 Reauthorization Act of 2000 (as enacted into law by section
19 1 of Public Law 106-398)) is amended by inserting after
20 “section 8003(a)(2)(B))” the following: “and, with respect
21 to a local educational agency that receives a payment under
22 section 8003(b)(2), the amount in excess of the amount that
23 the agency would receive if the agency were deemed to be
24 an agency eligible to receive a payment under paragraph
25 (1) of section 8003(b)”.

1 (d) *EXTENSION OF AUTHORIZATION OF APPROPRIA-*
 2 *TIONS.—Section 8014 (20 U.S.C. 7714) (as amended by sec-*
 3 *tion 1817(b)(1) of the Impact Aid Reauthorization Act of*
 4 *2000 (as enacted into law by section 1 of Public Law 106-*
 5 *398)) is amended—*

6 (1) *in subsection (a), by striking “three suc-*
 7 *ceeding” and inserting “six succeeding”;*

8 (2) *in subsection (b), by striking “three suc-*
 9 *ceeding” and inserting “six succeeding”;*

10 (3) *in subsection (c), by striking “three suc-*
 11 *ceeding” and inserting “six succeeding”;*

12 (4) *in subsection (e), by striking “three suc-*
 13 *ceeding” and inserting “six succeeding”;*

14 (5) *in subsection (f), by striking “three suc-*
 15 *ceeding” and inserting “six succeeding”; and*

16 (6) *in subsection (g), by striking “three suc-*
 17 *ceeding” and inserting “six succeeding”.*

18 **SEC. 1022. SENSE OF THE SENATE REGARDING SCIENCE**

19 **EDUCATION.**

20 *It is the sense of the Senate that—*

21 (1) *good science education should prepare stu-*
 22 *dents to distinguish the data or testable theories of*
 23 *science from philosophical or religious claims that are*
 24 *made in the name of science; and*

1 (2) *where biological evolution is taught, the cur-*
2 *riculum should help students to understand why this*
3 *subject generates so much continuing controversy, and*
4 *should prepare the students to be informed partici-*
5 *pants in public discussions regarding the subject.*

6 **SEC. 1023. SCHOOL FACILITY MODERNIZATION GRANTS.**

7 *Subsection (b) of section 8007 (20 U.S.C. 7707(b)) (as*
8 *amended by section 1811 of the Impact Aid Reauthorization*
9 *Act of 2000 (as enacted into law by section 1 of Public Law*
10 *106-398)) is amended to read as follows:*

11 “(b) *SCHOOL FACILITY MODERNIZATION GRANTS AU-*
12 *THORIZED.—*

13 “(1) *FUNDING AND ALLOCATION.—*

14 “(A) *FUNDING.—From 60 percent of the*
15 *amount appropriated for each fiscal year under*
16 *section 8014(e), the Secretary shall award grants*
17 *in accordance with this subsection to eligible*
18 *local educational agencies to enable the local edu-*
19 *cational agencies to carry out modernization of*
20 *school facilities.*

21 “(B) *ALLOCATION.—From amounts made*
22 *available for a fiscal year under subparagraph*
23 *(A), the Secretary shall allocate—*

1 “(i) 10 percent of such amount for
2 grants to local educational agencies de-
3 scribed in paragraph (2)(A);

4 “(ii) 45 percent of such amount for
5 grants to local educational agencies de-
6 scribed in paragraph (2)(B), of which, 10
7 percent shall be available for emergency
8 grants that shall not be subject to the re-
9 quirements of subparagraphs (A) and (B) of
10 paragraph (4); and

11 “(iii) 45 percent of such amount for
12 grants to local educational agencies de-
13 scribed in paragraph (2)(C), of which, 10
14 percent shall be available for emergency
15 grants that shall not be subject to the re-
16 quirements of subparagraphs (A) and (B) of
17 paragraph (4).

18 “(C) *SPECIAL RULE.*—A local educational
19 agency described in clauses (ii) and (iii) of sub-
20 paragraph (B) may use grant funds made avail-
21 able under this subsection for a school facility lo-
22 cated on or near Federal property only if the
23 school facility is located at a school where not
24 less than 25 percent of the children in average
25 daily attendance in the school for the preceding

1 *school year are children for which a determina-*
2 *tion is made under section 8003(a)(1).*

3 “(2) *ELIGIBILITY REQUIREMENTS.*—*A local edu-*
4 *cational agency is eligible to receive funds under this*
5 *subsection only if—*

6 “(A) *such agency received assistance under*
7 *section 8002(a) for the fiscal year and has an as-*
8 *essed value of taxable property per student in*
9 *the school district that is less than the average of*
10 *the assessed value of taxable property per student*
11 *in the State in which the local educational agen-*
12 *cy is located;*

13 “(B) *such agency had an enrollment of chil-*
14 *dren determined under section 8003(a)(1)(C)*
15 *which constituted at least 25 percent of the num-*
16 *ber of children who were in average daily attend-*
17 *ance in the schools of such agency during the*
18 *school year preceding the school year for which*
19 *the determination is made; or*

20 “(C) *such agency had an enrollment of chil-*
21 *dren determined under subparagraphs (A), (B),*
22 *and (D) of section 8003(a)(1) which constituted*
23 *at least 25 percent of the number of children who*
24 *were in average daily attendance in the schools*
25 *of such agency during the school year preceding*

1 *the school year for which the determination is*
2 *made.*

3 “(3) *AWARD CRITERIA.*—*In awarding grants*
4 *under this subsection, the Secretary shall review ap-*
5 *plications submitted with respect to each type of*
6 *agency represented by local educational agencies that*
7 *qualify under each of subparagraphs (A), (B), and*
8 *(C) of paragraph (2). In evaluating an application,*
9 *the Secretary shall consider the following criteria:*

10 “(A) *The extent to which the local edu-*
11 *cational agency lacks the fiscal capacity to un-*
12 *dertake the modernization project without Fed-*
13 *eral assistance.*

14 “(B) *The extent to which property in the*
15 *local educational agency is nontaxable due to the*
16 *presence of the Federal Government.*

17 “(C) *The extent to which the local edu-*
18 *cational agency serves high numbers or percent-*
19 *ages of children described in subparagraphs (A),*
20 *(B), (C), and (D) of section 8003(a)(1).*

21 “(D) *The need for modernization to meet—*
22 “(i) *the threat that the condition of the*
23 *school facility poses to the health, safety,*
24 *and well-being of students;*

1 “(ii) overcrowding conditions as evi-
2 denced by the use of trailers and portable
3 buildings and the potential for future over-
4 crowding because of increased enrollment;
5 and

6 “(iii) facility needs resulting from ac-
7 tions of the Federal Government.

8 “(E) The age of the school facility to be
9 modernized.

10 “(4) OTHER AWARD PROVISIONS.—

11 “(A) AMOUNT.—In determining the amount
12 of a grant awarded under this subsection; the
13 Secretary shall consider the cost of the mod-
14 ernization and the ability of the local edu-
15 cational agency to produce sufficient funds to
16 carry out the activities for which assistance is
17 sought.

18 “(B) FEDERAL SHARE.—The Federal funds
19 provided under this subsection to a local edu-
20 cational agency shall not exceed 50 percent of the
21 total cost of the project to be assisted under this
22 subsection. A local educational agency may use
23 in-kind contributions, excluding land contribu-
24 tions, to meet the matching requirement of the
25 preceding sentence.

1 “(C) *MAXIMUM GRANT.*—A local edu-
2 *cational agency described in this subsection may*
3 *not receive a grant under this subsection in an*
4 *amount that exceeds \$5,000,000 during any 2-*
5 *year period.*

6 “(5) *APPLICATIONS.*—A local educational agency
7 *that desires to receive a grant under this subsection*
8 *shall submit an application to the Secretary, at such*
9 *time, in such manner, and accompanied by such in-*
10 *formation as the Secretary may require. Each appli-*
11 *cation shall contain—*

12 “(A) *a listing of the school facilities to be*
13 *modernized, including the number and percent-*
14 *age of children determined under section*
15 *8003(a)(1) in average daily attendance in each*
16 *school facility;*

17 “(B) *a description of the ownership of the*
18 *property on which the current school facility is*
19 *located or on which the planned school facility*
20 *will be located;*

21 “(C) *a description of how the local edu-*
22 *cational agency meets the award criteria under*
23 *paragraph (3);*

1 “(D) a description of the modernization to
2 be supported with funds provided under this sub-
3 section;

4 “(E) a cost estimate of the proposed mod-
5 ernization; and

6 “(F) such other information and assurances
7 as the Secretary may reasonably require.

8 “(6) EMERGENCY GRANTS.—

9 “(A) APPLICATIONS.—Each local edu-
10 cational agency applying for a grant under
11 paragraph (1)(B)(ii) or (1)(B)(iii) that desires a
12 grant under this subsection shall include in the
13 application submitted under paragraph (5) a
14 signed statement from an appropriate local offi-
15 cial certifying that a health or safety emergency
16 exists.

17 “(B) SPECIAL RULES.—The Secretary shall
18 make every effort to meet fully the school facility
19 needs of local educational agencies applying for
20 a grant under paragraph (1)(B)(ii) or
21 (1)(B)(iii).

22 “(C) PRIORITY.—If the Secretary receives
23 more than one application from local edu-
24 cational agencies described in paragraph
25 (1)(B)(ii) or (1)(B)(iii) for grants under this

1 *subsection for any fiscal year, the Secretary shall*
2 *give priority to local educational agencies based*
3 *on the severity of the emergency, as determined*
4 *by the peer review group and the Secretary, and*
5 *when the application was received.*

6 “(D) *CONSIDERATION FOR FOLLOWING*
7 *YEAR.—A local educational agency described in*
8 *paragraph (2) that applies for a grant under*
9 *this subsection for any fiscal year and does not*
10 *receive the grant shall have the application for*
11 *the grant considered for the following fiscal year,*
12 *subject to the priority described in subparagraph*
13 *(C).*

14 “(7) *GENERAL LIMITATIONS.—*

15 “(A) *REAL PROPERTY.—No grant funds*
16 *awarded under this subsection shall be used for*
17 *the acquisition of any interest in real property.*

18 “(B) *MAINTENANCE.—Nothing in this sub-*
19 *section shall be construed to authorize the pay-*
20 *ment of maintenance costs in connection with*
21 *any school facility modernized in whole or in*
22 *part with Federal funds provided under this sub-*
23 *section.*

24 “(C) *ENVIRONMENTAL SAFEGUARDS.—All*
25 *projects carried out with Federal funds provided*

1 *under this subsection shall comply with all rel-*
2 *evant Federal, State, and local environmental*
3 *laws and regulations.*

4 “(D) *ATHLETIC AND SIMILAR SCHOOL FA-*
5 *CILITIES.—No Federal funds received under this*
6 *subsection shall be used for outdoor stadiums or*
7 *other school facilities that are primarily used for*
8 *athletic contests or exhibitions, or other events,*
9 *for which admission is charged to the general*
10 *public.*

11 “(8) *SUPPLEMENT NOT SUPPLANT.—An eligible*
12 *local educational agency shall use funds received*
13 *under this subsection only to supplement the amount*
14 *of funds that would, in the absence of such Federal*
15 *funds, be made available from non-Federal sources for*
16 *the modernization of school facilities used for edu-*
17 *cational purposes, and not to supplant such funds.”.*

18 **SEC. 1024. DEPARTMENT OF EDUCATION CAMPAIGN TO**
19 **PROMOTE ACCESS OF ARMED FORCES RE-**
20 **CRUITERS TO STUDENT DIRECTORY INFOR-**
21 **MATION.**

22 “(a) *FINDINGS.—The Senate makes the following find-*
23 *ings:*

24 “(1) *Service in the Armed Forces of the United*
25 *States is voluntary.*

1 (2) *Recruiting quality persons in the numbers*
2 *necessary to maintain the strengths of the Armed*
3 *Forces authorized by Congress is vital to the United*
4 *States national defense.*

5 (3) *Recruiting quality servicemembers is very*
6 *challenging, and as a result, Armed Forces recruiters*
7 *must devote extraordinary time and effort to their*
8 *work in order to fill monthly requirements for imme-*
9 *diate accessions.*

10 (4) *In meeting goals for recruiting high quality*
11 *men and women, each of the Armed Forces faces in-*
12 *tense competition from the other Armed Forces, from*
13 *the private sector, and from institutions offering post-*
14 *secondary education.*

15 (5) *Despite a variety of innovative approaches*
16 *taken by recruiters, and the extensive benefits that are*
17 *available to those who join the Armed Forces, it is be-*
18 *coming increasingly difficult for the Armed Forces to*
19 *meet recruiting goals.*

20 (6) *A number of high schools across the country*
21 *have denied recruiters access to students or to student*
22 *directory information.*

23 (7) *In 1999, the Army was denied access to stu-*
24 *dents or student directories on 4,515 occasions, the*
25 *Navy was denied access to students or student direc-*

1 *tories on 4,364 occasions, the Marine Corps was de-*
2 *ni ed access to students or student directories on 4,884*
3 *occasions, and the Air Force was denied access to stu-*
4 *dents or student directories on 5,465 occasions.*

5 *(8) As of the beginning of 2000, nearly 25 per-*
6 *cent of all high schools in the United States did not*
7 *release student directory information requested by*
8 *Armed Forces recruiters.*

9 *(9) In testimony presented to the Committee on*
10 *Armed Services of the Senate, recruiters stated that*
11 *the single biggest obstacle to carrying out the recruit-*
12 *ing mission was denial of access to student directory*
13 *information, as the student directory is the basic tool*
14 *of the recruiter.*

15 *(10) Denying recruiters direct access to students*
16 *and to student directory information unfairly hurts*
17 *the youth of the United States, as it prevents students*
18 *from receiving important information on the edu-*
19 *cation and training benefits offered by the Armed*
20 *Forces and impairs students' decisionmaking on ca-*
21 *reers by limiting the information on the options*
22 *available to them.*

23 *(11) Denying recruiters direct access to students*
24 *and to student directory information undermines*
25 *United States national defense, and makes it more*

1 *difficult to recruit high quality young Americans in*
2 *numbers sufficient to maintain the readiness of the*
3 *Armed Forces and to provide for the national secu-*
4 *rity.*

5 (12) *Section 503 of title 10, United States Code,*
6 *requires local educational agencies, as of July 1,*
7 *2002, to provide recruiters access to secondary schools*
8 *on the same basis that those agencies provide access*
9 *to representatives of colleges, universities, and private*
10 *sector employers.*

11 *(b) CAMPAIGN TO PROMOTE ACCESS.—*

12 (1) *REPORT.—Not later than 30 days after the*
13 *date of enactment of this Act, each State shall trans-*
14 *mit to the Secretary of Education a list of each*
15 *school, if any, in that State that—*

16 (A) *during the 12 months preceding the*
17 *date of enactment of this Act, has denied access*
18 *to students or to student directory information to*
19 *a military recruiter; or*

20 (B) *has in effect a policy to deny access to*
21 *students or to student directory information to*
22 *military recruiters.*

23 (2) *EDUCATION PROGRAM.—*

24 (A) *IN GENERAL.—The Secretary of Edu-*
25 *cation, in consultation with the Secretary of De-*

1 *fense, shall, not later than 90 days after the date*
2 *of enactment of this Act, make awards to States*
3 *and schools using no more than \$3,000,000 of*
4 *funds available under section 6205(c) of the Ele-*
5 *mentary and Secondary Education Act to edu-*
6 *cate principals, school administrators, and other*
7 *educators regarding career opportunities in the*
8 *Armed Forces, and the access standard required*
9 *under section 503 of title 10, United States Code.*

10 (B) *TARGETED SCHOOLS.—In selecting*
11 *schools for awards required under subparagraph*
12 *(A), the Secretary shall give priority to selecting*
13 *schools that are included on the lists transmitted*
14 *to Congress under paragraph (1).*

15 **SEC. 1025. MILITARY RECRUITING ON CAMPUS.**

16 (a) *DENIAL OF FUNDS.—*

17 (1) *PROHIBITION.—No funds available to the De-*
18 *partment of Defense may be provided by grant or*
19 *contract to any institution of higher education (in-*
20 *cluding any school of law, whether or not accredited*
21 *by the American Bar Association) that has a policy*
22 *of denying, or which effectively prevents, the Sec-*
23 *retary of Defense from obtaining for military recruit-*
24 *ing purposes—*

1 (A) entry to campuses or access to students
2 on campuses; or

3 (B) access to directory information per-
4 taining to students.

5 (2) *EXEMPTION.*—Institutions in paragraph (1)
6 shall be exempt if they have a long-standing policy of
7 pacifism based on historical religious affiliation.

8 (3) *COVERED STUDENTS.*—Students referred to
9 in paragraph (1) are individuals who are 17 years of
10 age or older.

11 (b) *PROCEDURES FOR DETERMINATION.*—The Sec-
12 retary of Defense, in consultation with the Secretary of
13 Education, shall prescribe regulations that contain proce-
14 dures for determining if and when an educational institu-
15 tion has denied or prevented access to students or informa-
16 tion described in subsection (a).

17 (c) *DEFINITION.*—For purposes of this section, the
18 term “directory information” means, with respect to a stu-
19 dent, the student’s name, address, telephone listing, date
20 and place of birth, level of education, degrees received, and
21 the most recent previous educational institution enrolled in
22 by the student.

1 **SEC. 1026. MAINTAINING FUNDING FOR THE INDIVIDUALS**
2 **WITH DISABILITIES EDUCATION ACT.**

3 *Section 611 of the Individuals with Disabilities Edu-*
4 *cation Act is amended to add the following new subsection:*

5 *“(k) CONTINUATION OF AUTHORIZATION.—For fiscal*
6 *year 2012 and each fiscal year thereafter, there are author-*
7 *ized to be appropriated such sums as may be necessary for*
8 *the purpose of carrying out this part, other than section*
9 *619.”.*

10 **SEC. 1027. SCHOOL RESOURCE OFFICER PROJECTS.**

11 *(a) COPS PROGRAM.—Section 1701(d) of title I of the*
12 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
13 *U.S.C. 3796dd(d)) is amended—*

14 *(1) in paragraph (7) by inserting “school offi-*
15 *cial,” after “enforcement officers”; and*

16 *(2) by striking paragraph (8) and inserting the*
17 *following:*

18 *“(8) establish school-based partnerships between local*
19 *law enforcement agencies and local school systems, by*
20 *using school resource officers who operate in and*
21 *around elementary and secondary schools to serve as*
22 *a law enforcement liaison with other Federal, State,*
23 *and local law enforcement and regulatory agencies,*
24 *combat school-related crime and disorder problems,*
25 *gang membership and criminal activity, firearms and*
26 *explosives-related incidents, illegal use and possession*

1 of alcohol, and the illegal possession, use, and dis-
2 tribution of drugs;”.

3 (b) *SCHOOL RESOURCE OFFICER*.—Section 1709(4) of
4 title I of the Omnibus Crime Control and Safe Streets Act
5 of 1968 (42 U.S.C. 3796dd–8) is amended—

6 (1) by striking subparagraph (A) and inserting
7 the following:

8 “(A) to serve as a law enforcement liaison with
9 other Federal, State, and local law enforcement
10 and regulatory agencies, to address and docu-
11 ment crime and disorder problems including
12 gangs and drug activities, firearms and explo-
13 sives-related incidents, and the illegal use and
14 possession of alcohol affecting or occurring in or
15 around an elementary or secondary school;

16 (2) by striking subparagraph (E) and inserting
17 the following:

18 “(E) to train students in conflict resolution, re-
19 storative justice, and crime awareness, and to
20 provide assistance to and coordinate with other
21 officers, mental health professionals, and youth
22 counselors who are responsible for the implemen-
23 tation of prevention/intervention programs with-
24 in the schools;”; and

25 (3) by adding at the end the following:

1 “(H) to work with school administrators,
2 members of the local parent teacher associations,
3 community organizers, law enforcement, fire de-
4 partments, and emergency medical personnel in
5 the creation, review, and implementation of a
6 school violence prevention plan;

7 “(I) to assist in documenting the full de-
8 scription of all firearms found or taken into cus-
9 tody on school property and to initiate a fire-
10 arms trace and ballistics examination for each
11 firearm with the local office of the Bureau of Al-
12 cohol, Tobacco, and Firearms;

13 “(J) to document the full description of all
14 explosives or explosive devices found or taken
15 into custody on school property and report to the
16 local office of the Bureau of Alcohol, Tobacco,
17 and Firearms; and

18 “(K) to assist school administrators with
19 the preparation of the Department of Education,
20 Annual Report on State Implementation of the
21 Gun-Free Schools Act which tracks the number of
22 students expelled per year for bringing a weap-
23 on, firearm, or explosive to school.”.

24 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
25 1001(a)(11) of title I of the Omnibus Crime Control and

1 *Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amend-*
2 *ed by adding at the end the following:*

3 “(C) *There are authorized to be appropriated to carry*
4 *out school resource officer activities under sections*
5 *1701(d)(8) and 1709(4), to remain available until expended*
6 *\$180,000,000 for each of fiscal year 2002 through 2007.”.*

7 **SEC. 1028. BOYS AND GIRLS CLUBS OF AMERICA.**

8 *Section 401 of the Economic Espionage Act of 1966*
9 *(42 U.S.C. 13751 note) is amended—*

10 (1) *in subsection (a)(2)—*

11 (A) *by striking “1,000” and inserting*
12 *“1,200”;*

13 (B) *by striking “2,500” and inserting*
14 *“4,000”; and*

15 (C) *by striking “December 31, 1999” and*
16 *inserting “December 31, 2006, serving not less*
17 *than 6,000,000 young people”;*

18 (2) *in subsection (c)—*

19 (A) *in paragraph (1), by striking “1997,*
20 *1998, 1999, 2000, and 2001” and inserting*
21 *“2002, 2003, 2004, 2005, and 2006”; and*

22 (B) *in paragraph (2)—*

23 (i) *in the matter preceding subpara-*
24 *graph (A), by striking “90 days” and in-*
25 *serting “30 days”;*

1 (ii) in subparagraph (A), by striking
2 “1,000” and inserting “1,200”; and

3 (iii) in subparagraph (B), by striking
4 “2,500 Boys and Girls Clubs of America fa-
5 cilities in operation before January 1,
6 2000” and inserting “4,000 Boys and Girls
7 Clubs of America facilities in operation be-
8 fore January 1, 2007”; and

9 (3) in subsection (e), by striking paragraph (1)
10 and inserting the following:

11 “(1) *IN GENERAL.*—There are authorized to be
12 appropriated to carry out this section—

13 “(A) \$60,000,000 for fiscal year 2002;

14 “(B) \$60,000,000 for fiscal year 2003;

15 “(C) \$60,000,000 for fiscal year 2004;

16 “(D) \$60,000,000 for fiscal year 2005; and

17 “(E) \$60,000,000 for fiscal year 2006.”.

18 **SEC. 1029. FEDERAL INCOME TAX INCENTIVE STUDY.**

19 (a) *IN GENERAL.*—The Secretary of Education shall
20 provide for the conduct of a study to examine whether Fed-
21 eral income tax incentives that provide education assistance
22 affect higher education tuition rates.

23 (b) *DATE.*—The study described in subsection (a) shall
24 be conducted not later than 6 months after the date of enact-
25 ment of this Act and every 4 years thereafter.

1 (c) *REPORT.*—*The Secretary shall report to Congress*
2 *the results of each study conducted under this section.*

3 **SEC. 1030. CARL D. PERKINS VOCATIONAL AND TECHNICAL**
4 **EDUCATION ACT OF 1998.**

5 (a) *IN GENERAL.*—*Section 117 of the Carl D. Perkins*
6 *Vocational and Technical Education Act of 1998 (20 U.S.C.*
7 *2327) is amended—*

8 (1) *in subsection (a), by inserting “that are not*
9 *receiving Federal support under the Tribally Con-*
10 *trolled College or University Assistance Act of 1978*
11 *(25 U.S.C. 1801 et seq.) or the Navajo Community*
12 *College Act (25 U.S.C. 640a et seq.)” after “institu-*
13 *tions”;*

14 (2) *in subsection (b), by adding “institutional*
15 *support of” after “for”;*

16 (3) *in subsection (d), by inserting “that is not*
17 *receiving Federal support under the Tribally Con-*
18 *trolled College or University Assistance Act of 1978*
19 *(25 U.S.C. 1801 et seq.) or the Navajo Community*
20 *College Act (25 U.S.C. 640a et seq.)” after “institu-*
21 *tion”;* *and*

22 (4) *in subsection (e)(1)—*

23 (A) *by striking “and” at the end of sub-*
24 *paragraph (B);*

1 (3) *The contributions and sacrifices of the men*
2 *and women who served in the Armed Forces have been*
3 *vital in maintaining our freedoms and way of life.*

4 (4) *The advent of the all-volunteer Armed Forces*
5 *has resulted in a sharp decline in the number of indi-*
6 *viduals and families who have had any personal con-*
7 *nection with the Armed Forces.*

8 (5) *This reduction in familiarity with the Armed*
9 *Forces has resulted in a marked decrease in the*
10 *awareness by young people of the nature and impor-*
11 *tance of the accomplishments of those who have served*
12 *in our Armed Forces, despite the current educational*
13 *efforts of the Department of Veterans Affairs and the*
14 *veterans service organizations.*

15 (6) *Our system of civilian control of the Armed*
16 *Forces makes it essential that the Nation's future*
17 *leaders understand the history of military action and*
18 *the contributions and sacrifices of those who conduct*
19 *such actions.*

20 (7) *Senate Resolution 304 of the 106th Congress,*
21 *adopted on September 25, 2000, designated the week*
22 *that includes Veterans Day as "National Veterans*
23 *Awareness Week" to focus attention on educating ele-*
24 *mentary and secondary school students about the con-*
25 *tributions of veterans to the Nation.*

1 **(b) SENSE OF CONGRESS.**—*It is the sense of the Con-*
2 *gress that the Secretary of Education should work with the*
3 *Secretary of Veterans Affairs, the Veterans Day National*
4 *Committee, and the veterans service organizations to en-*
5 *courage, prepare, and disseminate educational materials*
6 *and activities for elementary and secondary school students*
7 *aimed at increasing awareness of the contributions of vet-*
8 *erans to the prosperity and freedoms enjoyed by United*
9 *States citizens.*

10 **SEC. 1032. TECHNICAL AMENDMENT TO THE KIDS 2000 ACT.**

11 *Amounts appropriated pursuant to section 112(f)(1)*
12 *of the Kids 2000 Act (42 U.S.C. 13751 note) and the initia-*
13 *tive to be carried out under such Act shall be administered*
14 *by the Secretary of Education.*

15 **SEC. 1033. PEST MANAGEMENT IN SCHOOLS.**

16 **(a) SHORT TITLE.**—*This section may be cited as the*
17 *“School Environment Protection Act of 2001”.*

18 **(b) PEST MANAGEMENT.**—*The Federal Insecticide,*
19 *Fungicide, and Rodenticide Act is amended—*

20 **(1)** *by redesignating sections 33 and 34 (7*
21 *U.S.C. 136x, 136y) as sections 34 and 35, respec-*
22 *tively; and*

23 **(2)** *by inserting after section 32 (7 U.S.C. 136w–*
24 *7) the following:*

1 **“SEC. 33. PEST MANAGEMENT IN SCHOOLS.**2 “(a) *DEFINITIONS.*—*In this section:*3 “(1) *BAIT.*—*The term ‘bait’ means a pesticide*
4 *that contains an ingredient that serves as a feeding*
5 *stimulant, odor, pheromone, or other attractant for a*
6 *target pest.*7 “(2) *CONTACT PERSON.*—*The term ‘contact per-*
8 *son’ means an individual who is—*9 “(A) *knowledgeable about school pest man-*
10 *agement plans; and*11 “(B) *designated by a local educational*
12 *agency to carry out implementation of the school*
13 *pest management plan of a school.*14 “(3) *EMERGENCY.*—*The term ‘emergency’ means*
15 *an urgent need to mitigate or eliminate a pest that*
16 *threatens the health or safety of a student or staff*
17 *member.*18 “(4) *LOCAL EDUCATIONAL AGENCY.*—*The term*
19 *‘local educational agency’ has the meaning given the*
20 *term in section 3 of the Elementary and Secondary*
21 *Education Act of 1965.*22 “(5) *SCHOOL.*—23 “(A) *IN GENERAL.*—*The term ‘school’ means*
24 *a public—*

1 “(i) elementary school (as defined in
2 section 3 of the *Elementary and Secondary*
3 *Education Act of 1965*);

4 “(ii) secondary school (as defined in
5 section 3 of the Act);

6 “(iii) kindergarten or nursery school
7 that is part of an elementary school or sec-
8 ondary school; or

9 “(iv) tribally-funded school.

10 “(B) *INCLUSIONS*.—The term ‘school’ in-
11 cludes any school building, and any area outside
12 of a school building (including a lawn, play-
13 ground, sports field, and any other property or
14 facility), that is controlled, managed, or owned
15 by the school or school district.

16 “(6) *SCHOOL PEST MANAGEMENT PLAN*.—The
17 term ‘school pest management plan’ means a pest
18 management plan developed under subsection (b).

19 “(7) *STAFF MEMBER*.—

20 “(A) *IN GENERAL*.—The term ‘staff member’
21 means a person employed at a school or local
22 educational agency.

23 “(B) *EXCLUSIONS*.—The term ‘staff mem-
24 ber’ does not include—

1 “(i) a person hired by a school, local
2 educational agency, or State to apply a pes-
3 ticide; or

4 “(ii) a person assisting in the applica-
5 tion of a pesticide.

6 “(8) *STATE AGENCY*.—The term ‘State agency’
7 means the an agency of a State, or an agency of an
8 Indian tribe or tribal organization (as those terms
9 are defined in section 4 of the Indian Self-Determina-
10 tion and Education Assistance Act (25 U.S.C. 450b)),
11 that exercises primary jurisdiction over matters relat-
12 ing to pesticide regulation.

13 “(9) *UNIVERSAL NOTIFICATION*.—The term ‘uni-
14 versal notification’ means notice provided by a local
15 educational agency or school to—

16 “(A) parents, legal guardians, or other per-
17 sons with legal standing as parents of each child
18 attending the school; and

19 “(B) staff members of the school.

20 “(b) *SCHOOL PEST MANAGEMENT PLANS*.—

21 “(1) *STATE PLANS*.—

22 “(A) *GUIDANCE*.—As soon as practicable
23 (but not later than 180 days) after the date of
24 enactment of the School Environment Protection

1 *Act of 2001, the Administrator shall develop, in*
2 *accordance with this section—*

3 *“(i) guidance for a school pest manage-*
4 *ment plan; and*

5 *“(ii) a sample school pest management*
6 *plan.*

7 *“(B) PLAN.—As soon as practicable (but*
8 *not later than 1 year) after the date of enact-*
9 *ment of the School Environment Protection Act*
10 *of 2001, each State agency shall develop and sub-*
11 *mit to the Administrator for approval, as part*
12 *of the State cooperative agreement under section*
13 *23, a school pest management plan for local edu-*
14 *cational agencies in the State.*

15 *“(C) COMPONENTS.—A school pest manage-*
16 *ment plan developed under subparagraph (B)*
17 *shall, at a minimum—*

18 *“(i) implement a system that—*

19 *“(I) eliminates or mitigates health*
20 *risks, or economic or aesthetic damage,*
21 *caused by pests;*

22 *“(II) employs—*

23 *“(aa) integrated methods;*

24 *“(bb) site or pest inspection;*

1 “(cc) pest population moni-
2 toring; and

3 “(dd) an evaluation of the
4 need for pest management; and

5 “(III) is developed taking into
6 consideration pest management alter-
7 natives (including sanitation, struc-
8 tural repair, and mechanical, biologi-
9 cal, cultural, and pesticide strategies)
10 that minimize health and environ-
11 mental risks;

12 “(ii) require, for pesticide applications
13 at the school, universal notification to be
14 provided—

15 “(I) at the beginning of the school
16 year;

17 “(II) at the midpoint of the school
18 year; and

19 “(III) at the beginning of any
20 summer session, as determined by the
21 school;

22 “(iii) establish a registry of staff mem-
23 bers of a school, and of parents, legal guard-
24 ians, or other persons with legal standing as
25 parents of each child attending the school,

1 that have requested to be notified in ad-
2 vance of any pesticide application at the
3 school;

4 “(iv) establish guidelines that are con-
5 sistent with the definition of a school pest
6 management plan under subsection (a);

7 “(v) require that each local educational
8 agency use a certified applicator or a per-
9 son authorized by the State agency to im-
10 plement the school pest management plans;

11 “(vi) be consistent with the State coop-
12 erative agreement under section 23; and

13 “(vii) require the posting of signs in
14 accordance with paragraph (4)(G).

15 “(D) APPROVAL BY ADMINISTRATOR.—Not
16 later than 90 days after receiving a school pest
17 management plan submitted by a State agency
18 under subparagraph (B), the Administrator
19 shall—

20 “(i) determine whether the school pest
21 management plan, at a minimum, meets
22 the requirements of subparagraph (C); and

23 “(ii)(I) if the Administrator deter-
24 mines that the school pest management plan
25 meets the requirements, approve the school

1 *pest management plan as part of the State*
2 *cooperative agreement; or*

3 *“(II) if the Administrator determines*
4 *that the school pest management plan does*
5 *not meet the requirements—*

6 *“(aa) disapprove the school pest*
7 *management plan;*

8 *“(bb) provide the State agency*
9 *with recommendations for and assist-*
10 *ance in revising the school pest man-*
11 *agement plan to meet the requirements;*
12 *and*

13 *“(cc) provide a 90-day deadline*
14 *by which the State agency shall resub-*
15 *mit the revised school pest management*
16 *plan to obtain approval of the plan, in*
17 *accordance with the State cooperative*
18 *agreement.*

19 *“(E) DISTRIBUTION OF STATE PLAN TO*
20 *SCHOOLS.—On approval of the school pest man-*
21 *agement plan of a State agency, the State agency*
22 *shall make the school pest management plan*
23 *available to each local educational agency in the*
24 *State.*

1 “(F) *EXCEPTION FOR EXISTING STATE*
2 *PLANS.—If, on the date of enactment of the*
3 *School Environment Protection Act of 2001, a*
4 *State has implemented a school pest management*
5 *plan that, at a minimum, meets the require-*
6 *ments under subparagraph (C) (as determined*
7 *by the Administrator), the State agency may*
8 *maintain the school pest management plan and*
9 *shall not be required to develop a new school pest*
10 *management plan under subparagraph (B).*

11 “(2) *IMPLEMENTATION BY LOCAL EDUCATIONAL*
12 *AGENCIES.—*

13 “(A) *IN GENERAL.—Not later than 1 year*
14 *after the date on which a local educational agen-*
15 *cy receives a copy of a school pest management*
16 *plan of a State agency under paragraph (1)(E),*
17 *the local educational agency shall develop and*
18 *implement in each of the schools under the juris-*
19 *isdiction of the local educational agency a school*
20 *pest management plan that meets the standards*
21 *and requirements under the school pest manage-*
22 *ment plan of the State agency, as determined by*
23 *the Administrator.*

24 “(B) *EXCEPTION FOR EXISTING PLANS.—If,*
25 *on the date of enactment of the School Environ-*

1 *ment Protection Act of 2001, a State maintains*
2 *a school pest management plan that, at a min-*
3 *imum, meets the standards and criteria estab-*
4 *lished under this section (as determined by the*
5 *Administrator), and a local educational agency*
6 *in the State has implemented the State school*
7 *pest management plan, the local educational*
8 *agency may maintain the school pest manage-*
9 *ment plan and shall not be required to develop*
10 *and implement a new school pest management*
11 *plan under subparagraph (A).*

12 “(C) *APPLICATION OF PESTICIDES AT*
13 *SCHOOLS.—A school pest management plan shall*
14 *prohibit—*

15 “(i) *the application of a pesticide to*
16 *any area or room at a school while the area*
17 *or room is occupied or in use by students*
18 *or staff members (except students and staff*
19 *participating in regular or vocational agri-*
20 *cultural instruction involving the use of*
21 *pesticides); and*

22 “(ii) *the use by students or staff mem-*
23 *bers of an area or room treated with a pes-*
24 *ticide by broadcast spraying, baseboard*
25 *spraying, tenting, or fogging during—*

1 “(I) the period specified on the
2 label of the pesticide during which a
3 treated area or room should remain
4 unoccupied; or

5 “(II) if there is no period speci-
6 fied on the label, the 24-hour period be-
7 ginning at the end of the treatment.

8 “(3) CONTACT PERSON.—

9 “(A) IN GENERAL.—Each local educational
10 agency shall designate a contact person to carry
11 out a school pest management plan in schools
12 under the jurisdiction of the local educational
13 agency.

14 “(B) DUTIES.—The contact person of a
15 local educational agency shall—

16 “(i) maintain information about the
17 scheduling of pesticide applications in each
18 school under the jurisdiction of the local
19 educational agency;

20 “(ii) act as a contact for inquiries, and
21 disseminate information requested by par-
22 ents or guardians, about the school pest
23 management plan;

24 “(iii) maintain and make available to
25 parents, legal guardians, or other persons

1 *with legal standing as parents of each child*
2 *attending the school, before and during the*
3 *notice period and after application—*

4 “(I) *copies of material safety data*
5 *sheet for pesticides applied at the*
6 *school, or copies of material safety data*
7 *sheets for end-use dilutions of pes-*
8 *ticides applied at the school, if data*
9 *sheets are available;*

10 “(II) *labels and fact sheets ap-*
11 *proved by the Administrator for all*
12 *pesticides that may be used by the local*
13 *educational agency; and*

14 “(III) *any final official informa-*
15 *tion related to the pesticide, as pro-*
16 *vided to the local educational agency*
17 *by the State agency; and*

18 “(iv) *for each school, maintain all pes-*
19 *ticide use data for each pesticide used at the*
20 *school (other than antimicrobial pesticides*
21 *(as defined in clauses (i) and (ii) of section*
22 *2(mm)(1)(A))) for at least 3 years after the*
23 *date on which the pesticide is applied; and*

24 “(v) *make that data available for in-*
25 *spection on request by any person.*

1 “(4) NOTIFICATION.—

2 “(A) UNIVERSAL NOTIFICATION.—*At the be-*
3 *ginning of each school year, at the midpoint of*
4 *each school year, and at the beginning of any*
5 *summer session (as determined by the school), a*
6 *local educational agency or school shall provide*
7 *to staff members of a school, and to parents, legal*
8 *guardians, and other persons with legal standing*
9 *as parents of students enrolled at the school, a*
10 *notice describing the school pest management*
11 *plan that includes—*

12 “(i) *a summary of the requirements*
13 *and procedures under the school pest man-*
14 *agement plan;*

15 “(ii) *a description of any potential*
16 *pest problems that the school may experi-*
17 *ence (including a description of the proce-*
18 *dures that may be used to address those*
19 *problems);*

20 “(iii) *the address, telephone number,*
21 *and website address of the Office of Pes-*
22 *ticide Programs of the Environmental Pro-*
23 *tection Agency; and*

1 “(iv) the following statement (includ-
2 ing information to be supplied by the school
3 as indicated in brackets):

4 ‘As part of a school pest management plan, _____
5 (insert school name) may use pesticides to control pests. The
6 Environmental Protection Agency (EPA) and _____
7 (insert name of State agency exercising jurisdiction over
8 pesticide registration and use) registers pesticides for that
9 use. EPA continues to examine registered pesticides to de-
10 termine that use of the pesticides in accordance with in-
11 structions printed on the label does not pose unreasonable
12 risks to human health and the environment. Nevertheless,
13 EPA cannot guarantee that registered pesticides do not pose
14 risks, and unnecessary exposure to pesticides should be
15 avoided. Based in part on recommendations of a 1993 study
16 by the National Academy of Sciences that reviewed reg-
17 istered pesticides and their potential to cause unreasonable
18 adverse effects on human health, particularly on the health
19 of pregnant women, infants, and children, Congress enacted
20 the Food Quality Protection Act of 1996. That law requires
21 EPA to reevaluate all registered pesticides and new pes-
22 ticides to measure their safety, taking into account the
23 unique exposures and sensitivity that pregnant women, in-
24 fants, and children may have to pesticides. EPA review
25 under that law is ongoing. You may request to be notified

1 *at least 24 hours in advance of pesticide applications to*
2 *be made and receive information about the applications by*
3 *registering with the school. Certain pesticides used by the*
4 *school (including baits, pastes, and gels) are exempt from*
5 *notification requirements. If you would like more informa-*
6 *tion concerning any pesticide application or any product*
7 *used at the school, contact _____ (insert name and*
8 *phone number of contact person)'.*

9 “(B) NOTIFICATION TO PERSONS ON REG-
10 ISTRY.—

11 “(i) IN GENERAL.—*Except as provided*
12 *in clause (ii) and paragraph (5)—*

13 “(I) *notice of an upcoming pes-*
14 *ticide application at a school shall be*
15 *provided to each person on the registry*
16 *of the school not later than 24 hours*
17 *before the end of the last business day*
18 *during which the school is in session*
19 *that precedes the day on which the ap-*
20 *plication is to be made; and*

21 “(II) *the application of a pes-*
22 *ticide for which a notice is given under*
23 *subclause (I) shall not commence before*
24 *the end of the business day.*

1 “(ii) *NOTIFICATION CONCERNING PESTICIDES USED IN CURRICULA.*—If pesticides
2 are used as part of a regular vocational agricultural curriculum of the school, a notice
3 containing the information described in
4 subclauses (I), (IV), (VI), and (VII) of
5 clause (iii) for all pesticides that may be
6 used as a part of that curriculum shall be
7 provided to persons on the registry only
8 once at the beginning of each academic term
9 of the school.

10 “(iii) *CONTENTS OF NOTICE.*—A notice
11 under clause (i) shall contain—

12 “(I) the trade name, common
13 name (if applicable), and Environmental Protection Agency registration
14 number of each pesticide to be applied;

15 “(II) a description of each location
16 at the school at which a pesticide
17 is to be applied;

18 “(III) a description of the date
19 and time of application, except that, in
20 the case of an outdoor pesticide application, a notice shall include at least 3
21 dates, in chronological order, on which
22
23
24
25

1 *the outdoor pesticide application may*
2 *take place if the preceding date is can-*
3 *celed;*

4 “(IV) *all information supplied to*
5 *the local educational agency by the*
6 *State agency, including a description*
7 *of potentially acute and chronic effects*
8 *that may result from exposure to each*
9 *pesticide to be applied based on—*

10 “(aa) *a description of poten-*
11 *tially acute and chronic effects*
12 *that may result from exposure to*
13 *each pesticide to be applied, as*
14 *stated on the label of the pesticide*
15 *approved by the Administrator;*

16 “(bb) *information derived*
17 *from the material safety data*
18 *sheet for the end-use dilution of*
19 *the pesticide to be applied (if*
20 *available) or the material safety*
21 *data sheets; and*

22 “(cc) *final, official informa-*
23 *tion related to the pesticide pre-*
24 *pared by the Administrator and*

1 *provided to the local educational*
2 *agency by the State agency;*

3 “(V) *a description of the purpose*
4 *of the application of the pesticide;*

5 “(VI) *the address, telephone num-*
6 *ber, and website address of the Office of*
7 *Pesticide Programs of the Environ-*
8 *mental Protection Agency; and*

9 “(VII) *the statement described in*
10 *subparagraph (A)(iv) (other than the*
11 *ninth sentence of that statement).*

12 “(C) *NOTIFICATION AND POSTING EXEMP-*
13 *TION.—A notice or posting of a sign under sub-*
14 *paragraph (A), (B), or (G) shall not be required*
15 *for the application at a school of—*

16 “(i) *an antimicrobial pesticide;*

17 “(ii) *a bait, gel, or paste that is*
18 *placed—*

19 “(I) *out of reach of children or in*
20 *an area that is not accessible to chil-*
21 *dren; or*

22 “(II) *in a tamper-resistant or*
23 *child-resistant container or station;*
24 *and*

1 “(iii) any pesticide that, as of the date
2 of enactment of the School Environment
3 Protection Act of 2001, is exempt from the
4 requirements of this Act under section 25(b)
5 (including regulations promulgated at sec-
6 tion 152 of title 40, Code of Federal Regula-
7 tions (or any successor regulation)).

8 “(D) NEW STAFF MEMBERS AND STU-
9 DENTS.—After the beginning of each school year,
10 a local educational agency or school within a
11 local educational agency shall provide each no-
12 tice required under subparagraph (A) to—

13 “(i) each new staff member who is em-
14 ployed during the school year; and

15 “(ii) the parent or guardian of each
16 new student enrolled during the school year.

17 “(E) METHOD OF NOTIFICATION.—A local
18 educational agency or school may provide a no-
19 tice under this subsection, using information de-
20 scribed in paragraph (4), in the form of—

21 “(i) a written notice sent home with
22 the students and provided to staff members;

23 “(ii) a telephone call;

24 “(iii) direct contact;

1 “(iv) a written notice mailed at least
2 1 week before the application; or

3 “(v) a notice delivered electronically
4 (such as through electronic mail or fac-
5 simile).

6 “(F) REISSUANCE.—If the date of the appli-
7 cation of the pesticide needs to be extended be-
8 yond the period required for notice under this
9 paragraph, the school shall issue a notice con-
10 taining only the new date and location of appli-
11 cation.

12 “(G) POSTING OF SIGNS.—

13 “(i) IN GENERAL.—Except as provided
14 in paragraph (5)—

15 “(I) a school shall post a sign not
16 later than the last business day during
17 which school is in session preceding the
18 date of application of a pesticide at the
19 school; and

20 “(II) the application for which a
21 sign is posted under subclause (I) shall
22 not commence before the time that is
23 24 hours after the end of the business
24 day on which the sign is posted.

1 “(i) *LOCATION*.—A sign shall be post-
2 *ed under clause (i)*—

3 “(I) *at a central location notice-*
4 *able to individuals entering the build-*
5 *ing; and*

6 “(II) *at the proposed site of appli-*
7 *cation.*

8 “(iii) *ADMINISTRATION*.—A sign re-
9 *quired to be posted under clause (i) shall—*

10 “(I) *remain posted for at least 24*
11 *hours after the end of the application;*

12 “(II) *be—*

13 “(aa) *at least 8½ inches by*
14 *11 inches for signs posted inside*
15 *the school; and*

16 “(bb) *at least 4 inches by 5*
17 *inches for signs posted outside the*
18 *school; and*

19 “(III) *contain—*

20 “(aa) *information about the*
21 *pest problem for which the appli-*
22 *cation is necessary;*

23 “(bb) *the name of each pes-*
24 *ticide to be used;*

25 “(cc) *the date of application;*

1 “(dd) the name and tele-
2 phone number of the designated
3 contact person; and

4 “(ee) the statement contained
5 in subparagraph (A)(iv).

6 “(iv) *OUTDOOR PESTICIDE APPLICA-*
7 *TIONS.—*

8 “(I) *IN GENERAL.—In the case of*
9 *an outdoor pesticide application at a*
10 *school, each sign shall include at least*
11 *3 dates, in chronological order, on*
12 *which the outdoor pesticide application*
13 *may take place if the preceding date is*
14 *canceled.*

15 “(II) *DURATION OF POSTING.—A*
16 *sign described in subclause (I) shall be*
17 *posted after an outdoor pesticide appli-*
18 *cation in accordance with clauses (ii)*
19 *and (iii).*

20 “(5) *EMERGENCIES.—*

21 “(A) *IN GENERAL.—A school may apply a*
22 *pesticide at the school without complying with*
23 *this part in an emergency, subject to subpara-*
24 *graph (B).*

1 “(B) *SUBSEQUENT NOTIFICATION OF PAR-*
2 *ENTS, GUARDIANS, AND STAFF MEMBERS.*—*Not*
3 *later than the earlier of the time that is 24 hours*
4 *after a school applies a pesticide under this*
5 *paragraph or on the morning of the next busi-*
6 *ness day, the school shall provide to each parent*
7 *or guardian of a student listed on the registry,*
8 *a staff member listed on the registry, and the*
9 *designated contact person, notice of the applica-*
10 *tion of the pesticide in an emergency that*
11 *includes—*

12 “(i) *the information required for a no-*
13 *tice under paragraph (4)(G); and*

14 “(ii) *a description of the problem and*
15 *the factors that required the application of*
16 *the pesticide to avoid a threat to the health*
17 *or safety of a student or staff member.*

18 “(C) *METHOD OF NOTIFICATION.*—*The*
19 *school may provide the notice required by para-*
20 *graph (B) by any method of notification de-*
21 *scribed in paragraph (4)(E).*

22 “(D) *POSTING OF SIGNS.*—*Immediately*
23 *after the application of a pesticide under this*
24 *paragraph, a school shall post a sign warning of*

- “(4) *Local educational agency.*
- “(5) *School.*
- “(6) *Staff member.*
- “(7) *State agency.*
- “(8) *Universal notification.*
- “(b) *School pest management plans.*
 - “(1) *State plans.*
 - “(2) *Implementation by local educational agencies.*
 - “(3) *Contact person.*
 - “(4) *Notification.*
 - “(5) *Emergencies.*
- “(c) *Relationship to State and local requirements.*
- “(d) *Authorization of appropriations.*
- “*Sec. 34. Severability.*
- “*Sec. 35. Authorization of appropriations.*”.

1 (d) *EFFECTIVE DATE.—This section and the amend-*
 2 *ments made by this section take effect on October 1, 2001.*

3 **TITLE XI—TEACHER** 4 **PROTECTION**

5 **SEC. 1101. TEACHER PROTECTION.**

6 *The Act (20 U.S.C. 6301 et seq.) is amended by adding*
 7 *at the end the following:*

8 **“TITLE X—TEACHER** 9 **PROTECTION**

10 **“SEC. 10001. SHORT TITLE.**

11 *“This title may be cited as the ‘Paul D. Coverdell*
 12 *Teacher Protection Act of 2001’.*

13 **“SEC. 10002. FINDINGS AND PURPOSE.**

14 “(a) *FINDINGS.—Congress makes the following find-*
 15 *ings:*

16 “(1) *The ability of teachers, principals and other*
 17 *school professionals to teach, inspire and shape the in-*
 18 *tellect of our Nation’s elementary and secondary*

1 *school students is deterred and hindered by frivolous*
2 *lawsuits and litigation.*

3 *“(2) Each year more and more teachers, prin-*
4 *cipals and other school professionals face lawsuits for*
5 *actions undertaken as part of their duties to provide*
6 *millions of school children quality educational oppor-*
7 *tunities.*

8 *“(3) Too many teachers, principals and other*
9 *school professionals face increasingly severe and ran-*
10 *dom acts of violence in the classroom and in schools.*

11 *“(4) Providing teachers, principals and other*
12 *school professionals a safe and secure environment is*
13 *an important part of the effort to improve and ex-*
14 *pend educational opportunities, which are critical for*
15 *the continued economic development of the United*
16 *States.*

17 *“(5) Frivolous lawsuits against teachers main-*
18 *taining order in the classroom impose significant fi-*
19 *nancial burdens on local educational agencies, and*
20 *deprive the agencies of funds that would best be used*
21 *for educating students.*

22 *“(6) Clarifying and limiting the liability of*
23 *teachers, principals and other school professionals*
24 *who undertake reasonable actions to maintain order,*
25 *discipline and an appropriate educational environ-*

1 *ment is an appropriate subject of Federal legislation*
2 *because—*

3 *“(A) the scope of the problems created by the*
4 *legitimate fears of teachers, principals and other*
5 *school professionals about frivolous, arbitrary or*
6 *capricious lawsuits against teachers is of na-*
7 *tional importance; and*

8 *“(B) millions of children and their families*
9 *across the Nation depend on teachers, principals*
10 *and other school professionals for the intellectual*
11 *development of children.*

12 *“(b) PURPOSE.—The purpose of this title is to provide*
13 *teachers, principals and other school professionals the tools*
14 *they need to undertake reasonable actions to maintain*
15 *order, discipline, and an appropriate educational environ-*
16 *ment.*

17 **“SEC. 10003. PREEMPTION AND ELECTION OF STATE NON-**
18 **APPLICABILITY.**

19 *“(a) PREEMPTION.—This title preempts the laws of*
20 *any State to the extent that such laws are inconsistent with*
21 *this title, except that this title shall not preempt any State*
22 *law that provides additional protection from liability relat-*
23 *ing to teachers.*

24 *“(b) ELECTION OF STATE REGARDING NONAPPLICA-*
25 *BILITY.—This title shall not apply to any civil action in*

1 *a State court against a teacher with respect to claims arising*
2 *within that State if such State enacts a statute in accordance*
3 *with State requirements for enacting legislation—*

4 “(1) *citing the authority of this subsection;*

5 “(2) *declaring the election of such State that this*
6 *title shall not apply, as of a date certain, to such civil*
7 *action in the State; and*

8 “(3) *containing no other provisions.*

9 **“SEC. 10004. LIMITATION ON LIABILITY FOR TEACHERS.**

10 “(a) *LIABILITY PROTECTION FOR TEACHERS.—Except*
11 *as provided in subsections (b) through (d), no teacher in*
12 *a school shall be liable for harm caused by an act or omission*
13 *of the teacher on behalf of the school if—*

14 “(1) *the teacher was acting within the scope of*
15 *the teacher’s employment or responsibilities related to*
16 *providing educational services;*

17 “(2) *the actions of the teacher were carried out*
18 *in conformity with local, State, and Federal laws (including*
19 *rules and regulations) in furtherance of efforts to control,*
20 *discipline, expel, or suspend a student*
21 *or maintain order or control in the classroom or*
22 *school;*

23 “(3) *if appropriate or required, the teacher was*
24 *properly licensed, certified, or authorized by the appropriate*
25 *authorities for the activities or practice in*

1 *the State in which the harm occurred, where the ac-*
2 *tivities were or practice was undertaken within the*
3 *scope of the teacher’s responsibilities;*

4 “(4) *the harm was not caused by willful or*
5 *criminal misconduct, gross negligence, reckless mis-*
6 *conduct, or a conscious, flagrant indifference to the*
7 *rights or safety of the individual harmed by the teach-*
8 *er; and*

9 “(5) *the harm was not caused by the teacher op-*
10 *erating a motor vehicle, vessel, aircraft, or other vehi-*
11 *cle for which the State requires the operator or the*
12 *owner of the vehicle, craft, or vessel to—*

13 “(A) *possess an operator’s license; or*

14 “(B) *maintain insurance.*

15 “(b) *CONCERNING RESPONSIBILITY OF TEACHERS TO*
16 *SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this*
17 *section shall be construed to affect any civil action brought*
18 *by any school or any governmental entity against any*
19 *teacher of such school.*

20 “(c) *RULE OF CONSTRUCTION.—Nothing in this sec-*
21 *tion shall be construed to affect any State or local law (in-*
22 *cluding a rule or regulation) or policy pertaining to the*
23 *use of corporal punishment.*

24 “(d) *EXCEPTIONS TO TEACHER LIABILITY PROTEC-*
25 *TION.—If the laws of a State limit teacher liability subject*

1 *to 1 or more of the following conditions, such conditions*
2 *shall not be construed as inconsistent with this section:*

3 “(1) *A State law that requires a school or gov-*
4 *ernmental entity to adhere to risk management proce-*
5 *dures, including mandatory training of teachers.*

6 “(2) *A State law that makes the school or gov-*
7 *ernmental entity liable for the acts or omissions of its*
8 *teachers to the same extent as an employer is liable*
9 *for the acts or omissions of its employees.*

10 “(3) *A State law that makes a limitation of li-*
11 *ability inapplicable if the civil action was brought by*
12 *an officer of a State or local government pursuant to*
13 *State or local law.*

14 “(e) *LIMITATION ON PUNITIVE DAMAGES BASED ON*
15 *THE ACTIONS OF TEACHERS.—*

16 “(1) *GENERAL RULE.—Punitive damages may*
17 *not be awarded against a teacher in an action*
18 *brought for harm based on the action or omission of*
19 *a teacher acting within the scope of the teacher’s re-*
20 *sponsibilities to a school or governmental entity un-*
21 *less the claimant establishes by clear and convincing*
22 *evidence that the harm was proximately caused by an*
23 *action or omission of such teacher which constitutes*
24 *willful or criminal misconduct, or a conscious, fla-*

1 *grant indifference to the rights or safety of the indi-*
2 *vidual harmed.*

3 “(2) *CONSTRUCTION.*—*Paragraph (1) does not*
4 *create a cause of action for punitive damages and*
5 *does not preempt or supersede any Federal or State*
6 *law to the extent that such law would further limit*
7 *the award of punitive damages.*

8 “(f) *EXCEPTIONS TO LIMITATIONS ON LIABILITY.*—

9 “(1) *IN GENERAL.*—*The limitations on the liabil-*
10 *ity of a teacher under this title shall not apply to any*
11 *misconduct that—*

12 “(A) *constitutes a crime of violence (as that*
13 *term is defined in section 16 of title 18, United*
14 *States Code) or act of international terrorism (as*
15 *that term is defined in section 2331 of title 18,*
16 *United States Code) for which the defendant has*
17 *been convicted in any court;*

18 “(B) *involves a sexual offense, as defined by*
19 *applicable State law, for which the defendant has*
20 *been convicted in any court;*

21 “(C) *involves misconduct for which the de-*
22 *fendant has been found to have violated a Fed-*
23 *eral or State civil rights law; or*

24 “(D) *where the defendant was under the in-*
25 *fluence (as determined pursuant to applicable*

1 *State law) of intoxicating alcohol or any drug at*
2 *the time of the misconduct.*

3 “(2) *HIRING.—The limitations on the liability of*
4 *a teacher under this title shall not apply to mis-*
5 *conduct during background investigations, or during*
6 *other actions, involved in the hiring of a teacher.*

7 **“SEC. 10005. LIABILITY FOR NONECONOMIC LOSS.**

8 “(a) *GENERAL RULE.—In any civil action against a*
9 *teacher, based on an action or omission of a teacher acting*
10 *within the scope of the teacher’s responsibilities to a school*
11 *or governmental entity, the liability of the teacher for non-*
12 *economic loss shall be determined in accordance with sub-*
13 *section (b).*

14 “(b) *AMOUNT OF LIABILITY.—*

15 “(1) *IN GENERAL.—Each defendant who is a*
16 *teacher, shall be liable only for the amount of non-*
17 *economic loss allocated to that defendant in direct*
18 *proportion to the percentage of responsibility of that*
19 *defendant (determined in accordance with paragraph*
20 *(2)) for the harm to the claimant with respect to*
21 *which that defendant is liable. The court shall render*
22 *a separate judgment against each defendant in an*
23 *amount determined pursuant to the preceding sen-*
24 *tence.*

1 “(2) *PERCENTAGE OF RESPONSIBILITY.*—For
2 purposes of determining the amount of noneconomic
3 loss allocated to a defendant who is a teacher under
4 this section, the trier of fact shall determine the per-
5 centage of responsibility of each person responsible for
6 the claimant’s harm, whether or not such person is a
7 party to the action.

8 “(c) *RULE OF CONSTRUCTION.*—Nothing in this sec-
9 tion shall be construed to preempt or supersede any Federal
10 or State law that further limits the application of joint li-
11 ability in a civil action described in subsection (a), beyond
12 the limitations established in this section.

13 **“SEC. 10006. DEFINITIONS.**

14 *“For purposes of this title:*

15 “(1) *ECONOMIC LOSS.*—The term ‘economic loss’
16 means any pecuniary loss resulting from harm (in-
17 cluding the loss of earnings or other benefits related
18 to employment, medical expense loss, replacement
19 services loss, loss due to death, burial costs, and loss
20 of business or employment opportunities) to the extent
21 recovery for such loss is allowed under applicable
22 State law.

23 “(2) *HARM.*—The term ‘harm’ includes physical,
24 nonphysical, economic, and noneconomic losses.

1 “(3) *NONECONOMIC LOSSES.*—*The term ‘non-*
2 *economic losses’ means losses for physical and emo-*
3 *tional pain, suffering, inconvenience, physical im-*
4 *pairment, mental anguish, disfigurement, loss of en-*
5 *joyment of life, loss of society and companionship,*
6 *loss of consortium (other than loss of domestic serv-*
7 *ice), hedonic damages, injury to reputation and all*
8 *other nonpecuniary losses of any kind or nature.*

9 “(4) *SCHOOL.*—*The term ‘school’ means a public*
10 *or private kindergarten, a public or private elemen-*
11 *tary school or secondary school (as defined in section*
12 *14101, or a home school.*

13 “(5) *STATE.*—*The term ‘State’ means each of the*
14 *several States of the United States, the District of Co-*
15 *lumbia, the Commonwealth of Puerto Rico, the*
16 *United States Virgin Islands, Guam, American*
17 *Samoa, the Commonwealth of the Northern Mariana*
18 *Islands, any other territory or possession of the*
19 *United States, or any political subdivision of any*
20 *such State, territory, or possession.*

21 “(6) *TEACHER.*—*The term ‘teacher’ means a*
22 *teacher, instructor, principal, administrator, other*
23 *educational professional that works in a school, or an*
24 *individual member of a school board (as distinct from*
25 *the board itself).*

1 **“SEC. 10007. EFFECTIVE DATE.**

2 “(a) *IN GENERAL.*—*This title shall take effect 90 days*
 3 *after the date of the enactment of the Paul D. Coverdell*
 4 *Teacher Protection Act of 2001.*

5 “(b) *APPLICATION.*—*This title applies to any claim for*
 6 *harm caused by an act or omission of a teacher if that claim*
 7 *is filed on or after the effective date of the Paul D. Coverdell*
 8 *Teacher Protection Act of 2001, without regard to whether*
 9 *the harm that is the subject of the claim or the conduct*
 10 *that caused the harm occurred before such effective date.”.*

11 ***TITLE XII—NATIVE AMERICAN***
 12 ***EDUCATION IMPROVEMENT***

13 ***SEC. 1201. SHORT TITLE.***

14 *This title may be cited as the “Native American Edu-*
 15 *cation Improvement Act of 2001”.*

16 ***Subtitle A—Amendments to the***
 17 ***Education Amendments of 1978***

18 ***SEC. 1211. AMENDMENTS TO THE EDUCATION AMEND-***
 19 ***MENTS OF 1978.***

20 *Part B of title XI of the Education Amendments of*
 21 *1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:*

22 ***“PART B—BUREAU OF INDIAN AFFAIRS***
 23 ***PROGRAMS***

24 ***“SEC. 1120. FINDING AND POLICY.***

25 “(a) *FINDING.*—*Congress finds and recognizes that—*

1 “(1) *the Federal Government’s unique and con-*
2 *tinuing trust relationship with and responsibility to*
3 *the Indian people includes the education of Indian*
4 *children; and*

5 “(2) *the Federal Government has the responsi-*
6 *bility for the operation and financial support of the*
7 *Bureau of Indian Affairs funded school system that*
8 *the Federal Government has established on or near*
9 *reservations and Indian trust lands throughout the*
10 *Nation for Indian children.*

11 “(b) *POLICY.—It is the policy of the United States to*
12 *work in full cooperation with tribes toward the goal of as-*
13 *suming that the programs of the Bureau of Indian Affairs*
14 *funded school system are of the highest quality and provide*
15 *for the basic elementary and secondary educational needs*
16 *of Indian children, including meeting the unique edu-*
17 *cational and cultural needs of these children.*

18 “**SEC. 1121. ACCREDITATION FOR THE BASIC EDUCATION**
19 **OF INDIAN CHILDREN IN BUREAU OF INDIAN**
20 **AFFAIRS SCHOOLS.**

21 “(a) *PURPOSE; DECLARATIONS OF PURPOSE.—*

22 “(1) *PURPOSE.—The purpose of the accredita-*
23 *tion required under this section shall be to ensure that*
24 *Indian students being served by a school funded by*
25 *the Bureau of Indian Affairs are provided with edu-*

1 *cational opportunities that equal or exceed those for*
2 *all other students in the United States.*

3 “(2) *DECLARATIONS OF PURPOSE.—*

4 “(A) *IN GENERAL.—Local school boards for*
5 *schools operated by the Bureau of Indian Affairs,*
6 *in cooperation and consultation with the appro-*
7 *priate tribal governing bodies and their commu-*
8 *nities, are encouraged to adopt declarations of*
9 *purpose for education for their communities, tak-*
10 *ing into account the implications of such dec-*
11 *larations on education in their communities and*
12 *for their schools. In adopting such declarations of*
13 *purpose, the school boards shall consider the ef-*
14 *fect the declarations may have on the motivation*
15 *of students and faculties.*

16 “(B) *CONTENTS.—A declaration of purpose*
17 *for a community shall—*

18 “(i) *represent the aspirations of the*
19 *community for the kinds of people the com-*
20 *munity would like the community’s children*
21 *to become; and*

22 “(ii) *contain an expression of the com-*
23 *munity’s desires that all students in the*
24 *community shall—*

1 “(I) become accomplished in
2 things and ways important to the stu-
3 dents and respected by their parents
4 and community;

5 “(II) shape worthwhile and satis-
6 fying lives for themselves;

7 “(III) exemplify the best values of
8 the community and humankind; and

9 “(IV) become increasingly effective
10 in shaping the character and quality of
11 the world all students share.

12 “(b) ACCREDITATION.—

13 “(1) DEADLINE.—

14 “(A) IN GENERAL.—Not later than 12
15 months after the date of enactment of the Native
16 American Education Improvement Act of 2001,
17 each Bureau funded school shall, to the extent
18 that necessary funds are provided, be a can-
19 didate for accreditation or be accredited—

20 “(i) by a tribal department of edu-
21 cation if such accreditation is accepted by a
22 generally recognized State certification or
23 regional accrediting agency;

24 “(ii) by a regional accreditation agen-
25 cy;

1 “(iii) in accordance with State accred-
2 itation standards for the State in which the
3 school is located; or

4 “(iv) in the case of a school that is lo-
5 cated on a reservation that is located in
6 more than 1 State, in accordance with the
7 State accreditation standards of 1 State as
8 selected by the tribal government.

9 “(B) *FEASIBILITY STUDY*.—Not later than
10 12 months after the date of enactment of the Na-
11 tive American Education Improvement Act of
12 2001, the Secretary of the Interior and the Sec-
13 retary of Education shall, in conjunction with
14 Indian tribes, Indian education organizations,
15 and accrediting agencies, develop and submit to
16 the appropriate Committees of Congress a report
17 on the desirability and feasibility of establishing
18 a National Tribal Accreditation Agency that
19 would serve as an accrediting body for Bureau
20 funded schools.

21 “(2) *DETERMINATION OF ACCREDITATION TO BE*
22 *APPLIED*.—The accreditation type applied for each
23 school shall be determined by the tribal governing
24 body, or the school board, if authorized by the tribal
25 governing body.

1 “(3) *ASSISTANCE TO SCHOOL BOARDS.*—*The Sec-*
2 *retary, through contracts and grants, shall provide*
3 *technical and financial assistance to Bureau funded*
4 *schools, to the extent that necessary amounts are made*
5 *available, to enable such schools to obtain the accredi-*
6 *tation required under this subsection, if the school*
7 *boards request that such assistance, in part or in*
8 *whole, be provided. The Secretary may provide such*
9 *assistance directly or through the Department of Edu-*
10 *cation, an institution of higher education, a private*
11 *not-for profit organization or for-profit organization,*
12 *an educational service agency, or another entity with*
13 *demonstrated experience in assisting schools in ob-*
14 *taining accreditation.*

15 “(4) *APPLICATION OF CURRENT STANDARDS*
16 *DURING ACCREDITATION.*—*A Bureau funded school*
17 *that is seeking accreditation shall remain subject to*
18 *the standards issued under section 1121 of the Edu-*
19 *cation Amendments of 1978 and in effect on the date*
20 *of enactment of the Native American Education Im-*
21 *provement Act of 2001 until such time as the school*
22 *is accredited, except that if any of such standards are*
23 *in conflict with the standards of the accrediting agen-*
24 *cy, the standards of such agency shall apply in such*
25 *case.*

1 “(5) *ANNUAL REPORT ON UNACCREDITED*
2 *SCHOOLS.—Not later than 90 days after the end of*
3 *each school year, the Secretary shall prepare and sub-*
4 *mit to the Committees on Appropriations and the*
5 *Committee on Resources of the House of Representa-*
6 *tives and the Committees on Appropriations and the*
7 *Committee on Indian Affairs of the Senate, a report*
8 *concerning unaccredited Bureau funded schools*
9 *that—*

10 “(A) *identifies those Bureau funded schools*
11 *that fail to be accredited or to be candidates for*
12 *accreditation within the period provided for in*
13 *paragraph (1);*

14 “(B) *with respect to each Bureau funded*
15 *school identified under subparagraph (A), identi-*
16 *fies the reasons that each such school is not ac-*
17 *credited or a candidate for accreditation, as de-*
18 *termined by the appropriate accreditation agen-*
19 *cy, and a description of any possible way in*
20 *which to remedy such nonaccreditation; and*

21 “(C) *with respect to each Bureau funded*
22 *school for which the reported reasons for the lack*
23 *of accreditation under subparagraph (B) are a*
24 *result of the school’s inadequate basic resources,*
25 *contains information and funding requests for*

1 *the full funding needed to provide such schools*
2 *with accreditation, such funds if provided shall*
3 *be applied to such unaccredited school under this*
4 *paragraph.*

5 “(6) *OPPORTUNITY TO REVIEW AND PRESENT*
6 *EVIDENCE.—*

7 “(A) *IN GENERAL.—Prior to including a*
8 *Bureau funded school in an annual report re-*
9 *quired under paragraph (5), the Secretary*
10 *shall—*

11 “(i) *ensure that the school has ex-*
12 *hausted all administrative remedies pro-*
13 *vided by the accreditation agency; and*

14 “(ii) *provide the school with an oppor-*
15 *tunity to review the data on which such in-*
16 *clusion is based.*

17 “(B) *PROVISION OF ADDITIONAL INFORMA-*
18 *TION.—If the school board of a school that the*
19 *Secretary has proposed for inclusion in an an-*
20 *ual report under paragraph (5) believes that*
21 *such inclusion is in error, the school board may*
22 *provide to the Secretary such information as the*
23 *board believes is in conflict with the information*
24 *and conclusions of the Secretary with respect to*
25 *the determination to include the school in such*

1 *annual report. The Secretary shall consider such*
2 *information provided by the school board before*
3 *making a final determination concerning the in-*
4 *clusion of the school in any such report.*

5 “(C) *PUBLICATION OF ACCREDITATION STA-*
6 *TUS.—Not later than 30 days after making an*
7 *initial determination to include a school in an*
8 *annual report under paragraph (5), the Sec-*
9 *retary shall make public the final determination*
10 *on the accreditation status of the school.*

11 “(7) *SCHOOL PLAN.—*

12 “(A) *IN GENERAL.—Not later than 120*
13 *days after the date on which a school is included*
14 *in an annual report under paragraph (5), the*
15 *school shall develop a school plan, in consulta-*
16 *tion with interested parties including parents,*
17 *school staff, the school board, and other outside*
18 *experts (if appropriate), that shall be submitted*
19 *to the Secretary for approval. The school plan*
20 *shall cover a 3-year period and shall—*

21 “(i) *incorporate strategies that address*
22 *the specific issues that caused the school to*
23 *fail to be accredited or fail to be a can-*
24 *didate for accreditation;*

1 “(ii) incorporate policies and practices
2 concerning the school that have the greatest
3 likelihood of ensuring that the school will
4 obtain accreditation during the 3 year-pe-
5 riod beginning on the date on which the
6 plan is implemented;

7 “(iii) contain an assurance that the
8 school will reserve the necessary funds, from
9 the funds described in paragraph (3), for
10 each fiscal year for the purpose of obtaining
11 accreditation;

12 “(iv) specify how the funds described
13 in clause (iii) will be used to obtain accred-
14 itation;

15 “(v) establish specific annual, objective
16 goals for measuring continuous and signifi-
17 cant progress made by the school in a man-
18 ner that will ensure the accreditation of the
19 school within the 3-year period described in
20 clause (ii);

21 “(vi) identify how the school will pro-
22 vide written notification about the lack of
23 accreditation to the parents of each student
24 enrolled in such school, in a format and, to

1 *the extent practicable, in a language the*
2 *parents can understand; and*

3 “(vii) *specify the responsibilities of the*
4 *school board and any assistance to be pro-*
5 *vided by the Secretary under paragraph*
6 *(3).*

7 “(B) *IMPLEMENTATION.*—*A school shall im-*
8 *plement the school plan under subparagraph (A)*
9 *expeditiously, but in no event later than the be-*
10 *ginning of the school year following the school*
11 *year in which the school was included in the an-*
12 *nual report under paragraph (5) so long as the*
13 *necessary resources have been provided to the*
14 *school.*

15 “(C) *REVIEW OF PLAN.*—*Not later than 45*
16 *days after receiving a school plan, the Secretary*
17 *shall—*

18 “(i) *establish a peer-review process to*
19 *assist with the review of the plan; and*

20 “(ii) *promptly review the school plan,*
21 *work with the school as necessary, and ap-*
22 *prove the school plan if the plan meets the*
23 *requirements of this paragraph.*

24 “(8) *CORRECTIVE ACTION.*—

1 “(A) *DEFINITION.*—*In this subsection, the*
2 *term ‘corrective action’ means action that—*

3 “(i) *substantially and directly re-*
4 *sponds to—*

5 “(I) *the failure of a school to*
6 *achieve accreditation; and*

7 “(II) *any underlying staffing,*
8 *curriculum, or other programmatic*
9 *problem in the school that contributed*
10 *to the lack of accreditation; and*

11 “(ii) *is designed to increase substan-*
12 *tially the likelihood that the school will be*
13 *accredited.*

14 “(B) *CORRECTIVE ACTION INAPPLICABLE.*—

15 *The Secretary shall grant a waiver to any school*
16 *that fails to be accredited for reasons that are be-*
17 *yond the control of the school board, as deter-*
18 *mined by the Secretary, including a significant*
19 *decline in financial resources, the poor condition*
20 *of facilities, vehicles or other property, or a nat-*
21 *ural disaster. Such a waiver shall exempt such*
22 *school from any or all of the requirements of this*
23 *paragraph and paragraph (7), but such school*
24 *shall be required to comply with the standards*
25 *contained in part 36 of title 25, Code of Federal*

1 *Register, as in effect on the date of enactment of*
2 *the Native American Education Improvement*
3 *Act of 2001.*

4 “(C) *DUTIES OF SECRETARY.*—*After pro-*
5 *viding assistance to a school under paragraph*
6 *(3), the Secretary shall—*

7 “(i) *annually review the progress of the*
8 *school under the applicable school plan, to*
9 *determine whether the school is meeting, or*
10 *making adequate progress towards, achiev-*
11 *ing the goals described in paragraph*
12 *(7)(A)(v) with respect to reaccreditation or*
13 *becoming a candidate for accreditation;*

14 “(ii) *except as provided in subpara-*
15 *graph (B), continue to provide assistance*
16 *while implementing the school’s plan, and,*
17 *if determined appropriate by the Secretary,*
18 *take corrective action with respect to the*
19 *school if it fails to be accredited at the end*
20 *of the third year of the school’s plan;*

21 “(iii) *promptly notify the parents of*
22 *children enrolled in the school of the option*
23 *to transfer their child to another school;*

24 “(iv) *provide all students enrolled in*
25 *the school with the option to transfer to an-*

1 *other school, including a public or charter*
2 *school, that is accredited; and*

3 “(v) *provide, or pay for the provision*
4 *of, transportation for each student described*
5 *in clause (iv) to the school to which the stu-*
6 *dent elects to be transferred.*

7 “(D) *FAILURE OF SCHOOL PLAN.*—*With re-*
8 *spect to a Bureau operated school that fails to be*
9 *accredited at the end of the 3-year period during*
10 *which the school’s plan is in effect under para-*
11 *graph (7), the Secretary may take 1 or more of*
12 *the following corrective actions:*

13 “(i) *Institute and fully implement ac-*
14 *tions suggested by the accrediting agency.*

15 “(ii) *Consult with the tribe involved to*
16 *determine the causes for the lack of accredi-*
17 *tation including potential staffing and ad-*
18 *ministrative changes that are or may be*
19 *necessary.*

20 “(iii) *Set aside a certain amount of*
21 *funds that may only be used by the school*
22 *to obtain accreditation.*

23 “(iv)(I) *Provide the tribe with a 60-*
24 *day period in which to determine whether*
25 *the tribe desires to operate the school as a*

1 *contract or grant school, before meeting the*
2 *accreditation requirements in section 5207*
3 *of the Tribally Controlled Schools Act, at*
4 *the beginning of the next school year fol-*
5 *lowing the determination to take corrective*
6 *action. If the tribe agrees to operate the*
7 *school as a contract or grant school, the*
8 *tribe shall prepare a plan, pursuant to*
9 *paragraph (7), for approval by the Sec-*
10 *retary in accordance with paragraph (7), to*
11 *achieve accreditation.*

12 *“(II) If the tribe declines to assume*
13 *control of the school, the Secretary, in con-*
14 *sultation with the tribe, may contract with*
15 *an outside entity, consistent with applicable*
16 *law, or appoint a receiver or trustee to op-*
17 *erate and administer the affairs of the*
18 *school until the school is accredited. The*
19 *outside entity, receiver or trustee shall pre-*
20 *pare a plan, pursuant to paragraph (7), for*
21 *approval by the Secretary in accordance*
22 *with paragraph (7).*

23 *“(III) Upon accreditation of the school,*
24 *the Secretary shall allow the tribe to con-*
25 *tinue to operate the school as a grant or*

1 *contract school, or if being controlled by an*
2 *outside entity, provide the tribe with the op-*
3 *tion to assume operation of the school as a*
4 *contract school, in accordance with the In-*
5 *Indian Self Determination Act, or as a grant*
6 *school in accordance with the Tribally Con-*
7 *trolled Schools Act, at the beginning of the*
8 *school year following the school year in*
9 *which the school obtains accreditation. If*
10 *the tribe declines, the Secretary may allow*
11 *the outside entity, receiver or trustee to con-*
12 *tinue the operation of the school or re-*
13 *assume control of the school.*

14 “(v)(I) *With respect to—*

15 “(aa) *a school that is a grant*
16 *school, comply with section 5207 of the*
17 *Tribally Controlled Schools Act;*

18 “(bb) *a school that is a contract*
19 *school, comply with the Indian Self*
20 *Determination Act;*

21 “(cc) *a school described in item*
22 *(aa) or (bb), take any corrective ac-*
23 *tions described in clauses (i) through*
24 *(iii); or*

1 “(dd) a school described in item
2 (aa) or (bb), the Secretary, after com-
3 plying with the notice and hearing re-
4 quirements of the reassumption provi-
5 sions of the Indian Self Determination
6 Act, may assume the operation and ad-
7 ministration of the school at the begin-
8 ning of the school year following the
9 revocation of the school’s determination
10 of eligibility and shall adopt a plan in
11 accordance with paragraph (7).

12 “(II) With respect to a school described
13 in subclause (I), if, at the end of the 3-year
14 period during which the school’s plan is in
15 effect under paragraph (7), the school is still
16 not accredited, the Secretary in consultation
17 with the tribe may contract with an outside
18 entity or appoint a receiver or trustee,
19 which shall adopt a plan in accordance
20 with paragraph (7), to operate and admin-
21 ister the affairs of the school until the school
22 is accredited.

23 “(III) Upon accreditation of the school,
24 the tribe shall have the option to assume the
25 operation and administration of the school

1 *as a contract school after complying with*
2 *the Indian Self Determination Act, or as a*
3 *grant school, after complying with the Trib-*
4 *ally Controlled Schools Act, at the begin-*
5 *ning of the school year following the year in*
6 *which the school obtains accreditation.*

7 “(IV) *The provisions of this clause*
8 *shall be construed consistent with the provi-*
9 *sions of the Tribally Controlled Schools Act*
10 *and the Indian Self Determination Act as*
11 *in effect on the date of enactment of the Na-*
12 *tive American Education Improvement Act*
13 *of 2001, and shall not be construed as ex-*
14 *anding the authority of the Secretary*
15 *under any other law.*

16 “(E) *HEARING.—With respect to a school*
17 *that is operated pursuant to a grant, or a school*
18 *that is operated under a contract under the In-*
19 *dian Self Determination Act, prior to imple-*
20 *menting any corrective action under this para-*
21 *graph, the Secretary shall provide notice and an*
22 *opportunity for a hearing to the affected school*
23 *pursuant to section 5207 of the Tribally Con-*
24 *trolled Schools Act.*

1 “(9) *STATUTORY CONSTRUCTION.*—*Nothing in*
2 *this section shall be construed to alter or otherwise af-*
3 *fect the rights, remedies, and procedures afforded to*
4 *school employees under applicable law (including ap-*
5 *licable regulations or court orders) or under the*
6 *terms of any collective bargaining agreement, memo-*
7 *randum of understanding, or other agreement between*
8 *such employees and their employers.*

9 “(c) *ANNUAL PLAN.*—

10 “(1) *IN GENERAL.*—*Except as provided in sub-*
11 *section (b), the Secretary shall implement the Bureau*
12 *standards in effect on the date of enactment of the*
13 *Native American Education Improvement Act of*
14 *2001.*

15 “(2) *PLAN.*—*On an annual basis, the Secretary*
16 *shall submit to the appropriate committees of Con-*
17 *gress, all Bureau funded schools, and the tribal gov-*
18 *erning bodies of such schools a detailed plan to ensure*
19 *that all Bureau funded schools are accredited, or if*
20 *such school are in the process of obtaining accredita-*
21 *tion that such school meet the Bureau standards in ef-*
22 *fect on the date of enactment of the Native American*
23 *Education Improvement Act of 2001 to the extent that*
24 *such standards do not conflict with the standards of*
25 *the accrediting agency. Such plan shall include de-*

1 *tailed information on the status of each school's edu-*
2 *cational program in relation to the applicable stand-*
3 *ards, specific cost estimates for meeting such stand-*
4 *ards at each school, and specific timelines for bring-*
5 *ing each school up to the level required by such stand-*
6 *ards.*

7 “(d) *CLOSURE OR CONSOLIDATION OF SCHOOLS.—*

8 “(1) *IN GENERAL.—Except as specifically re-*
9 *quired by law, no Bureau funded school or dormitory*
10 *operated on or after January 1, 1992, may be closed,*
11 *consolidated, or transferred to another authority and*
12 *no program of such a school may be substantially*
13 *curtailed except in accordance with the requirements*
14 *of this subsection.*

15 “(2) *EXCEPTIONS.—This subsection (other than*
16 *this paragraph) shall not apply—*

17 “(A) *in those cases in which the tribal gov-*
18 *erning body for a school, or the local school*
19 *board concerned (if designated by the tribal gov-*
20 *erning body to act under this paragraph), re-*
21 *quests the closure, consolidation, or substantial*
22 *curtailment; or*

23 “(B) *if a temporary closure, consolidation,*
24 *or substantial curtailment is required by facility*

1 *conditions that constitute an immediate hazard*
2 *to health and safety.*

3 “(3) *REGULATIONS.*—*The Secretary shall, by*
4 *regulation, promulgate standards and procedures for*
5 *the closure, transfer to another authority, consolida-*
6 *tion, or substantial curtailment of school programs of*
7 *Bureau schools, in accordance with the requirements*
8 *of this subsection.*

9 “(4) *NOTIFICATION.*—

10 “(A) *CONSIDERATION.*—*Whenever closure,*
11 *transfer to another authority, consolidation, or*
12 *substantial curtailment of a school program of a*
13 *Bureau school is under active consideration or*
14 *review by any division of the Bureau or the De-*
15 *partment of the Interior, the head of the division*
16 *or the Secretary shall ensure that the affected*
17 *tribe, tribal governing body, and local school*
18 *board, are notified (in writing) immediately,*
19 *kept fully and currently informed, and afforded*
20 *an opportunity to comment with respect to such*
21 *consideration or review.*

22 “(B) *FORMAL DECISION.*—*When the head of*
23 *any division of the Bureau or the Secretary*
24 *makes a formal decision to close, transfer to an-*
25 *other authority, consolidate, or substantially cur-*

1 *tail a school program of a Bureau school, the*
2 *head of the division or the Secretary shall notify*
3 *(in writing) the affected tribes, tribal governing*
4 *body, and local school board at least 6 months*
5 *prior to the end of the academic year preceding*
6 *the date of the proposed action.*

7 “(C) *COPIES OF NOTIFICATIONS AND INFOR-*
8 *MATION.—The Secretary shall transmit copies of*
9 *the notifications described in this paragraph*
10 *promptly to the appropriate committees of Con-*
11 *gress and publish such notifications copies in the*
12 *Federal Register.*

13 “(5) *REPORT.—*

14 “(A) *IN GENERAL.—The Secretary shall*
15 *submit a report to the appropriate committees of*
16 *Congress, the affected tribal governing body and*
17 *the designated local school board, describing the*
18 *process of the active consideration or review re-*
19 *ferred to in paragraph (4).*

20 “(B) *CONTENTS.—The report shall include*
21 *the results of a study of the impact of the action*
22 *under consideration or review on the student*
23 *population of the school involved, identify those*
24 *students at the school with particular edu-*
25 *cational and social needs, and ensure that alter-*

1 *native services are available to such students.*
2 *Such report shall include a description of con-*
3 *sultation conducted between the potential service*
4 *provider and current service provider of such*
5 *services, parents, tribal representatives, the tribe*
6 *involved, and the Director regarding such stu-*
7 *dents.*

8 “(6) *LIMITATION ON CERTAIN ACTIONS.*—*No ir-*
9 *reversible action may be taken to further any pro-*
10 *posed school closure, transfer to another authority,*
11 *consolidation, or substantial curtailment described in*
12 *this subsection concerning a school (including any ac-*
13 *tion that would prejudice the personnel or programs*
14 *of such school) prior to the end of the first full aca-*
15 *demie year after the report described in paragraph*
16 *(5) is submitted.*

17 “(7) *TRIBAL GOVERNING BODY APPROVAL RE-*
18 *QUIRED FOR CERTAIN ACTIONS.*—*The Secretary may*
19 *terminate, contract, transfer to any other authority,*
20 *consolidate, or substantially curtail the operation or*
21 *facilities of—*

22 “(A) *any Bureau funded school that is oper-*
23 *ated on or after January 1, 1999;*

24 “(B) *any program of such a school that is*
25 *operated on or after January 1, 1999; or*

1 “(C) any school board of a school operated
2 under a grant under the Tribally Controlled
3 Schools Act of 1988,
4 only if the tribal governing body for the school in-
5 volved approves such action.

6 “(e) APPLICATION FOR CONTRACTS OR GRANTS FOR
7 NON-BUREAU FUNDED SCHOOLS OR EXPANSION OF BU-
8 REAU FUNDED SCHOOLS.—

9 “(1) IN GENERAL.—

10 “(A) APPLICATIONS.—

11 “(i) TRIBES; SCHOOL BOARDS.—The
12 Secretary shall only consider the factors de-
13 scribed in subparagraph (B) in reviewing—

14 “(I) applications from any tribe
15 for the awarding of a contract or grant
16 for a school that is not a Bureau fund-
17 ed school; and

18 “(II) applications from any tribe
19 or school board associated with any
20 Bureau funded school for the awarding
21 of a contract or grant for the expan-
22 sion of a Bureau funded school that
23 would increase the amount of funds re-
24 ceived by the tribe or school board
25 under section 1126.

1 “(ii) *LIMITATION.*—*With respect to ap-*
2 *plications described in this subparagraph,*
3 *the Secretary shall give consideration to all*
4 *the factors described in subparagraph (B),*
5 *but no such application shall be denied*
6 *based primarily upon the geographic prox-*
7 *imity of comparable public education.*

8 “(B) *FACTORS.*—*With respect to applica-*
9 *tions described in subparagraph (A) the Sec-*
10 *retary shall consider the following factors relat-*
11 *ing to the program and services that are the sub-*
12 *ject of the application:*

13 “(i) *The adequacy of existing facilities*
14 *to support the proposed program and serv-*
15 *ices or the applicant’s ability to obtain or*
16 *provide adequate facilities.*

17 “(ii) *Geographic and demographic fac-*
18 *tors in the affected areas.*

19 “(iii) *The adequacy of the applicant’s*
20 *program plans or, in the case of a Bureau*
21 *funded school, of a projected needs analysis*
22 *conducted either by the tribe or the Bureau.*

23 “(iv) *Geographic proximity of com-*
24 *parable public education.*

1 “(v) *The stated needs of all affected*
2 *parties, including students, families, tribal*
3 *governing bodies at both the central and*
4 *local levels, and school organizations.*

5 “(vi) *Adequacy and comparability of*
6 *programs and services already available.*

7 “(vii) *Consistency of the proposed pro-*
8 *gram and services with tribal educational*
9 *codes or tribal legislation on education.*

10 “(viii) *The history and success of these*
11 *services for the proposed population to be*
12 *served, as determined from all factors, in-*
13 *cluding standardized examination perform-*
14 *ance.*

15 “(2) *DETERMINATION ON APPLICATION.—*

16 “(A) *PERIOD.—The Secretary shall make a*
17 *determination concerning whether to approve*
18 *any application described in paragraph (1)(A)*
19 *not later than 180 days after the date such ap-*
20 *plication is submitted to the Secretary.*

21 “(B) *FAILURE TO MAKE DETERMINATION.—*
22 *If the Secretary fails to make the determination*
23 *with respect to an application by the date de-*
24 *scribed in subparagraph (A), the application*

1 *shall be treated as having been approved by the*
2 *Secretary.*

3 “(3) *REQUIREMENTS FOR APPLICATIONS.*—

4 “(A) *APPROVAL.*—*Notwithstanding para-*
5 *graph (2)(B), an application described in para-*
6 *graph (1)(A) may be approved by the Secretary*
7 *only if—*

8 “(i) *the application has been approved*
9 *by the tribal governing body of the students*
10 *served by (or to be served by) the school or*
11 *program that is the subject of the applica-*
12 *tion; and*

13 “(ii) *the tribe or designated school*
14 *board involved submits written evidence of*
15 *such approval with the application.*

16 “(B) *INFORMATION.*—*Each application de-*
17 *scribed in paragraph (1)(A) shall contain infor-*
18 *mation discussing each of the factors described in*
19 *paragraph (1)(B).*

20 “(4) *DENIAL OF APPLICATIONS.*—*If the Secretary*
21 *denies an application described in paragraph (1)(A),*
22 *the Secretary shall—*

23 “(A) *state the objections to the application*
24 *in writing to the applicant not later than 180*

1 *days after the date the application is submitted*
2 *to the Secretary;*

3 “(B) *provide assistance to the applicant to*
4 *overcome the stated objections;*

5 “(C) *provide to the applicant a hearing on*
6 *the record regarding the denial, under the same*
7 *rules and regulations as apply under the Indian*
8 *Self-Determination and Education Assistance*
9 *Act; and*

10 “(D) *provide to the applicant a notice of the*
11 *applicant’s appeals rights and an opportunity to*
12 *appeal the decision resulting from the hearing*
13 *under subparagraph (D).*

14 “(5) *EFFECTIVE DATE OF A SUBJECT APPLICA-*
15 *TION.—*

16 “(A) *IN GENERAL.—Except as otherwise*
17 *provided in this paragraph, the action that is*
18 *the subject of any application described in para-*
19 *graph (1)(A) that is approved by the Secretary*
20 *shall become effective—*

21 “(i) *on the first day of the academic*
22 *year following the fiscal year in which the*
23 *application is approved; or*

24 “(ii) *on an earlier date determined by*
25 *the Secretary.*

1 “(B) *APPLICATION TREATED AS AP-*
2 *PROVED.—If an application is treated as having*
3 *been approved by the Secretary under paragraph*
4 *(2)(B), the action that is the subject of the appli-*
5 *cation shall become effective—*

6 “*(i) on the date that is 18 months after*
7 *the date on which the application is sub-*
8 *mitted to the Secretary; or*

9 “*(ii) on an earlier date determined by*
10 *the Secretary.*

11 “(6) *STATUTORY CONSTRUCTION.—Nothing in*
12 *this section, or any other provision of law, shall be*
13 *construed to preclude the expansion of grades and re-*
14 *lated facilities at a Bureau funded school, if such ex-*
15 *pansion is paid for with non-Bureau funds.*

16 “(f) *JOINT ADMINISTRATION.—Administrative, trans-*
17 *portation, and program cost funds received by Bureau*
18 *funded schools, and any program from the Department of*
19 *Education or any other Federal agency for the purpose of*
20 *providing education or related services, and other funds re-*
21 *ceived for such education and related services from non-Fed-*
22 *erally funded programs, shall be apportioned and the funds*
23 *shall be retained at the school.*

24 “(g) *GENERAL USE OF FUNDS.—Funds received by*
25 *Bureau funded schools from the Bureau of Indian Affairs*

1 *and under any program from the Department of Education*
2 *or any other Federal agency for the purpose of providing*
3 *education or related services may be used for schoolwide*
4 *projects to improve the educational program of the schools*
5 *for all Indian students.*

6 “(h) *STUDY ON ADEQUACY OF FUNDS AND FOR-*
7 *MULAS.—*

8 “(1) *STUDY.—The Comptroller General of the*
9 *United States shall conduct a study to include an*
10 *analysis of the information contained in the General*
11 *Accounting Office study evaluating and comparing*
12 *school systems of the Department of Defense and the*
13 *Bureau of Indian Affairs, in consultation with tribes*
14 *and local school boards, to determine the adequacy of*
15 *funding, and formulas used by the Bureau to deter-*
16 *mine funding, for programs operated by Bureau*
17 *funded schools, taking into account unique cir-*
18 *cumstances applicable to Bureau funded schools.*

19 “(2) *FINDINGS.—On completion of the study*
20 *under paragraph (1), the Secretary shall take such*
21 *action as may be necessary to ensure distribution of*
22 *the findings of the study to the appropriate author-*
23 *izing and appropriating committees of Congress, all*
24 *affected tribes, local school boards, and associations of*
25 *local school boards.*

1 **“SEC. 1122. NATIONAL STANDARDS FOR HOME LIVING SITU-**
2 **ATIONS.**

3 “(a) *IN GENERAL.*—*The Secretary, in accordance with*
4 *section 1136, shall revise the national standards for home-*
5 *living (dormitory) situations to include such factors as*
6 *heating, lighting, cooling, adult-child ratios, need for coun-*
7 *selors (including special needs related to off-reservation*
8 *home-living (dormitory) situations), therapeutic programs,*
9 *space, and privacy. Such standards shall be implemented*
10 *in Bureau schools. Any subsequent revisions shall also be*
11 *in accordance with such section 1136.*

12 “(b) *IMPLEMENTATION.*—*The Secretary shall imple-*
13 *ment the revised standards established under this section*
14 *immediately upon their issuance.*

15 “(c) *PLAN.*—

16 “(1) *IN GENERAL.*—*Upon the submission of each*
17 *annual budget request for Bureau educational services*
18 *(as contained in the President’s annual budget re-*
19 *quest under section 1105 of title 31, United States*
20 *Code), the Secretary shall submit to the appropriate*
21 *committees of Congress, the tribes, and the affected*
22 *schools, and publish in the Federal Register, a de-*
23 *tailed plan to bring all Bureau funded schools that*
24 *have dormitories or provide home-living (dormitory)*
25 *situations into compliance with the standards estab-*
26 *lished under this section.*

1 “(2) *CONTENTS.*—*Each plan under paragraph*
2 *(1) shall include—*

3 “(A) *a statement of the relative needs of*
4 *each of the home-living schools and projected fu-*
5 *ture needs of each of the home-living schools;*

6 “(B) *detailed information on the status of*
7 *each of the schools in relation to the standards*
8 *established under this section;*

9 “(C) *specific cost estimates for meeting each*
10 *standard for each such school;*

11 “(D) *aggregate cost estimates for bringing*
12 *all such schools into compliance with the stand-*
13 *ards established under this section; and*

14 “(E) *specific timelines for bringing each*
15 *school into compliance with such standards.*

16 “(d) *WAIVER.*—

17 “(1) *IN GENERAL.*—*A tribal governing body or*
18 *local school board may, in accordance with this sub-*
19 *section, waive the standards established under this*
20 *section for a school described in subsection (a).*

21 “(2) *INAPPROPRIATE STANDARDS.*—

22 “(A) *IN GENERAL.*—*A tribal governing*
23 *body, or the local school board so designated by*
24 *the tribal governing body, may waive, in whole*
25 *or in part, the standards established under this*

1 *section if such standards are determined by such*
2 *body or board to be inappropriate for the needs*
3 *of students from that tribe.*

4 “(B) *ALTERNATIVE STANDARDS.—The trib-*
5 *al governing body or school board involved shall,*
6 *not later than 60 days after providing a waiver*
7 *under subparagraph (A) for a school, submit to*
8 *the Director a proposal for alternative standards*
9 *that take into account the specific needs of the*
10 *tribe’s children. Such alternative standards shall*
11 *be established by the Director for the school in-*
12 *volved unless specifically rejected by the Director*
13 *for good cause and in writing provided to the af-*
14 *ected tribes or local school board.*

15 “(e) *CLOSURE FOR FAILURE TO MEET STANDARDS*
16 *PROHIBITED.—No school in operation on or before July 1,*
17 *1999 (regardless of compliance or noncompliance with the*
18 *standards established under this section), may be closed,*
19 *transferred to another authority, or consolidated, and no*
20 *program of such a school may be substantially curtailed,*
21 *because the school failed to meet such standards.*

22 **“SEC. 1123. SCHOOL BOUNDARIES.**

23 “(a) *ESTABLISHMENT BY SECRETARY.—Except as de-*
24 *scribed in subsection (b), the Secretary shall establish, by*

1 *regulation, separate geographical attendance areas for each*
2 *Bureau funded school.*

3 “(b) *ESTABLISHMENT BY TRIBAL BODY.*—*In any case*
4 *in which there is more than 1 Bureau funded school located*
5 *on a reservation of a tribe, at the direction of the tribal*
6 *governing body, the relevant school boards of the Bureau*
7 *funded schools on the reservation may, by mutual consent,*
8 *establish the boundaries of the relevant geographical attend-*
9 *ance areas for such schools, subject to the approval of the*
10 *tribal governing body. Any such boundaries so established*
11 *shall be accepted by the Secretary.*

12 “(c) *BOUNDARY REVISIONS.*—

13 “(1) *IN GENERAL.*—*Effective on July 1, 1999,*
14 *the Secretary may not establish or revise boundaries*
15 *of a geographical attendance area with respect to any*
16 *Bureau funded school unless the tribal governing body*
17 *concerned and the school board concerned has been*
18 *afforded—*

19 “(A) *at least 6 months notice of the inten-*
20 *tion of the Secretary to establish or revise such*
21 *boundaries; and*

22 “(B) *the opportunity to propose alternative*
23 *boundaries.*

24 “(2) *PETITIONS.*—*Any tribe may submit a peti-*
25 *tion to the Secretary requesting a revision of the geo-*

1 *graphical attendance area boundaries referred to in*
2 *paragraph (1).*

3 “(3) *BOUNDARIES.*—*The Secretary shall accept*
4 *proposed alternative boundaries described in para-*
5 *graph (1)(B) or revised boundaries described in a pe-*
6 *tition submitted under paragraph (2) unless the Sec-*
7 *retary finds, after consultation with the affected tribe,*
8 *that such alternative or revised boundaries do not re-*
9 *fect the needs of the Indian students to be served or*
10 *do not provide adequate stability to all of the affected*
11 *programs. On accepting the boundaries, the Secretary*
12 *shall publish information describing the boundaries*
13 *in the Federal Register.*

14 “(4) *TRIBAL RESOLUTION DETERMINATION.*—
15 *Nothing in this section shall be interpreted as denying*
16 *a tribal governing body the authority, on a con-*
17 *tinuing basis, to adopt a tribal resolution allowing*
18 *parents a choice of the Bureau funded school their*
19 *child may attend, regardless of the geographical at-*
20 *tendance area boundaries established under this sec-*
21 *tion.*

22 “(d) *FUNDING RESTRICTIONS.*—*The Secretary shall*
23 *not deny funding to a Bureau funded school for any eligible*
24 *Indian student attending the school solely because that stu-*
25 *dent’s home or domicile is outside of the boundaries of the*

1 *geographical attendance area established for that school*
2 *under this section. No funding shall be made available for*
3 *transportation without tribal authorization to enable the*
4 *school to provide transportation for any student to or from*
5 *the school and a location outside the approved attendance*
6 *area of the school.*

7 “(e) *RESERVATION AS BOUNDARY.—In any case in*
8 *which there is only 1 Bureau funded school located on a*
9 *reservation, the boundaries of the geographical attendance*
10 *area for the school shall be the boundaries (as established*
11 *by treaty, agreement, legislation, court decision, or execu-*
12 *tive decision and as accepted by the tribe involved) of the*
13 *reservation served, and those students residing near the res-*
14 *ervation shall also receive services from such school.*

15 “(f) *OFF-RESERVATION HOME-LIVING SCHOOLS.—*
16 *Notwithstanding the boundaries of the geographical attend-*
17 *ance areas established under this section, each Bureau fund-*
18 *ed school that is an off-reservation home-living school shall*
19 *implement special emphasis programs and permit the at-*
20 *tendance of students requiring the programs. The programs*
21 *provided for such students shall be coordinated among edu-*
22 *cation line officers, the families of the students, the schools,*
23 *and the entities operating programs that referred the stu-*
24 *dents to the schools.*

1 **“SEC. 1124. FACILITIES CONSTRUCTION.**

2 “(a) *NATIONAL SURVEY OF FACILITIES CONDI-*
3 *TIONS.—*

4 “(1) *IN GENERAL.—Not later than 12 months*
5 *after the date of enactment of the Native American*
6 *Education Improvement Act of 2001, the General Ac-*
7 *counting Office shall compile, collect, and secure the*
8 *data that is needed to prepare a national survey of*
9 *the physical conditions of all Bureau funded school*
10 *facilities.*

11 “(2) *DATA AND METHODOLOGIES.—In preparing*
12 *the national survey required under paragraph (1), the*
13 *General Accounting Office shall use the following data*
14 *and methodologies:*

15 “(A) *The existing Department of Defense*
16 *formula for determining the condition and ade-*
17 *quacy of Department of Defense facilities.*

18 “(B) *Data related to conditions of Bureau*
19 *funded schools that has previously been compiled,*
20 *collected, or secured from whatever source derived*
21 *so long as the data is relevant, timely, and nec-*
22 *essary to the survey.*

23 “(C) *The methodologies of the American In-*
24 *stitute of Architects, or other accredited and rep-*
25 *utable architecture or engineering associations.*

26 “(3) *CONSULTATIONS.—*

1 “(A) *IN GENERAL.*—*In carrying out the*
2 *survey required under paragraph (1), the Gen-*
3 *eral Accounting Office shall, to the maximum ex-*
4 *tent practicable, consult (and if necessary con-*
5 *tract) with national, regional, and tribal Indian*
6 *education organizations to ensure that a com-*
7 *plete and accurate national survey is achieved.*

8 “(B) *REQUESTS FOR INFORMATION.*—*All*
9 *Bureau funded schools shall comply with reason-*
10 *able requests for information by the General Ac-*
11 *counting Office and shall respond to such re-*
12 *quests in a timely fashion.*

13 “(4) *SUBMISSION TO CONGRESS.*—*Not later than*
14 *24 months after the date of enactment of the Native*
15 *American Education Improvement Act of 2001, the*
16 *General Accounting Office shall submit the results of*
17 *the national survey conducted under paragraph (1) to*
18 *the Committee on Indian Affairs and Committee on*
19 *Appropriations of the Senate, and the Committee on*
20 *Resources, Committee on Education and the Work-*
21 *force, and Committee on Appropriations of the House*
22 *and to the Secretary, who, in turn shall submit the*
23 *results of the national survey to school boards of Bu-*
24 *reau-funded schools and their respective Tribes.*

25 “(5) *NEGOTIATED RULEMAKING COMMITTEE.*—

1 “(A) *IN GENERAL.*—Not later than 6
2 months after the date on which the submission is
3 made under paragraph (4), the Secretary shall
4 establish a negotiated rule making committee
5 pursuant to section 1136(c). The negotiated rule-
6 making committee shall prepare and submit to
7 the Secretary the following:

8 “(i) *A catalogue of the condition of*
9 *school facilities at all Bureau funded schools*
10 *that—*

11 “(I) *incorporates the findings*
12 *from the General Accounting Office*
13 *study evaluating and comparing school*
14 *systems of the Department of Defense*
15 *and the Bureau of Indian Affairs;*

16 “(II) *rates such facilities with re-*
17 *spect to the rate of deterioration and*
18 *useful life of structures and major sys-*
19 *tems;*

20 “(III) *establishes a routine main-*
21 *tenance schedule for each facility;*

22 “(IV) *identifies the complemen-*
23 *tary educational facilities that do not*
24 *exist but that are needed; and*

1 “(V) makes projections on the
2 amount of funds needed to keep each
3 school viable, consistent with the ac-
4 creditation standards required pursu-
5 ant to this Act.

6 “(ii) A school replacement and new
7 construction report that determines replace-
8 ment and new construction need, and a for-
9 mula for the equitable distribution of funds
10 to address such need, for Bureau funded
11 schools. Such formula shall utilize necessary
12 factors in determining an equitable dis-
13 tribution of funds, including—

14 “(I) the size of school;

15 “(II) school enrollment;

16 “(III) the age of the school;

17 “(IV) the condition of the school;

18 “(V) environmental factors at the
19 school; and

20 “(VI) school isolation.

21 “(iii) A renovation repairs report that
22 determines renovation need (major and
23 minor), and a formula for the equitable dis-
24 tribution of funds to address such need, for
25 Bureau funded schools. Such report shall

1 *identify needed repairs or renovations with*
2 *respect to a facility, or a part of a facility,*
3 *or the grounds of the facility, to remedy a*
4 *need based on disabilities access or health*
5 *and safety changes to a facility. The for-*
6 *mula developed shall utilize necessary fac-*
7 *tors in determining an equitable distribu-*
8 *tion of funds, including the factors described*
9 *in subparagraph (B).*

10 “(B) *SUBMISSION OF REPORTS.*—*Not later*
11 *than 24 months after the negotiated rulemaking*
12 *committee is established under subparagraph*
13 *(A), the reports described in clauses (ii) and (iii)*
14 *of subparagraph (A) shall be submitted to the*
15 *committees of Congress referred to in paragraph*
16 *(4), the national and regional Indian education*
17 *organizations, and to all school boards of Bu-*
18 *reau-funded schools and their respective Tribes.*

19 “(6) *FACILITIES INFORMATION SYSTEMS SUP-*
20 *PORT DATABASE.*—*The Secretary shall develop a Fa-*
21 *ilities Information Systems Support Database to*
22 *maintain and update the information contained in*
23 *the reports under clauses (ii) and (iii) of paragraph*
24 *(5)(A) and the information contained in the survey*
25 *conducted under paragraph (1). The system shall be*

1 *updated every 3 years by the Bureau of Indian Af-*
2 *fairs and monitored by General Accounting Office,*
3 *and shall be made available to school boards of Bu-*
4 *reau-funded schools and their respective Tribes, and*
5 *Congress.*

6 “(b) *COMPLIANCE WITH HEALTH AND SAFETY STAND-*
7 *ARDS.—The Secretary shall immediately begin to bring all*
8 *schools, dormitories, and other Indian education-related fa-*
9 *cilities operated by the Bureau or under contract or grant*
10 *with the Bureau into compliance with all applicable tribal,*
11 *Federal, or State health and safety standards, whichever*
12 *provides greater protection (except that the tribal standards*
13 *to be applied shall be no greater than any otherwise appli-*
14 *cable Federal or State standards), with section 504 of the*
15 *Rehabilitation Act of 1973, and with the Americans with*
16 *Disabilities Act of 1990. Nothing in this section shall re-*
17 *quire termination of the operations of any facility which*
18 *does not comply with such provisions and which is in use*
19 *on the date of the enactment of the Native American Edu-*
20 *cation Improvement Act of 2001.*

21 “(c) *COMPLIANCE PLAN.—At the time that the annual*
22 *budget request for Bureau educational services is presented,*
23 *the Secretary shall submit to the appropriate committees*
24 *of Congress a detailed plan to bring all facilities covered*
25 *under subsection (b) of this section into compliance with*

1 *the standards referred to in subsection (b). Such plan shall*
2 *include detailed information on the status of each facility's*
3 *compliance with such standards, specific cost estimates for*
4 *meeting such standards at each school, and specific*
5 *timelines for bringing each school into compliance with*
6 *such standards.*

7 “(d) *CONSTRUCTION PRIORITIES.*—

8 “(1) *SYSTEM TO ESTABLISH PRIORITIES.*—*The*
9 *Secretary shall annually prepare and submit to the*
10 *appropriate committees of Congress, and publish in*
11 *the Federal Register, information describing the sys-*
12 *tem used by the Secretary to establish priorities for*
13 *replacement and construction projects for Bureau*
14 *funded schools and home-living schools, including*
15 *boarding schools, and dormitories. On making each*
16 *budget request described in subsection (c), the Sec-*
17 *retary shall publish in the Federal Register and sub-*
18 *mit with the budget request a list of all of the Bureau*
19 *funded school construction priorities, as described in*
20 *paragraph (2).*

21 “(2) *LONG-TERM CONSTRUCTION AND REPLACE-*
22 *MENT LIST.*—*In addition to submitting the plan de-*
23 *scribed in subsection (c), the Secretary shall—*

24 “(A) *not later than 18 months after the date*
25 *of enactment of the Native American Education*

1 *Improvement Act of 2001, establish a long-term*
2 *construction and replacement priority list for all*
3 *Bureau funded schools;*

4 “(B) *using the list prepared under subpara-*
5 *graph (A), propose a list for the orderly replace-*
6 *ment of all Bureau funded education-related fa-*
7 *cilities over a period of 40 years to facilitate*
8 *planning and scheduling of budget requests;*

9 “(C) *publish the list prepared under sub-*
10 *paragraph (B) in the Federal Register and allow*
11 *a period of not less than 120 days for public*
12 *comment;*

13 “(D) *make such revisions to the list pre-*
14 *pared under subparagraph (B) as are appro-*
15 *priate based on the comments received; and*

16 “(E) *publish a final list in the Federal Reg-*
17 *ister.*

18 “(3) *EFFECT ON OTHER LIST.—Nothing in this*
19 *section shall be construed as interfering with or*
20 *changing in any way the construction and replace-*
21 *ment priority list established by the Secretary, as the*
22 *list exists on the date of enactment of the Native*
23 *American Education Improvement Act of 2001.*

24 “(e) *HAZARDOUS CONDITION AT BUREAU FUNDED*
25 *SCHOOL.—*

1 “(1) *CLOSURE, CONSOLIDATION, OR CURTAIL-*
2 *MENT.*—

3 “(A) *IN GENERAL.*—*A Bureau funded school*
4 *may be closed or consolidated, and the programs*
5 *of a Bureau funded school may be substantially*
6 *curtailed by reason of facility conditions that*
7 *constitute an immediate hazard to health and*
8 *safety only if a health and safety officer of the*
9 *Bureau and an individual designated by the*
10 *tribe involved under subparagraph (B), deter-*
11 *mine that such conditions exist at a facility of*
12 *the Bureau funded school.*

13 “(B) *DESIGNATION OF INDIVIDUAL BY*
14 *TRIBE.*—*To be designated by a tribe for purposes*
15 *of subparagraph (A), an individual shall—*

16 “(i) *be a licensed or certified facilities*
17 *safety inspector;*

18 “(ii) *have demonstrated experience in*
19 *the inspection of facilities for health and*
20 *safety purposes with respect to occupancy;*
21 *or*

22 “(iii) *have a significant educational*
23 *background in the health and safety of fa-*
24 *ilities with respect to occupancy.*

1 “(C) *INSPECTION.*—*In making a determina-*
2 *tion described in subparagraph (A), the Bureau*
3 *health and safety officer and the individual des-*
4 *ignated by the tribe shall conduct an inspection*
5 *of the conditions of such facility in order to de-*
6 *termine whether conditions at such facility con-*
7 *stitute an immediate hazard to health and safe-*
8 *ty.*

9 “(D) *FAILURE TO CONCUR.*—*If the Bureau*
10 *health and safety officer, and the individual des-*
11 *ignated by the tribe, conducting the inspection of*
12 *a facility required under subparagraph (A) do*
13 *not concur that conditions at the facility con-*
14 *stitute an immediate hazard to health and safe-*
15 *ty, such officer and individual shall immediately*
16 *notify the tribal governing body and provide*
17 *written information related to their determina-*
18 *tions.*

19 “(E) *CONSIDERATION BY TRIBAL GOV-*
20 *ERNING BODY.*—*Not later than 10 days after a*
21 *tribal governing body received notice under sub-*
22 *paragraph (D), the tribal governing body shall*
23 *consider all information related to the deter-*
24 *minations of the Bureau health and safety officer*
25 *and the individual designated by the tribe and*

1 *make a determination regarding the closure, con-*
2 *solidation, or curtailment involved.*

3 “(F) *AGREEMENT TO CLOSE, CONSOLIDATE,*
4 *OR CURTAIL.—If the Bureau health and safety*
5 *officer, and the individual designated by the*
6 *tribe, conducting the inspection of a facility re-*
7 *quired under subparagraph (A), concur that con-*
8 *ditions at the facility constitute an immediate*
9 *hazard to health and safety, or if the tribal gov-*
10 *erning body makes such a determination under*
11 *subparagraph (E) the facility involved shall be*
12 *closed immediately.*

13 “(G) *GENERAL CLOSURE REPORT.—If a*
14 *Bureau funded school is temporarily closed or*
15 *consolidated or the programs of a Bureau funded*
16 *school are temporarily substantially curtailed*
17 *under this subsection and the Secretary deter-*
18 *mines that the closure, consolidation, or curtail-*
19 *ment will exceed 1 year, the Secretary shall sub-*
20 *mit to the appropriate committees of Congress,*
21 *the affected tribe, and the local school board, not*
22 *later than 3 months after the date on which the*
23 *closure, consolidation, or curtailment was initi-*
24 *ated, a report that specifies—*

1 “(i) the reasons for such temporary ac-
2 tion;

3 “(ii) the actions the Secretary is tak-
4 ing to eliminate the conditions that con-
5 stitute the hazard;

6 “(iii) an estimated date by which the
7 actions described in clause (ii) will be con-
8 cluded; and

9 “(iv) a plan for providing alternate
10 education services for students enrolled at
11 the school that is to be closed.

12 “(2) NONAPPLICATION OF CERTAIN STANDARDS
13 FOR TEMPORARY FACILITY USE.—

14 “(A) CLASSROOM ACTIVITIES.—The Sec-
15 retary shall permit the local school board to tem-
16 porarily utilize facilities adjacent to the school,
17 or satellite facilities, if such facilities are suit-
18 able for conducting classroom activities. In per-
19 mitting the use of facilities under the preceding
20 sentence, the Secretary may waive applicable
21 minor standards under section 1121 relating to
22 such facilities (such as the required number of
23 exit lights or configuration of restrooms) so long
24 as such waivers do not result in the creation of
25 an environment that constitutes an immediate

1 *and substantial threat to the health, safety, and*
2 *life of students and staff.*

3 “(B) *ADMINISTRATIVE ACTIVITIES.*—*The*
4 *provisions of subparagraph (A) shall apply with*
5 *respect to administrative personnel if the facili-*
6 *ties involved are suitable for activities performed*
7 *by such personnel.*

8 “(C) *TEMPORARY.*—*In this paragraph, the*
9 *term ‘temporary’ means—*

10 “(i) *with respect to a school that is to*
11 *be closed for not more than 1 year, 3*
12 *months or less; and*

13 “(ii) *with respect to a school that is to*
14 *be closed for not less than 1 year, a time pe-*
15 *riod determined appropriate by the Bureau.*

16 “(3) *TREATMENT OF CLOSURE.*—*Any closure of*
17 *a Bureau funded school under this subsection for a*
18 *period that exceeds 1 month but is less than 1 year,*
19 *shall be treated by the Bureau as an emergency facil-*
20 *ity improvement and repair project.*

21 “(4) *USE OF FUNDS.*—*With respect to a Bureau*
22 *funded school that is closed under this subsection, the*
23 *tribal governing body, or the designated local school*
24 *board of each Bureau funded school, involved may au-*
25 *thorize the use of funds allocated pursuant to section*

1 1126, to abate the hazardous conditions without fur-
2 ther action by Congress.

3 “(f) *FUNDING REQUIREMENT.*—

4 “(1) *DISTRIBUTION OF FUNDS.*—Beginning with
5 the first fiscal year following the date of enactment of
6 the Native American Education Improvement Act of
7 2001, all funds appropriated to the budget accounts
8 for the operations and maintenance of Bureau funded
9 schools shall be distributed by formula to the schools.
10 No funds from these accounts may be retained or seg-
11 regated by the Bureau to pay for administrative or
12 other costs of any facilities branch or office, at any
13 level of the Bureau.

14 “(2) *REQUIREMENTS FOR CERTAIN USES.*—

15 “(A) *AGREEMENT.*—The Secretary shall not
16 withhold funds that would be distributed under
17 paragraph (1) to any grant or contract school,
18 in order to use the funds for maintenance or any
19 other facilities or road-related purposes, unless
20 such school—

21 “(i) has consented to the withholding of
22 such funds, including the amount of the
23 funds, the purpose for which the funds will
24 be used, and the timeline for the services to
25 be provided with the funds; and

1 “(ii) has provided the consent by enter-
2 ing into an agreement that is—

3 “(I) a modification to the con-
4 tract; and

5 “(II) in writing (in the case of a
6 school that receives a grant).

7 “(B) CANCELLATION.—The school may, at
8 the end of any fiscal year, cancel an agreement
9 entered into under this paragraph, on giving the
10 Bureau 30 days notice of the intent of the school
11 to cancel the agreement.

12 “(g) NO REDUCTION IN FEDERAL FUNDING.—Nothing
13 in this section shall be construed to reduce any Federal
14 funding for a school because the school received funding for
15 facilities improvement or construction from a State or any
16 other source.

17 “**SEC. 1125. BUREAU OF INDIAN AFFAIRS EDUCATION FUNC-**
18 **TIONS.**

19 “(a) FORMULATION AND ESTABLISHMENT OF POLICY
20 AND PROCEDURE; SUPERVISION OF PROGRAMS AND EX-
21 PENDITURES.—The Secretary shall vest in the Assistant
22 Secretary for Indian Affairs all functions with respect to
23 formulation and establishment of policy and procedure, and
24 supervision of programs and expenditures of Federal funds
25 for the purpose of Indian education administered by the

1 *Bureau. The Assistant Secretary shall carry out such func-*
2 *tions through the Director of the Office of Indian Education*
3 *Programs.*

4 “(b) *DIRECTION AND SUPERVISION OF PERSONNEL*
5 *OPERATIONS.*—

6 “(1) *IN GENERAL.*—Not later than 6 months
7 *after the date of the enactment of the Native Amer-*
8 *ican Education Improvement Act of 2001, the Direc-*
9 *tor of the Office shall direct and supervise the oper-*
10 *ations of all personnel directly and substantially in-*
11 *volved in the provision of education program services*
12 *by the Bureau, including school or institution custo-*
13 *dial or maintenance personnel, and personnel respon-*
14 *sible for contracting, a procurement, and finance*
15 *functions connected with school operation programs.*

16 “(2) *TRANSFERS.*—The Assistant Secretary for
17 *Indian Affairs shall, not later than 6 months after the*
18 *date of enactment of the Native American Education*
19 *Improvement Act of 2001, coordinate the transfer of*
20 *functions relating to procurements for, contracts of,*
21 *operation of, and maintenance of schools and other*
22 *support functions to the Director.*

23 “(c) *INHERENT FEDERAL FUNCTION.*—For purposes of
24 *this Act, all functions relating to education that are located*
25 *at the Area or Agency level and performed by an education*

1 *line officer shall be subject to contract under the Indian*
2 *Self-Determination and Education Assistance Act, unless*
3 *determined by the Secretary to be inherently Federal func-*
4 *tions as defined in section 1139(9).*

5 “(d) *EVALUATION OF PROGRAMS; SERVICES AND SUP-*
6 *PORT FUNCTIONS; TECHNICAL AND COORDINATION ASSIST-*
7 *ANCE.—Education personnel who are under the direction*
8 *and supervision of the Director of the Office in accordance*
9 *with subsection (b)(1) shall—*

10 “(1) *monitor and evaluate Bureau education*
11 *programs;*

12 “(2) *provide all services and support functions*
13 *for education programs with respect to personnel mat-*
14 *ters involving staffing actions and functions; and*

15 “(3) *provide technical and coordination assist-*
16 *ance in areas such as procurement, contracting, budg-*
17 *eting, personnel, curricula, and operation and main-*
18 *tenance of school facilities.*

19 “(e) *CONSTRUCTION, IMPROVEMENT, OPERATION, AND*
20 *MAINTENANCE OF FACILITIES.—*

21 “(1) *PLAN FOR CONSTRUCTION.—The Assistant*
22 *Secretary for Indian Affairs shall submit as part of*
23 *the annual budget request for educational services (as*
24 *contained in the President’s annual budget request*

1 *under section 1105 of title 31, United States Code) a*
2 *plan—*

3 “(A) *for the construction of school facilities*
4 *in accordance with section 1124(d);*

5 “(B) *for the improvement and repair of*
6 *education facilities and for establishing prior-*
7 *ities among the improvement and repair projects*
8 *involved, which together shall form the basis for*
9 *the distribution of appropriated funds; and*

10 “(C) *for capital improvements to education*
11 *facilities to be made over the 5 years succeeding*
12 *the year covered by the plan.*

13 “(2) *PROGRAM FOR OPERATION AND MAINTEN-*
14 *NANCE.—*

15 “(A) *IN GENERAL.—*

16 “(i) *PROGRAM.—The Assistant Sec-*
17 *retary shall establish a program, including*
18 *a program for the distribution of funds ap-*
19 *propriated under this part, for the oper-*
20 *ation and maintenance of education facili-*
21 *ties. Such program shall include—*

22 “(I) *a method of computing the*
23 *amount necessary for the operation*
24 *and maintenance of each education fa-*
25 *cility;*

1 “(II) a requirement of similar
2 treatment of all Bureau funded schools;

3 “(III) a notice of an allocation of
4 the appropriated funds from the Direc-
5 tor of the Office directly to the appro-
6 priate education line officers and
7 school officials;

8 “(IV) a method for determining
9 the need for, and priority of, facilities
10 improvement and repair projects, both
11 major and minor; and

12 “(V) a system for conducting rou-
13 tine preventive maintenance.

14 “(ii) MEETINGS.—In making the deter-
15 mination referred to in clause (i)(IV), the
16 Assistant Secretary shall cause a series of
17 meetings to be conducted at the area and
18 agency level with representatives of the Bu-
19 reau funded schools in the corresponding
20 areas and served by corresponding agencies,
21 to receive comment on the projects described
22 in clause (i)(IV) and prioritization of such
23 projects.

24 “(B) MAINTENANCE.—The appropriate edu-
25 cation line officers shall make arrangements for

1 *the maintenance of the education facilities with*
2 *the local supervisors of the Bureau maintenance*
3 *personnel. The local supervisors of Bureau main-*
4 *tenance personnel shall take appropriate action*
5 *to implement the decisions made by the appro-*
6 *priate education line officers. No funds made*
7 *available under this part may be authorized for*
8 *expenditure for maintenance of such an edu-*
9 *cation facility unless the appropriate education*
10 *line officer is assured that the necessary mainte-*
11 *nance has been, or will be, provided in a reason-*
12 *able manner.*

13 “(3) *IMPLEMENTATION.*—*The requirements of*
14 *this subsection shall be implemented as soon as prac-*
15 *ticable after the date of enactment of the Native*
16 *American Education Improvement Act of 2001.*

17 “(f) *ACCEPTANCE OF GIFTS AND BEQUESTS.*—

18 “(1) *GUIDELINES.*—*Notwithstanding any other*
19 *provision of law, the Director of the Office shall pro-*
20 *mulgate guidelines for the establishment and adminis-*
21 *tration of mechanisms for the acceptance of gifts and*
22 *bequests for the use and benefit of particular schools*
23 *or designated Bureau operated education programs,*
24 *including, in appropriate cases, the establishment and*
25 *administration of trust funds.*

1 “(2) *MONITORING AND REPORTS.*—*Except as*
2 *provided in paragraph (3), in a case in which a Bu-*
3 *reau operated education program is the beneficiary of*
4 *such a gift or bequest, the Director shall—*

5 “(A) *make provisions for monitoring use of*
6 *the gift or bequest; and*

7 “(B) *submit a report to the appropriate*
8 *committees of Congress that describes the amount*
9 *and terms of such gift or bequest, the manner in*
10 *which such gift or bequest shall be used, and any*
11 *results achieved by such use.*

12 “(3) *EXCEPTION.*—*The requirements of para-*
13 *graph (2) shall not apply in the case of a gift or be-*
14 *quest that is valued at \$5,000 or less.*

15 “(g) *FUNCTIONS CLARIFIED.*—*In this section, the term*
16 *‘functions’ includes powers and duties.*

17 **“SEC. 1126. ALLOTMENT FORMULA.**

18 “(a) *FACTORS CONSIDERED; REVISION TO REFLECT*
19 *STANDARDS.*—

20 “(1) *FORMULA.*—*The Secretary shall establish,*
21 *by regulation adopted in accordance with section*
22 *1136, a formula for determining the minimum an-*
23 *nuual amount of funds necessary to operate each Bu-*
24 *reau funded school. In establishing such formula, the*
25 *Secretary shall consider—*

1 “(A) the number of eligible Indian students
2 served by the school and the total student popu-
3 lation of the school;

4 “(B) special cost factors, such as—

5 “(i) the isolation of the school;

6 “(ii) the need for special staffing,
7 transportation, or educational programs;

8 “(iii) food and housing costs;

9 “(iv) maintenance and repair costs as-
10 sociated with the physical condition of the
11 educational facilities;

12 “(v) special transportation and other
13 costs of an isolated or small school;

14 “(vi) the costs of home-living (dor-
15 mitory) arrangements, where determined
16 necessary by a tribal governing body or des-
17 ignated school board;

18 “(vii) costs associated with greater
19 lengths of service by education personnel;

20 “(viii) the costs of therapeutic pro-
21 grams for students requiring such programs;

22 and

23 “(ix) special costs for gifted and tal-
24 ented students;

1 “(C) the costs of providing academic serv-
2 ices that are at least equivalent to the services
3 provided by public schools in the State in which
4 the school is located;

5 “(D) whether the available funding will en-
6 able the school involved to comply with the ac-
7 creditation standards applicable to the school
8 under section 1121; and

9 “(E) such other relevant factors as the Sec-
10 retary determines are appropriate including the
11 information contained in the General Accounting
12 Office study evaluating and comparing school
13 systems of the Department of Defense and the
14 Bureau of Indian Affairs.

15 “(2) REVISION OF FORMULA.—On the establish-
16 ment of the standards required in section 1122, the
17 Secretary shall—

18 “(A) revise the formula established under
19 paragraph (1) to reflect the cost of compliance
20 with such standards; and

21 “(B)(i) after the formula has been estab-
22 lished under paragraph (1), take such action as
23 may be necessary to increase the availability of
24 counseling and therapeutic programs for students

1 *in off-reservation home-living schools and other*
2 *Bureau operated residential facilities; and*

3 “(i) *concurrently with any actions taken*
4 *under clause (i), review the standards established*
5 *under section 1122 to ensure that such standards*
6 *adequately provide for parental notification re-*
7 *garding, and consent for, such counseling and*
8 *therapeutic programs.*

9 “(b) *PRO RATA ALLOTMENT.—Notwithstanding any*
10 *other provision of law, Federal funds appropriated for the*
11 *general local operation of Bureau funded schools shall be*
12 *allotted on a pro rata basis in accordance with the formula*
13 *established under subsection (a).*

14 “(c) *ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT*
15 *FOR SCHOOL BOARD ACTIVITIES.—*

16 “(1) *ANNUAL ADJUSTMENT.—*

17 “(A) *IN GENERAL.—For fiscal year 2002,*
18 *and for each subsequent fiscal year, the Secretary*
19 *shall adjust the formula established under sub-*
20 *section (a) to—*

21 “(i) *use a weighted factor of 1.2 for*
22 *each eligible Indian student enrolled in the*
23 *seventh and eighth grades of the school in*
24 *considering the number of eligible Indian*
25 *students served by the school;*

1 “(ii) consider a school with an enroll-
2 ment of fewer than 50 eligible Indian stu-
3 dents as having an average daily attend-
4 ance of 50 eligible Indian students for pur-
5 poses of implementing the adjustment factor
6 for small schools;

7 “(iii) take into account the provision
8 of residential services on less than a 9-
9 month basis at a school in a case in which
10 the school board and supervisor of the school
11 determine that the school will provide the
12 services for fewer than 9 months for the aca-
13 demic year involved;

14 “(iv) use a weighted factor of 2.0 for
15 each eligible Indian student that—

16 “(I) is gifted and talented; and

17 “(II) is enrolled in the school on
18 a full-time basis,

19 in considering the number of eligible Indian
20 students served by the school; and

21 “(v) use a weighted factor of 0.25 for
22 each eligible Indian student who is enrolled
23 in a year long credit course in an Indian
24 or Native language as part of the regular
25 curriculum of a school, in considering the

1 *number of eligible Indian students served by*
2 *such school.*

3 “(B) *TIMING.*—*The Secretary shall make*
4 *the adjustment required under subparagraph*
5 *(A)(v) for such school after—*

6 “(i) *the school board of such school pro-*
7 *vides a certification of the Indian or Native*
8 *language curriculum of the school to the*
9 *Secretary, together with an estimate of the*
10 *number of full-time students expected to be*
11 *enrolled in the curriculum in the second*
12 *academic year after the academic year for*
13 *which the certification is made; and*

14 “(ii) *the funds appropriated for allot-*
15 *ments under this section are designated, in*
16 *the appropriations Act appropriating such*
17 *funds, as the funds necessary to implement*
18 *such adjustment at such school without re-*
19 *ducing an allotment made under this sec-*
20 *tion to any school by virtue of such adjust-*
21 *ment.*

22 “(2) *RESERVATION OF AMOUNT.*—

23 “(A) *IN GENERAL.*—*From the funds allotted*
24 *in accordance with the formula established under*
25 *subsection (a) for each Bureau school, the local*

1 school board of such school may reserve an
2 amount which does not exceed the greater of—

3 “(i) \$8,000; or

4 “(ii) the lesser of—

5 “(I) \$15,000; or

6 “(II) 1 percent of such allotted
7 funds,

8 for school board activities for such school, includ-
9 ing (notwithstanding any other provision of law)
10 meeting expenses and the cost of membership in,
11 and support of, organizations engaged in activi-
12 ties on behalf of Indian education.

13 “(B) TRAINING.—Each local school board,
14 and any agency school board that serves as a
15 local school board for any grant or contract
16 school, shall ensure that each individual who is
17 a new member of the school board receives, with-
18 in 12 months after the individual becomes a
19 member of the school board, 40 hours of training
20 relevant to that individual’s service on the board.
21 Such training may include training concerning
22 legal issues pertaining to Bureau funded schools,
23 legal issues pertaining to school boards, ethics,
24 and other topics determined to be appropriate by
25 the school board. The training described in this

1 *subparagraph shall not be required but is rec-*
2 *ommended for a tribal governing body that*
3 *serves in the capacity of a school board.*

4 “(d) *RESERVATION OF AMOUNT FOR EMERGENCIES.—*

5 “*(1) IN GENERAL.—The Secretary shall reserve*
6 *from the funds available for allotment for each fiscal*
7 *year under this section an amount that, in the aggre-*
8 *gate, equals 1 percent of the funds available for allot-*
9 *ment for that fiscal year.*

10 “*(2) USE OF FUNDS.—Amounts reserved under*
11 *paragraph (1) shall be used, at the discretion of the*
12 *Director of the Office, to meet emergencies and unfore-*
13 *seen contingencies affecting the education programs*
14 *funded under this section. Funds reserved under this*
15 *subsection may only be expended for education serv-*
16 *ices or programs, including emergency repairs of edu-*
17 *cation facilities, at a school site (as defined in section*
18 *5204(c)(2) of the Tribally Controlled Schools Act of*
19 *1988).*

20 “*(3) FUNDS REMAINING AVAILABLE.—Funds re-*
21 *served under this subsection shall remain available*
22 *without fiscal year limitation until expended. The ag-*
23 *gregate amount of such funds, from all fiscal years,*
24 *that is available for expenditure in a fiscal year may*
25 *not exceed an amount equal to 1 percent of the funds*

1 *available for allotment under this section for that fis-*
2 *cal year.*

3 “(4) *REPORTS.*—*If the Secretary makes funds*
4 *available under this subsection, the Secretary shall*
5 *submit a report describing such action to the appro-*
6 *priate committees of Congress as part of the Presi-*
7 *dent’s next annual budget request under section 1105*
8 *of title 31, United States Code.*

9 “(e) *SUPPLEMENTAL APPROPRIATIONS.*—*Any funds*
10 *provided in a supplemental appropriations Act to meet in-*
11 *creased pay costs attributable to school level personnel of*
12 *Bureau funded schools shall be allotted under this section.*

13 “(f) *ELIGIBLE INDIAN STUDENT DEFINED.*—*In this*
14 *section, the term ‘eligible Indian student’ means a student*
15 *who—*

16 “(1) *is a member of, or is at least $\frac{1}{4}$ degree In-*
17 *Indian blood descendant of a member of, a tribe that is*
18 *eligible for the special programs and services provided*
19 *by the United States through the Bureau to Indians*
20 *because of their status as Indians;*

21 “(2) *resides on or near a reservation or meets the*
22 *criteria for attendance at a Bureau off-reservation*
23 *home-living school; and*

24 “(3) *is enrolled in a Bureau funded school.*

25 “(g) *TUITION.*—

1 “(1) *IN GENERAL.*—A Bureau school or contract
2 or grant school may not charge an eligible Indian
3 student tuition for attendance at the school. A Bureau
4 school may not charge a student attending the school
5 under the circumstances described in paragraph
6 (2)(B) tuition for attendance at the school.

7 “(2) *ATTENDANCE OF NON-INDIAN STUDENTS AT*
8 *BUREAU SCHOOLS.*—The Secretary may permit the
9 attendance at a Bureau school of a student who is not
10 an eligible Indian student if—

11 “(A)(i) the Secretary determines that the
12 student’s attendance will not adversely affect the
13 school’s program for eligible Indian students be-
14 cause of cost, overcrowding, or violation of stand-
15 ards or accreditation requirements; and

16 “(ii) the local school board consents; and

17 “(B)(i) the student is a dependent of a Bu-
18 reau, Indian Health Service, or tribal govern-
19 ment employee who lives on or near the school
20 site; or

21 “(ii) tuition is paid for the student in an
22 amount that is not more than the amount of tui-
23 tion charged by the nearest public school district
24 for out-of-district students, and is paid in addi-
25 tion to the school’s allotment under this section.

1 “(3) *ATTENDANCE OF NON-INDIAN STUDENTS AT*
2 *CONTRACT AND GRANT SCHOOLS.*—*The school board of*
3 *a contract or grant school may permit students who*
4 *are not eligible Indian students to attend the contract*
5 *or grant school. Any tuition collected for those stu-*
6 *dents shall be in addition to the amount the school re-*
7 *ceived under this section.*

8 “(h) *FUNDS AVAILABLE WITHOUT FISCAL YEAR LIM-*
9 *TATION.*—*Notwithstanding any other provision of law, at*
10 *the election of the local school board of a Bureau school*
11 *made at any time during a fiscal year, a portion equal*
12 *to not more than 15 percent of the funds allotted for the*
13 *school under this section for the fiscal year shall remain*
14 *available to the school for expenditure without fiscal year*
15 *limitation. The Assistant Secretary for Indian Affairs shall*
16 *take such steps as may be necessary to implement this sub-*
17 *section.*

18 “(i) *STUDENTS AT RICHFIELD DORMITORY, RICH-*
19 *FIELD, UTAH.*—*Tuition for the instruction of each out-of-*
20 *State Indian student in a home-living situation at the*
21 *Richfield dormitory in Richfield, Utah, who attends Sevier*
22 *County high schools in Richfield, Utah, for an academic*
23 *year, shall be paid from Indian school equalization pro-*
24 *gram funds authorized in this section and section 1129, at*
25 *a rate not to exceed the weighted amount provided for under*

1 *subsection (b) for a student for that year. No additional*
2 *administrative cost funds shall be provided under this part*
3 *to pay for administrative costs relating to the instruction*
4 *of the students.*

5 **“SEC. 1127. ADMINISTRATIVE COST GRANTS.**

6 “(a) *DEFINITIONS.—In this section:*

7 “(1) *ADMINISTRATIVE COST.—*

8 “(A) *IN GENERAL.—The term ‘administra-*
9 *tive cost’ means the cost of necessary administra-*
10 *tive functions which—*

11 “(i) *the tribe or tribal organization incurs*
12 *as a result of operating a tribal elementary or*
13 *secondary educational program;*

14 “(ii) *are not customarily paid by com-*
15 *parable Bureau operated programs out of direct*
16 *program funds; and*

17 “(iii) *are either—*

18 “(I) *normally provided for comparable*
19 *Bureau programs by Federal officials using*
20 *resources other than Bureau direct program*
21 *funds; or*

22 “(II) *are otherwise required of tribal*
23 *self-determination program operators by*
24 *law or prudent management practice.*

1 “(B) *INCLUSIONS.*—*The term ‘administra-*
2 *tive cost’ may include—*

3 “(i) *contract or grant (or other agreement)*
4 *administration;*

5 “(ii) *executive, policy, and corporate leader-*
6 *ship and decisionmaking;*

7 “(iii) *program planning, development, and*
8 *management;*

9 “(iv) *fiscal, personnel, property, and pro-*
10 *curement management;*

11 “(v) *related office services and record keep-*
12 *ing; and*

13 “(vi) *costs of necessary insurance, auditing,*
14 *legal, safety and security services.*

15 “(2) *BUREAU ELEMENTARY AND SECONDARY*
16 *FUNCTIONS.*—*The term ‘Bureau elementary and sec-*
17 *ondary functions’ means—*

18 “(A) *all functions funded at Bureau schools*
19 *by the Office;*

20 “(B) *all programs—*

21 “(i) *funds for which are appropriated*
22 *to other agencies of the Federal Government;*
23 *and*

1 “(ii) which are administered for the
2 benefit of Indians through Bureau schools;
3 and

4 “(C) all operation, maintenance, and repair
5 funds for facilities and government quarters used
6 in the operation or support of elementary and
7 secondary education functions for the benefit of
8 Indians, from whatever source derived.

9 “(3) DIRECT COST BASE.—

10 “(A) IN GENERAL.—Except as otherwise
11 provided in subparagraph (B), the direct cost
12 base of a tribe or tribal organization for the fis-
13 cal year is the aggregate direct cost program
14 funding for all tribal elementary or secondary
15 educational programs operated by the tribe or
16 tribal organization during—

17 “(i) the second fiscal year preceding such
18 fiscal year; or

19 “(ii) if such programs have not been oper-
20 ated by the tribe or tribal organization during
21 the two preceding fiscal years, the first fiscal
22 year preceding such fiscal year.

23 “(B) FUNCTIONS NOT PREVIOUSLY OPER-
24 ATED.—In the case of Bureau elementary or sec-
25 ondary education functions which have not pre-

1 *viously been operated by a tribe or tribal organi-*
2 *zation under contract, grant, or agreement with*
3 *the Bureau, the direct cost base for the initial*
4 *year shall be the projected aggregate direct cost*
5 *program funding for all Bureau elementary and*
6 *secondary functions to be operated by the tribe or*
7 *tribal organization during that fiscal year.*

8 “(4) *MAXIMUM BASE RATE.*—*The term ‘max-*
9 *imum base rate’ means 50 percent.*

10 “(5) *MINIMUM BASE RATE.*—*The term ‘min-*
11 *imum base rate’ means 11 percent.*

12 “(6) *STANDARD DIRECT COST BASE.*—*The term*
13 *‘standard direct cost base’ means \$600,000.*

14 “(7) *TRIBAL ELEMENTARY OR SECONDARY EDU-*
15 *CATIONAL PROGRAMS.*—*The term ‘tribal elementary*
16 *or secondary educational programs’ means all Bureau*
17 *elementary and secondary functions, together with*
18 *any other Bureau programs or portions of programs*
19 *(excluding funds for social services that are appro-*
20 *priated to agencies other than the Bureau and are ex-*
21 *pended through the Bureau, funds for major sub-*
22 *contracts, construction, and other major capital ex-*
23 *penditures, and unexpended funds carried over from*
24 *prior years) which share common administrative cost*
25 *functions, that are operated directly by a tribe or*

1 tribal organization under a contract, grant, or agree-
2 ment with the Bureau.

3 “(b) GRANTS; EFFECT UPON APPROPRIATED
4 AMOUNTS.—

5 “(1) GRANTS.—

6 “(A) IN GENERAL.—The Secretary shall
7 provide a grant to each tribe or tribal organiza-
8 tion operating a contract or grant school, in an
9 amount determined under this section, for the
10 purpose of paying the administrative and indi-
11 rect costs incurred in operating the contract or
12 grant school, in order to—

13 “(i) enable the tribe or tribal organiza-
14 tion operating the school, without reducing
15 direct program services to the beneficiaries
16 of the program, to provide all related ad-
17 ministrative overhead services and oper-
18 ations necessary to meet the requirements of
19 law and prudent management practice; and

20 “(ii) carry out other necessary support
21 functions that would otherwise be provided
22 by the Secretary or other Federal officers or
23 employees, from resources other than direct
24 program funds, in support of comparable
25 Bureau operated programs.

1 “(B) AMOUNT.—No school operated as a
2 stand-alone institution shall receive less than
3 \$200,000 per year under this paragraph.

4 “(2) EFFECT UPON APPROPRIATED AMOUNTS.—
5 Amounts appropriated to fund the grants provided for
6 under this section shall be in addition to, and shall
7 not reduce, the amounts appropriated for the program
8 being administered by the contract or grant school.

9 “(c) DETERMINATION OF GRANT AMOUNT.—

10 “(1) IN GENERAL.—The amount of the grant
11 provided to each tribe or tribal organization under
12 this section for each fiscal year shall be determined by
13 applying the administrative cost percentage rate de-
14 termined under subsection (d) of the tribe or tribal or-
15 ganization to the aggregate cost of the Bureau elemen-
16 tary and secondary functions operated by the tribe or
17 tribal organization for which funds are received from
18 or through the Bureau. The administrative cost per-
19 centage rate does not apply to programs not relating
20 to such functions that are operated by the tribe or
21 tribal organization.

22 “(2) DIRECT COST BASE FUNDS.—The Secretary
23 shall—

24 “(A) reduce the amount of the grant deter-
25 mined under paragraph (1) to the extent that

1 *payments for administrative costs are actually*
2 *received by a tribe or tribal organization under*
3 *any Federal education program that is included*
4 *in the direct cost base of the tribe or tribal orga-*
5 *nization; and*

6 “(B) *take such actions as may be necessary*
7 *to be reimbursed by any other department or*
8 *agency of the Federal Government (other than*
9 *the Department of the Interior) for the portion*
10 *of grants made under this section for the costs of*
11 *administering any program for Indians that is*
12 *funded by appropriations made to such other de-*
13 *partment or agency.*

14 “(3) *REDUCTIONS.*—*If the total amount of funds*
15 *necessary to provide grants to tribes and tribal orga-*
16 *nizations in the amounts determined under para-*
17 *graph (1) and (2) for a fiscal year exceeds the amount*
18 *of funds appropriated to carry out this section for*
19 *such fiscal year, the Secretary shall reduce the*
20 *amount of each grant determined under this sub-*
21 *section for such fiscal year by an amount that bears*
22 *the same relationship to such excess as the amount of*
23 *such grants determined under this subsection bears to*
24 *the total of all grants determined under this sub-*

1 *section for all tribes and tribal organizations for such*
 2 *fiscal year.*

3 “(d) *ADMINISTRATIVE COST PERCENTAGE RATE.*—

4 “(1) *IN GENERAL.*—*For purposes of this section,*
 5 *the administrative cost percentage rate for a contract*
 6 *or grant school for a fiscal year is equal to the per-*
 7 *centage determined by dividing—*

8 “(A) *the sum of—*

9 “(i) *the amount equal to—*

10 “(I) *the direct cost base of the*
 11 *tribe or tribal organization for the fis-*
 12 *cal year; multiplied by*

13 “(II) *the minimum base rate; plus*

14 “(ii) *the amount equal to—*

15 “(I) *the standard direct cost base;*
 16 *multiplied by*

17 “(II) *the maximum base rate; by*

18 “(B) *the sum of—*

19 “(i) *the direct cost base of the tribe or*
 20 *tribal organization for the fiscal year; and*

21 “(ii) *the standard direct cost base.*

22 “(2) *ROUNDING.*—*The administrative cost per-*
 23 *centage rate shall be determined to $\frac{1}{100}$ of a percent.*

24 “(e) *COMBINING FUNDS.*—

1 “(1) *IN GENERAL.*—*Funds received by a tribe,*
2 *tribal organization, or contract or grant school*
3 *through grants made under this section for tribal ele-*
4 *mentary or secondary educational programs may be*
5 *combined by the tribe, tribal organization, or contract*
6 *or grant school and placed into a single administra-*
7 *tive cost account without the necessity of maintaining*
8 *separate funding source accounting.*

9 “(2) *INDIRECT COST FUNDS.*—*Indirect cost funds*
10 *for programs at the school that share common admin-*
11 *istrative services with the tribal elementary or sec-*
12 *ondary educational programs may be included in the*
13 *administrative cost account described in paragraph*
14 *(1).*

15 “(f) *AVAILABILITY OF FUNDS.*—*Funds received*
16 *through a grant made under this section with respect to*
17 *tribal elementary or secondary educational programs at a*
18 *contract or grant school shall remain available to the con-*
19 *tract or grant school—*

20 “(1) *without fiscal year limitation; and*

21 “(2) *without reducing the amount of any grants*
22 *otherwise payable to the school under this section for*
23 *any fiscal year after the fiscal year for which the*
24 *grant is provided.*

1 “(g) *TREATMENT OF FUNDS.—Funds received through*
2 *a grant made under this section for Bureau funded pro-*
3 *grams operated by a tribe or tribal organization under a*
4 *contract or grant shall not be taken into consideration for*
5 *purposes of indirect cost underrecovery and overrecovery de-*
6 *terminations by any Federal agency for any other funds,*
7 *from whatever source derived.*

8 “(h) *TREATMENT OF ENTITY OPERATING OTHER PRO-*
9 *GRAMS.—In applying this section and section 106 of the*
10 *Indian Self-Determination and Education Assistance Act*
11 *with respect to an Indian tribe or tribal organization*
12 *that—*

13 “(1) *receives funds under this section for admin-*
14 *istrative costs incurred in operating a contract or*
15 *grant school or a school operated under the Tribally*
16 *Controlled Schools Act of 1988; and*

17 “(2) *operates one or more other programs under*
18 *a contract or grant provided under the Indian Self-*
19 *Determination and Education Assistance Act,*
20 *the Secretary shall ensure that the Indian tribe or tribal*
21 *organization is provided with the full amount of the admin-*
22 *istrative costs that are associated with operating the con-*
23 *tract or grant school, and of the indirect costs, that are asso-*
24 *ciated with all of such other programs, except that funds*
25 *appropriated for implementation of this section shall be*

1 *used only to supply the amount of the grant required to*
2 *be provided by this section.*

3 “(i) *APPLICABILITY TO SCHOOLS OPERATING UNDER*
4 *TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.*—*The pro-*
5 *visions of this section that apply to contract or grant schools*
6 *shall also apply to those schools receiving assistance under*
7 *the Tribally Controlled Schools Act of 1988.*

8 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
9 *authorized to be appropriated such sums as may be nec-*
10 *essary to carry out this section.*

11 “(k) *ADMINISTRATIVE COST GRANT BUDGET RE-*
12 *QUESTS.*—

13 “(1) *IN GENERAL.*—*Beginning with President’s*
14 *annual budget request under section 1105 of title 31,*
15 *United States Code for fiscal year 2002, and with re-*
16 *spect to each succeeding budget request, the Secretary*
17 *shall submit to the appropriate committees of Con-*
18 *gress information and funding requests for the full*
19 *funding of administrative costs grants required to be*
20 *paid under this section.*

21 “(2) *REQUIREMENTS.*—

22 “(A) *FUNDING FOR NEW CONVERSIONS TO*
23 *CONTRACT OR GRANT SCHOOL OPERATIONS.*—
24 *With respect to a budget request under para-*
25 *graph (1), the amount required to provide full*

1 *funding for an administrative cost grant for*
2 *each tribe or tribal organization expected to*
3 *begin operation of a Bureau-funded school as*
4 *contract or grant school in the academic year*
5 *funded by such annual budget request, the*
6 *amount so required shall not be less than 10 per-*
7 *cent of the amount required for subparagraph*
8 *(B).*

9 “(B) *FUNDING FOR CONTINUING CONTRACT*
10 *AND GRANT SCHOOL OPERATIONS.—With respect*
11 *to a budget request under paragraph (1), the*
12 *amount required to provide full funding for an*
13 *administrative cost grant for each tribe or tribal*
14 *organization operating a contract or grant school*
15 *at the time the annual budget request is sub-*
16 *mitted, which amount shall include the amount*
17 *of funds required to provide full funding for an*
18 *administrative cost grant for each tribe or tribal*
19 *organization which began operation of a contract*
20 *or grant school with administrative cost grant*
21 *funds supplied from the amount described in*
22 *subparagraph (A).*

23 **“SEC. 1128. DIVISION OF BUDGET ANALYSIS.**

24 “(a) *ESTABLISHMENT.—Not later than 12 months*
25 *after the date of enactment of the Native American Edu-*

1 *cation Improvement Act of 2001, the Secretary shall estab-*
2 *lish within the Office of Indian Education Programs a Di-*
3 *vision of Budget Analysis (referred to in this section as the*
4 *'Division'). Such Division shall be under the direct super-*
5 *vision and control of the Director of the Office.*

6 “(b) *FUNCTIONS.*—*In consultation with the tribal gov-*
7 *erning bodies and local school boards the Director of the*
8 *Office, through the head of the Division, shall conduct stud-*
9 *ies, surveys, or other activities to gather demographic infor-*
10 *mation on Bureau funded schools and project the amounts*
11 *necessary to provide to Indian students in such schools the*
12 *educational program set forth in this part.*

13 “(c) *ANNUAL REPORTS.*—*Not later than the date that*
14 *the Assistant Secretary for Indian Affairs submits the an-*
15 *nual budget request as part of the President's annual budget*
16 *request under section 1105 of title 31, United States Code*
17 *for each fiscal year after the date of enactment of the Native*
18 *American Education Improvement Act of 2001, the Director*
19 *of the Office shall submit to the appropriate committees of*
20 *Congress (including the Committee on Appropriations of*
21 *the House of Representatives and the Committee on Appro-*
22 *priations of the Senate), all Bureau funded schools, and the*
23 *tribal governing bodies relating to such schools, a report*
24 *that shall contain—*

1 “(1) projections, based on the information gath-
2 ered pursuant to subsection (b) and any other rel-
3 evant information, of amounts necessary to provide to
4 Indian students in Bureau funded schools the edu-
5 cational program set forth in this part;

6 “(2) a description of the methods and formulas
7 used to calculate the amounts projected pursuant to
8 paragraph (1); and

9 “(3) such other information as the Director of
10 the Office considers to be appropriate.

11 “(d) *USE OF REPORTS.*—The Director of the Office
12 and the Assistant Secretary for Indian Affairs shall use the
13 information contained in the annual report required by
14 subsection (c) in preparing their annual budget requests.

15 **“SEC. 1129. UNIFORM DIRECT FUNDING AND SUPPORT.**

16 “(a) *ESTABLISHMENT OF SYSTEM AND FORWARD*
17 *FUNDING.*—

18 “(1) *IN GENERAL.*—The Secretary shall establish,
19 by regulation adopted in accordance with section
20 1136, a system for the direct funding and support of
21 all Bureau funded schools. Such system shall allot
22 funds in accordance with section 1126. All amounts
23 appropriated for distribution in accordance with this
24 section shall be made available in accordance with
25 paragraph (2).

1 “(2) *TIMING FOR USE OF FUNDS.*—

2 “(A) *AVAILABILITY.*—*For the purposes of*
3 *affording adequate notice of funding available*
4 *pursuant to the allotments made under section*
5 *1126 and the allotments of funds for operation*
6 *and maintenance of facilities, amounts appro-*
7 *priated in an appropriations Act for any fiscal*
8 *year for such allotments shall become available*
9 *for obligation by the affected schools on July 1*
10 *of the fiscal year for which such allotments are*
11 *appropriated without further action by the Sec-*
12 *retary, and shall remain available for obligation*
13 *through the succeeding fiscal year.*

14 “(B) *PUBLICATIONS.*—*The Secretary shall,*
15 *on the basis of the amounts appropriated as de-*
16 *scribed in this paragraph—*

17 “(i) *publish, not later than July 1 of*
18 *the fiscal year for which the amounts are*
19 *appropriated, information indicating the*
20 *amount of the allotments to be made to each*
21 *affected school under section 1126, of 80*
22 *percent of such appropriated amounts; and*

23 “(ii) *publish, not later than September*
24 *30 of such fiscal year, information indi-*
25 *cating the amount of the allotments to be*

1 *made under section 1126, from the remain-*
2 *ing 20 percent of such appropriated*
3 *amounts, adjusted to reflect the actual stu-*
4 *dent attendance.*

5 *Any overpayments made to tribal schools shall be*
6 *returned to the Secretary not later than 30 days*
7 *after the final determination that the school was*
8 *overpaid pursuant to this section.*

9 “(3) *LIMITATION.*—

10 “(A) *EXPENDITURES.*—*Notwithstanding*
11 *any other provision of law (including a regula-*
12 *tion), the supervisor of a Bureau school may ex-*
13 *pend an aggregate of not more than \$50,000 of*
14 *the amount allotted to the school under section*
15 *1126 to acquire materials, supplies, equipment,*
16 *operation services, maintenance services, and*
17 *other services for the school, and amounts re-*
18 *ceived as operations and maintenance funds,*
19 *funds received from the Department of Edu-*
20 *cation, or funds received from other Federal*
21 *sources, without competitive bidding if—*

22 “(i) *the cost for any single item ac-*
23 *quired does not exceed \$15,000;*

24 “(ii) *the school board approves the ac-*
25 *quisition;*

1 “(iii) the supervisor certifies that the
2 cost is fair and reasonable;

3 “(iv) the documents relating to the ac-
4 quisition executed by the supervisor of the
5 school or other school staff cite this para-
6 graph as authority for the acquisition; and

7 “(v) the acquisition transaction is doc-
8 umented in a journal maintained at the
9 school that clearly identifies when the trans-
10 action occurred, the item that was acquired
11 and from whom, the price paid, the quan-
12 tities acquired, and any other information
13 the supervisor or the school board considers
14 to be relevant.

15 “(B) NOTICE.—Not later than 6 months
16 after the date of enactment of the Native Amer-
17 ican Education Improvement Act of 2001, the
18 Secretary shall send notice of the provisions of
19 this paragraph to each supervisor of a Bureau
20 school and associated school board chairperson,
21 the education line officer of each agency and
22 area, and the Bureau division in charge of pro-
23 curement, at both the local and national levels.

24 “(C) APPLICATION AND GUIDELINES.—The
25 Director of the Office shall be responsible for—

1 “(i) determining the application of this
2 paragraph, including the authorization of
3 specific individuals to carry out this para-
4 graph;

5 “(ii) ensuring that there is at least 1
6 such individual at each Bureau facility;
7 and

8 “(iii) the provision of guidelines on the
9 use of this paragraph and adequate train-
10 ing on such guidelines.

11 “(b) *LOCAL FINANCIAL PLANS FOR EXPENDITURE OF*
12 *FUNDS.*—

13 “(1) *PLAN REQUIRED.*—

14 “(A) *IN GENERAL.*—Each Bureau school
15 that receives an allotment under section 1126
16 shall prepare a local financial plan that specifies
17 the manner in which the school will expend the
18 funds made available under the allotment and
19 ensures that the school will meet the accredita-
20 tion requirements or standards for the school
21 pursuant to section 1121.

22 “(B) *REQUIREMENT.*—A local financial
23 plan under subparagraph (A) shall comply with
24 all applicable Federal and tribal laws.

1 “(C) *PREPARATION AND REVISION.*—*The fi-*
2 *nancial plan for a school under subparagraph*
3 *(A) shall be prepared by the supervisor of the*
4 *school in active consultation with the local school*
5 *board for the school. The local school board for*
6 *each school shall have the authority to ratify, re-*
7 *ject, or amend such financial plan and, at the*
8 *initiative of the local school board or in response*
9 *to the supervisor of the school, to revise such fi-*
10 *nancial plan to meet needs not foreseen at the*
11 *time of preparation of the financial plan.*

12 “(D) *ROLE OF SUPERVISOR.*—*The super-*
13 *visor of the school—*

14 “(i) *shall put into effect the decisions*
15 *of the school board relating to the financial*
16 *plan under subparagraph (A); and*

17 “(ii) *shall provide the appropriate*
18 *local union representative of the education*
19 *employees of the school with copies of pro-*
20 *posed financial plans relating to the school*
21 *and all modifications and proposed modi-*
22 *fications to the plans, and at the same time*
23 *submit such copies to the local school board.*

24 “(iii) *may appeal any such action of*
25 *the local school board to the appropriate*

1 *education line officer of the Bureau agency*
2 *by filing a written statement describing the*
3 *action and the reasons the supervisor be-*
4 *lieves such action should be overturned.*

5 *A copy of the statement under clause (iii) shall*
6 *be submitted to the local school board and such*
7 *board shall be afforded an opportunity to re-*
8 *spond, in writing, to such appeal. After review-*
9 *ing such written appeal and response, the appro-*
10 *priate education line officer may, for good cause,*
11 *overturn the action of the local school board. The*
12 *appropriate education line officer shall transmit*
13 *the determination of such appeal in the form of*
14 *a written opinion to such board and to such su-*
15 *pervisor identifying the reasons for overturning*
16 *such action.*

17 “(2) *REQUIREMENT.*—*A Bureau school shall ex-*
18 *pend amounts received under an allotment under sec-*
19 *tion 1126 in accordance with the local financial plan*
20 *prepared under paragraph (1).*

21 “(c) *TRIBAL DIVISION OF EDUCATION, SELF-DETER-*
22 *MINATION GRANT AND CONTRACT FUNDS.*—*The Secretary*
23 *may approve applications for funding tribal divisions of*
24 *education and developing tribal codes of education, from*

1 *funds made available pursuant to section 103(a) of the In-*
2 *dian Self-Determination and Education Assistance Act.*

3 “(d) *TECHNICAL ASSISTANCE AND TRAINING.*—*A local*
4 *school board may, in the exercise of the authority of the*
5 *school board under this section, request technical assistance*
6 *and training from the Secretary. The Secretary shall, to*
7 *the greatest extent possible, provide such assistance and*
8 *training, and make appropriate provision in the budget of*
9 *the Office for such assistance and training.*

10 “(e) *SUMMER PROGRAM OF ACADEMIC AND SUPPORT*
11 *SERVICES.*—

12 “(1) *IN GENERAL.*—*A financial plan prepared*
13 *under subsection (b) for a school may include, at the*
14 *discretion of the supervisor and the local school board*
15 *of such school, a provision for funding a summer pro-*
16 *gram of academic and support services for students of*
17 *the school. Any such program may include activities*
18 *related to the prevention of alcohol and substance*
19 *abuse. The Assistant Secretary for Indian Affairs*
20 *shall provide for the utilization of facilities of the*
21 *school for such program during any summer in which*
22 *such utilization is requested.*

23 “(2) *USE OF OTHER FUNDS.*—*Notwithstanding*
24 *any other provision of law, funds authorized under*
25 *the Act of April 16, 1934 (commonly known as the*

1 *‘Johnson-O’Malley Act’; 48 Stat. 596, chapter 147)*
2 *and this Act may be used to augment the services pro-*
3 *vided in each summer program referred to in para-*
4 *graph (1) at the option of the tribe or school receiving*
5 *such funds. The augmented services shall be under the*
6 *control of the tribe or school.*

7 “(3) *TECHNICAL ASSISTANCE AND PROGRAM CO-*
8 *ORDINATION.—The Assistant Secretary for Indian Af-*
9 *airs, acting through the Director of the Office, shall*
10 *provide technical assistance and coordination of ac-*
11 *tivities for any program described in paragraph (1)*
12 *and shall, to the extent possible, encourage the coordi-*
13 *nation of such programs with any other summer pro-*
14 *grams that might benefit Indian youth, regardless of*
15 *the funding source or administrative entity of such*
16 *programs.*

17 “(f) *COOPERATIVE AGREEMENTS.—*

18 “(1) *IN GENERAL.—From funds allotted to a Bu-*
19 *reau school under section 1126, the Secretary shall, if*
20 *specifically requested by the appropriate tribal gov-*
21 *erning body, implement a cooperative agreement that*
22 *is entered into between the tribe, the Bureau, the local*
23 *school board, and a local public school district that*
24 *meets the requirements of paragraph (2) and involves*
25 *the school. The tribe, the Bureau, the school board,*

1 *and the local public school district shall determine the*
2 *terms of the agreement.*

3 “(2) *COORDINATION PROVISIONS.—An agreement*
4 *under paragraph (1) may, with respect to the Bureau*
5 *school and schools in the school district involved, en-*
6 *compass coordination of all or any part of the fol-*
7 *lowing:*

8 “(A) *The academic program and cur-*
9 *riculum, unless the Bureau school is accredited*
10 *by a State or regional accrediting entity and*
11 *would not continue to be so accredited if the*
12 *agreement encompassed the program and cur-*
13 *riculum.*

14 “(B) *Support services, including procure-*
15 *ment and facilities maintenance.*

16 “(C) *Transportation.*

17 “(3) *EQUAL BENEFIT AND BURDEN.—*

18 “(A) *IN GENERAL.—Each agreement entered*
19 *into pursuant to the authority provided in para-*
20 *graph (1) shall confer a benefit upon the Bureau*
21 *school commensurate with the burden assumed*
22 *by the school.*

23 “(B) *LIMITATION.—Subparagraph (A) shall*
24 *not be construed to require equal expenditures, or*

1 *an exchange of similar services, by the Bureau*
2 *school and schools in the school district.*

3 “(g) *PRODUCT OR RESULT OF STUDENT PROJECTS.—*

4 *Notwithstanding any other provision of law, where there*
5 *is agreement on action between the superintendent and the*
6 *school board of a Bureau funded school, the product or re-*
7 *sult of a project conducted in whole or in major part by*
8 *a student may be given to that student upon the completion*
9 *of such project.*

10 “(h) *MATCHING FUND REQUIREMENTS.—*

11 “(1) *NOT CONSIDERED FEDERAL FUNDS.—Not-*
12 *withstanding any other provision of law, funds re-*
13 *ceived by a Bureau funded school under this title for*
14 *education-related activities (not including funds for*
15 *construction, maintenance, and facilities improve-*
16 *ment or repair) shall not be considered Federal funds*
17 *for the purposes of a matching funds requirement for*
18 *any Federal program.*

19 “(2) *NONAPPLICATION OF REQUIREMENTS.—*

20 “(A) *IN GENERAL.—Notwithstanding any*
21 *other provision of law, no requirement relating*
22 *to the provision of matching funds or the provi-*
23 *sion of services or in-kind activity as a condition*
24 *of participation in a program or project or re-*
25 *ceipt of a grant, shall apply to a Bureau funded*

1 *school unless the provision of law authorizing*
2 *such requirement specifies that such requirement*
3 *applies to such a school.*

4 “(B) *LIMITATION.*—*In considering an ap-*
5 *plication from a Bureau funded school for par-*
6 *ticipation in a program or project that has a re-*
7 *quirement described in subparagraph (A), the*
8 *entity administering such program or project or*
9 *awarding such grant shall not give positive or*
10 *negative weight to such application based solely*
11 *on the provisions of this paragraph. Such an ap-*
12 *plication shall be considered as if it fully met*
13 *any matching requirement.*

14 **“SEC. 1130. POLICY FOR INDIAN CONTROL OF INDIAN EDU-**
15 **CATION.**

16 “(a) *FACILITATION OF INDIAN CONTROL.*—*It shall be*
17 *the policy of the United States acting through the Secretary,*
18 *in carrying out the functions of the Bureau, to facilitate*
19 *Indian control of Indian affairs in all matters relating to*
20 *education.*

21 “(b) *CONSULTATION WITH TRIBES.*—

22 “(1) *IN GENERAL.*—*All actions under this Act*
23 *shall be done with active consultation with tribes. The*
24 *United States acting through the Secretary, and*
25 *tribes shall work in a government-to-government rela-*

1 *tionship to ensure quality education for all tribal*
2 *members.*

3 “(2) *REQUIREMENTS.—The consultation re-*
4 *quired under paragraph (1) means a process involv-*
5 *ing the open discussion and joint deliberation of all*
6 *options with respect to potential issues or changes be-*
7 *tween the Bureau and all interested parties. During*
8 *such discussions and joint deliberations, interested*
9 *parties (including tribes and school officials) shall be*
10 *given an opportunity to present issues including pro-*
11 *posals regarding changes in current practices or pro-*
12 *grams which will be considered for future action by*
13 *the Secretary. All interested parties shall be given an*
14 *opportunity to participate and discuss the options*
15 *presented or to present alternatives, with the views*
16 *and concerns of the interested parties given effect un-*
17 *less the Secretary determines, from information avail-*
18 *able from or presented by the interested parties dur-*
19 *ing one or more of the discussions and deliberations,*
20 *that there is a substantial reason for another course*
21 *of action. The Secretary shall submit to any Member*
22 *of Congress, within 18 days of the receipt of a written*
23 *request by such Member, a written explanation of any*
24 *decision made by the Secretary which is not con-*
25 *sistent with the views of the interested parties.*

1 **“SEC. 1131. INDIAN EDUCATION PERSONNEL.**

2 “(a) *DEFINITIONS.—In this section:*

3 “(1) *EDUCATION POSITION.—The term ‘edu-*
4 *cation position’ means a position in the Bureau the*
5 *duties and responsibilities of which—*

6 “(A) *are performed on a school-year basis*
7 *principally in a Bureau school and involve—*

8 “(i) *classroom or other instruction or*
9 *the supervision or direction of classroom or*
10 *other instruction;*

11 “(ii) *any activity (other than teaching)*
12 *that requires academic credits in edu-*
13 *cational theory and practice equal to the*
14 *academic credits in educational theory and*
15 *practice required for a bachelor’s degree in*
16 *education from an accredited institution of*
17 *higher education;*

18 “(iii) *any activity in or related to the*
19 *field of education, whether or not academic*
20 *credits in educational theory and practice*
21 *are a formal requirement for the conduct of*
22 *such activity; or*

23 “(iv) *provision of support services at,*
24 *or associated with, the site of the school; or*

25 “(B) *are performed at the agency level of*
26 *the Bureau and involve the implementation of*

1 *education-related programs, other than the posi-*
2 *tion of agency superintendent for education.*

3 “(2) *EDUCATOR.*—*The term ‘educator’ means an*
4 *individual whose services are required, or who is em-*
5 *ployed, in an education position.*

6 “(b) *CIVIL SERVICE AUTHORITIES INAPPLICABLE.*—
7 *Chapter 51, subchapter III of chapter 53, and chapter 63*
8 *of title 5, United States Code, relating to classification, pay,*
9 *and leave, respectively, and the sections of such title relating*
10 *to the appointment, promotion, hours of work, and removal*
11 *of civil service employees, shall not apply to educators or*
12 *to education positions.*

13 “(c) *REGULATIONS.*—*Not later than 60 days after the*
14 *date of enactment of the Native American Education Im-*
15 *provement Act of 2001, the Secretary shall prescribe regula-*
16 *tions to carry out this section. Such regulations shall in-*
17 *clude provisions relating to—*

18 “(1) *the establishment of education positions;*

19 “(2) *the establishment of qualifications for edu-*
20 *cators and education personnel;*

21 “(3) *the fixing of basic compensation for edu-*
22 *cators and education positions;*

23 “(4) *the appointment of educators;*

24 “(5) *the discharge of educators;*

1 “(6) *the entitlement of educators to compensa-*
2 *tion;*

3 “(7) *the payment of compensation to educators;*

4 “(8) *the conditions of employment of educators;*

5 “(9) *the leave system for educators;*

6 “(10) *the length of the school year applicable to*
7 *education positions described in subsection (a)(1)(A);*

8 *and*

9 “(11) *such matters as may be appropriate.*

10 “(d) *QUALIFICATIONS OF EDUCATORS.—*

11 “(1) *REQUIREMENTS.—In prescribing regula-*
12 *tions to govern the qualifications of educators, the*
13 *Secretary shall require—*

14 “(A) *that lists of qualified and interviewed*
15 *applicants for education positions be maintained*
16 *in the appropriate agency or area office of the*
17 *Bureau or, in the case of individuals applying*
18 *at the national level, the Office;*

19 “(B)(i) *that a local school board have the*
20 *authority to waive, on a case-by-case basis, any*
21 *formal education or degree qualification estab-*
22 *lished by regulation, in order for a tribal mem-*
23 *ber to be hired in an education position to teach*
24 *courses on tribal culture and language; and*

1 “(i) that a determination by a local school
2 board that such a tribal member be hired shall
3 be instituted by the supervisor of the school in-
4 volved; and

5 “(C) that it shall not be a prerequisite to
6 the employment of an individual in an edu-
7 cation position at the local level—

8 “(i) that such individual’s name ap-
9 pear on a list maintained pursuant to sub-
10 paragraph (A); or

11 “(ii) that such individual have applied
12 at the national level for an education posi-
13 tion.

14 “(2) *EXCEPTION FOR CERTAIN TEMPORARY EM-*
15 *PLOYMENT.*—The Secretary may authorize the tem-
16 porary employment in an education position of an
17 individual who has not met the certification stand-
18 ards established pursuant to regulations, if the Sec-
19 retary determines that failure to authorize the em-
20 ployment would result in that position remaining va-
21 cant.

22 “(e) *HIRING OF EDUCATORS.*—

23 “(1) *REQUIREMENTS.*—In prescribing regula-
24 tions to govern the appointment of educators, the Sec-
25 retary shall require—

1 “(A)(i)(I) that educators employed in a Bu-
2 reau school (other than the supervisor of the
3 school) shall be hired by the supervisor of the
4 school; and

5 “(II) that, in a case in which there are no
6 qualified applicants available to fill a vacancy
7 at a Bureau school, the supervisor may consult
8 a list maintained pursuant to subsection
9 (d)(1)(A);

10 “(ii) each supervisor of a Bureau school
11 shall be hired by the education line officer of the
12 agency office of the Bureau for the jurisdiction
13 in which the school is located;

14 “(iii) each educator employed in an agency
15 office of the Bureau shall be hired by the super-
16 intendent for education of the agency office; and

17 “(iv) each education line officer and educa-
18 tor employed in the office of the Director of the
19 Office shall be hired by the Director;

20 “(B)(i) that, before an individual is em-
21 ployed in an education position in a Bureau
22 school by the supervisor of the school (or, with re-
23 spect to the position of supervisor, by the appro-
24 priate agency education line officer), the local
25 school board for the school shall be consulted; and

1 “(i) that a determination by such school
2 board, as evidenced by school board records, that
3 such individual should or should not be so em-
4 ployed shall be instituted by the supervisor (or
5 with respect to the position of supervisor, by the
6 superintendent for education of the agency of-
7 fice);

8 “(C)(i) that, before an individual is em-
9 ployed in an education position in an agency or
10 area office of the Bureau, the appropriate agency
11 school board shall be consulted; and

12 “(i) that a determination by such school
13 board, as evidenced by school board records, that
14 such individual should or should not be employed
15 shall be instituted by the superintendent for edu-
16 cation of the agency office; and

17 “(D) that all employment decisions or ac-
18 tions be in compliance with all applicable Fed-
19 eral, State and tribal laws.

20 “(2) INFORMATION REGARDING APPLICATION AT
21 NATIONAL LEVEL.—

22 “(A) IN GENERAL.—Any individual who
23 applies at the local level for an education posi-
24 tion shall state on such individual’s application

1 *whether or not such individual has applied at*
2 *the national level for an education position.*

3 “(B) *EFFECT OF INACCURATE STATE-*
4 *MENT.—If an individual described in subpara-*
5 *graph (A) is employed at the local level, such in-*
6 *dividual’s name shall be immediately forwarded*
7 *to the Secretary by the local employer. The Sec-*
8 *retary shall, as soon as practicable but in no*
9 *event later than 30 days after the receipt of the*
10 *name, ascertain the accuracy of the statement*
11 *made by such individual pursuant to subpara-*
12 *graph (A). Notwithstanding subsection (g), if the*
13 *Secretary finds that the individual’s statement*
14 *was false, such individual, at the Secretary’s dis-*
15 *cretion, may be disciplined or discharged.*

16 “(C) *EFFECT OF APPLICATION AT NATIONAL*
17 *LEVEL.—If an individual described in subpara-*
18 *graph (A) has applied at the national level for*
19 *an education position, the appointment of such*
20 *individual at the local level shall be conditional*
21 *for a period of 90 days. During that period, the*
22 *Secretary may appoint a more qualified indi-*
23 *vidual (as determined by the Secretary) from a*
24 *list maintained pursuant to subsection (e)(1)(A)*

1 *to the position to which such individual was ap-*
2 *pointed.*

3 “(3) *STATUTORY CONSTRUCTION.*—*Except as ex-*
4 *pressly provided, nothing in this section shall be con-*
5 *strued as conferring upon local school boards author-*
6 *ity over, or control of, educators at Bureau funded*
7 *schools or the authority to issue management deci-*
8 *sions.*

9 “(4) *APPEALS.*—

10 “(A) *BY SUPERVISOR.*—*The supervisor of a*
11 *school may appeal to the appropriate agency*
12 *education line officer any determination by the*
13 *local school board for the school that an indi-*
14 *vidual be employed, or not be employed, in an*
15 *education position in the school (other than that*
16 *of supervisor) by filing a written statement de-*
17 *scribing the determination and the reasons the*
18 *supervisor believes such determination should be*
19 *overturned. A copy of such statement shall be*
20 *submitted to the local school board and such*
21 *board shall be afforded an opportunity to re-*
22 *spond, in writing, to such appeal. After review-*
23 *ing such written appeal and response, the edu-*
24 *cation line officer may, for good cause, overturn*
25 *the determination of the local school board. The*

1 *education line officer shall transmit the deter-*
2 *mination of such appeal in the form of a written*
3 *opinion to such board and to such supervisor*
4 *identifying the reasons for overturning such de-*
5 *termination.*

6 “(B) *BY EDUCATION LINE OFFICER.—The*
7 *education line officer of an agency office of the*
8 *Bureau may appeal to the Director of the Office*
9 *any determination by the local school board for*
10 *the school that an individual be employed, or not*
11 *be employed, as the supervisor of a school by fil-*
12 *ing a written statement describing the deter-*
13 *mination and the reasons the supervisor believes*
14 *such determination should be overturned. A copy*
15 *of such statement shall be submitted to the local*
16 *school board and such board shall be afforded. an*
17 *opportunity to respond, in writing, to such ap-*
18 *peal. After reviewing such written appeal and*
19 *response, the Director may, for good cause, over-*
20 *turn the determination of the local school board.*
21 *The Director shall transmit the determination of*
22 *such appeal in the form of a written opinion to*
23 *such board and to such education line officer*
24 *identifying the reasons for overturning such de-*
25 *termination.*

1 “(5) *OTHER APPEALS.*—*The education line offi-*
2 *cer of an agency office of the Bureau may appeal to*
3 *the Director of the Office any determination by the*
4 *agency school board that an individual be employed,*
5 *or not be employed, in an education position in such*
6 *agency office by filing a written statement describing*
7 *the determination and the reasons the supervisor be-*
8 *lieves such determination should be overturned. A*
9 *copy of such statement shall be submitted to the agen-*
10 *cy school board and such board shall be afforded an*
11 *opportunity to respond, in writing, to such appeal.*
12 *After reviewing such written appeal and response, the*
13 *Director may, for good cause, overturn the determina-*
14 *tion of the agency school board. The Director shall*
15 *transmit the determination of such appeal in the form*
16 *of a written opinion to such board and to such edu-*
17 *cation line officer identifying the reasons for over-*
18 *turning such determination.*

19 “(f) *DISCHARGE AND CONDITIONS OF EMPLOYMENT OF*
20 *EDUCATORS.*—

21 “(1) *REGULATIONS.*—*In prescribing regulations*
22 *to govern the discharge and conditions of employment*
23 *of educators, the Secretary shall require—*

1 “(A) that procedures shall be established for
2 the rapid and equitable resolution of grievances
3 of educators;

4 “(B) that no educator may be discharged
5 without notice of the reasons for the discharge
6 and an opportunity for a hearing under proce-
7 dures that comport with the requirements of due
8 process; and

9 “(C) that each educator employed in a Bu-
10 reau school shall be notified 30 days prior to the
11 end of an academic year whether the employ-
12 ment contract of the individual will be renewed
13 for the following year.

14 “(2) PROCEDURES FOR DISCHARGE.—

15 “(A) DETERMINATIONS.—The supervisor of
16 a Bureau school may discharge (subject to proce-
17 dures established under paragraph (1)(B)) for
18 cause (as determined under regulations pre-
19 scribed by the Secretary) any educator employed
20 in such school. On giving notice to an educator
21 of the supervisor’s intention to discharge the edu-
22 cator, the supervisor shall immediately notify the
23 local school board of the proposed discharge. A
24 determination by the local school board that such

1 *educator shall not be discharged shall be followed*
2 *by the supervisor.*

3 “(B) *APPEALS.*—*The supervisor shall have*
4 *the right to appeal a determination by a local*
5 *school board under subparagraph (A), as evi-*
6 *denced by school board records, not to discharge*
7 *an educator to the education line officer of the*
8 *appropriate agency office of the Bureau. Upon*
9 *hearing such an appeal, the agency education*
10 *line officer may, for good cause, issue a decision*
11 *overturning the determination of the local school*
12 *board with respect to the employment of such in-*
13 *dividual. The education line officer shall make*
14 *the decision in writing and submit the decision*
15 *to the local school board.*

16 “(3) *RECOMMENDATIONS OF SCHOOL BOARDS*
17 *FOR DISCHARGE.*—*Each local school board for a Bu-*
18 *reau school shall have the right—*

19 “(A) *to recommend to the supervisor that*
20 *an educator employed in the school be dis-*
21 *charged; and*

22 “(B) *to recommend to the education line of-*
23 *ficer of the appropriate agency office of the Bu-*
24 *reau and to the Director of the Office, that the*
25 *supervisor of the school be discharged.*

1 “(g) *APPLICABILITY OF INDIAN PREFERENCE LAWS.*—

2 “(1) *IN GENERAL.*—*Notwithstanding any provi-*
3 *sion of the Indian preference laws, such laws shall not*
4 *apply in the case of any personnel action carried out*
5 *under this section with respect to an applicant or em-*
6 *ployee not entitled to an Indian preference if each*
7 *tribal organization concerned grants a written waiver*
8 *of the application of such laws with respect to such*
9 *personnel action and states that such waiver is nec-*
10 *essary. This paragraph shall not be construed to re-*
11 *lieve the Bureau’s responsibility to issue timely and*
12 *adequate announcements and advertisements con-*
13 *cerning any such personnel action if such action is*
14 *intended to fill a vacancy (no matter how such va-*
15 *cancy is created).*

16 “(2) *DEFINITIONS.*—*In this subsection:*

17 “(A) *INDIAN PREFERENCE LAWS.*—*The term*
18 *‘Indian preference laws’ means section 12 of the*
19 *Act of June 18, 1934 (48 Stat. 986, chapter 576)*
20 *or any other provision of law granting a pref-*
21 *erence to Indians in promotions and other per-*
22 *sonnel actions. Such term shall not include sec-*
23 *tion 7(b) of the Indian Self-Determination and*
24 *Education Assistance Act.*

1 “(B) *TRIBAL ORGANIZATION.*—*The term*
2 *‘tribal organization’ means—*

3 “(i) *the recognized governing body of*
4 *any Indian tribe, band, nation, pueblo, or*
5 *other organized community, including a*
6 *Native village (as defined in section 3(c) of*
7 *the Alaska Native Claims Settlement Act);*
8 *or*

9 “(ii) *in connection with any personnel*
10 *action referred to in this subsection, any*
11 *local school board to which the governing*
12 *body has delegated the authority to grant a*
13 *waiver under this subsection with respect to*
14 *a personnel action.*

15 “(h) *COMPENSATION OR ANNUAL SALARY.*—

16 “(1) *IN GENERAL.*—

17 “(A) *COMPENSATION FOR EDUCATORS AND*
18 *EDUCATION POSITIONS.*—*Except as otherwise*
19 *provided in this section, the Secretary shall es-*
20 *tablish the compensation or annual salary rate*
21 *for educators and education positions—*

22 “(i) *at rates in effect under the General*
23 *Schedule for individuals with comparable*
24 *qualifications, and holding comparable po-*

1 *sitions, to whom chapter 51 of title 5,*
2 *United States Code, is applicable; or*

3 *“(ii) on the basis of the Federal Wage*
4 *System schedule in effect for the locality in-*
5 *volved, and for the comparable positions, at*
6 *the rates of compensation in effect for the*
7 *senior executive service.*

8 *“(B) COMPENSATION OR SALARY FOR*
9 *TEACHERS AND COUNSELORS.—The Secretary*
10 *shall establish the rate of compensation, or an-*
11 *ual salary rate, for the positions of teachers*
12 *and counselors (including dormitory counselors*
13 *and home-living counselors) at the rate of com-*
14 *penetration applicable (on the date of enactment of*
15 *the Native American Education Improvement*
16 *Act of 2001 and thereafter) for comparable posi-*
17 *tions in the overseas schools under the Defense*
18 *Department Overseas Teachers Pay and Per-*
19 *sonnel Practices Act. The Secretary shall allow*
20 *the local school boards involved authority to im-*
21 *plement only the aspects of the Defense Depart-*
22 *ment Overseas Teachers Pay and Personnel*
23 *Practices Act pay provisions that are considered*
24 *essential for recruitment and retention of teach-*
25 *ers and counselors. Implementation of such pro-*

1 *visions shall not be construed to require the im-*
2 *plementation of that entire Act.*

3 “(C) *RATES FOR NEW HIRES.*—

4 “(i) *IN GENERAL.*—*Beginning with the*
5 *first fiscal year following the date of enact-*
6 *ment of the Native American Education*
7 *Improvement Act of 2001, each local school*
8 *board of a Bureau school may establish a*
9 *rate of compensation or annual salary rate*
10 *described in clause (ii) for teachers and*
11 *counselors (including academic counselors)*
12 *who are new hires at the school and who*
13 *had not worked at the school, as of the first*
14 *day of such fiscal year.*

15 “(ii) *CONSISTENT RATES.*—*The rates*
16 *established under clause (i) shall be con-*
17 *sistent with the rates paid for individuals*
18 *in the same positions, with the same tenure*
19 *and training, as the teachers and coun-*
20 *selors, in any other school within whose*
21 *boundaries the Bureau school is located.*

22 “(iii) *DECREASES.*—*In an instance in*
23 *which the establishment of rates under*
24 *clause (i) causes a reduction in compensa-*
25 *tion at a school from the rate of compensa-*

1 *tion that was in effect for the first fiscal*
2 *year following the date of enactment of the*
3 *Native American Education Improvement*
4 *Act of 2001, the new rates of compensation*
5 *may be applied to the compensation of em-*
6 *ployees of the school who worked at the*
7 *school as of such date of enactment by ap-*
8 *plying those rates at each contract renewal*
9 *for the employees so that the reduction takes*
10 *effect in 3 equal installments.*

11 *“(iv) INCREASES.—In an instance in*
12 *which the establishment of such rates at a*
13 *school causes an increase in compensation*
14 *from the rate of compensation that was in*
15 *effect for the first fiscal year following the*
16 *date of enactment of the Native American*
17 *Education Improvement Act of 2001, the*
18 *school board may apply the new rates at the*
19 *next contract renewal so that either—*

20 *“(I) the entire increase occurs on*
21 *1 date; or*

22 *“(II) the increase takes effect in 3*
23 *equal installments.*

24 *“(D) ESTABLISHED REGULATIONS, PROCE-*
25 *DURES, AND ARRANGEMENTS.—*

1 “(i) *PROMOTIONS AND ADVANCE-*
2 *MENTS.—The establishment of rates of com-*
3 *ensation and annual salary rates under*
4 *subparagraphs (B) and (C) shall not pre-*
5 *clude the use of regulations and procedures*
6 *used by the Bureau prior to April 28, 1988,*
7 *in making determinations regarding pro-*
8 *motions and advancements through levels of*
9 *pay that are based on the merit, education,*
10 *experience, or tenure of an educator.*

11 “(ii) *CONTINUED EMPLOYMENT OR*
12 *COMPENSATION.—The establishment of rates*
13 *of compensation and annual salary rates*
14 *under subparagraphs (B) and (C) shall not*
15 *affect the continued employment or com-*
16 *ensation of an educator who was employed*
17 *in an education position on October 31,*
18 *1979, and who did not make an election*
19 *under subsection (o), as in effect on Janu-*
20 *ary 1, 1990.*

21 “(2) *POST DIFFERENTIAL RATES.—*

22 “(A) *IN GENERAL.—The Secretary may pay*
23 *a post differential rate not to exceed 25 percent*
24 *of the rate of compensation, for educators or edu-*
25 *cation positions, on the basis of conditions of en-*

1 *vironment or work that warrant additional pay,*
2 *as a recruitment and retention incentive.*

3 *“(B) SUPERVISOR’S AUTHORITY.—*

4 *“(i) IN GENERAL.—Except as provided*
5 *in clause (ii) on the request of the super-*
6 *visor and the local school board of a Bureau*
7 *school, the Secretary shall grant the super-*
8 *visor of the school authorization to provide*
9 *1 or more post differential rates under sub-*
10 *paragraph (A).*

11 *“(ii) EXCEPTION.—The Secretary shall*
12 *disapprove, or approve with a modification,*
13 *a request for authorization to provide a post*
14 *differential rate if the Secretary determines*
15 *for clear and convincing reasons (and ad-*
16 *vises the board in writing of those reasons)*
17 *that the rate should be disapproved or de-*
18 *creased because the disparity of compensa-*
19 *tion between the appropriate educators or*
20 *positions in the Bureau school, and the*
21 *comparable educators or positions at the*
22 *nearest public school, is—*

23 *“(I)(aa) at least 5 percent; or*

24 *“(bb) less than 5 percent; and*

1 “(II) does not affect the recruit-
2 ment or retention of employees at the
3 school.

4 “(iii) APPROVAL OF REQUESTS.—A re-
5 quest made under clause (i) shall be consid-
6 ered to be approved at the end of the 60th
7 day after the request is received in the Cen-
8 tral Office of the Bureau unless before that
9 time the request is approved, approved with
10 a modification, or disapproved by the Sec-
11 retary.

12 “(iv) DISCONTINUATION OF OR DE-
13 CREASE IN RATES.—The Secretary or the
14 supervisor of a Bureau school may dis-
15 continue or decrease a post differential rate
16 provided for under this paragraph at the
17 beginning of an academic year if—

18 “(I) the local school board requests
19 that such differential be discontinued
20 or decreased; or

21 “(II) the Secretary or the super-
22 visor, respectively, determines for clear
23 and convincing reasons (and advises
24 the board in writing of those reasons)
25 that there is no disparity of compensa-

1 *tion that would affect the recruitment*
2 *or retention of employees at the school*
3 *after the differential is discontinued or*
4 *decreased.*

5 *“(v) REPORTS.—On or before February*
6 *1 of each year, the Secretary shall submit to*
7 *Congress a report describing the requests*
8 *and approvals of authorization made under*
9 *this paragraph during the previous year*
10 *and listing the positions receiving post dif-*
11 *ferential rates under contracts entered into*
12 *under those authorizations.*

13 *“(i) LIQUIDATION OF REMAINING LEAVE UPON TER-*
14 *MINATION.—Upon termination of employment with the Bu-*
15 *reau, any annual leave remaining to the credit of an indi-*
16 *vidual within the purview of this section shall be liquidated*
17 *in accordance with sections 5551(a) and 6306 of title 5,*
18 *United States Code, except that leave earned or accrued*
19 *under regulations prescribed pursuant to subsection (c)(9)*
20 *shall not be so liquidated.*

21 *“(j) TRANSFER OF REMAINING LEAVE UPON TRANS-*
22 *FER, PROMOTION, OR REEMPLOYMENT.—In the case of any*
23 *educator who—*

24 *“(1) is transferred, promoted, or reappointed,*
25 *without a break in service, to a position in the Fed-*

1 *eral Government under a different leave system than*
2 *the system for leave described in subsection (c)(9);*
3 *and*

4 *“(2) earned or was credited with leave under the*
5 *regulations prescribed under subsection (c)(9) and has*
6 *such leave remaining to the credit of such educator;*
7 *such leave shall be transferred to such educator’s credit in*
8 *the employing agency for the position on an adjusted basis*
9 *in accordance with regulations that shall be prescribed by*
10 *the Director of the Office of Personnel Management.*

11 *“(k) INELIGIBILITY FOR EMPLOYMENT OF VOLUN-*
12 *TARILY TERMINATED EDUCATORS.—An educator who vol-*
13 *untarily terminates employment under an employment con-*
14 *tract with the Bureau before the expiration of the employ-*
15 *ment contract shall not be eligible to be employed in another*
16 *education position in the Bureau during the remainder of*
17 *the term of such contract.*

18 *“(l) DUAL COMPENSATION.—In the case of any educa-*
19 *tor employed in an education position described in sub-*
20 *section (a)(1)(A) who—*

21 *“(1) is employed at the end of an academic year;*

22 *“(2) agrees in writing to serve in such position*
23 *for the next academic year; and*

24 *“(3) is employed in another position during the*
25 *recess period immediately preceding such next aca-*

1 *ademic year, or during such recess period receives ad-*
2 *ditional compensation referred to in section 5533 of*
3 *title 5, United States Code, relating to dual com-*
4 *ensation;*

5 *such section 5533 shall not apply to such educator by reason*
6 *of any such employment during the recess period with re-*
7 *spect to any receipt of additional compensation.*

8 *“(m) VOLUNTARY SERVICES.—Notwithstanding sec-*
9 *tion 1342 of title 31, United States Code, the Secretary*
10 *may, subject to the approval of the local school boards con-*
11 *cerned, accept voluntary services on behalf of Bureau*
12 *schools. Nothing in this part shall be construed to require*
13 *Federal employees to work without compensation or to*
14 *allow the use of volunteer services to displace or replace Fed-*
15 *eral employees. An individual providing volunteer services*
16 *under this section shall be considered to be a Federal em-*
17 *ployee only for purposes of chapter 81 of title 5, United*
18 *States Code, and chapter 171 of title 28, United States*
19 *Code.*

20 *“(n) PRORATION OF PAY.—*

21 *“(1) ELECTION OF EMPLOYEE.—Notwithstanding*
22 *any other provision of law, including laws relating to*
23 *dual compensation, the Secretary, at the election of*
24 *an educator, shall prorate the salary of the educator*
25 *for an academic year over a 12-month period. Each*

1 *educator employed for the academic year shall annu-*
2 *ally elect to be paid on a 12-month basis or for those*
3 *months while school is in session. No educator shall*
4 *suffer a loss of pay or benefits, including benefits*
5 *under unemployment or other Federal or federally as-*
6 *sisted programs, because of such election.*

7 *“(2) CHANGE OF ELECTION.—During the course*
8 *of such academic year, the employee may change the*
9 *election made under paragraph (1) once.*

10 *“(3) LUMP-SUM PAYMENT.—That portion of the*
11 *employee’s pay that would be paid between academic*
12 *years may be paid in a lump sum at the election of*
13 *the employee.*

14 *“(4) APPLICATION.—This subsection applies to*
15 *educators, whether employed under this section or*
16 *title 5, United States Code.*

17 *“(o) EXTRACURRICULAR ACTIVITIES.—*

18 *“(1) STIPEND.—Notwithstanding any other pro-*
19 *vision of law, the Secretary may provide, for Bureau*
20 *employees in each Bureau area, a stipend in lieu of*
21 *overtime premium pay or compensatory time off for*
22 *overtime work. Any employee of the Bureau who per-*
23 *forms overtime work that consists of additional activi-*
24 *ties to provide services to students or otherwise sup-*
25 *port the school’s academic and social programs may*

1 *elect to be compensated for all such work on the basis*
2 *of the stipend. Such stipend shall be paid as a supple-*
3 *ment to the employee's base pay.*

4 “(2) *ELECTION NOT TO RECEIVE STIPEND.—If*
5 *an employee elects not to be compensated through the*
6 *stipend established by this subsection, the appropriate*
7 *provisions of title 5, United States Code, shall apply*
8 *with respect to the work involved.*

9 “(3) *APPLICATION.—This subsection applies to*
10 *Bureau employees, whether employed under this sec-*
11 *tion or title 5, United States Code.*

12 “(p) *COVERED INDIVIDUALS; ELECTION.—This section*
13 *shall apply with respect to any educator hired after Novem-*
14 *ber 1, 1979 (and to any educator who elected to be covered*
15 *under this section or a corresponding provision after No-*
16 *vember 1, 1979) and to the position in which such educator*
17 *is employed. The enactment of this section shall not affect*
18 *the continued employment of an individual employed on*
19 *October 31, 1979 in an education position, or such person's*
20 *right to receive the compensation attached to such position.*

21 “(q) *FURLOUGH WITHOUT CONSENT.—*

22 “(1) *IN GENERAL.—An educator who was em-*
23 *ployed in an education position on October 31, 1979,*
24 *who was eligible to make an election under subsection*
25 *(p) at that time, and who did not make the election*

1 *under such subsection, may not be placed on furlough*
2 *(within the meaning of section 7511(a)(5) of title 5,*
3 *United States Code, without the consent of such edu-*
4 *cator for an aggregate of more than 4 weeks within*
5 *the same calendar year, unless—*

6 *“(A) the supervisor, with the approval of*
7 *the local school board (or of the education line of-*
8 *ficer upon appeal under paragraph (2)), of the*
9 *Bureau school at which such educator provides*
10 *services determines that a longer period of fur-*
11 *lough is necessary due to an insufficient amount*
12 *of funds available for personnel compensation at*
13 *such school, as determined under the financial*
14 *plan process as determined under section*
15 *1129(b); and*

16 *“(B) all educators (other than principals*
17 *and clerical employees) providing services at*
18 *such Bureau school are placed on furloughs of*
19 *equal length, except that the supervisor, with the*
20 *approval of the local school board (or of the*
21 *agency education line officer upon appeal under*
22 *paragraph (2)), may continue 1 or more edu-*
23 *cators in pay status if—*

24 *“(i) such educators are needed to oper-*
25 *ate summer programs, attend summer*

1 *training sessions, or participate in special*
2 *activities including curriculum development*
3 *committees; and*

4 “(i) *such educators are selected based*
5 *upon such educator’s qualifications after*
6 *public notice of the minimum qualifications*
7 *reasonably necessary and without discrimi-*
8 *nation as to supervisory, nonsupervisory, or*
9 *other status of the educators who apply.*

10 “(2) *APPEALS.—The supervisor of a Bureau*
11 *school may appeal to the appropriate agency edu-*
12 *cation line officer any refusal by the local school*
13 *board to approve any determination of the supervisor*
14 *that is described in paragraph (1)(A) by filing a*
15 *written statement describing the determination and*
16 *the reasons the supervisor believes such determination*
17 *should be approved. A copy of such statement shall be*
18 *submitted to the local school board and such board*
19 *shall be afforded an opportunity to respond, in writ-*
20 *ing, to such appeal. After reviewing such written ap-*
21 *peal and response, the education line officer may, for*
22 *good cause, approve the determination of the super-*
23 *visor. The educational line officer shall transmit the*
24 *determination of such appeal in the form of a written*
25 *opinion to such local school board and to the super-*

1 “(11) *such other items as the Secretary deter-*
2 *mines to be appropriate.*

3 “(b) *IMPLEMENTATION OF SYSTEM.—Not later than*
4 *July 1 2003, the Secretary shall complete the implementa-*
5 *tion of the updated computerized management information*
6 *system at each Bureau field office and Bureau funded*
7 *school.*

8 **“SEC. 1133. RECRUITMENT OF INDIAN EDUCATORS.**

9 *“The Secretary shall institute a policy for the recruit-*
10 *ment of qualified Indian educators and a detailed plan to*
11 *promote employees from within the Bureau. Such plan shall*
12 *include provisions for opportunities for acquiring work ex-*
13 *perience prior to receiving an actual work assignment.*

14 **“SEC. 1134. ANNUAL REPORT; AUDITS.**

15 *“(a) ANNUAL REPORTS.—The Secretary shall submit*
16 *to each appropriate committee of Congress, all Bureau*
17 *funded schools, and the tribal governing bodies of such*
18 *schools, a detailed annual report on the state of education*
19 *within the Bureau and any problems encountered in Indian*
20 *education during the period covered by the report. Such re-*
21 *port shall contain suggestions for the improvement of the*
22 *Bureau educational system and for increasing tribal or*
23 *local Indian control of such system. Such report shall also*
24 *include information on the status of tribally controlled com-*
25 *munity colleges.*

1 “(b) *BUDGET REQUEST.*—*The annual budget request*
2 *for the Bureau’s education programs, as submitted as part*
3 *of the President’s next annual budget request under section*
4 *1105 of title 31, United States Code shall include the plans*
5 *required by sections 1121(c), 1122(c), and 1124(c).*

6 “(c) *FINANCIAL AND COMPLIANCE AUDITS.*—*The In-*
7 *spector General of the Department of the Interior shall es-*
8 *tablish a system to ensure that financial and compliance*
9 *audits are conducted for each Bureau school at least once*
10 *in every 3 years. Such an audit of a Bureau school shall*
11 *examine the extent to which such school has complied with*
12 *the local financial plan prepared by the school under section*
13 *1129(b).*

14 “(d) *ADMINISTRATIVE EVALUATION OF SCHOOLS.*—
15 *The Director shall, at least once every 3 to 5 years, conduct*
16 *a comprehensive evaluation of Bureau operated schools.*
17 *Such evaluation shall be in addition to any other program*
18 *review or evaluation that may be required under Federal*
19 *law.*

20 **“SEC. 1135. RIGHTS OF INDIAN STUDENTS.**

21 *“The Secretary shall prescribe such rules and regula-*
22 *tions as may be necessary to ensure the protection of the*
23 *constitutional and civil rights of Indian students attending*
24 *Bureau funded schools, including such students’ right to*
25 *privacy under the laws of the United States, such students’*

1 *right to freedom of religion and expression, and such stu-*
2 *dents' right to due process in connection with disciplinary*
3 *actions, suspensions, and expulsions.*

4 **“SEC. 1136. REGULATIONS.**

5 “(a) *IN GENERAL.*—*The Secretary may issue only*
6 *such regulations as may be necessary to ensure compliance*
7 *with the specific provisions of this part and only such regu-*
8 *lations as the Secretary is authorized to issue pursuant to*
9 *section 5211 of the Tribally Controlled Schools Act of 1988*
10 *(25 U.S.C. 2510). In issuing the regulations, the Secretary*
11 *shall publish proposed regulations in the Federal Register,*
12 *and shall provide a period of not less than 120 days for*
13 *public comment and consultation on the regulations. The*
14 *regulations shall contain, immediately following each regu-*
15 *latory section, a citation to any statutory provision pro-*
16 *viding authority to issue such regulatory section.*

17 “(b) *REGIONAL MEETINGS.*—*Prior to publishing any*
18 *proposed regulations under subsection (a) and prior to es-*
19 *tablishing the negotiated rulemaking committee under sub-*
20 *section (c), the Secretary shall convene regional meetings*
21 *to consult with personnel of the Office of Indian Education*
22 *Programs, educators at Bureau schools, and tribal officials,*
23 *parents, teachers, administrators, and school board mem-*
24 *bers of tribes served by Bureau funded schools to provide*
25 *guidance to the Secretary on the content of regulations au-*

1 *thorized to be issued under this part and the Tribally Con-*
2 *trolled Schools Act of 1988.*

3 “(c) *NEGOTIATED RULEMAKING.*—

4 “(1) *IN GENERAL.*—*Notwithstanding sections*
5 *563(a) and 565(a) of title 5, United States Code, the*
6 *Secretary shall promulgate regulations authorized*
7 *under subsection (a) and under the Tribally Con-*
8 *trolled Schools Act of 1988, in accordance with the*
9 *negotiated rulemaking procedures provided for under*
10 *subchapter III of chapter 5 of title 5, United States*
11 *Code, and shall publish final regulations in the Fed-*
12 *eral Register.*

13 “(2) *EXPIRATION OF AUTHORITY.*—*The author-*
14 *ity of the Secretary to promulgate regulations under*
15 *this part and under the Tribally Controlled Schools*
16 *Act of 1988, shall expire on the date that is 18*
17 *months after the date of enactment of this part. If the*
18 *Secretary determines that an extension of the deadline*
19 *under this paragraph is appropriate, the Secretary*
20 *may submit proposed legislation to Congress for an*
21 *extension of such deadline.*

22 “(3) *RULEMAKING COMMITTEE.*—*The Secretary*
23 *shall establish a negotiated rulemaking committee to*
24 *carry out this subsection. In establishing such com-*
25 *mittee, the Secretary shall—*

1 “(A) apply the procedures provided for
2 under subchapter III of chapter 5 of title 5,
3 United States Code, in a manner that reflects the
4 unique government-to-government relationship
5 between Indian tribes and the United States;

6 “(B) ensure that the membership of the
7 committee includes only representatives of the
8 Federal Government and of tribes served by Bu-
9 reau-funded schools;

10 “(C) select the tribal representatives of the
11 committee from among individuals nominated
12 by the representatives of the tribal and tribally-
13 operated schools;

14 “(D) ensure, to the maximum extent pos-
15 sible, that the tribal representative membership
16 on the committee reflects the proportionate share
17 of students from tribes served by the Bureau
18 funded school system; and

19 “(E) comply with the Federal Advisory
20 Committee Act (5 U.S.C. App. 2).

21 “(4) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated such sums as
23 necessary to carry out the negotiated rulemaking pro-
24 vided for under this section. In the absence of a spe-
25 cific appropriation to carry out this subsection, the

1 *Secretary shall pay the costs of the negotiated rule-*
2 *making proceedings from the general administrative*
3 *funds of the Department of the Interior.*

4 “(d) *APPLICATION OF SECTION.—*

5 “(1) *SUPREMACY OF PROVISIONS.—The provi-*
6 *sions of this section shall supersede any conflicting*
7 *provisions of law (including any conflicting regula-*
8 *tions) in effect on the day before the date of enactment*
9 *of this part, and the Secretary may repeal any regu-*
10 *lation that is inconsistent with the provisions of this*
11 *part.*

12 “(2) *MODIFICATIONS.—The Secretary may mod-*
13 *ify regulations promulgated under this section or the*
14 *Tribally Controlled Schools Act of 1988, only in ac-*
15 *cordance with this section.*

16 **“SEC. 1137. EARLY CHILDHOOD DEVELOPMENT PROGRAM.**

17 “(a) *GRANTS.—The Secretary shall make grants to*
18 *tribes, tribal organizations, and consortia of tribes and trib-*
19 *al organizations to fund early childhood development pro-*
20 *grams that are operated by such tribes, organizations, or*
21 *consortia.*

22 “(b) *AMOUNT OF GRANTS.—*

23 “(1) *IN GENERAL.—The amount of the grant*
24 *made under subsection (a) to each eligible tribe, tribal*
25 *organization, or consortium of tribes or tribal organi-*

1 *zations for each fiscal year shall be equal to the*
2 *amount that bears the same relationship to the total*
3 *amount appropriated under subsection (g) for such*
4 *fiscal year (other than amounts reserved under sub-*
5 *section (f)) as—*

6 *“(A) the total number of children under age*
7 *6 who are members of—*

8 *“(i) such tribe;*

9 *“(ii) the tribe that authorized such*
10 *tribal organization; or*

11 *“(iii) any tribe that—*

12 *“(I) is a member of such consor-*
13 *tium; or*

14 *“(II) so authorizes any tribal or-*
15 *ganization that is a member of such*
16 *consortium; bears to*

17 *“(B) the total number of all children under*
18 *age 6 who are members of any tribe that—*

19 *“(i) is eligible to receive funds under*
20 *subsection (a);*

21 *“(ii) is a member of a consortium that*
22 *is eligible to receive such funds; or*

23 *“(iii) is authorized by any tribal orga-*
24 *nization that is eligible to receive such*
25 *funds.*

1 “(2) *LIMITATION.*—No grant may be made under
2 *subsection (a)*—

3 “(A) *to any tribe that has fewer than 500*
4 *members;*

5 “(B) *to any tribal organization that is au-*
6 *thorized to act*—

7 “(i) *on behalf of only 1 tribe that has*
8 *fewer than 500 members; or*

9 “(ii) *on behalf of 1 or more tribes that*
10 *have a combined total membership of fewer*
11 *than 500 members; or*

12 “(C) *to any consortium composed of tribes,*
13 *or tribal organizations authorized by tribes to*
14 *act on behalf of the tribes, that have a combined*
15 *total tribal membership of fewer than 500 mem-*
16 *bers.*

17 “(c) *APPLICATIONS.*—

18 “(1) *IN GENERAL.*—*To be eligible to receive a*
19 *grant under subsection (a), a tribe, tribal organiza-*
20 *tion, or consortium shall submit to the Secretary an*
21 *application for the grant at such time, in such man-*
22 *ner, and containing such information as the Sec-*
23 *retary shall prescribe.*

24 “(2) *CONTENTS.*—*An application submitted*
25 *under paragraph (1) shall describe the early child-*

1 *hood development program that the applicant desires*
2 *to operate.*

3 “(d) *REQUIREMENT OF PROGRAMS FUNDED.—In op-*
4 *erating an early childhood development program that is*
5 *funded through a grant made under subsection (a), a tribe,*
6 *tribal organization, or consortium—*

7 “(1) *shall coordinate the program with other*
8 *childhood development programs and may provide*
9 *services that meet identified needs of parents, and*
10 *children under age 6, that are not being met by the*
11 *programs, including needs for—*

12 “(A) *prenatal care;*

13 “(B) *nutrition education;*

14 “(C) *health education and screening;*

15 “(D) *family literacy services;*

16 “(E) *educational testing; and*

17 “(F) *other educational services;*

18 “(2) *may include, in the early childhood develop-*
19 *ment program funded through the grant, instruction*
20 *in the language, art, and culture of the tribe served*
21 *by the program; and*

22 “(3) *shall provide for periodic assessments of the*
23 *program.*

24 “(e) *COORDINATION OF FAMILY LITERACY PRO-*
25 *GRAMS.—An entity that operates a family literacy program*

1 “(b) *APPLICATIONS.*—For a tribe to be eligible to re-
2 ceive a grant under this section, the governing body of the
3 tribe shall submit an application to the Secretary at such
4 time, in such manner, and containing such information as
5 the Secretary may require.

6 “(c) *DIVERSITY.*—The Secretary shall award grants
7 under this section in a manner that fosters geographic and
8 population diversity.

9 “(d) *USE.*—Tribes that receive grants under this sec-
10 tion shall use the funds made available through the
11 grants—

12 “(1) to facilitate tribal control in all matters re-
13 lating to the education of Indian children on reserva-
14 tions (and on former Indian reservations in Okla-
15 homa);

16 “(2) to provide for the development of coordi-
17 nated educational programs (including all preschool,
18 elementary, secondary, and higher or vocational edu-
19 cational programs funded by tribal, Federal, or other
20 sources) on reservations (and on former Indian res-
21 ervations in Oklahoma) by encouraging tribal admin-
22 istrative support of all Bureau funded educational
23 programs as well as encouraging tribal cooperation
24 and coordination with entities carrying out all edu-
25 cational programs receiving financial support from

1 *other Federal agencies, State agencies, or private enti-*
2 *ties; and*

3 *“(3) to provide for the development and enforce-*
4 *ment of tribal educational codes, including tribal edu-*
5 *cational policies and tribal standards applicable to*
6 *curriculum, personnel, students, facilities, and sup-*
7 *port programs.*

8 *“(e) PRIORITIES.—In making grants under this sec-*
9 *tion, the Secretary shall give priority to any application*
10 *that—*

11 *“(1) includes—*

12 *“(A) assurances that the applicant serves 3*
13 *or more separate Bureau funded schools; and*

14 *“(B) assurances from the applicant that the*
15 *tribal department of education to be funded*
16 *under this section will provide coordinating serv-*
17 *ices and technical assistance to all of such*
18 *schools; and*

19 *“(2) includes assurances that all education pro-*
20 *grams for which funds are provided by such a con-*
21 *tract or grant will be monitored and audited, by or*
22 *through the tribal department of education, to ensure*
23 *that the programs meet the requirements of law; and*

24 *“(3) provides a plan and schedule that—*

25 *“(A) provides for—*

1 “(i) the assumption, by the tribal de-
2 partment of education, of all assets and
3 functions of the Bureau agency office associ-
4 ated with the tribe, to the extent the assets
5 and functions relate to education; and

6 “(ii) the termination by the Bureau of
7 such functions and office at the time of such
8 assumption; and

9 “(B) provides that the assumption shall
10 occur over the term of the grant made under this
11 section, except that, when mutually agreeable to
12 the tribal governing body and the Assistant Sec-
13 retary, the period in which such assumption is
14 to occur may be modified, reduced, or extended
15 after the initial year of the grant.

16 “(e) *TIME PERIOD OF GRANT.*—Subject to the avail-
17 ability of appropriated funds, a grant provided under this
18 section shall be provided for a period of 3 years. If the per-
19 formance of the grant recipient is satisfactory to the Sec-
20 retary, the grant may be renewed for additional 3-year
21 terms.

22 “(f) *TERMS, CONDITIONS, OR REQUIREMENTS.*—A
23 tribe that receives a grant under this section shall comply
24 with regulations relating to grants made under section
25 103(a) of the Indian Self-Determination and Education As-

1 *sistance Act that are in effect on the date that the tribal*
2 *governing body submits the application for the grant under*
3 *subsection (c). The Secretary shall not impose any terms,*
4 *conditions, or requirements on the provision of grants under*
5 *this section that are not specified in this section.*

6 “(g) *AUTHORIZATION OF APPROPRIATIONS.—For the*
7 *purpose of carrying out this section, there are authorized*
8 *to be appropriated \$2,000,000 for fiscal year 2002 and such*
9 *sums as may be necessary for each of fiscal years 2003,*
10 *2004, 2005, and 2006.*

11 **“SEC. 1139. DEFINITIONS.**

12 *“In this part, unless otherwise specified:*

13 “(1) *AGENCY SCHOOL BOARD.—*

14 “(A) *IN GENERAL.—Except as provided in*
15 *subparagraph (B), the term ‘agency school board’*
16 *means a body, for which—*

17 “(i) *the members are appointed by all*
18 *of the school boards of the schools located*
19 *within an agency, including schools oper-*
20 *ated under contracts or grants; and*

21 “(ii) *the number of such members shall*
22 *be determined by the Secretary in consulta-*
23 *tion with the affected tribes.*

24 “(B) *EXCEPTIONS.—In the case of an agen-*
25 *cy serving a single school, the school board of*

1 *such school shall be considered to be the agency*
2 *school board. In the case of an agency serving a*
3 *school or schools operated under a contract or*
4 *grant, at least 1 member of the body described in*
5 *subparagraph (A) shall be from such a school.*

6 “(2) *BUREAU.*—*The term ‘Bureau’ means the*
7 *Bureau of Indian Affairs of the Department of the In-*
8 *terior.*

9 “(3) *BUREAU FUNDED SCHOOL.*—*The term ‘Bu-*
10 *reau funded school’ means—*

11 “(A) *a Bureau school;*

12 “(B) *a contract or grant school; or*

13 “(C) *a school for which assistance is pro-*
14 *vided under the Tribally Controlled Schools Act*
15 *of 1988.*

16 “(4) *BUREAU SCHOOL.*—*The term ‘Bureau*
17 *school’ means—*

18 “(A) *a Bureau operated elementary school*
19 *or secondary school that is a day or boarding*
20 *school; or*

21 “(B) *a Bureau operated dormitory for stu-*
22 *dents attending a school other than a Bureau*
23 *school.*

24 “(5) *COMPLEMENTARY EDUCATIONAL FACILI-*
25 *TIES.*—*The term ‘complementary educational facili-*

1 *ties’ means educational program functional spaces in-*
2 *cluding a library, gymnasium, and cafeteria.*

3 “(6) *CONTRACT OR GRANT SCHOOL.*—*The term*
4 *‘contract or grant school’ means an elementary school,*
5 *secondary school, or dormitory that receives financial*
6 *assistance for its operation under a contract, grant,*
7 *or agreement with the Bureau under section 102,*
8 *103(a), or 208 of the Indian Self-Determination and*
9 *Education Assistance Act, or under the Tribally Con-*
10 *trolled Schools Act of 1988.*

11 “(7) *DIRECTOR.*—*The term ‘Director’ means the*
12 *Director of the Office of Indian Education Programs.*

13 “(8) *EDUCATION LINE OFFICER.*—*The term ‘edu-*
14 *cation line officer’ means a member of the education*
15 *personnel under the supervision of the Director of the*
16 *Office, whether located in a central, area, or agency*
17 *office.*

18 “(9) *FINANCIAL PLAN.*—*The term ‘financial*
19 *plan’ means a plan of services provided by each Bu-*
20 *reau school.*

21 “(10) *INDIAN ORGANIZATION.*—*The term ‘Indian*
22 *organization’ means any group, association, partner-*
23 *ship, corporation, or other legal entity owned or con-*
24 *trolled by a federally recognized Indian tribe or*

1 *tribes, or a majority of whose members are members*
2 *of federally recognized tribes.*

3 “(11) *INHERENTLY FEDERAL FUNCTIONS.*—*The*
4 *term ‘inherently Federal functions’ means functions*
5 *and responsibilities which, under section 1125(c), are*
6 *non-contractible, including—*

7 “(A) *the allocation and obligation of Fed-*
8 *eral funds and determinations as to the amounts*
9 *of expenditures;*

10 “(B) *the administration of Federal per-*
11 *sonnel laws for Federal employees;*

12 “(C) *the administration of Federal con-*
13 *tracting and grant laws, including the moni-*
14 *toring and auditing of contracts and grants in*
15 *order to maintain the continuing trust, pro-*
16 *grammatic, and fiscal responsibilities of the Sec-*
17 *retary;*

18 “(D) *the conducting of administrative hear-*
19 *ings and deciding of administrative appeals;*

20 “(E) *the determination of the Secretary’s*
21 *views and recommendations concerning adminis-*
22 *trative appeals or litigation and the representa-*
23 *tion of the Secretary in administrative appeals*
24 *and litigation;*

1 “(F) the issuance of Federal regulations and
2 policies as well as any documents published in
3 the Federal Register;

4 “(G) reporting to Congress and the Presi-
5 dent;

6 “(H) the formulation of the Secretary’s and
7 the President’s policies and their budgetary and
8 legislative recommendations and views; and

9 “(I) the non-delegable statutory duties of the
10 Secretary relating to trust resources.

11 “(12) LOCAL EDUCATIONAL AGENCY.—The term
12 ‘local educational agency’ means a board of education
13 or other legally constituted local school authority hav-
14 ing administrative control and direction of free public
15 education in a county, township, or independent or
16 other school district located within a State, and in-
17 cludes any State agency that directly operates and
18 maintains facilities for providing free public edu-
19 cation.

20 “(13) LOCAL SCHOOL BOARD.—The term ‘local
21 school board’, when used with respect to a Bureau
22 school, means a body chosen in accordance with the
23 laws of the tribe to be served or, in the absence of such
24 laws, elected by the parents of the Indian children at-

1 *tending the school, except that, for a school serving a*
2 *substantial number of students from different tribes—*

3 *“(A) the members of the body shall be ap-*
4 *pointed by the tribal governing bodies of the*
5 *tribes affected; and*

6 *“(B) the number of such members shall be*
7 *determined by the Secretary in consultation with*
8 *the affected tribes.*

9 *“(14) OFFICE.—The term ‘Office’ means the Of-*
10 *fice of Indian Education Programs within the Bu-*
11 *reau.*

12 *“(15) REGULATION.—The term “regulation”*
13 *means any part of a statement of general or par-*
14 *ticular applicability of the Secretary designed to*
15 *carry out, interpret, or prescribe law or policy in car-*
16 *rying out this Act.*

17 *“(16) SECRETARY.—The term ‘Secretary’ means*
18 *the Secretary of the Interior.*

19 *“(17) SUPERVISOR.—The term ‘supervisor’*
20 *means the individual in the position of ultimate au-*
21 *thority at a Bureau school.*

22 *“(18) TRIBAL GOVERNING BODY.—The term*
23 *‘tribal governing body’ means, with respect to any*
24 *school, the tribal governing body, or tribal governing*

1 *bodies, that represent at least 90 percent of the stu-*
2 *dents served by such school.*

3 *“(19) TRIBE.—The term ‘tribe’ means any In-*
4 *dian tribe, band, nation, or other organized group or*
5 *community, including an Alaska Native Regional*
6 *Corporation or Village Corporation (as defined in or*
7 *established pursuant to the Alaska Native Claims Set-*
8 *tlement Act), which is recognized as eligible for the*
9 *special programs and services provided by the United*
10 *States to Indians because of their status as Indians.”.*

11 ***Subtitle B—Tribally Controlled***
12 ***Schools Act of 1988***

13 ***SEC. 1221. TRIBALLY CONTROLLED SCHOOLS.***

14 *Sections 5202 through 5213 of the Tribally Controlled*
15 *Schools Act of 1988 (25 U.S.C. 2501 et seq.) are amended*
16 *to read as follows:*

17 ***“SEC. 5202. FINDINGS.***

18 *“Congress, after careful review of the Federal Govern-*
19 *ment’s historical and special legal relationship with, and*
20 *resulting responsibilities to, Indians, finds that—*

21 *“(1) the Indian Self-Determination and Edu-*
22 *cation Assistance Act, which was a product of the le-*
23 *gitimate aspirations and a recognition of the inherent*
24 *authority of Indian nations, was and is a crucial*
25 *positive step towards tribal and community control;*

1 “(2) because of the Bureau of Indian Affairs’ ad-
2 ministration and domination of the contracting proc-
3 ess under such Act, Indians have not been provided
4 with the full opportunity to develop leadership skills
5 crucial to the realization of self-government and have
6 been denied an effective voice in the planning and im-
7 plementation of programs for the benefit of Indians
8 that are responsive to the true needs of Indian com-
9 munities;

10 “(3) Indians will never surrender their desire to
11 control their relationships both among themselves and
12 with non-Indian governments, organizations, and
13 persons;

14 “(4) true self-determination in any society of
15 people is dependent upon an educational process that
16 will ensure the development of qualified people to ful-
17 fill meaningful leadership roles;

18 “(5) the Federal administration of education for
19 Indian children have not effected the desired level of
20 educational achievement or created the diverse oppor-
21 tunities and personal satisfaction that education can
22 and should provide;

23 “(6) true local control requires the least possible
24 Federal interference; and

1 “(7) *the time has come to enhance the concepts*
2 *made manifest in the Indian Self-Determination and*
3 *Education Assistance Act.*

4 **“SEC. 5203. DECLARATION OF POLICY.**

5 “(a) *RECOGNITION.*—Congress recognizes the obliga-
6 *tion of the United States to respond to the strong expression*
7 *of the Indian people for self-determination by assuring*
8 *maximum Indian participation in the direction of edu-*
9 *cational services so as to render the persons administering*
10 *such services and the services themselves more responsive to*
11 *the needs and desires of Indian communities.*

12 “(b) *COMMITMENT.*—Congress declares its commitment
13 *to the maintenance of the Federal Government’s unique and*
14 *continuing trust relationship with and responsibility to the*
15 *Indian people through the establishment of a meaningful*
16 *Indian self-determination policy for education that will*
17 *deter further perpetuation of Federal bureaucratic domina-*
18 *tion of programs.*

19 “(c) *NATIONAL GOAL.*—Congress declares that a major
20 *national goal of the United States is to provide the re-*
21 *sources, processes, and structure that will enable tribes and*
22 *local communities to obtain the quantity and quality of*
23 *educational services and opportunities that will permit In-*
24 *dian children—*

1 “(1) to compete and excel in the life areas of
2 their choice; and

3 “(2) to achieve the measure of self-determination
4 essential to their social and economic well-being.

5 “(d) *EDUCATIONAL NEEDS*.—Congress affirms—

6 “(1) the reality of the special and unique edu-
7 cational needs of Indian people, including the need
8 for programs to meet the linguistic and cultural aspi-
9 rations of Indian tribes and communities; and

10 “(2) that the needs may best be met through a
11 grant process.

12 “(e) *FEDERAL RELATIONS*.—Congress declares a com-
13 mitment to the policies described in this section and sup-
14 port, to the full extent of congressional responsibility, for
15 Federal relations with the Indian nations.

16 “(f) *TERMINATION*.—Congress repudiates and rejects
17 House Concurrent Resolution 108 of the 83d Congress and
18 any policy of unilateral termination of Federal relations
19 with any Indian Nation.

20 “**SEC. 5204. GRANTS AUTHORIZED.**

21 “(a) *IN GENERAL*.—

22 “(1) *ELIGIBILITY*.—The Secretary shall provide
23 grants to Indian tribes and tribal organizations
24 that—

1 “(A) *operate contract schools under title XI*
2 *of the Education Amendments of 1978 and no-*
3 *tify the Secretary of their election to operate the*
4 *schools with assistance under this part rather*
5 *than continuing to operate such schools as con-*
6 *tract schools under such title;*

7 “(B) *operate other tribally controlled schools*
8 *eligible for assistance under this part and submit*
9 *applications (which are approved by their tribal*
10 *governing bodies) to the Secretary for such*
11 *grants; or*

12 “(C) *elect to assume operation of Bureau*
13 *funded schools with the assistance provided*
14 *under this part and submit applications (which*
15 *are approved by their tribal governing bodies) to*
16 *the Secretary for such grants.*

17 “(2) *DEPOSIT OF FUNDS.—Funds made avail-*
18 *able through a grant provided under this part shall*
19 *be deposited into the general operating fund of the*
20 *tribally controlled school with respect to which the*
21 *grant is made.*

22 “(3) *USE OF FUNDS.—*

23 “(A) *EDUCATION RELATED ACTIVITIES.—*
24 *Except as otherwise provided in this paragraph,*
25 *funds made available through a grant provided*

1 *under this part shall be used to defray, at the*
2 *discretion of the school board of the tribally con-*
3 *trolled school with respect to which the grant is*
4 *provided, any expenditures for education related*
5 *activities for which the grant may be used under*
6 *the laws described in section 5205(a), or any*
7 *similar activities, including expenditures for—*

8 “(i) *school operations, and academic,*
9 *educational, residential, guidance and coun-*
10 *seling, and administrative purposes; and*

11 “(ii) *support services for the school, in-*
12 *cluding transportation.*

13 “(B) *OPERATIONS AND MAINTENANCE EX-*
14 *PENDITURES.—Funds made available through a*
15 *grant provided under this part may, at the dis-*
16 *cretion of the school board of the tribally con-*
17 *trolled school with respect to which such grant is*
18 *provided, be used to defray operations and main-*
19 *tenance expenditures for the school if any funds*
20 *for the operation and maintenance of the school*
21 *are allocated to the school under the provisions*
22 *of any of the laws described in section 5205(a).*

23 “(4) *WAIVER OF FEDERAL TORT CLAIMS ACT.—*
24 *Notwithstanding section 314 of the Department of In-*
25 *terior and Related Agencies Appropriations Act, 1991*

1 *(Public Law 101–512), the Federal Tort Claims Act*
2 *shall not apply to a program operated by a tribally*
3 *controlled school if the program is not funded by the*
4 *Federal agency. Nothing in the preceding sentence*
5 *shall be construed to apply to—*

6 “(A) *the employees of the school involved;*

7 *and*

8 “(B) *any entity that enters into a contract*
9 *with a grantee under this section.*

10 “(b) *LIMITATIONS.—*

11 “(1) *1 GRANT PER TRIBE OR ORGANIZATION PER*
12 *FISCAL YEAR.—Not more than 1 grant may be pro-*
13 *vided under this part with respect to any Indian*
14 *tribe or tribal organization for any fiscal year.*

15 “(2) *NONSECTARIAN USE.—Funds made avail-*
16 *able through any grant provided under this part may*
17 *not be used in connection with religious worship or*
18 *sectarian instruction.*

19 “(3) *ADMINISTRATIVE COSTS LIMITATION.—*
20 *Funds made available through any grant provided*
21 *under this part may not be expended for administra-*
22 *tive cost (as defined in section 1127(a) of the Edu-*
23 *cation Amendments of 1978) in excess of the amount*
24 *generated for such cost under the formula established*
25 *in section 1127 of such Act.*

1 “(c) *LIMITATION ON TRANSFER OF FUNDS AMONG*
2 *SCHOOL SITES.*—

3 “(1) *IN GENERAL.*—*In the case of a recipient of*
4 *a grant under this part that operates schools at more*
5 *than 1 school site, the grant recipient may expend not*
6 *more than the lesser of—*

7 “(A) *10 percent of the funds allocated for*
8 *such school site, under section 1126 of the Edu-*
9 *cation Amendments of 1978; or*

10 “(B) *\$400,000 of such funds;*
11 *at any other school site.*

12 “(2) *DEFINITION OF SCHOOL SITE.*—*In this sub-*
13 *section, the term ‘school site’ means the physical loca-*
14 *tion and the facilities of an elementary or secondary*
15 *educational or residential program operated by, or*
16 *under contract or grant with, the Bureau for which*
17 *a discrete student count is identified under the fund-*
18 *ing formula established under section 1126 of the*
19 *Education Amendments of 1978.*

20 “(d) *NO REQUIREMENT TO ACCEPT GRANTS.*—*Noth-*
21 *ing in this part may be construed—*

22 “(1) *to require a tribe or tribal organization to*
23 *apply for or accept; or*

24 “(2) *to allow any person to coerce any tribe or*
25 *tribal organization to apply for, or accept,*

1 *a grant under this part to plan, conduct, and administer*
2 *all of, or any portion of, any Bureau program. The submis-*
3 *sion of such applications and the timing of such applica-*
4 *tions shall be strictly voluntary. Nothing in this part may*
5 *be construed as allowing or requiring the grant recipient*
6 *to make any grant under this part to any other entity.*

7 “(e) *NO EFFECT ON FEDERAL RESPONSIBILITY.—*
8 *Grants provided under this part shall not terminate, mod-*
9 *ify, suspend, or reduce the responsibility of the Federal Gov-*
10 *ernment to provide an educational program.*

11 “(f) *RETROCESSION.—*

12 “(1) *IN GENERAL.—Whenever a tribal governing*
13 *body requests retrocession of any program for which*
14 *assistance is provided under this part, such retroces-*
15 *sion shall become effective on a date specified by the*
16 *Secretary that is not later than 120 days after the*
17 *date on which the tribal governing body requests the*
18 *retrocession. A later date may be specified if mutually*
19 *agreed upon by the Secretary and the tribal governing*
20 *body. If such a program is retroceded, the Secretary*
21 *shall provide to any Indian tribe served by such pro-*
22 *gram at least the same quantity and quality of serv-*
23 *ices that would have been provided under such pro-*
24 *gram at the level of funding provided under this part*
25 *prior to the retrocession.*

1 “(2) *STATUS AFTER RETROCESSION.*—*The tribe*
2 *requesting retrocession shall specify whether the ret-*
3 *rocession relates to status as a Bureau operated school*
4 *or as a school operated under a contract under the In-*
5 *Indian Self-Determination Act.*

6 “(g) *TRANSFER OF EQUIPMENT AND MATERIALS.*—
7 *Except as otherwise determined by the Secretary, the tribe*
8 *or tribal organization operating the program to be*
9 *retroceded shall transfer to the Secretary (or to the tribe*
10 *or tribal organization that will operate the program as a*
11 *contract school) the existing property and equipment that*
12 *were acquired—*

13 “(1) *with assistance under this part; or*

14 “(2) *upon assumption of operation of the pro-*
15 *gram under this part if the school was a Bureau*
16 *funded school before receiving assistance under this*
17 *part.*

18 “(h) *PROHIBITION OF TERMINATION FOR ADMINISTRA-*
19 *TIVE CONVENIENCE.*—*Grants provided under this part may*
20 *not be terminated, modified, suspended, or reduced solely*
21 *for the convenience of the administering agency.*

22 “**SEC. 5205. COMPOSITION OF GRANTS.**

23 “(a) *IN GENERAL.*—*The funds made available through*
24 *a grant provided under this part to an Indian tribe or trib-*
25 *al organization for any fiscal year shall consist of—*

1 “(1) the total amount of funds allocated for such
2 *fiscal year under sections 1126 and 1127 of the Edu-*
3 *cation Amendments of 1978 with respect to the trib-*
4 *ally controlled school eligible for assistance under this*
5 *part that is operated by such Indian tribe or tribal*
6 *organization, including funds provided under such*
7 *sections, or under any other provision of law, for*
8 *transportation costs for such school;*

9 “(2) to the extent requested by such Indian tribe
10 *or tribal organization, the total amount of funds pro-*
11 *vided from operations and maintenance accounts and,*
12 *notwithstanding section 105 of the Indian Self-Deter-*
13 *mination and Education Assistance Act or any other*
14 *provision of law, other facilities accounts for such*
15 *school for such fiscal year (including accounts for fa-*
16 *ilities referred to in section 1125(e) of the Education*
17 *Amendments of 1978 or any other law); and*

18 “(3) the total amount of funds that are allocated
19 *to such school for such fiscal year under—*

20 “(A) *title I of the Elementary and Sec-*
21 *ondary Education Act of 1965;*

22 “(B) *the Individuals with Disabilities Edu-*
23 *cation Act; and*

24 “(C) *any other Federal education law.*

25 “(b) *SPECIAL RULES.—*

1 “(1) *IN GENERAL.*—

2 “(A) *APPLICABLE PROVISIONS.*—*Funds al-*
3 *located to a tribally controlled school by reason*
4 *of paragraph (1) or (2) of subsection (a) shall be*
5 *subject to the provisions of this part and shall*
6 *not be subject to any additional restriction, pri-*
7 *ority, or limitation that is imposed by the Bu-*
8 *reau with respect to funds provided under—*

9 “(i) *title I of the Elementary and Sec-*
10 *ondary Education Act of 1965;*

11 “(ii) *the Individuals with Disabilities*
12 *Education Act; or*

13 “(iii) *any Federal education law other*
14 *than title XI of the Education Amendments*
15 *of 1978.*

16 “(B) *OTHER BUREAU REQUIREMENTS.*—*In-*
17 *dian tribes and tribal organizations to which*
18 *grants are provided under this part, and tribally*
19 *controlled schools for which such grants are pro-*
20 *vided, shall not be subject to any requirements,*
21 *obligations, restrictions, or limitations imposed*
22 *by the Bureau that would otherwise apply solely*
23 *by reason of the receipt of funds provided under*
24 *any law referred to in clause (i), (ii) or (iii) of*
25 *subparagraph (A).*

1 “(2) *SCHOOLS CONSIDERED CONTRACT*
2 *SCHOOLS.—Tribally controlled schools for which*
3 *grants are provided under this part shall be treated*
4 *as contract schools for the purposes of allocation of*
5 *funds under sections 1125(e), 1126, and 1127 of the*
6 *Education Amendments of 1978.*

7 “(3) *SCHOOLS CONSIDERED BUREAU*
8 *SCHOOLS.—Tribally controlled schools for which*
9 *grants are provided under this part shall be treated*
10 *as Bureau schools for the purposes of allocation of*
11 *funds provided under—*

12 “(A) *title I of the Elementary and Sec-*
13 *ondary Education Act of 1965;*

14 “(B) *the Individuals with Disabilities Edu-*
15 *cation Act; and*

16 “(C) *any other Federal education law, that*
17 *are distributed through the Bureau.*

18 “(4) *ACCOUNTS; USE OF CERTAIN FUNDS.—*

19 “(A) *SEPARATE ACCOUNT.—Notwith-*
20 *standing section 5204(a)(2), with respect to*
21 *funds from facilities improvement and repair,*
22 *alteration and renovation (major or minor),*
23 *health and safety, or new construction accounts*
24 *included in the grant provided under section*
25 *5204(a), the grant recipient shall maintain a*

1 *separate account for such funds. At the end of the*
2 *period designated for the work covered by the*
3 *funds received, the grant recipient shall submit*
4 *to the Secretary a separate accounting of the*
5 *work done and the funds expended. Funds re-*
6 *ceived from those accounts may only be used for*
7 *the purpose for which the funds were appro-*
8 *priated and for the work encompassed by the ap-*
9 *plication or submission for which the funds were*
10 *received.*

11 “(B) *REQUIREMENTS FOR PROJECTS.—*

12 “(i) *REGULATORY REQUIREMENTS.—*

13 *With respect to a grant to a tribally con-*
14 *trolled school under this part for new con-*
15 *struction or facilities improvements and re-*
16 *pair in excess of \$100,000, such grant shall*
17 *be subject to the Administrative and Audit*
18 *Requirements and Cost Principles for As-*
19 *sistance Programs contained in part 12 of*
20 *title 43, Code of Federal Regulations.*

21 “(ii) *EXCEPTION.—Notwithstanding*
22 *clause (i), grants described in such clause*
23 *shall not be subject to section 12.61 of title*
24 *43, Code of Federal Regulations. The Sec-*
25 *retary and the grantee shall negotiate and*

1 *determine a schedule of payments for the*
2 *work to be performed.*

3 “(iii) *APPLICATIONS.*—*In considering*
4 *applications for a grant described in clause*
5 *(i), the Secretary shall consider whether the*
6 *Indian tribe or tribal organization involved*
7 *would be deficient in assuring that the con-*
8 *struction projects under the proposed grant*
9 *conform to applicable building standards*
10 *and codes and Federal, tribal, or State*
11 *health and safety standards as required*
12 *under section 1124 of the Education*
13 *Amendments of 1978 (25 U.S.C. 2005(a))*
14 *with respect to organizational and financial*
15 *management capabilities.*

16 “(iv) *DISPUTES.*—*Any disputes be-*
17 *tween the Secretary and any grantee con-*
18 *cerning a grant described in clause (i) shall*
19 *be subject to the dispute provisions con-*
20 *tained in section 5209(e).*

21 “(C) *NEW CONSTRUCTION.*—*Notwith-*
22 *standing subparagraph (A), a school receiving a*
23 *grant under this part for facilities improvement*
24 *and repair may use such grant funds for new*
25 *construction if the tribal governing body or trib-*

1 *al organization that submits the application for*
2 *the grant provides funding for the new construc-*
3 *tion equal to at least 25 percent of the total cost*
4 *of such new construction.*

5 *“(D) PERIOD.—Where the appropriations*
6 *measure under which the funds described in sub-*
7 *paragraph (A) are made available or the appli-*
8 *cation submitted for the funds does not stipulate*
9 *a period for the work covered by the funds, the*
10 *Secretary and the grant recipient shall consult*
11 *and determine such a period prior to the transfer*
12 *of the funds. A period so determined may be ex-*
13 *tended upon mutual agreement of the Secretary*
14 *and the grant recipient.*

15 *“(5) ENFORCEMENT OF REQUEST TO INCLUDE*
16 *FUNDS.—*

17 *“(A) IN GENERAL.—If the Secretary fails to*
18 *carry out a request filed by an Indian tribe or*
19 *tribal organization to include in such tribe or*
20 *organization’s grant under this part the funds*
21 *described in subsection (a)(2) within 180 days*
22 *after the filing of the request, the Secretary*
23 *shall—*

24 *“(i) be deemed to have approved such*
25 *request; and*

1 “(ii) immediately upon the expiration
2 of such 180-day period amend the grant ac-
3 cordingly.

4 “(B) RIGHTS.—A tribe or organization de-
5 scribed in subparagraph (A) may enforce its
6 rights under subsection (a)(2) and this para-
7 graph, including rights relating to any denial or
8 failure to act on such tribe’s or organization’s re-
9 quest, pursuant to the dispute authority de-
10 scribed in section 5209(e).

11 **“SEC. 5206. ELIGIBILITY FOR GRANTS.**

12 “(a) RULES.—

13 “(1) IN GENERAL.—A tribally controlled school
14 is eligible for assistance under this part if the
15 school—

16 “(A) on April 28, 1988, was a contract
17 school under title XI of the Education Amend-
18 ments of 1978 and the tribe or tribal organiza-
19 tion operating the school submits to the Sec-
20 retary a written notice of election to receive a
21 grant under this part;

22 “(B) was a Bureau operated school under
23 title XI of the Education Amendments of 1978
24 and has met the requirements of subsection (b);

1 “(C) is not a Bureau funded school, but has
2 met the requirements of subsection (c); or

3 “(D) is a school with respect to which an
4 election has been made under paragraph (2) and
5 that has met the requirements of subsection (b).

6 “(2) NEW SCHOOLS.—Notwithstanding para-
7 graph (1), for purposes of determining eligibility for
8 assistance under this part, any application that has
9 been submitted under the Indian Self-Determination
10 and Education Assistance Act by an Indian tribe or
11 tribal organization for a school that is not in oper-
12 ation on the date of enactment of the Native Amer-
13 ican Education Improvement Act of 2001 shall be re-
14 viewed under the guidelines and regulations for appli-
15 cations submitted under the Indian Self-Determina-
16 tion and Education Assistance Act that were in effect
17 at the time the application was submitted, unless the
18 Indian tribe or tribal organization elects to have the
19 application reviewed under the provisions of sub-
20 section (b).

21 “(b) ADDITIONAL REQUIREMENTS FOR BUREAU FUND-
22 ED SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

23 “(1) BUREAU FUNDED SCHOOLS.—A school that
24 was a Bureau funded school under title XI of the
25 Education Amendments of 1978 on the date of enact-

1 *ment of the Native American Education Improvement*
2 *Act of 2001, and any school with respect to which an*
3 *election is made under subsection (a)(2), meets the re-*
4 *quirements of this subsection if—*

5 *“(A) the Indian tribe or tribal organization*
6 *that operates, or desires to operate, the school*
7 *submits to the Secretary an application request-*
8 *ing that the Secretary—*

9 *“(i) transfer operation of the school to*
10 *the Indian tribe or tribal organization, if*
11 *the Indian tribe or tribal organization is*
12 *not already operating the school; and*

13 *“(ii) make a determination as to*
14 *whether the school is eligible for assistance*
15 *under this part; and*

16 *“(B) the Secretary makes a determination*
17 *that the school is eligible for assistance under*
18 *this part.*

19 *“(2) CERTAIN ELECTING SCHOOLS.—*

20 *“(A) DETERMINATION.—By not later than*
21 *120 days after the date on which an application*
22 *is submitted to the Secretary under paragraph*
23 *(1)(A), the Secretary shall determine—*

24 *“(i) in the case of a school that is not*
25 *being operated by the Indian tribe or tribal*

1 organization, whether to transfer operation
2 of the school to the Indian tribe or tribal or-
3 ganization; and

4 “(i) whether the school is eligible for
5 assistance under this part.

6 “(B) CONSIDERATION; TRANSFERS AND ELI-
7 GIBILITY.—In considering applications sub-
8 mitted under paragraph (1)(A), the Secretary—

9 “(i) shall transfer operation of the
10 school to the Indian tribe or tribal organi-
11 zation, if the tribe or tribal organization is
12 not already operating the school; and

13 “(ii) shall determine that the school is
14 eligible for assistance under this part, un-
15 less the Secretary finds by clear and con-
16 vincing evidence that the services to be pro-
17 vided by the Indian tribe or tribal organi-
18 zation will be deleterious to the welfare of
19 the Indians served by the school and will
20 not carry out the purposes of this Act.

21 “(C) CONSIDERATION; POSSIBLE DEFICI-
22 CIENCIES.—In considering applications sub-
23 mitted under paragraph (1)(A), the Secretary
24 shall only consider whether the Indian tribe or

1 *tribal organization would be deficient in oper-*
2 *ating the school with respect to—*

3 “(i) *equipment;*

4 “(ii) *bookkeeping and accounting pro-*
5 *cedures;*

6 “(iii) *ability to adequately manage a*
7 *school; or*

8 “(iv) *adequately trained personnel.*

9 “(c) *ADDITIONAL REQUIREMENTS FOR A SCHOOL*
10 *THAT IS NOT A BUREAU FUNDED SCHOOL.—*

11 “(1) *IN GENERAL.—A school that is not a Bu-*
12 *reau funded school under title XI of the Education*
13 *Amendments of 1978 meets the requirements of this*
14 *subsection if—*

15 “(A) *the Indian tribe or tribal organization*
16 *that operates, or desires to operate, the school*
17 *submits to the Secretary an application request-*
18 *ing a determination by the Secretary as to*
19 *whether the school is eligible for assistance under*
20 *this part; and*

21 “(B) *the Secretary makes a determination*
22 *that the school is eligible for assistance under*
23 *this part.*

24 “(2) *DEADLINE FOR DETERMINATION BY SEC-*
25 *RETARY.—*

1 “(A) *DETERMINATION.*—By not later than
2 180 days after the date on which an application
3 is submitted to the Secretary under paragraph
4 (1)(A), the Secretary shall determine whether the
5 school is eligible for assistance under this part.

6 “(B) *FACTORS.*—In making the determina-
7 tion under subparagraph (A), the Secretary shall
8 give equal consideration to each of the following
9 factors:

10 “(i) *With respect to the applicant’s*
11 *proposal—*

12 “(I) *the adequacy of facilities or*
13 *the potential to obtain or provide ade-*
14 *quate facilities;*

15 “(II) *geographic and demographic*
16 *factors in the affected areas;*

17 “(III) *adequacy of the applicant’s*
18 *program plans;*

19 “(IV) *geographic proximity of*
20 *comparable public education; and*

21 “(V) *the needs to be met by the*
22 *school, as expressed by all affected par-*
23 *ties, including but not limited to stu-*
24 *dents, families, tribal governments at*

1 *both the central and local levels, and*
2 *school organizations.*

3 “(ii) *With respect to all education serv-*
4 *ices already available—*

5 “*(I) geographic and demographic*
6 *factors in the affected areas;*

7 “*(II) adequacy and comparability*
8 *of programs already available;*

9 “*(III) consistency of available*
10 *programs with tribal education codes*
11 *or tribal legislation on education; and*

12 “*(IV) the history and success of*
13 *those services for the proposed popu-*
14 *lation to be served, as determined from*
15 *all factors including, if relevant, stand-*
16 *ardized examination performance.*

17 “(C) *EXCEPTION REGARDING PROXIMITY.—*
18 *The Secretary may not make a determination*
19 *under this paragraph that is primarily based*
20 *upon the geographic proximity of comparable*
21 *public education.*

22 “(D) *INFORMATION ON FACTORS.—An ap-*
23 *plication submitted under paragraph (1)(A)*
24 *shall include information on the factors described*
25 *in subparagraph (B)(i), but the applicant may*

1 *also provide the Secretary such information rel-*
2 *ative to the factors described in subparagraph*
3 *(B)(ii) as the applicant considers to be appro-*
4 *priate.*

5 “(E) *TREATMENT OF LACK OF DETERMINA-*
6 *TION.—If the Secretary fails to make a deter-*
7 *mination under subparagraph (A) with respect*
8 *to an application within 180 days after the date*
9 *on which the Secretary received the*
10 *application—*

11 “(i) *the Secretary shall be deemed to*
12 *have made a determination that the tribally*
13 *controlled school is eligible for assistance*
14 *under this part; and*

15 “(ii) *the grant shall become effective 18*
16 *months after the date on which the Sec-*
17 *retary received the application, or on an*
18 *earlier date, at the Secretary’s discretion.*

19 “(d) *FILING OF APPLICATIONS AND REPORTS.—*

20 “(1) *IN GENERAL.—Each application or report*
21 *submitted to the Secretary under this part, and any*
22 *amendment to such application or report, shall be*
23 *filed with the education line officer designated by the*
24 *Director of the Office of Indian Education Programs*
25 *of the Bureau of Indian Affairs. The date on which*

1 *the filing occurs shall, for purposes of this part, be*
2 *treated as the date on which the application, report,*
3 *or amendment was submitted to the Secretary.*

4 “(2) *SUPPORTING DOCUMENTATION.*—

5 “(A) *IN GENERAL.*—*Any application that is*
6 *submitted under this part shall be accompanied*
7 *by a document indicating the action taken by the*
8 *appropriate tribal governing body concerning*
9 *authorizing such application.*

10 “(B) *AUTHORIZATION ACTION.*—*The Sec-*
11 *retary shall administer the requirement of sub-*
12 *paragraph (A) in a manner so as to ensure that*
13 *the tribe involved, through the official action of*
14 *the tribal governing body, has approved of the*
15 *application for the grant.*

16 “(C) *RULE OF CONSTRUCTION.*—*Nothing in*
17 *this paragraph shall be construed as making a*
18 *tribal governing body (or tribe) that takes an ac-*
19 *tion described in subparagraph (A) a party to*
20 *the grant (unless the tribal governing body or the*
21 *tribe is the grantee) or as making the tribal gov-*
22 *erning body or tribe financially or program-*
23 *matically responsible for the actions of the grant-*
24 *ee.*

1 “(3) *RULES OF CONSTRUCTION.*—*Nothing in this*
2 *subsection shall be construed as making a tribe act as*
3 *a surety for the performance of a grantee under a*
4 *grant under this part.*

5 “(4) *CLARIFICATION.*—*The provisions of para-*
6 *graphs (2) and (3) shall be construed as a clarifica-*
7 *tion of policy in existence on the date of enactment*
8 *of the Native American Education Improvement Act*
9 *of 2001 with respect to grants under this part and*
10 *shall not be construed as altering such policy or as*
11 *a new policy.*

12 “(e) *EFFECTIVE DATE FOR APPROVED APPLICA-*
13 *TIONS.*—*Except as provided in subsection (c)(2)(E), a grant*
14 *provided under this part shall be made, and any transfer*
15 *of the operation of a Bureau school made under subsection*
16 *(b) shall become effective, beginning on the first day of the*
17 *academic year succeeding the fiscal year in which the appli-*
18 *cation for the grant or transfer is made, or on an earlier*
19 *date determined by the Secretary.*

20 “(f) *DENIAL OF APPLICATIONS.*—

21 “(1) *IN GENERAL.*—*If the Secretary disapproves*
22 *a grant under this part, disapproves the transfer of*
23 *operations of a Bureau school under subsection (b), or*
24 *determines that a school is not eligible for assistance*
25 *under this part, the Secretary shall—*

1 “(A) state the objections in writing to the
2 tribe or tribal organization involved within the
3 allotted time;

4 “(B) provide assistance to the tribe or tribal
5 organization to cure all stated objections;

6 “(C) at the request of the tribe or tribal or-
7 ganization, provide to the tribe or tribal organi-
8 zation a hearing on the record regarding the re-
9 fusal or determination involved, under the same
10 rules and regulations as apply under the Indian
11 Self-Determination and Education Assistance
12 Act; and

13 “(D) provide to the tribe or tribal organiza-
14 tion an opportunity to appeal the decision re-
15 sulting from the hearing.

16 “(2) *TIMELINE FOR RECONSIDERATION OF*
17 *AMENDED APPLICATIONS.*—The Secretary shall recon-
18 sider any amended application submitted under this
19 part within 60 days after the amended application is
20 submitted to the Secretary and shall submit the deter-
21 minations of the Secretary with respect to such recon-
22 sideration to the tribe or the tribal organization.

23 “(g) *REPORT.*—The Bureau shall prepare and submit
24 to Congress an annual report on all applications received,
25 and actions taken (including the costs associated with such

1 actions), under this section on the same date as the date
2 on which the President is required to submit to Congress
3 a budget of the United States Government under section
4 1105 of title 31, United States Code.

5 **“SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.**

6 “(a) *IN GENERAL.*—If the Secretary determines that
7 a tribally controlled school is eligible for assistance under
8 this part, the eligibility determination shall remain in effect
9 until the determination is revoked by the Secretary, and
10 the requirements of subsection (b) or (c) of section 5206,
11 if applicable, shall be considered to have been met with re-
12 spect to such school until the eligibility determination is
13 revoked by the Secretary.

14 “(b) *ANNUAL REPORTS.*—

15 “(1) *IN GENERAL.*—Each recipient of a grant
16 provided under this part for a school shall prepare an
17 annual report concerning the school involved, the con-
18 tents of which shall be limited to—

19 “(A) an annual financial statement report-
20 ing revenue and expenditures as defined by the
21 cost accounting standards established by the
22 grant recipient;

23 “(B) an annual financial audit conducted
24 pursuant to the standards of chapter 71 of title
25 31, United States Code;

1 “(C) a biennial compliance audit of the
2 procurement of personal property during the pe-
3 riod for which the report is being prepared that
4 shall be in compliance with written procurement
5 standards that are developed by the local school
6 board;

7 “(D) an annual submission to the Secretary
8 containing information on the number of stu-
9 dents served and a brief description of programs
10 offered through the grant; and

11 “(E) a program evaluation conducted by an
12 impartial evaluation review team, to be based on
13 the standards established for purposes of sub-
14 section (c)(1)(A)(ii).

15 “(2) *EVALUATION REVIEW TEAMS.*—In appro-
16 priate cases, representatives of other tribally con-
17 trolled schools and representatives of tribally con-
18 trolled community colleges shall be members of the
19 evaluation review teams.

20 “(3) *EVALUATIONS.*—In the case of a school that
21 is accredited, the evaluations required under this sub-
22 section shall be conducted at intervals under the terms
23 of the accreditation.

24 “(4) *SUBMISSION OF REPORT.*—

1 “(A) *TO TRIBAL GOVERNING BODY.*—Upon
2 *completion of the annual report required under*
3 *paragraph (1), the recipient of the grant shall*
4 *send (via first class mail, return receipt re-*
5 *quested) a copy of such annual report to the trib-*
6 *al governing body.*

7 “(B) *TO SECRETARY.*—Not later than 30
8 *days after receiving written confirmation that*
9 *the tribal governing body has received the report*
10 *sent pursuant to subparagraph (A), the recipient*
11 *of the grant shall send a copy of the report to the*
12 *Secretary.*

13 “(c) *REVOCAION OF ELIGIBILITY.*—

14 “(1) *IN GENERAL.*—The Secretary may not re-
15 *voke a determination that a school is eligible for as-*
16 *sistance under this part if—*

17 “(A) *the Indian tribe or tribal organization*
18 *submits the reports required under subsection (b)*
19 *with respect to the school; and*

20 “(B) *at least 1 of the following conditions*
21 *applies with respect to the school:*

22 “(i) *The school is certified or accred-*
23 *ited by a State certification or regional ac-*
24 *crediting association or is a candidate in*
25 *good standing for such certification or ac-*

1 *creditation under the rules of the State cer-*
2 *tification or regional accrediting associa-*
3 *tion, showing that credits achieved by the*
4 *students within the education programs of*
5 *the school are, or will be, accepted at grade*
6 *level by a State certified or regionally ac-*
7 *credited institution.*

8 “(ii) *The Secretary determines that*
9 *there is a reasonable expectation that the*
10 *certification or accreditation described in*
11 *clause (i), or candidacy in good standing*
12 *for such certification or accreditation, will*
13 *be achieved by the school within 3 years.*
14 *The school seeking accreditation shall re-*
15 *main under the standards of the Bureau in*
16 *effect on the date of enactment of the Native*
17 *American Education Improvement Act of*
18 *2001 until such time as the school is accred-*
19 *ited, except that if the Bureau standards*
20 *are in conflict with the standards of the ac-*
21 *crediting agency, the standards of such*
22 *agency shall apply in such case.*

23 “(iii) *The school is accredited by a*
24 *tribal department of education if such ac-*
25 *creditation is accepted by a generally recog-*

1 *nized State certification or regional accred-*
2 *iting agency.*

3 *“(iv)(I) With respect to a school that*
4 *lacks accreditation, or that is not a can-*
5 *didate for accreditation, based on cir-*
6 *cumstances that are not beyond the control*
7 *of the school board, every 3 years an impar-*
8 *tial evaluator agreed upon by the Secretary*
9 *and the grant recipient conducts evalua-*
10 *tions of the school, and the school receives a*
11 *positive assessment under such evaluations.*
12 *The evaluations are conducted under stand-*
13 *ards adopted by a contractor under a con-*
14 *tract for the school entered into under the*
15 *Indian Self-Determination and Education*
16 *Assistance Act (or revisions of such stand-*
17 *ards agreed to by the Secretary and the*
18 *grant recipient) prior to the date of enact-*
19 *ment of the Native American Education*
20 *Improvement Act of 2001.*

21 *“(II) If the Secretary and a grant re-*
22 *cipient other than a tribal governing body*
23 *fail to agree on such an evaluator, the tribal*
24 *governing body shall choose the evaluator or*
25 *perform the evaluation. If the Secretary and*

1 *a grant recipient that is a tribal governing*
2 *body fail to agree on such an evaluator,*
3 *subclause (I) shall not apply.*

4 *“(III) A positive assessment by an im-*
5 *partial evaluator under this clause shall not*
6 *affect the revocation of a determination of*
7 *eligibility by the Secretary where such rev-*
8 *ocation is based on circumstances that were*
9 *within the control of the school board.*

10 *“(2) NOTICE REQUIREMENTS FOR REVOCA-*
11 *TION.—The Secretary may not revoke a determina-*
12 *tion that a school is eligible for assistance under this*
13 *part, or reassume control of a school that was a Bu-*
14 *reau school prior to approval of an application sub-*
15 *mitted under section 5206(b)(1)(A), until the*
16 *Secretary—*

17 *“(A) provides notice, to the tribally con-*
18 *trolled school involved and the appropriate tribal*
19 *governing body (within the meaning of section*
20 *1139 of the Education Amendments of 1978) for*
21 *the tribally controlled school, which notice*
22 *identifies—*

23 *“(i) the specific deficiencies that led to*
24 *the revocation or reassumption determina-*
25 *tion; and*

1 “(ii) the specific actions that are need-
2 ed to remedy such deficiencies; and

3 “(B) affords such school and governing body
4 an opportunity to implement the remedial ac-
5 tions.

6 “(3) *TECHNICAL ASSISTANCE.*—The Secretary
7 shall provide such technical assistance to enable the
8 school and governing body to carry out such remedial
9 actions.

10 “(4) *HEARING AND APPEAL.*—In addition to no-
11 tice and technical assistance under this subsection, the
12 Secretary shall provide to the school and governing
13 body—

14 “(A) at the request of the school or gov-
15 erning body, a hearing on the record regarding
16 the revocation or reassumption determination, to
17 be conducted under the rules and regulations de-
18 scribed in section 5206(f)(1)(C); and

19 “(B) an opportunity to appeal the decision
20 resulting from the hearing.

21 “(d) *APPLICABILITY OF SECTION PURSUANT TO ELEC-*
22 *TION UNDER SECTION 5209(b).*—With respect to a tribally
23 controlled school that receives assistance under this part
24 pursuant to an election made under section 5209(b)—

25 “(1) subsection (b) shall apply; and

1 “(2) the Secretary may not revoke eligibility for
2 assistance under this part except in conformance with
3 subsection (c).

4 **“SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS;**
5 **STATE PAYMENTS TO SCHOOLS.**

6 “(a) *PAYMENTS.*—

7 “(1) *MANNER OF PAYMENTS.*—

8 “(A) *IN GENERAL.*—*Except as otherwise*
9 *provided in this subsection, the Secretary shall*
10 *make payments to grant recipients under this*
11 *part in 2 payments, of which—*

12 “(i) *the first payment shall be made*
13 *not later than July 1 of each year in an*
14 *amount equal to 80 percent of the amount*
15 *that the grant recipient was entitled to re-*
16 *ceive during the preceding academic year;*
17 *and*

18 “(ii) *the second payment, consisting of*
19 *the remainder to which the grant recipient*
20 *was entitled for the academic year, shall be*
21 *made not later than December 1 of each*
22 *year.*

23 “(B) *EXCESS FUNDING.*—*In a case in*
24 *which the amount provided to a grant recipient*
25 *under subparagraph (A)(i) is in excess of the*

1 *amount that the recipient is entitled to receive*
2 *for the academic year involved, the recipient*
3 *shall return to the Secretary such excess amount*
4 *not later than 30 days after the final determina-*
5 *tion that the school was overpaid pursuant to*
6 *this section. The amount returned to the Sec-*
7 *retary under this subparagraph shall be distrib-*
8 *uted equally to all schools in the system.*

9 “(2) *NEWLY FUNDED SCHOOLS.*—*For any school*
10 *for which no payment under this part was made from*
11 *Bureau funds in the academic year preceding the*
12 *year for which the payments are being made, full*
13 *payment of the amount computed for the school for*
14 *the first academic year of eligibility under this part*
15 *shall be made not later than December 1 of the aca-*
16 *demie year.*

17 “(3) *LATE FUNDING.*—*With regard to funds for*
18 *grant recipients under this part that become available*
19 *for obligation on October 1 of the fiscal year for which*
20 *such funds are appropriated, the Secretary shall make*
21 *payments to the grant recipients not later than De-*
22 *cember 1 of the fiscal year.*

23 “(4) *APPLICABILITY OF CERTAIN TITLE 31 PROVI-*
24 *SIONS.*—*The provisions of chapter 39 of title 31,*

1 *United States Code, shall apply to the payments re-*
2 *quired to be made under paragraphs (1), (2), and (3).*

3 “(5) *RESTRICTIONS.—Payments made under*
4 *paragraphs (1), (2), and (3) shall be subject to any*
5 *restriction on amounts of payments under this part*
6 *that is imposed by a continuing resolution or other*
7 *Act appropriating the funds involved.*

8 “(b) *INVESTMENT OF FUNDS.—*

9 “(1) *TREATMENT OF INTEREST AND INVESTMENT*
10 *INCOME.—Notwithstanding any other provision of*
11 *law, any interest or investment income that accrues*
12 *on or is derived from any funds provided under this*
13 *part for a school after such funds are paid to an In-*
14 *Indian tribe or tribal organization and before such*
15 *funds are expended for the purpose for which such*
16 *funds were provided under this part shall be the prop-*
17 *erty of the Indian tribe or tribal organization. The*
18 *interest or income shall not be taken into account by*
19 *any officer or employee of the Federal Government in*
20 *determining whether to provide assistance, or the*
21 *amount of assistance to be provided, under any provi-*
22 *sion of Federal law.*

23 “(2) *PERMISSIBLE INVESTMENTS.—Funds pro-*
24 *vided under this part may be invested by an Indian*
25 *tribe or tribal organization, as approved by the*

1 grantee, before such funds are expended for the objec-
2 tives of this part if such funds are—

3 “(A) invested by the Indian tribe or tribal
4 organization only—

5 “(i) in obligations of the United States;

6 “(ii) in obligations or securities that
7 are guaranteed or insured by the United
8 States; or

9 “(iii) in mutual (or other) funds that
10 are registered with the Securities and Ex-
11 change Commission and that only invest in
12 obligations of the United States, or securi-
13 ties that are guaranteed or insured by the
14 United States; or

15 “(B) deposited only into accounts that are
16 insured by an agency or instrumentality of the
17 United States, or are fully supported by collat-
18 eral to ensure protection of the funds, even in the
19 event of a bank failure.

20 “(c) RECOVERIES.—Funds received under this part
21 shall not be taken into consideration by any Federal agency
22 for the purposes of making underrecovery and overrecovery
23 determinations for any other funds, from whatever source
24 derived.

25 “(d) PAYMENTS BY STATES.—

1 “(1) *IN GENERAL.*—*With respect to a school that*
2 *receives assistance under this part, a State shall*
3 *not—*

4 “(A) *take into account the amount of such*
5 *assistance in determining the amount of funds*
6 *that such school is eligible to receive under appli-*
7 *cable State law; or*

8 “(B) *reduce any State payments that such*
9 *school is eligible to receive under applicable*
10 *State law because of the assistance received by*
11 *the school under this part.*

12 “(2) *VIOLATIONS.*—

13 “(A) *IN GENERAL.*—*Upon receipt of any in-*
14 *formation from any source that a State is in*
15 *violation of paragraph (1), the Secretary shall*
16 *immediately, but in no case later than 90 days*
17 *after the receipt of such information, conduct an*
18 *investigation and make a determination of*
19 *whether such violation has occurred.*

20 “(B) *DETERMINATION.*—*If the Secretary*
21 *makes a determination under subparagraph (A)*
22 *that a State has violated paragraph (1), the Sec-*
23 *retary shall inform the Secretary of Education of*
24 *such determination and the basis for the deter-*
25 *mination. The Secretary of Education shall, in*

1 *an expedient manner, pursue penalties under*
2 *paragraph (3) with respect to the State.*

3 “(3) *PENALTIES.—A State determined to have*
4 *violated paragraph (1) shall be subject to penalties*
5 *similar to the penalties described in section 8809(e)*
6 *of the Elementary and Secondary Education Act of*
7 *1965 for a violation of title VIII of such Act.*

8 **“SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-**
9 **DETERMINATION AND EDUCATION ASSIST-**
10 **ANCE ACT.**

11 “(a) *CERTAIN PROVISIONS TO APPLY TO GRANTS.—*
12 *The following provisions of the Indian Self-Determination*
13 *and Education Assistance Act (and any subsequent revi-*
14 *sions thereto or renumbering thereof), shall apply to grants*
15 *provided under this part and the schools funded under such*
16 *grants:*

17 “(1) *Section 5(f) (relating to single agency au-*
18 *dits).*

19 “(2) *Section 6 (relating to criminal activities;*
20 *penalties).*

21 “(3) *Section 7 (relating to wage and labor stand-*
22 *ards).*

23 “(4) *Section 104 (relating to retention of Federal*
24 *employee coverage).*

1 “(5) Section 105(f) (relating to Federal prop-
2 erty).

3 “(6) Section 105(k) (relating to access to Federal
4 sources of supply).

5 “(7) Section 105(l) (relating to lease of facility
6 used for administration and delivery of services).

7 “(8) Section 106(f) (relating to limitation on
8 remedies relating to cost disallowances).

9 “(9) Section 106(j) (relating to use of funds for
10 matching or cost participation requirements).

11 “(10) Section 106(k) (relating to allowable uses
12 of funds).

13 “(11) The portions of section 108(c) that consist
14 of model agreements provisions 1(b)(5) (relating to
15 limitations of costs), 1(b)(7) (relating to records and
16 monitoring), 1(b)(8) (relating to property), and
17 1(b)(9) (relating to availability of funds).

18 “(12) Section 109 (relating to reassumption).

19 “(13) Section 111 (relating to sovereign immu-
20 nity and trusteeship rights unaffected).

21 “(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.—

22 “(1) IN GENERAL.—A contractor that carries out
23 an activity to which this part applies and who has
24 entered into a contract under the Indian Self-Deter-
25 mination and Education Assistance Act that is in ef-

1 *fect on the date of enactment of the Native American*
2 *Education Improvement Act of 2001 may, by giving*
3 *notice to the Secretary, elect to receive a grant under*
4 *this part in lieu of such contract and to have the pro-*
5 *visions of this part apply to such activity.*

6 “(2) *EFFECTIVE DATE OF ELECTION.*—*Any elec-*
7 *tion made under paragraph (1) shall take effect on*
8 *the first day of July immediately following the date*
9 *of such election.*

10 “(3) *EXCEPTION.*—*In any case in which the first*
11 *day of July immediately following the date of an elec-*
12 *tion under paragraph (1) is less than 60 days after*
13 *such election, such election shall not take effect until*
14 *the first day of July of year following the year in*
15 *which the election is made.*

16 “(c) *NO DUPLICATION.*—*No funds may be provided*
17 *under any contract entered into under the Indian Self-De-*
18 *termination and Education Assistance Act to pay any ex-*
19 *penses incurred in providing any program or services if*
20 *a grant has been made under this part to pay such expenses.*

21 “(d) *TRANSFERS AND CARRYOVERS.*—

22 “(1) *BUILDINGS, EQUIPMENT, SUPPLIES, MATE-*
23 *RIALS.*—*A tribe or tribal organization assuming the*
24 *operation of—*

1 “(A) a Bureau school with assistance under
2 this part shall be entitled to the transfer or use
3 of buildings, equipment, supplies, and materials
4 to the same extent as if the tribe or tribal orga-
5 nization were contracting under the Indian Self-
6 Determination and Education Assistance Act; or

7 “(B) a contract school with assistance under
8 this part shall be entitled to the transfer or use
9 of buildings, equipment, supplies, and materials
10 that were used in the operation of the contract
11 school to the same extent as if the tribe or tribal
12 organization were contracting under such Act.

13 “(2) FUNDS.—Any tribe or tribal organization
14 that assumes operation of a Bureau school with as-
15 sistance under this part and any tribe or tribal orga-
16 nization that elects to operate a school with assistance
17 under this part rather than to continue to operate the
18 school as a contract school shall be entitled to any
19 funds that would remain available from the previous
20 fiscal year if such school remained a Bureau school
21 or was operated as a contract school, respectively.

22 “(3) FUNDING FOR SCHOOL IMPROVEMENT.—
23 Any tribe or tribal organization that assumes oper-
24 ation of a Bureau school or a contract school with as-
25 sistance under this part shall be eligible for funding

1 *for the improvement, alteration, replacement, and re-*
2 *pair of facilities to the same extent as a Bureau*
3 *school.*

4 “(e) *EXCEPTIONS, PROBLEMS, AND DISPUTES.*—

5 “(1) *IN GENERAL.*—*Any exception or problem*
6 *cited in an audit conducted pursuant to section*
7 *5207(b)(1)(B), any dispute regarding a grant author-*
8 *ized to be made pursuant to this part or any modi-*
9 *fication of such grant, and any dispute involving an*
10 *administrative cost grant under section 1127 of the*
11 *Education Amendments of 1978, shall be adminis-*
12 *tered under the provisions governing such exceptions,*
13 *problems, or disputes described in this paragraph in*
14 *the case of contracts under the Indian Self-Deter-*
15 *mination and Education Assistance Act.*

16 “(2) *ADMINISTRATIVE APPEALS.*—*The Equal Ac-*
17 *cess to Justice Act (as amended) and the amendments*
18 *made by such Act, including section 504 of title 5,*
19 *and section 2412 of title 28, United States Code, shall*
20 *apply to an administrative appeal filed after Sep-*
21 *tember 8, 1988, by a grant recipient regarding a*
22 *grant provided under this part, including an admin-*
23 *istrative cost grant.*

1 **“SEC. 5210. ROLE OF THE DIRECTOR.**

2 *“Applications for grants under this part, and all*
3 *modifications to the applications, shall be reviewed and ap-*
4 *proved by personnel under the direction and control of the*
5 *Director of the Office of Indian Education Programs. Re-*
6 *ports required under this part shall be submitted to edu-*
7 *cation personnel under the direction and control of the Di-*
8 *rector of such Office.*

9 **“SEC. 5211. REGULATIONS.**

10 *“The Secretary is authorized to issue regulations relat-*
11 *ing to the discharge of duties specifically assigned to the*
12 *Secretary in this part. For all other matters relating to the*
13 *details of planning, developing, implementing, and evalu-*
14 *ating grants under this part, the Secretary shall not issue*
15 *regulations.*

16 **“SEC. 5212. THE TRIBALLY CONTROLLED GRANT SCHOOL**
17 ****ENDOWMENT PROGRAM.****

18 *“(a) IN GENERAL.—*

19 *“(1) ESTABLISHMENT.—Each school receiving a*
20 *grant under this part may establish, at a federally*
21 *insured financial institution, a trust fund for the*
22 *purposes of this section.*

23 *“(2) DEPOSITS AND USE.—The school may*
24 *provide—*

25 *“(A) for deposit into the trust fund, only*
26 *funds from non-Federal sources, except that the*

1 *interest on funds received from grants provided*
2 *under this part may be used for that purpose;*

3 “(B) *for deposit into the trust fund, any*
4 *earnings on funds deposited in the fund; and*

5 “(C) *for the sole use of the school any*
6 *noncash, in-kind contributions of real or per-*
7 *sonal property, which may at any time be used,*
8 *sold, or otherwise disposed of.*

9 “(b) *INTEREST.—Interest from the fund established*
10 *under subsection (a) may periodically be withdrawn and*
11 *used, at the discretion of the school, to defray any expenses*
12 *associated with the operation of the school consistent with*
13 *the purposes of this Act.*

14 **“SEC. 5213. DEFINITIONS.**

15 *“In this part:*

16 “(1) *BUREAU.—The term ‘Bureau’ means the*
17 *Bureau of Indian Affairs of the Department of the In-*
18 *terior.*

19 “(2) *ELIGIBLE INDIAN STUDENT.—The term ‘eli-*
20 *gible Indian student’ has the meaning given such*
21 *term in section 1126(f) of the Education Amendments*
22 *of 1978.*

23 “(3) *INDIAN.—The term ‘Indian’ means a mem-*
24 *ber of an Indian tribe, and includes individuals who*

1 are eligible for membership in a tribe, and the child
2 or grandchild of such an individual.

3 “(4) *INDIAN TRIBE*.—The term ‘Indian tribe’
4 means any Indian tribe, band, nation, or other orga-
5 nized group or community, including an Alaska Na-
6 tive Village Corporation or Regional Corporation (as
7 defined in or established pursuant to the Alaskan Na-
8 tive Claims Settlement Act), which is recognized as el-
9 igible for the special programs and services provided
10 by the United States to Indians because of their sta-
11 tus as Indians.

12 “(5) *LOCAL EDUCATIONAL AGENCY*.—The term
13 ‘local educational agency’ means a public board of
14 education or other public authority legally constituted
15 within a State for either administrative control or di-
16 rection of, or to perform a service function for, public
17 elementary schools or secondary schools in a city,
18 county, township, school district, or other political
19 subdivision of a State or such combination of school
20 districts or counties as are recognized in a State as
21 an administrative agency for the State’s public ele-
22 mentary schools or secondary schools. Such term in-
23 cludes any other public institution or agency having
24 administrative control and direction of a public ele-
25 mentary school or secondary school.

1 “(6) *SECRETARY.*—*The term ‘Secretary’ means*
2 *the Secretary of the Interior.*

3 “(7) *TRIBAL GOVERNING BODY.*—*The term ‘trib-*
4 *al governing body’ means, with respect to any school*
5 *that receives assistance under this Act, the recognized*
6 *governing body of the Indian tribe involved.*

7 “(8) *TRIBAL ORGANIZATION.*—

8 “(A) *IN GENERAL.*—*The term ‘tribal orga-*
9 *nization’ means—*

10 “(i) *the recognized governing body of*
11 *any Indian tribe; or*

12 “(ii) *any legally established organiza-*
13 *tion of Indians that—*

14 “(I) *is controlled, sanctioned, or*
15 *chartered by such governing body or is*
16 *democratically elected by the adult*
17 *members of the Indian community to*
18 *be served by such organization; and*

19 “(II) *includes the maximum par-*
20 *ticipation of Indians in all phases of*
21 *the organization’s activities.*

22 “(B) *AUTHORIZATION.*—*In any case in*
23 *which a grant is provided under this part to an*
24 *organization to provide services through a trib-*
25 *ally controlled school benefiting more than 1 In-*

1 dian tribe, the approval of the governing bodies
2 of Indian tribes representing 80 percent of the
3 students attending the tribally controlled school
4 shall be considered a sufficient tribal authoriza-
5 tion for such grant.

6 “(9) *TRIBALLY CONTROLLED SCHOOL*.—The term
7 ‘tribally controlled school’ means a school that—

8 “(A) is operated by an Indian tribe or a
9 tribal organization, enrolling students in kinder-
10 garten through grade 12, including a preschool;

11 “(B) is not a local educational agency; and

12 “(C) is not directly administered by the Bu-
13 reau of Indian Affairs.”.

14 **SEC. 1222. LEASE PAYMENTS BY THE OJIBWA INDIAN**
15 **SCHOOL.**

16 (a) *IN GENERAL*.—Notwithstanding the Tribally Con-
17 trolled Schools Act of 1988 (25 U.S.C. 2501 et seq.), or the
18 regulations promulgated under such Act, the Ojibwa Indian
19 School located in Belcourt, North Dakota, may use amounts
20 received under such Act to enter into, and make payments
21 under, a lease described in subsection (b).

22 (b) *LEASE*.—A lease described in this subsection is a
23 lease that—

1 (1) *is entered into by the Ojibwa Indian School*
2 *for the use of facilities owned by St. Ann's Catholic*
3 *Church located in Belcourt, North Dakota;*

4 (2) *is entered into in the 2001–2002 school year,*
5 *or any other school year in which the Ojibwa Indian*
6 *School will use such facilities for school purposes;*

7 (3) *requires lease payments in an amount deter-*
8 *mined appropriate by an independent lease appraiser*
9 *that is selected by the parties to the lease, except that*
10 *such amount may not exceed the maximum amount*
11 *per square foot that is being paid by the Bureau of*
12 *Indian Affairs for other similarly situated Indian*
13 *schools under the Indian Self-Determination and*
14 *Education Assistance Act (Public Law 93–638); and*

15 (4) *contains a waiver of the right of St. Ann's*
16 *Catholic Church to bring an action against the Ojib-*
17 *wa Indian School, the Turtle Mountain Band of*
18 *Chippewa, or the Federal Government for the recovery*
19 *of any amounts remaining unpaid under leases en-*
20 *tered into prior to the date of enactment of this Act.*

21 (c) *METHOD OF FUNDING.*—*Amounts shall be made*
22 *available by the Bureau of Indian Affairs to make lease*
23 *payments under this section in the same manner as*
24 *amounts are made available to make payments under leases*
25 *entered into by Indian schools under the Indian Self-Deter-*

1 *mination and Education Assistance Act (Public Law 93–*
2 *638).*

3 *(d) OPERATION AND MAINTENANCE FUNDING.—The*
4 *Bureau of Indian Affairs shall provide funding for the oper-*
5 *ation and maintenance of the facilities and property used*
6 *by the Ojibwa Indian School under the lease entered into*
7 *under subsection (a) so long as such facilities and property*
8 *are being used by the School for educational purposes.*

9 **SEC. 1223. ENROLLMENT AND GENERAL ASSISTANCE PAY-**
10 **MENTS.**

11 *Section 5404(a) of the Augustus F. Hawkins-Robert T.*
12 *Stafford Elementary and Secondary School Improvement*
13 *Amendments Act of 1988 (25 U.S.C. 13d–2(a)) is*
14 *amended—*

15 *(1) by striking the matter preceding paragraph*
16 *(1) and inserting the following:*

17 *“(a) IN GENERAL.—The Secretary of the Interior shall*
18 *not disqualify from continued receipt of general assistance*
19 *payments from the Bureau of Indian Affairs an otherwise*
20 *eligible Indian for whom the Bureau is making or may*
21 *make general assistance payments (or exclude such an indi-*
22 *vidual from continued consideration in determining the*
23 *amount of general assistance payments for a household) be-*
24 *cause the individual is enrolled (and is making satisfactory*
25 *progress toward completion of a program or training that*

1 *can reasonably be expected to lead to gainful employment)*
2 *for at least half-time study or training*
3 *in—”; and*

4 *(2) by striking paragraph (4), and inserting the*
5 *following:*

6 *“(4) other programs or training approved by the*
7 *Secretary or by tribal education, employment or*
8 *training programs.”.*

9 ***TITLE XIII—EQUAL ACCESS TO***
10 ***PUBLIC SCHOOL FACILITIES***

11 ***SEC. 1301. SHORT TITLE.***

12 *This title may be cited as the “Boy Scouts of America*
13 *Equal Access Act”.*

14 ***SEC. 1302. EQUAL ACCESS.***

15 *(a) IN GENERAL.—Notwithstanding any other provi-*
16 *sion of law, no funds made available through the Depart-*
17 *ment of Education shall be provided to any public elemen-*
18 *tary school, public secondary school, local educational agen-*
19 *cy, or State educational agency, if the school or a school*
20 *served by the agency—*

21 *(1) has a designated open forum; and*

22 *(2) denies equal access or a fair opportunity to*
23 *meet to, or discriminates against, any group affili-*
24 *ated with the Boy Scouts of America or any other*
25 *youth group listed in title 36 of the United States*

1 *Code as a patriotic society, that wishes to conduct a*
2 *meeting within that designated open forum, on the*
3 *basis of the membership or leadership criteria of the*
4 *Boy Scouts of America or of the youth group that*
5 *prohibit the acceptance of homosexuals, or individuals*
6 *who reject the Boy Scouts' or the youth group's oath*
7 *of allegiance to God and country, as members or lead-*
8 *ers.*

9 *(b) TERMINATION OF ASSISTANCE AND OTHER AC-*
10 *TION.—*

11 *(1) DEPARTMENTAL ACTION.—The Secretary is*
12 *authorized and directed to effectuate subsection (a) by*
13 *issuing, and securing compliance with, rules or orders*
14 *with respect to a public school or agency that receives*
15 *funds made available through the Department of Edu-*
16 *cation and that denies equal access, or a fair oppor-*
17 *tunity to meet, or discriminates, as described in sub-*
18 *section (a).*

19 *(2) PROCEDURE.—The Secretary shall issue and*
20 *secure compliance with the rules or orders, under*
21 *paragraph (1), in a manner consistent with the pro-*
22 *cedure used by a Federal department or agency under*
23 *section 602 of the Civil Rights Act of 1964 (42 U.S.C.*
24 *2000d–1).*

1 (3) *JUDICIAL REVIEW.*—Any action taken by the
2 Secretary under paragraph (1) shall be subject to the
3 judicial review described in section 603 of that Act
4 (42 U.S.C. 2000d–2). Any person aggrieved by the ac-
5 tion may obtain that judicial review in the manner,
6 and to the extent, provided in section 603 of that Act.

7 (c) *DEFINITIONS AND RULE.*—

8 (1) *DEFINITIONS.*—In this section:

9 (A) *ELEMENTARY SCHOOL; LOCAL EDU-*
10 *CATIONAL AGENCY; SECONDARY SCHOOL; STATE*
11 *EDUCATIONAL AGENCY.*—The terms “elementary
12 school”, “local educational agency”, “secondary
13 school”, and “State educational agency” have the
14 meanings given the terms in section 3 of the Ele-
15 mentary and Secondary Education Act of 1965.

16 (B) *SECRETARY.*—The term “Secretary”
17 means the Secretary of Education, acting
18 through the Assistant Secretary for Civil Rights
19 of the Department of Education.

20 (C) *YOUTH GROUP.*—The term “youth
21 group” means any group or organization in-
22 tended to serve young people under the age of 21
23 and which is listed in title 36 of the United
24 States Code as a patriotic society.

1 (2) *RULE.*—*For purposes of this section, an ele-*
2 *mentary school or secondary school has a designated*
3 *open forum whenever the school involved grants an of-*
4 *fering to or opportunity for 1 or more youth or com-*
5 *munity groups to meet on school premises or in school*
6 *facilities before or after the hours during which at-*
7 *tendance at the school is compulsory.*

8 **SEC. 1303. EFFECTIVE DATE.**

9 *This title takes effect 1 day after the date of enactment*
10 *of this Act.*

11 **TITLE XIV—INDIVIDUALS WITH**
12 **DISABILITIES**

13 **SEC. 1401. DISCIPLINE.**

14 *Section 615 of the Individuals with Disabilities Edu-*
15 *cation Act (20 U.S.C. 1415) is amended by adding at the*
16 *end the following:*

17 “(n) *UNIFORM POLICIES.*—

18 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
19 *and notwithstanding any other provision of this Act,*
20 *a State educational agency or local educational agen-*
21 *cy may establish and implement uniform policies re-*
22 *garding discipline and order applicable to all chil-*
23 *dren under the jurisdiction of the agency to ensure the*
24 *safety of such children and an appropriate edu-*

1 *educational atmosphere in the schools under the jurisdic-*
2 *tion of the agency.*

3 “(2) *LIMITATION.*—

4 “(A) *IN GENERAL.*—*A child with a dis-*
5 *ability who is removed from the child’s regular*
6 *educational placement under paragraph (1) shall*
7 *receive a free appropriate public education which*
8 *may be provided in an alternative educational*
9 *setting if the behavior that led to the child’s re-*
10 *moval is a manifestation of the child’s disability,*
11 *as determined under subparagraphs (B) and (C)*
12 *of subsection (k)(4).*

13 “(B) *MANIFESTATION DETERMINATION.*—

14 *The manifestation determination shall be made*
15 *immediately, if possible, but in no case later*
16 *than 10 school days after school personnel decide*
17 *to remove the child with a disability from the*
18 *child’s regular educational placement.*

19 “(C) *DETERMINATION THAT BEHAVIOR WAS*

20 *NOT MANIFESTATION OF DISABILITY.*—*If the re-*
21 *sult of the manifestation review is a determina-*
22 *tion that the behavior of the child with a dis-*
23 *ability was not a manifestation of the child’s*
24 *disability, appropriate school personnel may*
25 *apply to the child the same relevant disciplinary*

1 *procedures as would apply to children without a*
2 *disability.” .*

3 **SEC. 1402. PROCEDURAL SAFEGUARDS.**

4 *Section 615 of the Individuals with Disabilities Edu-*
5 *cation Act (20 U.S.C. 1415) (as amended by section 1401)*
6 *is amended by adding at the end the following:*

7 “(o) *DISCIPLINE DETERMINATIONS BY LOCAL AU-*
8 *THORITY.—*

9 “(1) *INDIVIDUAL DETERMINATIONS.—In car-*
10 *rying out any disciplinary policy described in sub-*
11 *section (n)(1), school personnel shall have discretion*
12 *to consider all germane factors in each individual*
13 *case and modify any disciplinary action on a case-*
14 *by-case basis.*

15 “(2) *DEFENSE.—Nothing in subsection (n) pre-*
16 *cludes a child with a disability who is disciplined*
17 *under such subsection from asserting a defense that*
18 *the alleged act was unintentional or innocent.*

19 “(3) *LIMITATION.—*

20 “(A) *REVIEW OF MANIFESTATION DETER-*
21 *MINATION.—If the parents or the local edu-*
22 *cational agency disagree with a manifestation*
23 *determination under subsection (n)(2), the par-*
24 *ents or the agency may request a review of that*

1 *determination through the procedures described*
2 *in subsections (f) through (i).*

3 “(B) *PLACEMENT DURING REVIEW.—Dur-*
4 *ing the course of any review proceedings under*
5 *subparagraph (A), the child shall receive a free*
6 *appropriate public education which may be pro-*
7 *vided in an alternative educational placement.”.*

8 **SEC. 1403. ALTERNATIVE EDUCATION FOR CHILDREN WITH**
9 **DISABILITIES.**

10 (a) *IN GENERAL.—At the written request of a parent*
11 *(as defined in section 602(19)(A) of the Individuals with*
12 *Disabilities Education Act) of a child with a disability (as*
13 *defined in section 602(3) of such Act), a local educational*
14 *agency in which the child resides, or a State educational*
15 *agency that is responsible for educating the child, may*
16 *transfer the child to any accredited school that—*

17 (1) *is specifically designed to serve children with*
18 *disabilities;*

19 (2) *is selected by the child’s parents;*

20 (3) *agrees to accept the child; and*

21 (4) *carries out a program that the local edu-*
22 *cational agency, or State educational agency, if ap-*
23 *propriate, determines will benefit the child.*

24 (b) *PAYMENT TO SCHOOL; LIMITATION ON FURTHER*
25 *RESPONSIBILITY.—*

1 (1) *IN GENERAL.*—For each year for which a
2 child with a disability attends a school pursuant to
3 subsection (a), the local educational agency or State
4 educational agency shall pay the school, from
5 amounts available to the agency under part B of the
6 *Individuals with Disabilities Education Act*, an
7 amount equal to the per-pupil expenditure for all
8 children in its public elementary and secondary
9 schools, or, in the case of a State educational agency,
10 the average per-pupil expenditure for the State, as de-
11 fined in section 3(2) of the *Elementary and Sec-
12 ondary Education Act of 1965*.

13 (2) *TRANSFER.*—Notwithstanding any other pro-
14 vision of law, a local educational agency or State
15 educational agency that transfers a child with a dis-
16 ability to a school under subsection (a) shall have no
17 other responsibility for the education of the child
18 while the child attends that school.

19 (c) *USE OF FUNDS; ADDITIONAL CHARGES TO PAR-*
20 *ENTS.*—A school receiving funds under subsection (b)(1)—

21 (1) shall use the funds only to meet the costs of
22 the child's attendance at the school; and

23 (2) may, notwithstanding any other provision of
24 law, charge the child's parents for the costs of the

1 *child's attendance at the school that exceed the*
 2 *amount of those funds.*

3 **TITLE XV—EQUAL ACCESS TO**
 4 **PUBLIC SCHOOL FACILITIES**

5 **SEC. 1501. SHORT TITLE.**

6 *This title may be cited as the “Equal Access to Public*
 7 *School Facilities Act”.*

8 **SEC. 1502. EQUAL ACCESS.**

9 *No public elementary school, public secondary school,*
 10 *local educational agency, or State educational agency may*
 11 *deny equal access or a fair opportunity to meet after school*
 12 *in a designated open forum to any youth group listed in*
 13 *title 36 of the United States Code as a patriotic society,*
 14 *including the Boy Scouts of America, based on that group's*
 15 *favorable or unfavorable position concerning sexual orienta-*
 16 *tion.*

17 **TITLE XVI—EDUCATION PRO-**
 18 **GRAMS OF NATIONAL SIG-**
 19 **NIFICANCE**

20 **SEC. 1601. AMENDMENT TO THE ELEMENTARY AND SEC-**
 21 **ONDARY EDUCATION ACT OF 1965.**

22 *The Act (20 U.S.C. 6301 et seq.) is amended by adding*
 23 *at the end the following:*

1 **“TITLE XI—EDUCATION PRO-**
2 **GRAMS OF NATIONAL SIG-**
3 **NIFICANCE**

4 **“PART A—READING IS FUNDAMENTAL—**
5 **INEXPENSIVE BOOK DISTRIBUTION PROGRAM**
6 **“SEC. 11101. INEXPENSIVE BOOK DISTRIBUTION PROGRAM**
7 **FOR READING MOTIVATION.**

8 *“(a) PURPOSE.—The purpose of this section is to es-*
9 *tablish and implement a model partnership between a gov-*
10 *ernmental entity and a private entity, to help prepare*
11 *young children for reading and motivate older children to*
12 *read, through the distribution of inexpensive books. Local*
13 *reading motivation programs assisted under this section*
14 *shall use such assistance to provide books, training for vol-*
15 *unteers, motivational activities, and other essential literacy*
16 *resources, and shall assign the highest priority to serving*
17 *the youngest and neediest children in the United States.*

18 *“(b) AUTHORIZATION.—The Secretary is authorized to*
19 *enter into a contract with Reading Is Fundamental (RIF)*
20 *(hereafter in this section referred to as ‘the contractor’) to*
21 *support and promote programs, which include the distribu-*
22 *tion of inexpensive books to young and school age children,*
23 *that motivate children to read.*

24 *“(c) REQUIREMENTS OF CONTRACT.—Any contract en-*
25 *tered into under subsection (b) shall—*

1 “(1) provide that the contractor will enter into
2 subcontracts with local private nonprofit groups or
3 organizations, or with public agencies, under which
4 each subcontractor will agree to establish, operate,
5 and provide the non-Federal share of the cost of read-
6 ing motivation programs that include the distribution
7 of books, by gift, to the extent feasible, or loan, to chil-
8 dren from birth through secondary school age, includ-
9 ing those in family literacy programs;

10 “(2) provide that funds made available to sub-
11 contractors will be used only to pay the Federal share
12 of the cost of such programs;

13 “(3) provide that in selecting subcontractors for
14 initial funding, the contractor will give priority to
15 programs that will serve a substantial number or per-
16 centage of children with special needs, such as—

17 “(A) low-income children, particularly in
18 high-poverty areas;

19 “(B) children at risk of school failure;

20 “(C) children with disabilities;

21 “(D) foster children;

22 “(E) homeless children;

23 “(F) migrant children;

24 “(G) children without access to libraries;

1 “(H) institutionalized or incarcerated chil-
2 dren; and

3 “(I) children whose parents are institu-
4 tionalized or incarcerated;

5 “(4) provide that the contractor will provide
6 such training and technical assistance to subcontractors
7 as may be necessary to carry out the purpose of
8 this section;

9 “(5) provide that the contractor will annually
10 report to the Secretary the number of, and describe,
11 programs funded under paragraph (3); and

12 “(6) include such other terms and conditions as
13 the Secretary determines to be appropriate to ensure
14 the effectiveness of such programs.

15 “(d) *RESTRICTION ON PAYMENTS.*—The Secretary
16 shall make no payment of the Federal share of the cost of
17 acquiring and distributing books under any contract under
18 this section unless the Secretary determines that the con-
19 tractor or subcontractor, as the case may be, has made ar-
20 rangements with book publishers or distributors to obtain
21 books at discounts at least as favorable as discounts that
22 are customarily given by such publisher or distributor for
23 book purchases made under similar circumstances in the
24 absence of Federal assistance.

1 “(e) *SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.*—
2 *TORS.*—

3 “(1) *FUNDS FROM OTHER FEDERAL SOURCES.*—
4 *Subcontractors operating programs under this section*
5 *in low-income communities with a substantial num-*
6 *ber or percentage of children with special needs, as*
7 *described in subsection (c)(3), may use funds from*
8 *other Federal sources to pay the non-Federal share of*
9 *the cost of the program, if those funds do not comprise*
10 *more than 50 percent of the non-Federal share of the*
11 *funds used for the cost of acquiring and distributing*
12 *books.*

13 “(2) *WAIVER AUTHORITY.*—*Notwithstanding sub-*
14 *section (c), the contractor may waive, in whole or in*
15 *part, the requirement in subsection (c)(1) for a sub-*
16 *contractor, if the subcontractor demonstrates that it*
17 *would otherwise not be able to participate in the pro-*
18 *gram, and enters into an agreement with the con-*
19 *tractor with respect to the amount of the non-Federal*
20 *share to which the waiver will apply. In a case in*
21 *which such a waiver is granted, the requirement in*
22 *subsection (c)(2) shall not apply.*

23 “(f) *MULTI-YEAR CONTRACTS.*—*The contractor may*
24 *enter into a multi-year subcontract under this section, if—*

1 “(1) the contractor believes that such subcontract
2 will provide the subcontractor with additional lever-
3 age in seeking local commitments; and

4 “(2) the subcontract does not undermine the fi-
5 nances of the national program.

6 “(g) *DEFINITION OF FEDERAL SHARE.*—For the pur-
7 pose of this section, the term ‘Federal share’ means, with
8 respect to the cost to a subcontractor of purchasing books
9 to be paid under this section, 75 percent of such costs to
10 the subcontractor, except that the Federal share for pro-
11 grams serving children of migrant or seasonal farmworkers
12 shall be 100 percent of such costs to the subcontractor.

13 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—For the
14 purpose of carrying out this section, there are authorized
15 to be appropriated \$25,000,000 for fiscal year 2002 and
16 such sums as may be necessary for each of the 6 succeeding
17 fiscal years.

18 **“PART B—NATIONAL WRITING PROJECT**

19 **“SEC. 11151. FINDINGS AND PURPOSES.**

20 “(a) *FINDINGS.*—Congress finds that—

21 “(1) the United States faces a continuing crisis
22 in writing in schools and in the workplace;

23 “(2) the writing problem has been magnified by
24 the rapidly changing student population, the growing
25 number of at-risk students due to limited English

1 *proficiency, the shortage of adequately trained teach-*
2 *ers, and the specialized knowledge required of teachers*
3 *to teach students with special needs who are now part*
4 *of mainstream classrooms;*

5 *“(3) nationwide reports from universities and*
6 *colleges show that entering students are unable to*
7 *meet the demands of college level writing, almost all*
8 *2-year institutions of higher education offer remedial*
9 *writing courses, and three-quarters of public 4-year*
10 *institutions of higher education and half of all pri-*
11 *vate 4-year institutions of higher education must pro-*
12 *vide remedial courses in writing;*

13 *“(4) American businesses and corporations are*
14 *concerned about the limited writing skills of both*
15 *entry-level workers and executives whose promotions*
16 *are denied due to inadequate writing abilities;*

17 *“(5) writing is fundamental to learning, includ-*
18 *ing learning to read, yet writing has been neglected*
19 *historically in schools and in teacher training institu-*
20 *tions;*

21 *“(6) writing is a central feature in State and*
22 *school district education standards in all disciplines;*

23 *“(7) since 1973, the only national program to*
24 *address the writing problem in the Nation’s schools*
25 *has been the National Writing Project, a network of*

1 *collaborative university-school programs, the goals of*
2 *which are to improve student achievement in writing*
3 *and student learning through improving the teaching*
4 *and uses of writing at all grade levels and in all dis-*
5 *ciplines;*

6 *“(8) the National Writing Project is a nationally*
7 *recognized and honored nonprofit organization that*
8 *improves the quality of teaching and teachers through*
9 *developing teacher-leaders who teach other teachers in*
10 *summer and school year programs;*

11 *“(9) evaluations of the National Writing Project*
12 *document the positive impact the project has had on*
13 *improving the teaching of writing, student perform-*
14 *ance in writing, and student learning;*

15 *“(10) the National Writing Project has become a*
16 *model for programs to improve teaching in such other*
17 *fields as mathematics, science, history, reading and*
18 *literature, performing arts, and foreign languages;*

19 *“(11) each year, over 150,000 participants ben-*
20 *efit from National Writing Project programs in 1 of*
21 *156 United States sites located in 46 States and the*
22 *Commonwealth of Puerto Rico; and*

23 *“(12) the National Writing Project is a cost-ef-*
24 *fective program and leverages over 6 dollars for every*
25 *1 Federal dollar.*

1 “(b) *PURPOSE.*—*It is the purpose of this part—*

2 “(1) *to support and promote the expansion of the*
3 *National Writing Project network of sites so that*
4 *teachers in every region of the United States will have*
5 *access to a National Writing Project program;*

6 “(2) *to ensure the consistent high quality of the*
7 *sites through ongoing review, evaluation and technical*
8 *assistance;*

9 “(3) *to support and promote the establishment of*
10 *programs to disseminate effective practices and re-*
11 *search findings about the teaching of writing; and*

12 “(4) *to coordinate activities assisted under this*
13 *part with activities assisted under this Act.*

14 **“SEC. 11152. NATIONAL WRITING PROJECT.**

15 “(a) *AUTHORIZATION.*—*The Secretary is authorized to*
16 *award a grant to the National Writing Project, a nonprofit*
17 *educational organization that has as its primary purpose*
18 *the improvement of the quality of student writing and*
19 *learning (hereafter in this section referred to as the ‘grant-*
20 *ee’)* *to improve the teaching of writing and the use of writ-*
21 *ing as a part of the learning process in our Nation’s class-*
22 *rooms.*

23 “(b) *REQUIREMENTS OF GRANT.*—*The grant shall pro-*
24 *vide that—*

1 “(1) the grantee will enter into contracts with
2 institutions of higher education or other nonprofit
3 educational providers (hereafter in this section re-
4 ferred to as ‘contractors’) under which the contractors
5 will agree to establish, operate, and provide the non-
6 Federal share of the cost of teacher training programs
7 in effective approaches and processes for the teaching
8 of writing;

9 “(2) funds made available by the Secretary to
10 the grantee pursuant to any contract entered into
11 under this section will be used to pay the Federal
12 share of the cost of establishing and operating teacher
13 training programs as provided in paragraph (1); and

14 “(3) the grantee will meet such other conditions
15 and standards as the Secretary determines to be nec-
16 essary to assure compliance with the provisions of
17 this section and will provide such technical assistance
18 as may be necessary to carry out the provisions of
19 this section.

20 “(c) *TEACHER TRAINING PROGRAMS.*—The teacher
21 training programs authorized in subsection (a) shall—

22 “(1) be conducted during the school year and
23 during the summer months;

24 “(2) train teachers who teach grades kinder-
25 garten through college;

1 “(3) *select teachers to become members of a Na-*
2 *tional Writing Project teacher network whose mem-*
3 *bers will conduct writing workshops for other teachers*
4 *in the area served by each National Writing Project*
5 *site; and*

6 “(4) *encourage teachers from all disciplines to*
7 *participate in such teacher training programs.*

8 “(d) *FEDERAL SHARE.—*

9 “(1) *IN GENERAL.—Except as provided in para-*
10 *graph (2) or (3) and for purposes of subsection (a),*
11 *the term ‘Federal share’ means, with respect to the*
12 *costs of teacher training programs authorized in sub-*
13 *section (a), 50 percent of such costs to the contractor.*

14 “(2) *WAIVER.—The Secretary may waive the*
15 *provisions of paragraph (1) on a case-by-case basis if*
16 *the National Advisory Board described in subsection*
17 *(e) determines, on the basis of financial need, that*
18 *such waiver is necessary.*

19 “(3) *MAXIMUM.—The Federal share of the costs*
20 *of teacher training programs conducted pursuant to*
21 *subsection (a) may not exceed \$100,000 for any one*
22 *contractor, or \$200,000 for a statewide program ad-*
23 *ministered by any one contractor in at least 5 sites*
24 *throughout the State.*

25 “(e) *NATIONAL ADVISORY BOARD.—*

1 “(1) *ESTABLISHMENT.*—*The National Writing*
2 *Project shall establish and operate a National Advi-*
3 *sory Board.*

4 “(2) *COMPOSITION.*—*The National Advisory*
5 *Board established pursuant to paragraph (1) shall*
6 *consist of—*

7 “(A) *national educational leaders;*

8 “(B) *leaders in the field of writing; and*

9 “(C) *such other individuals as the National*
10 *Writing Project determines necessary.*

11 “(3) *DUTIES.*—*The National Advisory Board es-*
12 *tablished pursuant to paragraph (1) shall—*

13 “(A) *advise the National Writing Project on*
14 *national issues related to student writing and*
15 *the teaching of writing;*

16 “(B) *review the activities and programs of*
17 *the National Writing Project; and*

18 “(C) *support the continued development of*
19 *the National Writing Project.*

20 “(f) *EVALUATION.*—

21 “(1) *IN GENERAL.*—*The Secretary shall conduct*
22 *an independent evaluation by grant or contract of the*
23 *teacher training programs administered pursuant to*
24 *this part. Such evaluation shall specify the amount of*
25 *funds expended by the National Writing Project and*

1 *each contractor receiving assistance under this section*
2 *for administrative costs. The results of such evalua-*
3 *tion shall be made available to the appropriate com-*
4 *mittees of Congress.*

5 “(2) *FUNDING LIMITATION.*—*The Secretary shall*
6 *reserve not more than \$150,000 from the total amount*
7 *appropriated pursuant to the authority of subsection*
8 *(h) for fiscal year 2002 and the 6 succeeding fiscal*
9 *years to conduct the evaluation described in para-*
10 *graph (1).*

11 “(g) *APPLICATION REVIEW.*—

12 “(1) *REVIEW BOARD.*—*The National Writing*
13 *Project shall establish and operate a National Review*
14 *Board that shall consist of—*

15 “(A) *leaders in the field of research in writ-*
16 *ing; and*

17 “(B) *such other individuals as the National*
18 *Writing Project deems necessary.*

19 “(2) *DUTIES.*—*The National Review Board*
20 *shall—*

21 “(A) *review all applications for assistance*
22 *under this subsection; and*

23 “(B) *recommend applications for assistance*
24 *under this subsection for funding by the National*
25 *Writing Project.*

1 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There
2 *are authorized to be appropriated for the grant to the Na-*
3 *tional Writing Project, \$15,000,000 for fiscal year 2002,*
4 *and such sums as may be necessary for each of the 6 suc-*
5 *ceeding fiscal years, to carry out the provisions of this sec-*
6 *tion.*

7 **“PART C—READY TO LEARN; READY TO TEACH**

8 **“Subpart 1—Ready to Learn**

9 **“SEC. 11201. SHORT TITLE; FINDINGS.**

10 “(a) *SHORT TITLE.*—This part may be cited as the
11 *‘Ready to Learn, Ready to Teach Act of 2001’.*

12 “(b) *FINDINGS.*—Congress makes the following find-
13 *ings:*

14 “(1) *In 1994, Congress and the Department col-*
15 *laborated to make a long-term, meaningful and public*
16 *investment in the principle that high quality pre-*
17 *school television programming will help children be*
18 *ready to learn by the time the children entered first*
19 *grade.*

20 “(2) *The Ready to Learn Television Program*
21 *through the Public Broadcasting Service (PBS) and*
22 *local public television stations has proven to be an ex-*
23 *tremely cost-effective national response to improving*
24 *early childhood cognitive development and helping*
25 *parents, caregivers, and professional child care pro-*

1 *viders learn how to use television as a means to help*
2 *children learn and develop social skills and values.*

3 *“(3) Independent research shows that parents*
4 *who participate in Ready to Learn workshops are*
5 *more selective of the programs that they choose for*
6 *their children, limit the number of hours of television*
7 *viewing of their children, and use the television pro-*
8 *grams as a catalyst for learning.*

9 *“(4) The Ready to Learn (RTL) Television Pro-*
10 *gram is supporting and creating commercial-free*
11 *broadcast programs for young children that are of the*
12 *highest possible educational quality.*

13 *“(5) Through the Nation’s 350 local public tele-*
14 *vision stations, these programs and other program-*
15 *ming elements reach tens of millions of children, their*
16 *parents, and caregivers without regard to their eco-*
17 *nomie circumstances, location, or access to cable. Pub-*
18 *lic television is a partner with Federal policy to make*
19 *television an instrument of preschool children’s edu-*
20 *cation and early development.*

21 *“(6) The Ready to Learn Television Program*
22 *supports thousands of local workshops organized and*
23 *run by local public television stations, child care serv-*
24 *ice providers, Head Start Centers, Even Start family*
25 *literacy centers and schools. These workshops have*

1 *trained 630,587 parents and professionals who, in*
2 *turn, serve and support over 6,312,000 children across*
3 *the Nation.*

4 “(7) *The Ready to Learn Television Program*
5 *has published and distributed a periodic magazine*
6 *entitled ‘PBS Families’ that contains developmentally*
7 *appropriate material to strengthen reading skills and*
8 *enhance family literacy.*

9 “(8) *Ready to Learn Television stations also*
10 *have distributed millions of age-appropriate books in*
11 *their communities. Each station receives a minimum*
12 *of 300 books each month for free local distribution.*
13 *Some stations are now distributing more than 1,000*
14 *books per month. Nationwide, more than 653,494*
15 *books have been distributed in low-income and dis-*
16 *advantaged neighborhoods free of charge.*

17 “(9) *Demand for Ready To Learn Television*
18 *Program outreach and training has increased from*
19 *10 Public Broadcasting Service stations to 133 sta-*
20 *tions in 5 years. This growth has put a strain on*
21 *available resources resulting in an inability to meet*
22 *the demand for the service and to reach all the chil-*
23 *dren who would benefit from the service.*

24 “(10) *Federal policy played a crucial role in the*
25 *evolution of analog television by funding the tele-*

1 *vision program entitled ‘Sesame Street’ in the 1960’s.*
2 *Federal policy should continue to play an equally*
3 *crucial role for children in the digital television age.*

4 **“SEC. 11202. READY TO LEARN.**

5 *“(a) IN GENERAL.—The Secretary is authorized to*
6 *award grants to eligible entities described in section*
7 *11203(b) to develop, produce, and distribute educational*
8 *and instructional video programming for preschool and ele-*
9 *mentary school children and their parents in order to facili-*
10 *tate the achievement of the National Education Goals.*

11 *“(b) AVAILABILITY.—In making such grants, the Sec-*
12 *retary shall ensure that eligible entities make programming*
13 *widely available, with support materials as appropriate, to*
14 *young children, their parents, child care workers, and Head*
15 *Start providers to increase the effective use of such program-*
16 *ming.*

17 **“SEC. 11203. EDUCATIONAL PROGRAMMING.**

18 *“(a) AWARDS.—The Secretary shall award grants*
19 *under section 11202 to eligible entities to—*

20 *“(1) facilitate the development directly, or*
21 *through contracts with producers of children and fam-*
22 *ily educational television programming, of—*

23 *“(A) educational programming for preschool*
24 *and elementary school children; and*

1 “(B) accompanying support materials and
2 services that promote the effective use of such
3 programming;

4 “(2) facilitate the development of programming
5 and digital content especially designed for nationwide
6 distribution over public television stations’ digital
7 broadcasting channels and the Internet, containing
8 Ready to Learn-based children’s programming and
9 resources for parents and caregivers; and

10 “(3) enable eligible entities to contract with enti-
11 ties (such as public telecommunications entities) so
12 that programs developed under this section are dis-
13 seminated and distributed—

14 (A) to the widest possible audience appro-
15 priate to be served by the programming; and

16 (B) by the most appropriate distribution
17 technologies.

18 “(b) *ELIGIBLE ENTITIES*.—To be eligible to receive a
19 grant under subsection (a), an entity shall be—

20 “(1) a public telecommunications entity that is
21 able to demonstrate a capacity for the development
22 and national distribution of educational and instruc-
23 tional television programming of high quality for pre-
24 school and elementary school children;

1 “(2) able to demonstrate a capacity to contract
2 with the producers of children’s television program-
3 ming for the purpose of developing educational tele-
4 vision programming of high quality for preschool and
5 elementary school children; and

6 “(3) able to demonstrate a capacity to localize
7 programming and materials to meet specific State
8 and local needs and provide educational outreach at
9 the local level.

10 “(c) *CULTURAL EXPERIENCES.*—Programming devel-
11 oped under this section shall reflect the recognition of rural
12 and urban cultural and ethnic diversity of the Nation’s
13 children and the needs of both boys and girls in preparing
14 young children for success in school.

15 “**SEC. 11204. DUTIES OF SECRETARY.**

16 “The Secretary is authorized—

17 “(1) to award grants to eligible entities described
18 in section 11203(b), local public television stations, or
19 such public television stations that are part of a con-
20 sortium with 1 or more State educational agencies,
21 local educational agencies, local schools, institutions
22 of higher education, or community-based organiza-
23 tions of demonstrated effectiveness, for the purpose
24 of—

1 “(A) addressing the learning needs of young
2 children in limited English proficient house-
3 holds, and developing appropriate educational
4 and television programming to foster the school
5 readiness of such children;

6 “(B) developing programming and support
7 materials to increase family literacy skills
8 among parents to assist parents in teaching their
9 children and utilizing educational television pro-
10 gramming to promote school readiness; and

11 “(C) identifying, supporting, and enhanc-
12 ing the effective use and outreach of innovative
13 programs that promote school readiness;

14 “(D) developing and disseminating edu-
15 cation and training materials, including—

16 “(i) interactive programs and pro-
17 grams adaptable to distance learning tech-
18 nologies that are designed to enhance knowl-
19 edge of children’s social and cognitive skill
20 development and positive adult-child inter-
21 actions;

22 “(ii) teacher training and professional
23 development to ensure qualified caregivers;
24 and

1 “(iii) support materials to promote the
2 effective use of materials developed under
3 subparagraph (B) among parents, Head
4 Start providers, in-home and center-based
5 daycare providers, early childhood develop-
6 ment personnel, elementary school teachers,
7 public libraries, and after-school program
8 personnel caring for preschool and elemen-
9 tary school children; and

10 “(E) distributing books to low-income indi-
11 viduals to leverage high-quality television pro-
12 gramming;

13 “(2) to establish within the Department a clear-
14 inghouse to compile and provide information, refer-
15 rals, and model program materials and programming
16 obtained or developed under this subpart to parents,
17 child care providers, and other appropriate individ-
18 uals or entities to assist such individuals and entities
19 in accessing programs and projects under this sub-
20 part; and

21 “(3) to coordinate activities assisted under this
22 subpart with the Secretary of Health and Human
23 Services in order to—

24 “(A) maximize the utilization of quality
25 educational programming by preschool and ele-

1 *mentary school children, and make such pro-*
2 *gramming widely available to federally funded*
3 *programs serving such populations; and*

4 *“(B) provide information to recipients of*
5 *funds under Federal programs that have major*
6 *training components for early childhood develop-*
7 *ment, including programs under the Head Start*
8 *Act and Even Start, and State training activi-*
9 *ties funded under the Child Care Development*
10 *Block Grant Act of 1990, regarding the avail-*
11 *ability and utilization of materials developed*
12 *under paragraph (1)(D) to enhance parent and*
13 *child care provider skills in early childhood de-*
14 *velopment and education.*

15 **“SEC. 11205. APPLICATIONS.**

16 *“Each entity desiring a grant under section 11202 or*
17 *11204 shall submit an application to the Secretary at such*
18 *time, in such manner, and accompanied by such informa-*
19 *tion as the Secretary may reasonably require.*

20 **“SEC. 11206. REPORTS AND EVALUATION.**

21 *“(a) ANNUAL REPORT TO SECRETARY.—An eligible*
22 *entity receiving funds under section 11202 shall prepare*
23 *and submit to the Secretary an annual report which con-*
24 *tains such information as the Secretary may require. At*
25 *a minimum, the report shall describe the program activities*

1 *undertaken with funds received under section 11202,*
2 *including—*

3 “(1) *the programming that has been developed*
4 *directly or indirectly by the eligible entity, and the*
5 *target population of the programs developed;*

6 “(2) *the support materials that have been devel-*
7 *oped to accompany the programming, and the method*
8 *by which such materials are distributed to consumers*
9 *and users of the programming;*

10 “(3) *the means by which programming developed*
11 *under this section has been distributed, including the*
12 *distance learning technologies that have been utilized*
13 *to make programming available and the geographic*
14 *distribution achieved through such technologies; and*

15 “(4) *the initiatives undertaken by the eligible en-*
16 *tity to develop public-private partnerships to secure*
17 *non-Federal support for the development, distribution,*
18 *and broadcast of educational and instructional pro-*
19 *gramming.*

20 “(b) *REPORT TO CONGRESS.—The Secretary shall pre-*
21 *pare and submit to the relevant committees of Congress a*
22 *biannual report which includes—*

23 “(1) *a summary of activities assisted under sec-*
24 *tion 11203(a); and*

1 “(2) a description of the training materials
2 made available under section 11204(1)(D), the man-
3 ner in which outreach has been conducted to inform
4 parents and child care providers of the availability of
5 such materials, and the manner in which such mate-
6 rials have been distributed in accordance with such
7 section.

8 **“SEC. 11207. ADMINISTRATIVE COSTS.**

9 “With respect to the implementation of section 11203,
10 eligible entities receiving a grant from the Secretary may
11 use not more than 5 percent of the amounts received under
12 such section for the normal and customary expenses of ad-
13 ministering the grant.

14 **“SEC. 11208. DEFINITION.**

15 “For the purposes of this subpart, the term ‘distance
16 learning’ means the transmission of educational or instruc-
17 tional programming to geographically dispersed individ-
18 uals and groups via telecommunications.

19 **“SEC. 11209. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) *IN GENERAL.*—There are authorized to be appro-
21 priated to carry out this subpart, \$50,000,000 for fiscal
22 year 2002, and such sums as may be necessary for each
23 of the 6 succeeding fiscal years.

1 “(b) *FUNDING RULE.*—Not less than 60 percent of the
2 amounts appropriated under subsection (a) for each fiscal
3 year shall be used to carry out section 11203.

4 **“Subpart 2—Ready to Teach**

5 **“SEC. 11251. FINDINGS.**

6 “Congress makes the following findings:

7 “(1) Since 1995, the Telecommunications Dem-
8 onstration Project for Mathematics (as established
9 under this part pursuant to the Improving America’s
10 Schools Act of 1994) has allowed the Public Broad-
11 casting Service to pioneer and refine a new model of
12 teacher professional development for kindergarten
13 through grade 12 teachers. Video modeling of stand-
14 ards-based lessons, combined with professionally fa-
15 cilitated online learning communities of teachers has
16 been proven to help mathematics teachers adopt and
17 implement standards-based practices. This integrated,
18 self-paced approach breaks down the isolation of class-
19 room teaching while making standards-based best
20 practices available to all participants.

21 “(2) More than 5,800 teachers have participated
22 over the last 3 years in the demonstration. These
23 teachers have taught more than 1,500,000 students cu-
24 mulatively.

1 “(3) *Independent evaluations indicate that*
2 *teaching improves and students benefit as a result of*
3 *the program.*

4 “(4) *The demonstration program should be ex-*
5 *expanded to reach more teachers in more subject areas*
6 *under the title of Teacherline. The Teacherline Pro-*
7 *gram will link the digitized public broadcasting in-*
8 *frastructure with education networks by working with*
9 *the program’s digital membership, and Federal and*
10 *State agencies, to expand and build upon the success-*
11 *ful model and take advantage of greatly expanded ac-*
12 *cess to the Internet and technology in schools, includ-*
13 *ing digital television. The Teacherline Program will*
14 *leverage the Public Broadcasting Service’s historic re-*
15 *lationships with higher education to improve*
16 *preservice teacher training.*

17 “(5) *Over the past several years tremendous*
18 *progress has been made in wiring classrooms, equip-*
19 *ping the classrooms with multimedia computers, and*
20 *connecting the classrooms to the Internet.*

21 “(6) *There is a great need for high quality, cur-*
22 *riculum-based digital content for teachers and stu-*
23 *dents to easily access and use in order to meet State*
24 *and local standards for student performance.*

1 “(7) *The congressionally appointed Web-based*
2 *Education Commission called for the development of*
3 *high quality public-private online educational content*
4 *that meets the highest standards of educational excel-*
5 *lence.*

6 “(8) *Most local public television stations and*
7 *State networks provide high-quality video programs,*
8 *and teacher professional development, as a part of*
9 *their mission to serve local schools. Programs distrib-*
10 *uted by public broadcast stations are used by more*
11 *classroom teachers than any other because of their*
12 *high quality and relevance to the curriculum.*

13 “(9) *Digital broadcasting can dramatically in-*
14 *crease and improve the types of services public broad-*
15 *casting stations can offer kindergarten through grade*
16 *12 schools.*

17 **“SEC. 11252. PROJECT AUTHORIZED.**

18 “(a) *GRANTS AUTHORIZED.—The Secretary is author-*
19 *ized to make grants to a nonprofit telecommunications enti-*
20 *ty, or partnership of such entities, for the purpose of car-*
21 *rying out a national telecommunications-based program to*
22 *improve teaching in core curriculum areas. The program*
23 *shall be designed to assist elementary school and secondary*
24 *school teachers in preparing all students for achieving State*
25 *and local content standards in core curriculum areas.*

1 “(b) *PROGRAMMING.*—*The Secretary is also authorized*
2 *to award grants to eligible entities described in section*
3 *11254(b) to develop, produce, and distribute innovative edu-*
4 *cational and instructional video programming that is de-*
5 *signed for use by kindergarten through grade 12 schools and*
6 *based on State and local standards. In making the grants,*
7 *the Secretary shall ensure that eligible entities enter into*
8 *multiyear content development collaborative arrangements*
9 *with State educational agencies, local educational agencies,*
10 *institutions of higher education, businesses, or other agen-*
11 *cies and organizations.*

12 **“SEC. 11253. APPLICATION REQUIRED.**

13 “(a) *IN GENERAL.*—*Each nonprofit telecommuni-*
14 *cations entity, or partnership of such entities, desiring a*
15 *grant under section 11252(a) shall submit an application*
16 *to the Secretary. Each such application shall—*

17 “(1) *demonstrate that the applicant will use the*
18 *public broadcasting infrastructure and school digital*
19 *networks, where available, to deliver video and data*
20 *in an integrated service to train teachers in the use*
21 *of standards-based curricula materials and learning*
22 *technologies;*

23 “(2) *ensure that the project for which assistance*
24 *is sought will be conducted in cooperation with ap-*
25 *propriate State educational agencies, local edu-*

1 *ational agencies, national, State or local nonprofit*
2 *public telecommunications entities, and national edu-*
3 *cation professional associations that have developed*
4 *content standards in the subject areas;*

5 *“(3) ensure that a significant portion of the ben-*
6 *efits available for elementary schools and secondary*
7 *schools from the project for which assistance is sought*
8 *will be available to schools of local educational agen-*
9 *cies which have a high percentage of children counted*
10 *for the purpose of part A of title I; and*

11 *“(4) contain such additional assurances as the*
12 *Secretary may reasonably require.*

13 *“(b) SITES.—In approving applications under section*
14 *11252(a), the Secretary shall ensure that the program au-*
15 *thorized by section 11252(a) is conducted at elementary*
16 *school and secondary school sites across the Nation.*

17 *“(c) APPLICATION.—Each eligible entity desiring a*
18 *grant under section 11252(b) shall submit an application*
19 *to the Secretary at such time, in such manner, and accom-*
20 *panied by such information as the Secretary may reason-*
21 *ably require.*

22 **“SEC. 11254. REPORTS AND EVALUATION.**

23 *“An eligible entity receiving funds under section*
24 *11252(a) shall prepare and submit to the Secretary an an-*
25 *nual report which contains such information as the Sec-*

1 *retary may require. At a minimum, the report shall de-*
2 *scribed the program activities undertaken with funds re-*
3 *ceived under section 11252(a), including—*

4 “(1) *the core curriculum areas for which pro-*
5 *gram activities have been undertaken and the number*
6 *of teachers using the program in each core curriculum*
7 *area; and*

8 “(2) *the States in which teachers using the pro-*
9 *gram are located.*

10 **“SEC. 11255. EDUCATIONAL PROGRAMMING.**

11 “(a) *AWARDS.—The Secretary shall award grants*
12 *under section 11252(b) to eligible entities to facilitate the*
13 *development of educational programming that shall—*

14 “(1) *include student assessment tools to give feed-*
15 *back on student performance;*

16 “(2) *include built-in teacher utilization and sup-*
17 *port components to ensure that teachers understand*
18 *and can easily use the content of the programming*
19 *with group instruction or for individual student use;*

20 “(3) *be created for, or adaptable to, State and*
21 *local content standards; and*

22 “(4) *be capable of distribution through digital*
23 *broadcasting and school digital networks.*

24 “(b) *ELIGIBLE ENTITIES.—To be eligible to receive a*
25 *grant under section 11252(b), an entity shall be a local pub-*

1 *lic telecommunications entity as defined by section 397(12)*
2 *of the Communications Act of 1934 that is able to dem-*
3 *onstrate a capacity for the development and distribution*
4 *of educational and instructional television programming of*
5 *high quality.*

6 “(c) *COMPETITIVE BASIS.—Grants under section*
7 *11252(b) shall be awarded on a competitive basis as deter-*
8 *mined by the Secretary.*

9 “(d) *DURATION.—Each grant under section 11252(b)*
10 *shall be awarded for a period of 3 years in order to allow*
11 *time for the creation of a substantial body of significant*
12 *content.*

13 **“SEC. 11256. MATCHING REQUIREMENT.**

14 “*Each eligible entity desiring a grant under section*
15 *11252(b) shall contribute to the activities assisted under sec-*
16 *tion 11252(b) non-Federal matching funds equal to not less*
17 *than 100 percent of the amount of the grant. Matching*
18 *funds may include funds provided for the transition to dig-*
19 *ital broadcasting, as well as in-kind contributions.*

20 **“SEC. 11257. ADMINISTRATIVE COSTS.**

21 “*With respect to the implementation of section*
22 *11252(b), entities receiving a grant from the Secretary may*
23 *use not more than 5 percent of the amounts received under*
24 *the grant for the normal and customary expenses of admin-*
25 *istering the grant.*

1 **“SEC. 11258. AUTHORIZATION OF APPROPRIATIONS; FUND-**
2 **ING RULES.**

3 *“(a) IN GENERAL.—There are authorized to be appro-*
4 *priated to carry out this subpart, \$45,000,000 for the fiscal*
5 *year 2002, and such sums as may be necessary for each*
6 *of the 6 succeeding fiscal years.*

7 *“(b) FUNDING RULE.—For any fiscal year in which*
8 *appropriations for section 11252 exceed the amount appro-*
9 *priated for such section for the preceding fiscal year, the*
10 *Secretary shall only award the amount of such excess minus*
11 *at least \$500,000 to applicants under section 11252(b).*

12 **“PART D—EDUCATION FOR DEMOCRACY**

13 **“SEC. 11301. SHORT TITLE.**

14 *“This part may be cited as the ‘Education for Democ-*
15 *racy Act’.*

16 **“SEC. 11302. FINDINGS.**

17 *“Congress finds that—*

18 *“(1) college freshmen surveyed in 1999 by the*
19 *Higher Education Research Institute at the Univer-*
20 *sity of California at Los Angeles demonstrated higher*
21 *levels of disengagement, both academically and politi-*
22 *cally, than any previous entering class of students;*

23 *“(2) college freshmen in 1999 demonstrated the*
24 *lowest levels of political interest in the 20-year history*
25 *of surveys conducted by the Higher Education Re-*

1 *search Institute at the University of California at Los*
2 *Angeles;*

3 *“(3) United States secondary school students ex-*
4 *pressed relatively low levels of interest in politics and*
5 *economics in a 1999 Harris survey;*

6 *“(4) the 32d Annual Phi Delta Kappa/Gallup*
7 *Poll of 2000 indicated that preparing students to be-*
8 *come responsible citizens was the most important pur-*
9 *pose of public schools;*

10 *“(5) Americans surveyed by the Organization of*
11 *Economic Cooperation and Development indicated*
12 *that only 59 percent had confidence that schools have*
13 *a major effect on the development of good citizenship;*

14 *“(6) teachers too often do not have sufficient ex-*
15 *pertise in the subjects that they teach, and half of all*
16 *secondary school history students in America are*
17 *being taught by teachers with neither a major nor a*
18 *minor in history;*

19 *“(7) secondary school students correctly answered*
20 *less than half of the questions on a national test of*
21 *economic knowledge in a 1999 Harris survey;*

22 *“(8) the 1998 National Assessment of Edu-*
23 *cational Progress indicated that students have only*
24 *superficial knowledge of, and lacked a depth of under-*
25 *standing regarding, civics;*

1 “(9) civic and economic education are important
2 not only to developing citizenship competencies in the
3 United States but also are critical to supporting po-
4 litical stability and economic health in other democ-
5 racies, particularly emerging democratic market
6 economies;

7 “(10) more than three quarters of Americans
8 surveyed by the National Constitution Center in 1997
9 admitted that they knew only some or very little
10 about the Constitution of the United States; and

11 “(11) the Constitution of the United States is too
12 often viewed within the context of history and not as
13 a living document that shapes current events.

14 **“SEC. 11303. PURPOSE.**

15 *“It is the purpose of this part—*

16 *“(1) to improve the quality of civics and govern-*
17 *ment education by educating students about the his-*
18 *tory and principles of the Constitution of the United*
19 *States, including the Bill of Rights;*

20 *“(2) to foster civic competence and responsi-*
21 *bility; and*

22 *“(3) to improve the quality of civic education*
23 *and economic education through cooperative civic*
24 *education and economic education exchange programs*
25 *with emerging democracies.*

1 **“SEC. 11304. GENERAL AUTHORITY.**

2 “(a) *GRANTS AND CONTRACTS.*—

3 “(1) *IN GENERAL.*—*The Secretary is authorized*
4 *to award grants to or enter into contracts with—*

5 “(A) *the Center for Civic Education to*
6 *carry out civic education activities under sec-*
7 *tions 11305 and 11306; and*

8 “(B) *the National Council on Economic*
9 *Education to carry out economic education ac-*
10 *tivities under section 11306.*

11 “(2) *CONSULTATION.*—*The Secretary shall*
12 *award the grants and contracts under this part in*
13 *consultation with the Secretary of State.*

14 “(b) *DISTRIBUTION.*—*The Secretary shall use not more*
15 *than 50 percent of the amount appropriated under section*
16 *11307(b) for each fiscal year to carry out economic edu-*
17 *cation activities under section 11306.*

18 **“SEC. 11305. WE THE PEOPLE PROGRAM.**

19 “(a) *THE CITIZEN AND THE CONSTITUTION.*—

20 “(1) *IN GENERAL.*—*The Center for Civic Edu-*
21 *cation shall use funds awarded under section*
22 *11304(a)(1)(A) to carry out The Citizen and the Con-*
23 *stitution program in accordance with this subsection.*

24 “(2) *EDUCATIONAL ACTIVITIES.*—*The Citizen*
25 *and the Constitution program—*

1 “(A) shall continue and expand the edu-
2 cational activities of the ‘We the
3 People . . . The Citizen and the Constitution’
4 program administered by the Center for Civic
5 Education;

6 “(B) shall enhance student attainment of
7 challenging content standards in civics and gov-
8 ernment;

9 “(C) shall provide a course of instruction on
10 the basic principles of our Nation’s constitu-
11 tional democracy and the history of the Constitu-
12 tion of the United States and the Bill of Rights;

13 “(D) shall provide, at the request of a par-
14 ticipating school, school and community simu-
15 lated congressional hearings following the course
16 of study;

17 “(E) shall provide an annual national com-
18 petition of simulated congressional hearings for
19 secondary school students who wish to partici-
20 pate in such a program; and

21 “(F) shall provide—

22 “(i) advanced sustained and ongoing
23 training of teachers about the Constitution
24 of the United States and the political sys-
25 tem the United States created;

1 “(ii) materials and methods of instruc-
2 tion, including teacher training, that utilize
3 the latest advancements in educational tech-
4 nology; and

5 “(iii) civic education materials and
6 services to address specific problems such as
7 the prevention of school violence and the
8 abuse of drugs and alcohol.

9 “(3) AVAILABILITY OF PROGRAM.—The education
10 program authorized under this subsection shall be
11 made available to public and private elementary
12 schools and secondary schools, including Bureau
13 funded schools, in the 435 congressional districts, and
14 in the District of Columbia, the Commonwealth of
15 Puerto Rico, the United States Virgin Islands, Guam,
16 American Samoa, and the Commonwealth of the
17 Northern Mariana Islands.

18 “(b) PROJECT CITIZEN.—

19 “(1) IN GENERAL.—The Center for Civic Edu-
20 cation shall use funds awarded under section
21 11304(a)(1)(A) to carry out The Project Citizen pro-
22 gram in accordance with this subsection.

23 “(2) EDUCATIONAL ACTIVITIES.—The Project
24 Citizen program—

1 “(A) shall continue and expand the edu-
2 cational activities of the ‘We the
3 People . . . Project Citizen’ program adminis-
4 tered by the Center for Civic Education;

5 “(B) shall enhance student attainment of
6 challenging content standards in civics and gov-
7 ernment;

8 “(C) shall provide a course of instruction at
9 the middle school level on the roles of State and
10 local governments in the Federal system estab-
11 lished by the Constitution of the United States;

12 “(D) shall provide an annual national
13 showcase or competition; and

14 “(E) shall provide—

15 “(i) optional school and community
16 simulated State legislative hearings;

17 “(ii) advanced sustained and ongoing
18 training of teachers on the roles of State
19 and local governments in the Federal system
20 established by the Constitution of the United
21 States;

22 “(iii) materials and methods of in-
23 struction, including teacher training, that
24 utilize the latest advancements in edu-
25 cational technology; and

1 “(iv) *civic education materials and*
2 *services to address specific problems such as*
3 *the prevention of school violence and the*
4 *abuse of drugs and alcohol.*

5 “(3) *AVAILABILITY OF PROGRAM.*—*The education*
6 *program authorized under this subsection shall be*
7 *made available to public and private middle schools,*
8 *including Bureau funded schools, in the 50 States of*
9 *the United States, the District of Columbia, the Com-*
10 *monwealth of Puerto Rico, the United States Virgin*
11 *Islands, Guam, American Samoa, and the Common-*
12 *wealth of the Northern Mariana Islands.*

13 “(c) *DEFINITION OF BUREAU FUNDED SCHOOL.*—*In*
14 *this section, the term ‘Bureau funded school’ has the mean-*
15 *ing given the term in section 1146 of the Education Amend-*
16 *ments of 1978.*

17 “**SEC. 11306. COOPERATIVE CIVIC EDUCATION AND ECO-**
18 **NOMIC EDUCATION EXCHANGE PROGRAMS.**

19 “(a) *COOPERATIVE EDUCATION EXCHANGE PRO-*
20 *GRAMS.*—*The Center for Civic Education and the National*
21 *Council on Economic Education shall use funds awarded*
22 *under section 11304(a)(1) to carry out Cooperative Edu-*
23 *cation Exchange programs in accordance with this section.*

1 “(b) *PURPOSE.*—*The purpose of the Cooperative Edu-*
2 *cation Exchange programs provided under this section shall*
3 *be to—*

4 “(1) *make available to educators from eligible*
5 *countries exemplary curriculum and teacher training*
6 *programs in civics and government education, and ec-*
7 *onomics education, developed in the United States;*

8 “(2) *assist eligible countries in the adaptation,*
9 *implementation, and institutionalization of such pro-*
10 *grams;*

11 “(3) *create and implement civics and govern-*
12 *ment education, and economic education, programs*
13 *for students that draw upon the experiences of the*
14 *participating eligible countries;*

15 “(4) *provide a means for the exchange of ideas*
16 *and experiences in civics and government education,*
17 *and economic education, among political, edu-*
18 *cational, governmental, and private sector leaders of*
19 *participating eligible countries; and*

20 “(5) *provide support for—*

21 “(A) *independent research and evaluation*
22 *to determine the effects of educational programs*
23 *on students’ development of the knowledge, skills,*
24 *and traits of character essential for the preserva-*

1 *tion and improvement of constitutional democ-*
2 *racy; and*

3 “(B) *effective participation in and the pres-*
4 *ervation and improvement of an efficient market*
5 *economy.*

6 “(c) *AVOIDANCE OF DUPLICATION.—The Secretary*
7 *shall consult with the Secretary of State to ensure that—*

8 “(1) *activities under this section are not duplica-*
9 *tive of other efforts in the eligible countries; and*

10 “(2) *partner institutions in the eligible countries*
11 *are creditable.*

12 “(d) *ACTIVITIES.—The Cooperative Education Ex-*
13 *change programs shall—*

14 “(1) *provide eligible countries with—*

15 “(A) *seminars on the basic principles of*
16 *United States constitutional democracy and eco-*
17 *nomics, including seminars on the major govern-*
18 *mental and economic institutions and systems in*
19 *the United States, and visits to such institutions;*

20 “(B) *visits to school systems, institutions of*
21 *higher education, and nonprofit organizations*
22 *conducting exemplary programs in civics and*
23 *government education, and economic education,*
24 *in the United States;*

1 “(C) translations and adaptations regard-
2 ing United States civic and government edu-
3 cation, and economic education, curricular pro-
4 grams for students and teachers, and in the case
5 of training programs for teachers translations
6 and adaptations into forms useful in schools in
7 eligible countries, and joint research projects in
8 such areas; and

9 “(D) independent research and evaluation
10 assistance to determine—

11 “(i) the effects of the Cooperative Edu-
12 cation Exchange programs on students’ de-
13 velopment of the knowledge, skills, and
14 traits of character essential for the preserva-
15 tion and improvement of constitutional de-
16 mocracy; and

17 “(ii) effective participation in and the
18 preservation and improvement of an effi-
19 cient market economy;

20 “(2) provide United States participants with—

21 “(A) seminars on the histories, economies,
22 and systems of government of eligible countries;

23 “(B) visits to school systems, institutions of
24 higher education, and organizations conducting
25 exemplary programs in civics and government

1 *education, and economic education, located in el-*
2 *igible countries;*

3 “(C) *assistance from educators and scholars*
4 *in eligible countries in the development of cur-*
5 *ricular materials on the history, government,*
6 *and economy of such countries that are useful in*
7 *United States classrooms;*

8 “(D) *opportunities to provide onsite dem-*
9 *onstrations of United States curricula and peda-*
10 *gogy for educational leaders in eligible countries;*
11 *and*

12 “(E) *independent research and evaluation*
13 *assistance to determine—*

14 “(i) *the effects of the Cooperative Edu-*
15 *cation Exchange programs on students’ de-*
16 *velopment of the knowledge, skills, and*
17 *traits of character essential for the preserva-*
18 *tion and improvement of constitutional de-*
19 *mocracy; and*

20 “(ii) *effective participation in and im-*
21 *provement of an efficient market economy;*
22 *and*

23 “(3) *assist participants from eligible countries*
24 *and the United States to participate in conferences on*
25 *civics and government education, and economic edu-*

1 *cation, for educational leaders, teacher trainers, schol-*
2 *ars in related disciplines, and educational policy-*
3 *makers.*

4 “(e) *PARTICIPANTS.—The primary participants in the*
5 *Cooperative Education Exchange programs assisted under*
6 *this section shall be educational leaders in the areas of*
7 *civics and government education, and economic education,*
8 *including teachers, curriculum and teacher training spe-*
9 *cialists, scholars in relevant disciplines, and educational*
10 *policymakers, and government and private sector leaders*
11 *from the United States and eligible countries.*

12 “(f) *DEFINITION OF ELIGIBLE COUNTRY.—For the*
13 *purpose of this section, the term ‘eligible country’ means*
14 *a Central European country, an Eastern European coun-*
15 *try, Lithuania, Latvia, Estonia, the independent states of*
16 *the former Soviet Union as defined in section 3 of the*
17 *FREEDOM Support Act (22 U.S.C. 5801), and may in-*
18 *clude the Republic of Ireland, the province of Northern Ire-*
19 *land in the United Kingdom, and any developing country,*
20 *as defined in section 209(d) of the Education for the Deaf*
21 *Act, that has a democratic form of government as deter-*
22 *mined by the Secretary in consultation with the Secretary*
23 *of State.*

1 **“SEC. 11307. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) SECTION 11304.—There are authorized to be ap-
3 propriated to carry out section 11304, \$15,000,000 for fiscal
4 year 2002 and such sums as may be necessary for each of
5 the fiscal years 2003 through 2008.

6 “(b) SECTION 11305.—There are authorized to be ap-
7 propriated to carry out section 11305, \$12,000,000 for fiscal
8 year 2002, and such sums as may be necessary for each
9 of the fiscal years 2003 through 2008.

10 **“PART E—GIFTED AND TALENTED CHILDREN**

11 **“SEC. 11401. SHORT TITLE.**

12 “*This part may be cited as the ‘Jacob K. Javits Gifted*
13 *and Talented Students Education Act of 2001’.*

14 **“SEC. 11402. FINDINGS.**

15 “Congress finds the following:

16 “(1) *While the families or communities of some*
17 *gifted students can provide private programs with ap-*
18 *propriately trained staff to supplement public edu-*
19 *cational offerings, most high-ability students, espe-*
20 *cially those from inner cities, rural communities, or*
21 *low-income families, must rely on the services and*
22 *personnel provided by public schools. Therefore, gifted*
23 *education programs, provided by qualified profes-*
24 *sionals in the public schools, are needed to provide*
25 *equal educational opportunities.*

1 “(2) *Due to the wide dispersal of students who*
2 *are gifted and talented and the national interest in*
3 *a well-educated populace, the Federal Government can*
4 *most effectively and appropriately conduct research*
5 *and development to provide an infrastructure for, and*
6 *to ensure that there is, a national capacity to educate*
7 *students who are gifted and talented to meet the needs*
8 *of the 21st century.*

9 “(3) *State and local educational agencies often*
10 *lack the specialized resources and trained personnel to*
11 *consistently plan and implement effective programs*
12 *for the identification of gifted and talented students*
13 *and for the provision of educational services and pro-*
14 *grams appropriate for their needs.*

15 “(4) *Because gifted and talented students gen-*
16 *erally are more advanced academically, are able to*
17 *learn more quickly, and study in more depth and*
18 *complexity than others their age, their educational*
19 *needs require opportunities and experiences that are*
20 *different from those generally available in regular*
21 *education programs.*

22 “(5) *Typical elementary school students who are*
23 *academically gifted and talented already have mas-*
24 *tered 35 to 50 percent of the school year’s content in*
25 *several subject areas before the year begins. Without*

1 *an advanced and challenging curriculum, they often*
2 *lose their motivation and develop poor study habits*
3 *that are difficult to break.*

4 *“(6) Elementary school and secondary school*
5 *teachers have students in their classrooms with a wide*
6 *variety of traits, characteristics, and needs. Most*
7 *teachers receive some training to meet the needs of*
8 *these students, such as students with limited English*
9 *proficiency, students with disabilities, and students*
10 *from diverse cultural and racial backgrounds. How-*
11 *ever, most teachers do not receive training on meeting*
12 *the needs of students who are gifted and talented.*

13 **“SEC. 11403. CONDITIONS ON EFFECTIVENESS OF SUBPART**

14 **2.**

15 *“(a) IN GENERAL.—Subpart 2 shall be in effect only*
16 *for—*

17 *“(1) the first fiscal year for which the amount*
18 *appropriated to carry out this part equals or exceeds*
19 *\$50,000,000; and*

20 *“(2) all succeeding fiscal years.*

21 **“Subpart 1—National Research Program**

22 **“SEC. 11411. PURPOSE.**

23 *“The purpose of this subpart is to initiate a coordi-*
24 *nated program of research, demonstration projects, innova-*
25 *tive strategies, and similar activities designed to build a*

1 *nationwide capability in elementary schools and secondary*
2 *schools to meet the special educational needs of gifted and*
3 *talented students.*

4 **“SEC. 11412. GRANTS TO MEET EDUCATIONAL NEEDS OF**
5 **GIFTED AND TALENTED STUDENTS.**

6 *“(a) ESTABLISHMENT OF PROGRAM.—*

7 *“(1) IN GENERAL.—Subject to section 11403,*
8 *from the sums available to carry out this subpart in*
9 *any fiscal year, the Secretary shall make grants to,*
10 *or enter into contracts with, State educational agen-*
11 *cies, local educational agencies, institutions of higher*
12 *education, other public agencies, and other private*
13 *agencies and organizations (including Indian tribes*
14 *and Indian organizations (as such terms are defined*
15 *in section 4 of the Indian Self-Determination and*
16 *Education Assistance Act) and Native Hawaiian or-*
17 *ganizations) to assist such agencies, institutions, and*
18 *organizations in carrying out programs or projects*
19 *authorized by this subpart that are designed to meet*
20 *the educational needs of gifted and talented students,*
21 *including the training of personnel in the education*
22 *of gifted and talented students and in the use, where*
23 *appropriate, of gifted and talented services, materials,*
24 *and methods for all students.*

1 “(2) *APPLICATION.*—*Each entity desiring assist-*
2 *ance under this subpart shall submit an application*
3 *to the Secretary at such time, in such manner, and*
4 *containing such information as the Secretary may*
5 *reasonably require. Each such application shall de-*
6 *scribe how—*

7 “(A) *the proposed gifted and talented serv-*
8 *ices, materials, and methods can be adapted, if*
9 *appropriate, for use by all students; and*

10 “(B) *the proposed programs can be evalu-*
11 *ated.*

12 “(b) *USES OF FUNDS.*—*Programs and projects as-*
13 *sisted under this subpart may include the following:*

14 “(1) *Carrying out—*

15 “(A) *research on methods and techniques for*
16 *identifying and teaching gifted and talented stu-*
17 *dents, and for using gifted and talented pro-*
18 *grams and methods to serve all students; and*

19 “(B) *program evaluations, surveys, and the*
20 *collection, analysis, and development of informa-*
21 *tion needed to accomplish the purpose of this*
22 *subpart.*

23 “(2) *Professional development (including fellow-*
24 *ships) for personnel (including leadership personnel)*

1 *involved in the education of gifted and talented stu-*
2 *dents.*

3 “(3) *Establishment and operation of model*
4 *projects and exemplary programs for serving gifted*
5 *and talented students, including innovative methods*
6 *for identifying and educating students who may not*
7 *be served by traditional gifted and talented programs,*
8 *including summer programs, mentoring programs,*
9 *service learning programs, and cooperative programs*
10 *involving business, industry, and education.*

11 “(4) *Implementing innovative strategies, such as*
12 *cooperative learning, peer tutoring, and service learn-*
13 *ing.*

14 “(5) *Programs of technical assistance and infor-*
15 *mation dissemination, including assistance and infor-*
16 *mation with respect to how gifted and talented pro-*
17 *grams and methods, where appropriate, may be*
18 *adapted for use by all students.*

19 **“SEC. 11413. PROGRAM PRIORITIES.**

20 “(a) *GENERAL PRIORITY.—In the administration of*
21 *this subpart, the Secretary shall give highest priority to*
22 *programs and projects designed to develop new information*
23 *that—*

1 “(1) improves the capability of schools to plan,
2 conduct, and improve programs to identify and serve
3 gifted and talented students; and

4 “(2) assists schools in the identification of, and
5 provision of services to, gifted and talented students
6 who may not be identified and served through tradi-
7 tional assessment methods (including economically
8 disadvantaged individuals, individuals of limited
9 English proficiency, and individuals with disabili-
10 ties).

11 “(b) *SERVICE PRIORITY*.—In approving applications
12 for assistance under section 11412(a)(2), the Secretary shall
13 ensure that in each fiscal year at least 1/2 of the applications
14 approved under such section address the priority described
15 in subsection (a)(2).

16 **“SEC. 11414. CENTER FOR RESEARCH AND DEVELOPMENT.**

17 “(a) *IN GENERAL*.—The Secretary (after consultation
18 with experts in the field of the education of gifted and tal-
19 ented students) shall establish a National Research Center
20 in the Education of Gifted and Talented Children and
21 Youth through grants to or contracts with 1 or more institu-
22 tions of higher education or State educational agencies, or
23 a combination or consortium of such institutions and agen-
24 cies and other public or private agencies and organizations,

1 *for the purpose of carrying out activities described in sec-*
2 *tion 11412.*

3 “(b) *DIRECTOR.*—*Such National Center shall have a*
4 *Director. The Secretary may authorize the Director to carry*
5 *out such functions of the National Center as may be agreed*
6 *upon through arrangements with institutions of higher edu-*
7 *cation, State or local educational agencies, or other public*
8 *or private agencies and organizations.*

9 “(c) *FUNDING.*—*The Secretary may use not more than*
10 *30 percent of the funds made available under this subpart*
11 *for any fiscal year to carry out this section.*

12 **“SEC. 11415. GENERAL PROVISIONS FOR SUBPART.**

13 “(a) *REVIEW, DISSEMINATION, AND EVALUATION.*—
14 *The Secretary—*

15 “(1) *shall use a peer review process in reviewing*
16 *applications under sections 11415(d) and 11412;*

17 “(2) *shall ensure that information on the activi-*
18 *ties and results of programs and projects funded*
19 *under this subpart is disseminated to appropriate*
20 *State and local educational agencies and other appro-*
21 *priate organizations, including nonprofit private or-*
22 *ganizations; and*

23 “(3) *shall evaluate the effectiveness of programs*
24 *under this subpart, both in terms of the impact on*
25 *students traditionally served in separate gifted and*

1 *talented programs and on other students, and submit*
2 *the results of such evaluation to Congress not later*
3 *than 2 years after the date of enactment of the Better*
4 *Education for Students and Teachers Act.*

5 *“(b) PROGRAM OPERATIONS.—The Secretary shall en-*
6 *sure that the programs under this subpart are administered*
7 *within the Department by a person who has recognized pro-*
8 *fessional qualifications and experience in the field of the*
9 *education of gifted and talented students and who—*

10 *“(1) shall serve as a focal point of national lead-*
11 *ership and information on the educational needs of*
12 *gifted and talented students and the availability of*
13 *educational services and programs designed to meet*
14 *such needs;*

15 *“(2) shall assist the Assistant Secretary of the*
16 *Office of Educational Research and Improvement in*
17 *identifying research priorities which reflect the needs*
18 *of gifted and talented students; and*

19 *“(3) shall disseminate and consult on the infor-*
20 *mation developed under this subpart with other offices*
21 *within the Department.*

22 *“(c) COORDINATION.—Research activities supported*
23 *under this subpart—*

24 *“(1) shall be carried out in consultation with the*
25 *Office of Educational Research and Improvement to*

1 *ensure that such activities are coordinated with and*
2 *enhance the research and development activities sup-*
3 *ported by such Office; and*

4 “(2) *may include collaborative research activities*
5 *which are jointly funded and carried out with such*
6 *Office.*

7 “(d) *GRANTS TO STATE EDUCATIONAL AGENCIES FOR*
8 *AUTHORIZED ACTIVITIES.—*

9 “(1) *IN GENERAL.—For fiscal year 2002 and*
10 *succeeding fiscal years, the Secretary shall use the ex-*
11 *cess amount of funds under subpart 1 to award*
12 *grants, on a competitive basis, to State educational*
13 *agencies to begin implementing activities described in*
14 *section 11422(b).*

15 “(2) *EXCESS AMOUNT.—For purposes of para-*
16 *graph (1), the excess amount described in this sub-*
17 *section is the amount (if any) by which the funds ap-*
18 *propriated to carry out this subpart for the fiscal*
19 *year exceed such funds appropriated for fiscal year*
20 *2001.*

21 “(3) *APPLICATION.—Each State educational*
22 *agency desiring a grant under this section shall sub-*
23 *mit an application to the Secretary that contains the*
24 *assurances described in section 11424(b), with respect*
25 *to the implementing activities.*

1 **“Subpart 2—Formula Grant Program**

2 **“SEC. 11421. PURPOSE.**

3 *“The purpose of this subpart is to provide grants to*
4 *States to support programs, teacher preparation, and other*
5 *services designed to meet the needs of the Nation’s gifted*
6 *and talented students in elementary schools and secondary*
7 *schools.*

8 **“SEC. 11422. ESTABLISHMENT OF PROGRAM; USE OF FUNDS.**

9 *“(a) IN GENERAL.—In the case of each State that in*
10 *accordance with section 11424 submits to the Secretary an*
11 *application for a fiscal year, subject to section 11403, the*
12 *Secretary shall make a grant for the fiscal year to the State*
13 *for the uses specified in subsection (b). The grant shall con-*
14 *sist of the allotment determined for the State under section*
15 *11423.*

16 *“(b) AUTHORIZED ACTIVITIES.—Each State receiving*
17 *a grant under this subpart shall use the funds provided*
18 *under the grant to assist local educational agencies in the*
19 *State to develop or expand gifted and talented education*
20 *programs through 1 or more of the following activities:*

21 *“(1) Development and implementation of pro-*
22 *grams to address State and local needs for in-service*
23 *training programs for general educators, specialists*
24 *in gifted and talented education, administrators, or*
25 *other personnel at the elementary school and sec-*
26 *ondary school levels.*

1 “(2) *Making materials and services available*
2 *through State regional educational service centers, in-*
3 *stitutions of higher education, or other entities.*

4 “(3) *Supporting innovative approaches and cur-*
5 *ricula used by local educational agencies (or consortia*
6 *of such agencies) or schools (or consortia of schools).*

7 “(4) *Providing funds for challenging, high-level*
8 *course work, disseminated through new and emerging*
9 *technologies (including distance learning), for indi-*
10 *vidual students or groups of students in schools and*
11 *local educational agencies that do not have the re-*
12 *sources otherwise to provide such course work.*

13 “(c) *COMPETITIVE PROCESS.—Funds provided under*
14 *this subpart shall be distributed to local educational agen-*
15 *cies through a competitive process that results in an equi-*
16 *table distribution by geographic area within the State.*

17 “(d) *LIMITATIONS ON USE OF FUNDS.—*

18 “(1) *COURSE WORK PROVIDED THROUGH*
19 *EMERGING TECHNOLOGIES.—Activities under sub-*
20 *section (b)(4) may include development of curriculum*
21 *packages, compensation of distance-learning edu-*
22 *cators, or other relevant activities, but funds provided*
23 *under this subpart may not be used for the purchase*
24 *or upgrading of technological hardware.*

25 “(2) *STATE USE OF FUNDS.—*

1 “(A) *IN GENERAL.*—A State educational
2 agency receiving a grant under this subpart may
3 not use more than 10 percent of the grant funds
4 for—

5 “(i) *dissemination of general program*
6 *information;*

7 “(ii) *providing technical assistance*
8 *under this subpart;*

9 “(iii) *monitoring and evaluation of*
10 *programs and activities assisted under this*
11 *subpart;*

12 “(iv) *providing support for parental*
13 *education; and*

14 “(v) *creating a State gifted education*
15 *advisory board.*

16 “(B) *ADMINISTRATIVE COSTS.*—A State
17 educational agency may use not more than 50
18 percent of the funds made available to the State
19 educational agency under subparagraph (A) for
20 administrative costs.

21 “(C) *EDUCATION, INFORMATION, AND SUP-*
22 *PORT.*—A State educational agency receiving a
23 grant under this subpart may use not more than
24 2 percent of the grant funds to provide informa-
25 tion, education, and support to parents and

1 *caregivers of gifted and talented children to en-*
2 *hance their ability to participate in decisions re-*
3 *garding their children's educational programs.*
4 *Such education, information, and support shall*
5 *be developed and carried out by parents and*
6 *caregivers or by parents and caregivers in part-*
7 *nership with the State.*

8 **“SEC. 11423. ALLOTMENTS TO STATES.**

9 “(a) *RESERVATION OF FUNDS.—From the amount*
10 *made available to carry out this subpart for any fiscal year,*
11 *the Secretary shall reserve 1/2 of 1 percent for the Secretary*
12 *of the Interior for programs under this subpart for teachers,*
13 *other staff, and administrators in schools operated or fund-*
14 *ed by the Bureau of Indian Affairs.*

15 “(b) *STATE ALLOTMENTS.—*

16 “(1) *IN GENERAL.—Except as provided in para-*
17 *graph (2), the Secretary shall allot the total amount*
18 *made available to carry out this subpart for any fis-*
19 *cal year and not reserved under subsection (a) to the*
20 *50 States, the District of Columbia, and the Common-*
21 *wealth of Puerto Rico on the basis of their relative*
22 *populations of individuals aged 5 through 17, as de-*
23 *termined by the Secretary on the basis of the most re-*
24 *cent satisfactory data.*

1 “(2) *MINIMUM GRANT AMOUNT.*—No State re-
2 ceiving an allotment under paragraph (1) may re-
3 ceive less than $\frac{1}{2}$ of 1 percent of the total amount al-
4 lotted under such paragraph.

5 “(c) *REALLOTMENT.*—If any State does not apply for
6 an allotment under this section for any fiscal year, the Sec-
7 retary shall reallocate such amount to the remaining States
8 in accordance with this section.

9 “**SEC. 11424. STATE APPLICATION.**

10 “(a) *IN GENERAL.*—To be eligible to receive a grant
11 under this subpart, a State educational agency shall submit
12 an application to the Secretary at such time, in such man-
13 ner, and containing such information as the Secretary may
14 reasonably require.

15 “(b) *CONTENTS.*—Each application under this section
16 shall include assurances that—

17 “(1) *funds received under this subpart will be*
18 *used to support gifted and talented students in public*
19 *schools and public charter schools, including students*
20 *from all economic, ethnic, and racial backgrounds,*
21 *students of limited English proficiency, students with*
22 *disabilities, and highly gifted students;*

23 “(2) *the funds not retained by the State edu-*
24 *cational agency shall be used for the purpose of mak-*

1 *agencies (including consortia of local educational agencies)*
2 *to support programs, classes, and other services designed to*
3 *meet the needs of gifted and talented students.*

4 “(b) *SIZE OF GRANT.*—*A State educational agency*
5 *shall award a grant under subsection (a) for any fiscal year*
6 *in an amount sufficient to meet the needs of the students*
7 *to be served under the grant.*

8 **“SEC. 11426. LOCAL APPLICATIONS.**

9 “(a) *APPLICATION.*—*To be eligible to receive a grant*
10 *under this subpart, a local educational agency (including*
11 *a consortium of local educational agencies) shall submit an*
12 *application to the State educational agency.*

13 “(b) *CONTENTS.*—*Each such application shall*
14 *include—*

15 “(1) *an assurance that the funds received under*
16 *this subpart will be used to identify and support gift-*
17 *ed and talented students, including gifted and tal-*
18 *ented students from all economic, ethnic, and racial*
19 *backgrounds, such students of limited English pro-*
20 *ficiency, and such students with disabilities;*

21 “(2) *a description of how the local educational*
22 *agency will meet the educational needs of gifted and*
23 *talented students, including the training of personnel*
24 *in the education of gifted and talented students; and*

1 “(3) an assurance that funds received under this
2 subpart will be used to supplement, not supplant, the
3 amount of funds the local educational agency expends
4 for the education of, and related services for, gifted
5 and talented students.

6 **“SEC. 11427. ANNUAL REPORTING.**

7 “Beginning 1 year after the date of enactment of the
8 Better Education for Students and Teachers Act and for
9 each subsequent year thereafter, the State educational agen-
10 cy shall submit an annual report to the Secretary that de-
11 scribes the number of students served and the activities sup-
12 ported with funds provided under this subpart. The report
13 shall include a description of the measures taken to comply
14 with paragraphs (1) and (4) of section 11424(b).

15 **“Subpart 3—General Provisions**

16 **“SEC. 11431. CONSTRUCTION.**

17 “Nothing in this subpart shall be construed to prohibit
18 a recipient of funds under this subpart from serving gifted
19 and talented students simultaneously with students with
20 similar educational needs, in the same educational settings
21 where appropriate.

22 **“SEC. 11432. PARTICIPATION OF PRIVATE SCHOOL CHIL-**
23 **DREN AND TEACHERS.**

24 “*In making grants and entering into contracts under*
25 *this subpart, the Secretary shall ensure, where appropriate,*

1 *that provision is made for the equitable participation of*
2 *students and teachers in private nonprofit elementary*
3 *schools and secondary schools, including the participation*
4 *of teachers and other personnel in professional development*
5 *programs serving such children.*

6 **“SEC. 11433. DEFINITIONS.**

7 *“For purposes of this subpart:*

8 *“(1) GIFTED AND TALENTED.—*

9 *“(A) IN GENERAL.—Except as provided in*
10 *subparagraph (B), the term ‘gifted and talented’*
11 *when used with respect to a person or*
12 *program—*

13 *“(i) has the meaning given the term*
14 *under applicable State law; or*

15 *“(ii) in the case of a State that does*
16 *not have a State law defining the term, has*
17 *the meaning given such term by definition*
18 *of the State educational agency or local edu-*
19 *cational agency involved.*

20 *“(B) SPECIAL RULE.—In the case of a State*
21 *that does not have a State law that defines the*
22 *term, and the State educational agency or local*
23 *educational agency has not defined the term, the*
24 *term has the meaning given the term in section*
25 *3.*

1 “(b) *USES OF FUNDS.—Funds under this section may*
2 *be used for—*

3 “(1) *joint efforts with other agencies and commu-*
4 *nity organizations, including activities related to im-*
5 *proving the transition from preschool to school and*
6 *from school to work, as well as activities related to the*
7 *integration of educational, recreational, cultural,*
8 *health and social services programs within a local*
9 *community;*

10 “(2) *activities to promote and evaluate coun-*
11 *seling and mentoring for students, including*
12 *intergenerational mentoring;*

13 “(3) *activities to promote and evaluate coordi-*
14 *nated student support services;*

15 “(4) *activities to promote comprehensive health*
16 *education;*

17 “(5) *activities to promote environmental edu-*
18 *cation;*

19 “(6) *activities to promote consumer, economic,*
20 *and personal finance education, such as saving, in-*
21 *vesting, and entrepreneurial education;*

22 “(7) *studies and evaluation of various education*
23 *reform strategies and innovations being pursued by*
24 *the Federal Government, States, and local educational*
25 *agencies;*

1 “(8) the identification and recognition of exem-
2 plary schools and programs, such as Blue Ribbon
3 Schools;

4 “(9) programs designed to promote gender equity
5 in education by evaluating and eliminating gender
6 bias in instruction and educational materials, identi-
7 fying, and analyzing gender inequities in educational
8 practices, and implementing and evaluating edu-
9 cational policies and practices designed to achieve
10 gender equity;

11 “(10) programs designed to encourage parents to
12 participate in school activities;

13 “(11) experiential-based learning, such as serv-
14 ice-learning;

15 “(12) developing, adapting, or expanding exist-
16 ing and new applications of technology to support the
17 school reform effort;

18 “(13) acquiring connectivity linkages, resources,
19 and services, including the acquisition of hardware
20 and software, for use by teachers, students and school
21 library media personnel in the classroom or in school
22 library media centers, in order to improve student
23 learning to ensure that students in schools will have
24 meaningful access on a regular basis to such linkages,
25 resources and services;

1 “(14) providing ongoing professional develop-
2 ment in the integration of quality educational tech-
3 nologies into school curriculum and long-term plan-
4 ning for implementing educational technologies;

5 “(15) acquiring connectivity with wide area net-
6 works for purposes of accessing information and edu-
7 cational programming sources, particularly with in-
8 stitutions of higher education and public libraries;

9 “(16) providing educational services for adults
10 and families;

11 “(17) demonstrations relating to the planning
12 and evaluations of the effectiveness of projects under
13 which local educational agencies or schools contract
14 with private management organizations to reform a
15 school or schools; and

16 “(18) other programs and projects that meet the
17 purposes of this section.

18 “(c) AWARDS.—

19 “(1) IN GENERAL.—The Secretary may—

20 “(A) make awards under this section on the
21 basis of competitions announced by the Sec-
22 retary; and

23 “(B) support meritorious unsolicited pro-
24 posals.

1 “(2) has the capability and experience in admin-
2 istering federally funded scholar-athlete games;

3 “(3) has the ability to provide matching funds,
4 on a dollar-for-dollar basis, from foundations and the
5 private sector for the purpose of conducting a scholar-
6 athlete program;

7 “(4) has the organizational structure and capa-
8 bility to administer a model scholar-athlete program;
9 and

10 “(5) has the organizational structure and exper-
11 tise to replicate the scholar-athlete program in var-
12 ious venues throughout the United States internation-
13 ally.

14 **“Subpart 2—Star Schools Program**

15 **“SEC. 11551. SHORT TITLE.**

16 *“This subpart may be cited as the ‘Star Schools Act’.*

17 **“SEC. 11552. FINDINGS.**

18 *“Congress finds that—*

19 *“(1) the Star Schools program has helped to en-
20 courage the use of distance learning strategies to serve
21 multistate regions primarily by means of satellite and
22 broadcast television;*

23 *“(2) in general, distance learning programs have
24 been used effectively to provide students in small,
25 rural, and isolated schools with courses and instruc-*

1 *tion, such as science and foreign language instruction,*
2 *that the local educational agency is not otherwise able*
3 *to provide; and*

4 *“(3) distance learning programs may also be*
5 *used to—*

6 *“(A) provide students of all ages in all*
7 *types of schools and educational settings with*
8 *greater access to high-quality instruction in the*
9 *full range of core academic subjects that will en-*
10 *able such students to meet challenging, inter-*
11 *nationally competitive, educational standards;*

12 *“(B) expand professional development op-*
13 *portunities for teachers;*

14 *“(C) contribute to achievement of the Na-*
15 *tional Education Goals; and*

16 *“(D) expand learning opportunities for ev-*
17 *eryone.*

18 **“SEC. 11553. PURPOSE.**

19 *“It is the purpose of this subpart to encourage im-*
20 *proved instruction in mathematics, science, and foreign*
21 *languages as well as other subjects, such as literacy skills*
22 *and vocational education, and to serve underserved popu-*
23 *lations, including the disadvantaged, illiterate, limited*
24 *English proficient, and individuals with disabilities,*
25 *through a Star Schools program under which grants are*

1 *made to eligible telecommunication partnerships to enable*
2 *such partnerships to—*

3 “(1) *develop, construct, acquire, maintain, and*
4 *operate telecommunications audio and visual facili-*
5 *ties and equipment;*

6 “(2) *develop and acquire educational and in-*
7 *structional programming; and*

8 “(3) *obtain technical assistance for the use of*
9 *such facilities and instructional programming.*

10 **“SEC. 11554. GRANTS AUTHORIZED.**

11 “(a) *AUTHORITY.—The Secretary, through the Office*
12 *of Educational Technology, is authorized to make grants,*
13 *in accordance with the provisions of this subpart, to eligible*
14 *entities to pay the Federal share of the cost of—*

15 “(1) *the development, construction, acquisition,*
16 *maintenance, and operation of telecommunications*
17 *facilities and equipment;*

18 “(2) *the development and acquisition of live,*
19 *interactive instructional programming;*

20 “(3) *the development and acquisition of*
21 *preservice and inservice teacher training programs*
22 *based on established research regarding teacher-to-*
23 *teacher mentoring, effective skill transfer, and ongo-*
24 *ing, in-class instruction;*

1 “(4) *the establishment of teleconferencing facili-*
2 *ties and resources for making interactive training*
3 *available to teachers;*

4 “(5) *obtaining technical assistance; and*

5 “(6) *the coordination of the design and*
6 *connectivity of telecommunications networks to reach*
7 *the greatest number of schools.*

8 “(b) *DURATION.—*

9 “(1) *IN GENERAL.—The Secretary shall award*
10 *grants pursuant to subsection (a) for a period of 5*
11 *years.*

12 “(2) *RENEWAL.—Grants awarded pursuant to*
13 *subsection (a) may be renewed for 1 additional 3-year*
14 *period.*

15 “(c) *AVAILABILITY OF FUNDS.—Funds made available*
16 *to carry out this subpart shall remain available until ex-*
17 *pended.*

18 “(d) *LIMITATIONS.—*

19 “(1) *IN GENERAL.—A grant under this section*
20 *shall not exceed—*

21 (A) *5 years in duration; or*

22 (B) *\$10,000,000 in any 1 fiscal year.*

23 “(2) *INSTRUCTIONAL PROGRAMMING.—Not less*
24 *than 25 percent of the funds available to the Sec-*

1 *retary in any fiscal year under this subpart shall be*
2 *used for the cost of instructional programming.*

3 *“(3) SPECIAL RULE.—Not less than 50 percent of*
4 *the funds available in any fiscal year under this sub-*
5 *part shall be used for the cost of facilities, equipment,*
6 *teacher training or retraining, technical assistance, or*
7 *programming, for local educational agencies which*
8 *are eligible to receive assistance under part A of title*
9 *I.*

10 *“(e) FEDERAL SHARE.—*

11 *“(1) IN GENERAL.—The Federal share of the cost*
12 *of projects funded under this section shall not*
13 *exceed—*

14 *“(A) 75 percent for the first and second*
15 *years for which an eligible telecommunications*
16 *partnership receives a grant under this subpart;*

17 *“(B) 60 percent for the third and fourth*
18 *such years; and*

19 *“(C) 50 percent for the fifth such year.*

20 *“(2) REDUCTION OR WAIVER.—The Secretary*
21 *may reduce or waive the requirement of the non-Fed-*
22 *eral share under paragraph (1) upon a showing of fi-*
23 *nancial hardship.*

24 *“(f) AUTHORITY TO ACCEPT FUNDS FROM OTHER*
25 *AGENCIES.—The Secretary is authorized to accept funds*

1 *from other Federal departments or agencies to carry out*
2 *the purposes of this section, including funds for the pur-*
3 *chase of equipment.*

4 “(g) *COORDINATION.*—*The Department, the National*
5 *Science Foundation, the Department of Agriculture, the De-*
6 *partment of Commerce, and any other Federal department*
7 *or agency operating a telecommunications network for edu-*
8 *cational purposes, shall coordinate the activities assisted*
9 *under this subpart with the activities of such department*
10 *or agency relating to a telecommunications network for edu-*
11 *cational purposes.*

12 “(h) *CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.*—
13 *Each entity receiving funds under this subpart is encour-*
14 *aged to provide—*

15 “(1) *closed captioning of the verbal content of*
16 *such program, where appropriate, to be broadcast by*
17 *way of line 21 of the vertical blanking interval, or by*
18 *way of comparable successor technologies; and*

19 “(2) *descriptive video of the visual content of*
20 *such program, as appropriate.*

21 **“SEC. 11555. ELIGIBLE ENTITIES.**

22 “(a) *ELIGIBLE ENTITIES.*—

23 “(1) *REQUIRED PARTICIPATION.*—*The Secretary*
24 *may make a grant under section 11554 to any eligible*

1 *entity, if at least 1 local educational agency is par-*
2 *ticipating in the proposed project.*

3 *“(2) ELIGIBLE ENTITY.—For the purpose of this*
4 *subpart, the term ‘eligible entity’ may include—*

5 *“(A) a public agency or corporation estab-*
6 *lished for the purpose of developing and oper-*
7 *ating telecommunications networks to enhance*
8 *educational opportunities provided by edu-*
9 *cational institutions, teacher training centers,*
10 *and other entities, except that any such agency*
11 *or corporation shall represent the interests of ele-*
12 *mentary schools and secondary schools that are*
13 *eligible to participate in the program under part*
14 *A of title I; or*

15 *“(B) a partnership that will provide tele-*
16 *communications services and which includes 3 or*
17 *more of the following entities, at least 1 of which*
18 *shall be an agency described in clause (i) or (ii):*

19 *“(i) a local educational agency that*
20 *serves a significant number of elementary*
21 *schools and secondary schools that are eligi-*
22 *ble for assistance under part A of title I, or*
23 *elementary schools and secondary schools*
24 *operated or funded for Indian children by*

1 *the Department of the Interior eligible*
2 *under section 1121(c)(1)(A);*

3 *“(ii) a State educational agency;*

4 *“(iii) adult and family education pro-*
5 *grams;*

6 *“(iv) an institution of higher education*
7 *or a State higher education agency;*

8 *“(v) a teacher training center or acad-*
9 *emy that—*

10 *“(I) provides teacher preservice*
11 *and inservice training; and*

12 *“(II) receives Federal financial*
13 *assistance or has been approved by a*
14 *State agency;*

15 *“(vi)(I) a public or private entity with*
16 *experience and expertise in the planning*
17 *and operation of a telecommunications net-*
18 *work, including entities involved in tele-*
19 *communications through satellite, cable,*
20 *telephone, or computer; or*

21 *“(II) a public broadcasting entity with*
22 *such experience; or*

23 *“(vii) a public or private elementary*
24 *school or secondary school.*

1 “(b) *SPECIAL RULE.*—An eligible entity receiving as-
2 sistance under this subpart shall be organized on a state-
3 wide or multistate basis.

4 **“SEC. 11556. APPLICATIONS.**

5 “(a) *APPLICATIONS REQUIRED.*—Each eligible entity
6 which desires to receive a grant under section 11554 shall
7 submit an application to the Secretary, at such time, in
8 such manner, and containing or accompanied by such in-
9 formation as the Secretary may reasonably require.

10 “(b) *STAR SCHOOL AWARD APPLICATION.*—Each ap-
11 plication submitted pursuant to subsection (a) shall—

12 “(1) describe how the proposed project will assist
13 in achieving the National Education Goals, how such
14 project will assist all students to have an opportunity
15 to learn to challenging State standards, how such
16 project will assist State and local educational reform
17 efforts, and how such project will contribute to cre-
18 ating a high-quality system of lifelong learning;

19 “(2) describe the telecommunications facilities
20 and equipment and technical assistance for which as-
21 sistance is sought, which may include—

22 “(A) the design, development, construction,
23 acquisition, maintenance, and operation of State
24 or multistate educational telecommunications
25 networks and technology resource centers;

1 “(B) microwave, fiber optics, cable, and sat-
2 ellite transmission equipment or any combina-
3 tion thereof;

4 “(C) reception facilities;

5 “(D) satellite time;

6 “(E) production facilities;

7 “(F) other telecommunications equipment
8 capable of serving a wide geographic area;

9 “(G) the provision of training services to
10 instructors who will be using the facilities and
11 equipment for which assistance is sought, includ-
12 ing training in using such facilities and equip-
13 ment and training in integrating programs into
14 the classroom curriculum; and

15 “(H) the development of educational and re-
16 lated programming for use on a telecommuni-
17 cations network;

18 “(3) in the case of an application for assistance
19 for instructional programming, describe the types of
20 programming which will be developed to enhance in-
21 struction and training and provide assurances that
22 such programming will be designed in consultation
23 with professionals (including classroom teachers) who
24 are experts in the applicable subject matter and grade
25 level;

1 “(4) describe how the eligible entity has engaged
2 in sufficient survey and analysis of the area to be
3 served to ensure that the services offered by the eligible
4 entity will increase the availability of courses of in-
5 struction in English, mathematics, science, foreign
6 languages, arts, history, geography, or other dis-
7 ciplines;

8 “(5) describe the professional development poli-
9 cies for teachers and other school personnel to be im-
10 plemented to ensure the effective use of the tele-
11 communications facilities and equipment for which
12 assistance is sought;

13 “(6) describe the manner in which historically
14 underserved students (such as students from low-in-
15 come families, limited English proficient students,
16 students with disabilities, or students who have low
17 literacy skills) and their families, will participate in
18 the benefits of the telecommunications facilities,
19 equipment, technical assistance, and programming
20 assisted under this subpart;

21 “(7) describe how existing telecommunications
22 equipment, facilities, and services, where available,
23 will be used;

24 “(8) provide assurances that the financial inter-
25 est of the United States in the telecommunications fa-

1 *cilities and equipment will be protected for the useful*
2 *life of such facilities and equipment;*

3 *“(9) provide assurances that a significant por-*
4 *tion of any facilities and equipment, technical assist-*
5 *ance, and programming for which assistance is sought*
6 *for elementary schools and secondary schools will be*
7 *made available to schools or local educational agen-*
8 *cies that have a high number or percentage of chil-*
9 *dren eligible to be counted under part A of title I;*

10 *“(10) provide assurances that the applicant will*
11 *use the funds provided under this subpart to supple-*
12 *ment and not supplant funds otherwise available for*
13 *the purposes of this subpart;*

14 *“(11) describe how funds received under this sub-*
15 *part will be coordinated with funds received for edu-*
16 *cational technology in the classroom;*

17 *“(12) describe the activities or services for which*
18 *assistance is sought, such as—*

19 *“(A) providing facilities, equipment, train-*
20 *ing services, and technical assistance;*

21 *“(B) making programs accessible to stu-*
22 *dents with disabilities through mechanisms such*
23 *as closed captioning and descriptive video serv-*
24 *ices;*

1 “(C) *linking networks around issues of na-*
2 *tional importance (such as elections) or to pro-*
3 *vide information about employment opportuni-*
4 *ties, job training, or student and other social*
5 *service programs;*

6 “(D) *sharing curriculum resources between*
7 *networks and development of program guides*
8 *which demonstrate cooperative, cross-network*
9 *listing of programs for specific curriculum areas;*

10 “(E) *providing teacher and student support*
11 *services including classroom and training sup-*
12 *port materials which permit student and teacher*
13 *involvement in the live interactive distance*
14 *learning telecasts;*

15 “(F) *incorporating community resources*
16 *such as libraries and museums into instructional*
17 *programs;*

18 “(G) *providing professional development for*
19 *teachers, including, as appropriate, training to*
20 *early childhood development and Head Start*
21 *teachers and staff and vocational education*
22 *teachers and staff, and adult and family edu-*
23 *cators;*

1 “(H) providing programs for adults to
2 maximize the use of telecommunications facilities
3 and equipment;

4 “(I) providing teacher training on proposed
5 or established voluntary national content stand-
6 ards in mathematics and science and other dis-
7 ciplines as such standards are developed; and

8 “(J) providing parent education programs
9 during and after the regular school day which
10 reinforce a student’s course of study and actively
11 involve parents in the learning process;

12 “(13) describe how the proposed project as a
13 whole will be financed and how arrangements for fu-
14 ture financing will be developed before the project ex-
15 pires;

16 “(14) provide an assurance that a significant
17 portion of any facilities, equipment, technical assist-
18 ance, and programming for which assistance is sought
19 for elementary schools and secondary schools will be
20 made available to schools in local educational agen-
21 cies that have a high percentage of children counted
22 for the purpose of part A of title I;

23 “(15) provide an assurance that the applicant
24 will provide such information and cooperate in any

1 *evaluation that the Secretary may conduct under this*
2 *subpart; and*

3 *“(16) include such additional assurances as the*
4 *Secretary may reasonably require.*

5 *“(c) PRIORITIES.—The Secretary, in approving appli-*
6 *cations for grants authorized under section 11554, shall give*
7 *priority to applications describing projects that—*

8 *“(1) propose high-quality plans to assist in*
9 *achieving 1 or more of the National Education Goals,*
10 *will provide instruction consistent with State content*
11 *standards, or will otherwise provide significant and*
12 *specific assistance to States and local educational*
13 *agencies undertaking systemic education reform;*

14 *“(2) will provide services to programs serving*
15 *adults, especially parents, with low levels of literacy;*

16 *“(3) will serve schools with significant numbers*
17 *of children counted for the purposes of part A of title*
18 *I;*

19 *“(4) ensure that the eligible entity will—*

20 *“(A) serve the broadest range of institutions,*
21 *programs providing instruction outside of the*
22 *school setting, programs serving adults, espe-*
23 *cially parents, with low levels of literacy, insti-*
24 *tutions of higher education, teacher training cen-*
25 *ters, research institutes, and private industry;*

1 “(B) have substantial academic and teach-
2 ing capabilities, including the capability of
3 training, retraining, and inservice upgrading of
4 teaching skills and the capability to provide pro-
5 fessional development;

6 “(C) provide a comprehensive range of
7 courses for educators to teach instructional strat-
8 egies for students with different skill levels;

9 “(D) provide training to participating edu-
10 cators in ways to integrate telecommunications
11 courses into existing school curriculum;

12 “(E) provide instruction for students, teach-
13 ers, and parents;

14 “(F) serve a multistate area; and

15 “(G) give priority to the provision of equip-
16 ment and linkages to isolated areas; and

17 “(5) involve a telecommunications entity (such
18 as a satellite, cable, telephone, computer, or public or
19 private television stations) participating in the eligi-
20 ble entity and donating equipment or in-kind services
21 for telecommunications linkages.

22 “(d) GEOGRAPHIC DISTRIBUTION.—In approving ap-
23 plications for grants authorized under section 11554, the
24 Secretary shall, to the extent feasible, ensure an equitable

1 *geographic distribution of services provided under this sub-*
2 *part.*

3 **“SEC. 11557. LEADERSHIP AND EVALUATION.**

4 “(a) *RESERVATION.*—*From the amount made avail-*
5 *able to carry out this subpart in each fiscal year, the Sec-*
6 *retary may reserve not more than 5 percent of such amount*
7 *for national leadership, evaluation, and peer review activi-*
8 *ties.*

9 “(b) *METHOD OF FUNDING.*—*The Secretary may fund*
10 *the activities described in subsection (a) directly or through*
11 *grants, contracts, and cooperative agreements.*

12 “(c) *USES OF FUNDS.*—

13 “(1) *LEADERSHIP.*—*Funds reserved for leader-*
14 *ship activities under subsection (a) may be used for—*

15 “(A) *disseminating information, including*
16 *lists and descriptions of services available from*
17 *grant recipients under this subpart; and*

18 “(B) *other activities designed to enhance the*
19 *quality of distance learning activities nation-*
20 *wide.*

21 “(2) *EVALUATION.*—*Funds reserved for evalua-*
22 *tion activities under subsection (a) may be used to*
23 *conduct independent evaluations of the activities as-*
24 *sisted under this subpart and of distance learning in*
25 *general, including—*

1 “(A) analyses of distance learning efforts,
2 including such efforts that are assisted under
3 this subpart and such efforts that are not as-
4 sisted under this subpart; and

5 “(B) comparisons of the effects, including
6 student outcomes, of different technologies in dis-
7 tance learning efforts.

8 “(3) PEER REVIEW.—Funds reserved for peer re-
9 view activities under subsection (a) may be used for
10 peer review of—

11 “(A) applications for grants under this sub-
12 part; and

13 “(B) activities assisted under this subpart.

14 **“SEC. 11558. DEFINITIONS.**

15 *“In this subpart:*

16 “(1) EDUCATIONAL INSTITUTION.—The term
17 ‘educational institution’ means an institution of high-
18 er education, a local educational agency, or a State
19 educational agency.

20 “(2) INSTRUCTIONAL PROGRAMMING.—The term
21 ‘instructional programming’ means courses of in-
22 struction and training courses for elementary and
23 secondary students, teachers, and others, and mate-
24 rials for use in such instruction and training that
25 have been prepared in audio and visual form on tape,

1 *disc, film, or live, and presented by means of tele-*
2 *communications devices.*

3 “(3) *PUBLIC BROADCASTING ENTITY.*—*The term*
4 *‘public broadcasting entity’ has the same meaning*
5 *given such term in section 397 of the Communica-*
6 *tions Act of 1934.*

7 **“SEC. 11559. ADMINISTRATIVE PROVISIONS.**

8 “(a) *CONTINUING ELIGIBILITY.*—

9 “(1) *IN GENERAL.*—*In order to be eligible to re-*
10 *ceive a grant under section 11554 for a second 3-year*
11 *grant period an eligible entity shall demonstrate in*
12 *the application submitted pursuant to section 11556*
13 *that such partnership shall—*

14 “(A) *continue to provide services in the sub-*
15 *ject areas and geographic areas assisted with*
16 *funds received under this subpart for the pre-*
17 *vious 5-year grant period; and*

18 “(B) *use all grant funds received under this*
19 *subpart for the second 3-year grant period to*
20 *provide expanded services by—*

21 “(i) *increasing the number of students,*
22 *schools, or school districts served by the*
23 *courses of instruction assisted under this*
24 *part in the previous fiscal year;*

1 “(ii) providing new courses of instruc-
2 tion; and

3 “(iii) serving new populations of un-
4 derserved individuals, such as children or
5 adults who are disadvantaged, have limited
6 English proficiency, are individuals with
7 disabilities, are illiterate, or lack secondary
8 school diplomas or their recognized equiva-
9 lent.

10 “(2) *SPECIAL RULE.*—Grant funds received pur-
11 suant to paragraph (1) shall be used to supplement
12 and not supplant services provided by the grant re-
13 cipient under this subpart in the previous fiscal year.

14 “(b) *FEDERAL ACTIVITIES.*—The Secretary may assist
15 grant recipients under section 11554 in acquiring satellite
16 time, where appropriate, as economically as possible.

17 **“SEC. 11560. OTHER ASSISTANCE.**

18 “(a) *SPECIAL STATEWIDE NETWORK.*—

19 “(1) *IN GENERAL.*—The Secretary, through the
20 Office of Educational Technology, may provide assist-
21 ance to a statewide telecommunications network
22 under this subsection if such network—

23 “(A) provides 2-way full motion interactive
24 video and audio communications;

1 “(B) links together public colleges and uni-
2 versities and secondary schools throughout the
3 State; and

4 “(C) meets any other requirements deter-
5 mined appropriate by the Secretary.

6 “(2) STATE CONTRIBUTION.—A statewide tele-
7 communications network assisted under paragraph
8 (1) shall contribute, either directly or through private
9 contributions, non-Federal funds equal to not less
10 than 50 percent of the cost of such network.

11 “(b) SPECIAL LOCAL NETWORK.—

12 “(1) IN GENERAL.—The Secretary may provide
13 assistance, on a competitive basis, to a local edu-
14 cational agency or consortium thereof to enable such
15 agency or consortium to establish a high technology
16 demonstration program.

17 “(2) PROGRAM REQUIREMENTS.—A high tech-
18 nology demonstration program assisted under para-
19 graph (1) shall—

20 “(A) include 2-way full motion interactive
21 video, audio, and text communications;

22 “(B) link together elementary schools and
23 secondary schools, colleges, and universities;

24 “(C) provide parent participation and fam-
25 ily programs;

1 “(D) include a staff development program;
2 and

3 “(E) have a significant contribution and
4 participation from business and industry.

5 “(3) *MATCHING REQUIREMENT.*—A local edu-
6 cational agency or consortium receiving a grant
7 under paragraph (1) shall provide, either directly or
8 through private contributions, non-Federal matching
9 funds equal to not less than 50 percent of the amount
10 of the grant.

11 “(c) *TELECOMMUNICATIONS PROGRAMS FOR CON-*
12 *TINUING EDUCATION.*—

13 “(1) *AUTHORITY.*—The Secretary is authorized
14 to award grants, on a competitive basis, to eligible
15 entities to develop and operate 1 or more programs
16 which provide online access to educational resources
17 in support of continuing education and curriculum
18 requirements relevant to achieving a secondary school
19 diploma or its recognized equivalent. The program
20 authorized by this section shall be designed to advance
21 adult literacy, secondary school completion, and the
22 acquisition of specified competency by the end of the
23 12th grade.

1 “(2) *APPLICATION.*—*Each eligible entity desiring*
2 *a grant under this section shall submit an applica-*
3 *tion to the Secretary. Each such application shall—*

4 “(A) *demonstrate that the applicant will*
5 *use publicly funded or free public telecommuni-*
6 *cations infrastructure to deliver video, voice, and*
7 *data in an integrated service to support and as-*
8 *sisst in the acquisition of a secondary school di-*
9 *ploma or its recognized equivalent;*

10 “(B) *assure that the content of the materials*
11 *to be delivered is consistent with the accredita-*
12 *tion requirements of the State for which such*
13 *materials are used;*

14 “(C) *incorporate, to the extent feasible, ma-*
15 *terials developed in the Federal departments and*
16 *agencies and under appropriate federally funded*
17 *projects and programs;*

18 “(D) *assure that the applicant has the tech-*
19 *nological and substantive experience to carry out*
20 *the program; and*

21 “(E) *contain such additional assurances as*
22 *the Secretary may reasonably require.*

23 **“Subpart 3—Arts in Education**

24 **“SEC. 11571. FINDINGS AND PURPOSE.**

25 “(a) *FINDINGS.*—*Congress finds that—*

1 “(1) the arts are forms of understanding and
2 ways of knowing that are fundamentally important to
3 education;

4 “(2) the arts are important to excellent edu-
5 cation and to effective school reform;

6 “(3) the most significant contribution of the arts
7 to education reform is the transformation of teaching
8 and learning;

9 “(4) such transformation is best realized in the
10 context of comprehensive, systemic education reform;

11 “(5) a growing body of research indicates that
12 arts education provides significant cognitive benefits
13 and can bolster academic achievement for all stu-
14 dents;

15 “(6) participation in performing arts activities
16 has proven to be an effective strategy for promoting
17 the inclusion of persons with disabilities in main-
18 stream settings;

19 “(7) opportunities in the arts have enabled per-
20 sons of all ages with disabilities to participate more
21 fully in school and community activities;

22 “(8) the arts can motivate at-risk students to
23 stay in school and become active participants in the
24 educational process; and

1 “(9) arts education should be an integral part of
2 *the elementary school and secondary school cur-*
3 *riculum.*

4 “(b) *PURPOSES.*—*The purposes of this section are to—*

5 “(1) *support systemic education reform by*
6 *strengthening arts education as an integral part of*
7 *the elementary school and secondary school cur-*
8 *riculum;*

9 “(2) *help ensure that all students have the oppor-*
10 *tunity to learn to challenging State content standards*
11 *and challenging State student performance standards*
12 *in the arts; and*

13 “(3) *support the national effort to enable all stu-*
14 *dents to demonstrate competence in the arts.*

15 “(c) *ELIGIBLE RECIPIENTS.*—*In order to carry out the*
16 *purposes of this section, the Secretary is authorized to*
17 *award grants to, or enter into contracts or cooperative*
18 *agreements with—*

19 “(1) *State educational agencies;*

20 “(2) *local educational agencies;*

21 “(3) *institutions of higher education;*

22 “(4) *museums and other cultural institutions;*

23 *and*

24 “(5) *other public and private agencies, institu-*
25 *tions, and organizations.*

1 “(d) *AUTHORIZED ACTIVITIES.*—*Funds under this sec-*
2 *tion may be used for—*

3 “(1) *research on arts education;*

4 “(2) *the development of, and dissemination of in-*
5 *formation about, model arts education programs;*

6 “(3) *the development of model arts education as-*
7 *sessments based on high standards;*

8 “(4) *the development and implementation of cur-*
9 *riculum frameworks for arts education;*

10 “(5) *the development of model preservice and in-*
11 *service professional development programs for arts*
12 *educators and other instructional staff;*

13 “(6) *supporting collaborative activities with*
14 *other Federal agencies or institutions involved in arts*
15 *education, such as the National Endowment for the*
16 *Arts, the Institute of Museum and Library Services,*
17 *the John F. Kennedy Center for the Performing Arts,*
18 *VSA Arts, and the National Gallery of Art;*

19 “(7) *supporting model projects and programs in*
20 *the performing arts for children and youth through*
21 *arrangements made with the John F. Kennedy Center*
22 *for the Performing Arts;*

23 “(8) *supporting model projects and programs by*
24 *VSA Arts which assure the participation in main-*

1 *stream settings in arts and education programs of in-*
2 *dividuals with disabilities;*

3 *“(9) supporting model projects and programs to*
4 *integrate arts education into the regular elementary*
5 *school and secondary school curriculum; and*

6 *“(10) other activities that further the purposes of*
7 *this section.*

8 *“(e) COORDINATION.—*

9 *“(1) IN GENERAL.—A recipient of funds under*
10 *this section shall, to the extent possible, coordinate*
11 *projects assisted under this section with appropriate*
12 *activities of public and private cultural agencies, in-*
13 *stitutions, and organizations, including museums,*
14 *arts education associations, libraries, and theaters.*

15 *“(2) SPECIAL RULE.—In carrying out this sec-*
16 *tion, the Secretary shall coordinate with the National*
17 *Endowment for the Arts, the Institute of Museum and*
18 *Library Services, the John F. Kennedy Center for the*
19 *Performing Arts, VSA Arts, and the National Gallery*
20 *of Art.*

21 *“(f) SPECIAL RULE.—If the amount made available*
22 *to the Secretary to carry out this subpart for any fiscal*
23 *year is \$15,000,000 or less, then such amount shall only*
24 *be available to carry out the activities described in para-*
25 *graphs (7) and (8) of subsection (d).*

1 **“Subpart 4—School Counseling**
2 **“SEC. 11601. ELEMENTARY SCHOOL AND SECONDARY**
3 **SCHOOL COUNSELING DEMONSTRATION.**

4 “(a) *COUNSELING DEMONSTRATION.*—

5 “(1) *IN GENERAL.*—*The Secretary may award*
6 *grants under this section to local educational agencies*
7 *to enable the local educational agencies to establish or*
8 *expand elementary school and secondary school coun-*
9 *seling programs.*

10 “(2) *PRIORITY.*—*In awarding grants under this*
11 *section, the Secretary shall give special consideration*
12 *to applications describing programs that—*

13 “(A) *demonstrate the greatest need for new*
14 *or additional counseling services among the chil-*
15 *dren in the schools served by the applicant;*

16 “(B) *propose the most promising and inno-*
17 *vative approaches for initiating or expanding*
18 *school counseling; and*

19 “(C) *show the greatest potential for replica-*
20 *tion and dissemination.*

21 “(3) *EQUITABLE DISTRIBUTION.*—*In awarding*
22 *grants under this section, the Secretary shall ensure*
23 *an equitable geographic distribution among the re-*
24 *gions of the United States and among urban, subur-*
25 *ban, and rural areas.*

1 “(4) *DURATION.*—*A grant under this section*
2 *shall be awarded for a period not to exceed three*
3 *years.*

4 “(5) *MAXIMUM GRANT.*—*A grant under this sec-*
5 *tion shall not exceed \$400,000 for any fiscal year.*

6 “(b) *APPLICATIONS.*—

7 “(1) *IN GENERAL.*—*Each local educational agen-*
8 *cy desiring a grant under this section shall submit an*
9 *application to the Secretary at such time, in such*
10 *manner, and accompanied by such information as the*
11 *Secretary may reasonably require.*

12 “(2) *CONTENTS.*—*Each application for a grant*
13 *under this section shall—*

14 “(A) *describe the school population to be*
15 *targeted by the program, the particular personal,*
16 *social, emotional, educational, and career devel-*
17 *opment needs of such population, and the cur-*
18 *rent school counseling resources available for*
19 *meeting such needs;*

20 “(B) *describe the activities, services, and*
21 *training to be provided by the program and the*
22 *specific approaches to be used to meet the needs*
23 *described in subparagraph (A);*

1 “(C) describe the methods to be used to
2 evaluate the outcomes and effectiveness of the
3 program;

4 “(D) describe the collaborative efforts to be
5 undertaken with institutions of higher education,
6 businesses, labor organizations, community
7 groups, social service agencies, and other public
8 or private entities to enhance the program and
9 promote school-linked services integration;

10 “(E) describe collaborative efforts with in-
11 stitutions of higher education which specifically
12 seek to enhance or improve graduate programs
13 specializing in the preparation of school coun-
14 selors, school psychologists, and school social
15 workers;

16 “(F) document that the applicant has the
17 personnel qualified to develop, implement, and
18 administer the program;

19 “(G) describe how any diverse cultural pop-
20 ulations, if applicable, would be served through
21 the program;

22 “(H) assure that the funds made available
23 under this subpart for any fiscal year will be
24 used to supplement and, to the extent prac-
25 ticable, increase the level of funds that would oth-

1 *erwise be available from non-Federal sources for*
2 *the program described in the application, and in*
3 *no case supplant such funds from non-Federal*
4 *sources; and*

5 “(I) *assure that the applicant will appoint*
6 *an advisory board composed of parents, school*
7 *counselors, school psychologists, school social*
8 *workers, other pupil services personnel, teachers,*
9 *school administrators, and community leaders to*
10 *advise the local educational agency on the design*
11 *and implementation of the program.*

12 “(c) *USE OF FUNDS.—*

13 “(1) *IN GENERAL.—From amounts made avail-*
14 *able to carry out this section, the Secretary shall*
15 *award grants to local education agencies to be used*
16 *to initiate or expand elementary or secondary school*
17 *counseling programs that comply with the require-*
18 *ments of paragraph (2).*

19 “(2) *PROGRAM REQUIREMENTS.—Each program*
20 *assisted under this section shall—*

21 “(A) *be comprehensive in addressing the*
22 *personal, social, emotional, and educational*
23 *needs of all students;*

24 “(B) *use a developmental, preventive ap-*
25 *proach to counseling;*

1 “(C) increase the range, availability, quan-
2 tity, and quality of counseling services in the
3 schools of the local educational agency;

4 “(D) expand counseling services only
5 through qualified school counselors, school psy-
6 chologists, and school social workers;

7 “(E) use innovative approaches to increase
8 children’s understanding of peer and family re-
9 lationships, work and self, decisionmaking, or
10 academic and career planning, or to improve so-
11 cial functioning;

12 “(F) provide counseling services that are
13 well-balanced among classroom group and small
14 group counseling, individual counseling, and
15 consultation with parents, teachers, administra-
16 tors, and other pupil services personnel;

17 “(G) include inservice training for school
18 counselors, school social workers, school psycholo-
19 gists, other pupil services personnel, teachers,
20 and instructional staff;

21 “(H) involve parents of participating stu-
22 dents in the design, implementation, and evalua-
23 tion of a counseling program;

24 “(I) involve collaborative efforts with insti-
25 tutions of higher education, businesses, labor or-

1 *ganizations, community groups, social service*
2 *agencies, or other public or private entities to en-*
3 *hance the program and promote school-linked*
4 *services integration; and*

5 *“(J) evaluate annually the effectiveness and*
6 *outcomes of the counseling services and activities*
7 *assisted under this section.*

8 *“(3) REPORT.—The Secretary shall issue a re-*
9 *port evaluating the programs assisted pursuant to*
10 *each grant under this subpart at the end of each*
11 *grant period.*

12 *“(4) DISSEMINATION.—The Secretary shall make*
13 *the programs assisted under this section available for*
14 *dissemination, either through the National Diffusion*
15 *Network or other appropriate means.*

16 *“(5) LIMIT ON ADMINISTRATION.—Not more than*
17 *5 percent of the amounts made available under this*
18 *section in any fiscal year shall be used for adminis-*
19 *trative costs to carry out this section.*

20 *“(d) DEFINITIONS.—For purposes of this section:*

21 *“(1) SCHOOL COUNSELOR.—The term ‘school*
22 *counselor’ means an individual who has documented*
23 *competence in counseling children and adolescents in*
24 *a school setting and who—*

1 “(A) possesses State licensure or certifi-
2 cation granted by an independent professional
3 regulatory authority;

4 “(B) in the absence of such State licensure
5 or certification, possesses national certification
6 in school counseling or a specialty of counseling
7 granted by an independent professional organi-
8 zation; or

9 “(C) holds a minimum of a master’s degree
10 in school counseling from a program accredited
11 by the Council for Accreditation of Counseling
12 and Related Educational Programs or the equiv-
13 alent.

14 “(2) SCHOOL PSYCHOLOGIST.—The term ‘school
15 psychologist’ means an individual who—

16 “(A) possesses a minimum of 60 graduate
17 semester hours in school psychology from an in-
18 stitution of higher education and has completed
19 1,200 clock hours in a supervised school psy-
20 chology internship, of which 600 hours shall be
21 in the school setting;

22 “(B) possesses State licensure or certifi-
23 cation in the State in which the individual
24 works; or

1 “(C) *in the absence of such State licensure*
2 *or certification, possesses national certification*
3 *by the National School Psychology Certification*
4 *Board.*

5 “(3) *SCHOOL SOCIAL WORKER.*—*The term ‘school*
6 *social worker’ means an individual who—*

7 “(A)(i) *holds a master’s degree in social*
8 *work from a program accredited by the Council*
9 *on Social Work Education; and*

10 “(ii) *is licensed or certified by the State in*
11 *which services are provided; or*

12 “(B) *in the absence of such licensure or cer-*
13 *tification, possesses a national certification or*
14 *credential as a school social work specialist that*
15 *has been awarded by an independent profes-*
16 *sional organization.*

17 “(4) *SUPERVISOR.*—*The term ‘supervisor’ means*
18 *an individual who has the equivalent number of years*
19 *of professional experience in such individual’s respec-*
20 *tive discipline as is required of teaching experience*
21 *for the supervisor or administrative credential in the*
22 *State of such individual.*

23 **“SEC. 11602. SPECIAL RULE.**

24 *“For any fiscal year in which the amount made avail-*
25 *able to carry out this subpart is at least \$60,000,000, then*

1 *at least \$60,000,000 shall be made available in such fiscal*
2 *year to establish or expand elementary school counseling*
3 *programs.*

4 **“Subpart 5—Partnerships in Character Education**

5 **“SEC. 11651. SHORT TITLE.**

6 *“This subpart may be cited as the ‘Strong Character*
7 *for Strong Schools Act’.*

8 **“SEC. 11652. PARTNERSHIPS IN CHARACTER EDUCATION**
9 **PROGRAM.**

10 *“(a) PROGRAM AUTHORIZED.—*

11 *“(1) IN GENERAL.—The Secretary is authorized*
12 *to award grants to eligible entities for the design and*
13 *implementation of character education programs that*
14 *may incorporate the elements of character described*
15 *in subsection (d).*

16 *“(2) ELIGIBLE ENTITY.—The term ‘eligible enti-*
17 *ty’ means—*

18 *“(A) a State educational agency in partner-*
19 *ship with 1 or more local educational agencies;*

20 *“(B) a State educational agency in partner-*
21 *ship with—*

22 *“(i) one or more local educational*
23 *agencies; and*

1 “(ii) one or more nonprofit organiza-
2 tions or entities, including institutions of
3 higher education;

4 “(C) a local educational agency or consor-
5 tium of local educational agencies; or

6 “(D) a local educational agency in partner-
7 ship with another nonprofit organization or en-
8 tity, including institutions of higher education.

9 “(3) *DURATION.*—Each grant under this section
10 shall be awarded for a period not to exceed 3 years,
11 of which the eligible entity shall not use more than 1
12 year for planning and program design.

13 “(4) *AMOUNT OF GRANTS FOR STATE EDU-*
14 *CATIONAL AGENCIES.*—Subject to the availability of
15 appropriations, the amount of grant made by the Sec-
16 retary to a State educational agency in a partnership
17 described in subparagraph (A) or (B) of paragraph
18 (2), that submits an application under subsection (b)
19 and that meets such requirements as the Secretary
20 may establish under this section, shall not be less than
21 \$500,000.

22 “(b) *APPLICATIONS.*—

23 “(1) *REQUIREMENT.*—Each eligible entity desir-
24 ing a grant under this section shall submit an appli-

1 *cation to the Secretary at such time and in such*
2 *manner as the Secretary may require.*

3 *“(2) CONTENTS OF APPLICATION.—Each appli-*
4 *cation submitted under this section shall include—*

5 *“(A) a description of any partnerships or*
6 *collaborative efforts among the organizations and*
7 *entities of the eligible entity;*

8 *“(B) a description of the goals and objec-*
9 *tives of the program proposed by the eligible en-*
10 *tity;*

11 *“(C) a description of activities that will be*
12 *pursued and how those activities will contribute*
13 *to meeting the goals and objectives described in*
14 *subparagraph (B), including—*

15 *“(i) how parents, students (including*
16 *students with physical and mental disabili-*
17 *ties), and other members of the community,*
18 *including members of private and nonprofit*
19 *organizations, will be involved in the design*
20 *and implementation of the program and*
21 *how the eligible entity will work with the*
22 *larger community to increase the reach and*
23 *promise of the program;*

24 *“(ii) curriculum and instructional*
25 *practices that will be used or developed;*

1 “(iii) methods of teacher training and
2 parent education that will be used or devel-
3 oped; and

4 “(iv) how the program will be linked to
5 other efforts in the schools to improve stu-
6 dent performance;

7 “(D) in the case of an eligible entity that is
8 a State educational agency—

9 “(i) a description of how the State edu-
10 cational agency will provide technical and
11 professional assistance to its local edu-
12 cational agency partners in the development
13 and implementation of character education
14 programs; and

15 “(ii) a description of how the State
16 educational agency will assist other inter-
17 ested local educational agencies that are not
18 members of the original partnership in de-
19 signing and establishing character edu-
20 cation programs;

21 “(E) a description of how the eligible entity
22 will evaluate the success of its program—

23 “(i) based on the goals and objectives
24 described in subparagraph (B); and

1 “(ii) in cooperation with the national
2 evaluation conducted pursuant to subsection
3 (c)(2)(B)(iii);

4 “(F) an assurance that the eligible entity
5 annually will provide to the Secretary such in-
6 formation as may be required to determine the
7 effectiveness of the program; and

8 “(G) any other information that the Sec-
9 retary may require.

10 “(c) *EVALUATION AND PROGRAM DEVELOPMENT.*—

11 “(1) *EVALUATION AND REPORTING.*—

12 “(A) *STATE AND LOCAL REPORTING AND*
13 *EVALUATION.*—Each eligible entity receiving a
14 grant under this section shall submit to the Sec-
15 retary a comprehensive evaluation of the pro-
16 gram assisted under this section, including the
17 impact on students (including students with
18 physical and mental disabilities), teachers, ad-
19 ministrators, parents, and others—

20 “(i) by the second year of the program;
21 and

22 “(ii) not later than 1 year after com-
23 pletion of the grant period.

24 “(B) *CONTRACTS FOR EVALUATION.*—Each
25 eligible entity receiving a grant under this sec-

1 *tion may contract with outside sources, includ-*
2 *ing institutions of higher education, and private*
3 *and nonprofit organizations, for purposes of*
4 *evaluating its program and measuring the suc-*
5 *cess of the program toward fostering character in*
6 *students.*

7 “(2) *NATIONAL RESEARCH, DISSEMINATION, AND*
8 *EVALUATION.—*

9 “(A) *IN GENERAL.—The Secretary is au-*
10 *thorized to make grants to, or enter into con-*
11 *tracts or cooperative agreements with, State or*
12 *local educational agencies, institutions of higher*
13 *education, tribal organizations, or other public*
14 *or private agencies or organizations to carry out*
15 *research, development, dissemination, technical*
16 *assistance, and evaluation activities that support*
17 *or inform State and local character education*
18 *programs. The Secretary shall reserve not more*
19 *than 5 percent of the funds made available under*
20 *this section to carry out this paragraph.*

21 “(B) *USES.—Funds made available under*
22 *subparagraph (A) may be used—*

23 “(i) *to conduct research and develop-*
24 *ment activities that focus on matters such*
25 *as—*

1 “(I) the effectiveness of instruc-
2 tional models for all students, includ-
3 ing students with physical and mental
4 disabilities;

5 “(II) materials and curricula that
6 can be used by programs in character
7 education;

8 “(III) models of professional de-
9 velopment in character education; and

10 “(IV) the development of measures
11 of effectiveness for character education
12 programs which may include the fac-
13 tors described in paragraph (3);

14 “(ii) to provide technical assistance to
15 State and local programs, particularly on
16 matters of program evaluation;

17 “(iii) to conduct a national evaluation
18 of State and local programs receiving fund-
19 ing under this section; and

20 “(iv) to compile and disseminate,
21 through various approaches (such as a na-
22 tional clearinghouse)—

23 “(I) information on model char-
24 acter education programs;

1 “(II) *character education materials and curricula;*

2
3 “(III) *research findings in the*
4 *area of character education and character*
5 *development; and*

6 “(IV) *any other information that*
7 *will be useful to character education*
8 *program participants, educators, par-*
9 *ents, administrators, and others na-*
10 *tionwide.*

11 “(C) *PRIORITY.—In carrying out national*
12 *activities under this paragraph related to devel-*
13 *opment, dissemination, and technical assistance,*
14 *the Secretary shall seek to enter into partner-*
15 *ships with national, nonprofit character edu-*
16 *cation organizations with expertise and success-*
17 *ful experience in implementing local character*
18 *education programs that have had an effective*
19 *impact on schools, students (including students*
20 *with disabilities), and teachers.*

21 “(3) *FACTORS.—Factors which may be consid-*
22 *ered in evaluating the success of programs funded*
23 *under this section may include—*

24 “(A) *discipline issues;*

25 “(B) *student performance;*

1 “(C) *participation in extracurricular ac-*
2 *tivities;*

3 “(D) *parental and community involvement;*

4 “(E) *faculty and administration involve-*
5 *ment;*

6 “(F) *student and staff morale; and*

7 “(G) *overall improvements in school climate*
8 *for all students, including students with physical*
9 *and mental disabilities.*

10 “(d) *ELEMENTS OF CHARACTER.—Each eligible entity*
11 *desiring funding under this section shall develop character*
12 *education programs that may incorporate elements of char-*
13 *acter such as—*

14 “(1) *caring;*

15 “(2) *civic virtue and citizenship;*

16 “(3) *justice and fairness;*

17 “(4) *respect;*

18 “(5) *responsibility;*

19 “(6) *trustworthiness; and*

20 “(7) *any other elements deemed appropriate by*
21 *the members of the eligible entity.*

22 “(e) *USE OF FUNDS BY STATE EDUCATIONAL AGENCY*
23 *RECIPIENTS.—Of the total funds received in any fiscal year*
24 *under this section by an eligible entity that is a State edu-*
25 *cational agency—*

1 “(1) not more than 10 percent of such funds may
2 be used for administrative purposes; and

3 “(2) the remainder of such funds may be used
4 for—

5 “(A) collaborative initiatives with and be-
6 tween local educational agencies and schools;

7 “(B) the preparation or purchase of mate-
8 rials, and teacher training;

9 “(C) grants to local educational agencies,
10 schools, or institutions of higher education; and

11 “(D) technical assistance and evaluation.

12 “(f) SELECTION OF GRANTEES.—

13 “(1) CRITERIA.—The Secretary shall select,
14 through peer review, eligible entities to receive grants
15 under this section on the basis of the quality of the
16 applications submitted under subsection (b), taking
17 into consideration such factors as—

18 “(A) the quality of the activities proposed to
19 be conducted;

20 “(B) the extent to which the program fosters
21 character in students and the potential for im-
22 proved student performance;

23 “(C) the extent and ongoing nature of pa-
24 rental, student, and community involvement;

1 “(D) the quality of the plan for measuring
2 and assessing success; and

3 “(E) the likelihood that the goals of the pro-
4 gram will be realistically achieved.

5 “(2) DIVERSITY OF PROJECTS.—The Secretary
6 shall approve applications under this section in a
7 manner that ensures, to the extent practicable, that
8 programs assisted under this section—

9 “(A) serve different areas of the Nation, in-
10 cluding urban, suburban, and rural areas; and

11 “(B) serve schools that serve minorities, Na-
12 tive Americans, students of limited-English pro-
13 ficiency, disadvantaged students, and students
14 with disabilities.

15 “(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN
16 AND TEACHERS.—Grantees under this section shall provide,
17 to the extent feasible and appropriate, for the participation
18 of students and teachers in private elementary and sec-
19 ondary schools in programs and activities under this sec-
20 tion.

21 **“Subpart 6—Women’s Educational Equity Act**

22 **“SEC. 11701. SHORT TITLE; FINDINGS.**

23 “(a) SHORT TITLE.—This subpart may be cited as the
24 ‘Women’s Educational Equity Act of 2001’.

25 “(b) FINDINGS.—Congress finds that—

1 “(1) since the enactment of title IX of the Edu-
2 cation Amendments of 1972, women and girls have
3 made strides in educational achievement and in their
4 ability to avail themselves of educational opportuni-
5 ties;

6 “(2) because of funding provided under the
7 Women’s Educational Equity Act, more curricula,
8 training, and other educational materials concerning
9 educational equity for women and girls are available
10 for national dissemination;

11 “(3) teaching and learning practices in the
12 United States are frequently inequitable as such prac-
13 tices relate to women and girls, for example—

14 “(A) sexual harassment, particularly that
15 experienced by girls, undermines the ability of
16 schools to provide a safe and equitable learning
17 or workplace environment;

18 “(B) classroom textbooks and other edu-
19 cational materials do not sufficiently reflect the
20 experiences, achievements, or concerns of women
21 and, in most cases, are not written by women or
22 persons of color;

23 “(C) girls do not take as many mathematics
24 and science courses as boys, girls lose confidence
25 in their mathematics and science ability as girls

1 *move through adolescence, and there are few*
2 *women role models in the sciences; and*

3 “(D) *pregnant and parenting teenagers are*
4 *at high risk for dropping out of school and exist-*
5 *ing dropout prevention programs do not ade-*
6 *quately address the needs of such teenagers;*

7 “(4) *efforts to improve the quality of public edu-*
8 *cation also must include efforts to ensure equal access*
9 *to quality education programs for all women and*
10 *girls;*

11 “(5) *Federal support should address not only re-*
12 *search and development of innovative model curricula*
13 *and teaching and learning strategies to promote gen-*
14 *der equity, but should also assist schools and local*
15 *communities implement gender equitable practices;*

16 “(6) *Federal assistance for gender equity must be*
17 *tied to systemic reform, involve collaborative efforts to*
18 *implement effective gender practices at the local level,*
19 *and encourage parental participation; and*

20 “(7) *excellence in education, high educational*
21 *achievements and standards, and the full participa-*
22 *tion of women and girls in American society, cannot*
23 *be achieved without educational equity for women*
24 *and girls.*

1 **“SEC. 11702. STATEMENT OF PURPOSES.**

2 *“It is the purpose of this subpart—*

3 *“(1) to promote gender equity in education in*
4 *the United States;*

5 *“(2) to provide financial assistance to enable*
6 *educational agencies and institutions to meet the re-*
7 *quirements of title IX of the Educational Amend-*
8 *ments of 1972; and*

9 *“(3) to promote equity in education for women*
10 *and girls who suffer from multiple forms of discrimi-*
11 *nation based on sex, race, ethnic origin, limited*
12 *English proficiency, disability, or age.*

13 **“SEC. 11703. PROGRAMS AUTHORIZED.**

14 *“(a) IN GENERAL.—The Secretary is authorized—*

15 *“(1) to promote, coordinate, and evaluate gender*
16 *equity policies, programs, activities, and initiatives*
17 *in all Federal education programs and offices;*

18 *“(2) to develop, maintain, and disseminate ma-*
19 *terials, resources, analyses, and research relating to*
20 *education equity for women and girls;*

21 *“(3) to provide information and technical assist-*
22 *ance to assure the effective implementation of gender*
23 *equity programs;*

24 *“(4) to coordinate gender equity programs and*
25 *activities with other Federal agencies with jurisdic-*
26 *tion over education and related programs;*

1 “(i) assisting educational agencies and
2 institutions to implement policies and prac-
3 tices to comply with title IX of the Edu-
4 cation Amendments of 1972;

5 “(ii) training for teachers, counselors,
6 administrators, and other school personnel,
7 especially preschool and elementary school
8 personnel, in gender equitable teaching and
9 learning practices;

10 “(iii) leadership training for women
11 and girls to develop professional and mar-
12 ketable skills to compete in the global mar-
13 ketplace, improve self-esteem, and benefit
14 from exposure to positive role models;

15 “(iv) school-to-work transition pro-
16 grams, guidance and counseling activities,
17 and other programs to increase opportuni-
18 ties for women and girls to enter a techno-
19 logically demanding workplace and, in par-
20 ticular, to enter highly skilled, high paying
21 careers in which women and girls have been
22 underrepresented;

23 “(v) enhancing educational and career
24 opportunities for those women and girls
25 who suffer multiple forms of discrimination,

1 *based on sex, and on race, ethnic origin,*
2 *limited English proficiency, disability, so-*
3 *cioeconomic status, or age;*

4 “(vi) *assisting pregnant students and*
5 *students rearing children to remain in or to*
6 *return to secondary school, graduate, and*
7 *prepare their preschool children to start*
8 *school;*

9 “(vii) *evaluating exemplary model pro-*
10 *grams to assess the ability of such programs*
11 *to advance educational equity for women*
12 *and girls;*

13 “(viii) *introduction into the classroom*
14 *of textbooks, curricula, and other materials*
15 *designed to achieve equity for women and*
16 *girls;*

17 “(ix) *programs and policies to address*
18 *sexual harassment and violence against*
19 *women and girls and to ensure that edu-*
20 *cational institutions are free from threats to*
21 *the safety of students and personnel;*

22 “(x) *nondiscriminatory tests of apti-*
23 *tude and achievement and of alternative as-*
24 *essments that eliminate biased assessment*
25 *instruments from use;*

1 “(xi) programs to increase educational
2 opportunities, including higher education,
3 vocational training, and other educational
4 programs for low-income women, including
5 underemployed and unemployed women,
6 and women receiving assistance under a
7 State program funded under part A of title
8 IV of the Social Security Act;

9 “(xii) programs to improve representa-
10 tion of women in educational administra-
11 tion at all levels; and

12 “(xiii) planning, development, and ini-
13 tial implementation of—

14 “(I) comprehensive institution-
15 wide or districtwide evaluation to as-
16 sess the presence or absence of gender
17 equity in educational settings;

18 “(II) comprehensive plans for im-
19 plementation of equity programs in
20 State and local educational agencies
21 and institutions of higher education,
22 including community colleges; and

23 “(III) innovative approaches to
24 school-community partnerships for
25 educational equity;

1 “(B) for research and development, which
2 shall be coordinated with each of the research in-
3 stitutes of the Office of Educational Research
4 and Improvement to avoid duplication of re-
5 search efforts, designed to advance gender equity
6 nationwide and to help make policies and prac-
7 tices in educational agencies and institutions,
8 and local communities, gender equitable,
9 including—

10 “(i) research and development of inno-
11 vative strategies and model training pro-
12 grams for teachers and other education per-
13 sonnel;

14 “(ii) the development of high-quality
15 and challenging assessment instruments
16 that are nondiscriminatory;

17 “(iii) the development and evaluation
18 of model curricula, textbooks, software, and
19 other educational materials to ensure the
20 absence of gender stereotyping and bias;

21 “(iv) the development of instruments
22 and procedures that employ new and inno-
23 vative strategies to assess whether diverse
24 educational settings are gender equitable;

1 “(v) the development of instruments
2 and strategies for evaluation, dissemination,
3 and replication of promising or exemplary
4 programs designed to assist local edu-
5 cational agencies in integrating gender eq-
6 uity in their educational policies and prac-
7 tices;

8 “(vi) updating high-quality edu-
9 cational materials previously developed
10 through awards made under this subpart;

11 “(vii) the development of policies and
12 programs to address and prevent sexual
13 harassment and violence to ensure that edu-
14 cational institutions are free from threats to
15 safety of students and personnel;

16 “(viii) the development and improve-
17 ment of programs and activities to increase
18 opportunity for women, including con-
19 tinuing educational activities, vocational
20 education, and programs for low-income
21 women, including underemployed and un-
22 employed women, and women receiving as-
23 sistance under the State program funded
24 under part A of title IV of the Social Secu-
25 rity Act; and

1 “(ix) the development of guidance and
2 counseling activities, including career edu-
3 cation programs, designed to ensure gender
4 equity.

5 **“SEC. 11704. APPLICATIONS.**

6 “An application under this subpart shall—

7 “(1) set forth policies and procedures that will
8 ensure a comprehensive evaluation of the activities as-
9 sisted under this subpart, including an evaluation of
10 the practices, policies, and materials used by the ap-
11 plicant and an evaluation or estimate of the contin-
12 ued significance of the work of the project following
13 completion of the award period;

14 “(2) demonstrate how the applicant will address
15 perceptions of gender roles based on cultural dif-
16 ferences or stereotypes;

17 “(3) for applications for assistance under section
18 11703(b)(1), demonstrate how the applicant will fos-
19 ter partnerships and, where applicable, share re-
20 sources with State educational agencies, local edu-
21 cational agencies, institutions of higher education,
22 community-based organizations (including organiza-
23 tions serving women), parent, teacher, and student
24 groups, businesses, or other recipients of Federal edu-

1 *ational funding which may include State literacy re-*
2 *source centers;*

3 “(4) *for applications for assistance under section*
4 *11703(b)(1), demonstrate how parental involvement*
5 *in the project will be encouraged; and*

6 “(5) *for applications for assistance under section*
7 *11703(b)(1), describe plans for continuation of the ac-*
8 *tivities assisted under this subpart with local support*
9 *following completion of the grant period and termi-*
10 *nation of Federal support under this subpart.*

11 **“SEC. 11705. CRITERIA AND PRIORITIES.**

12 “(a) *CRITERIA AND PRIORITIES.—*

13 “(1) *IN GENERAL.—The Secretary shall establish*
14 *separate criteria and priorities for awards under*
15 *paragraphs (1) and (2) of section 11703(b) to ensure*
16 *that funds under this subpart are used for programs*
17 *that most effectively will achieve the purposes of this*
18 *part.*

19 “(2) *CRITERIA.—The criteria described in sub-*
20 *section (a) may include the extent to which the activi-*
21 *ties assisted under this part—*

22 “(A) *address the needs of women and girls*
23 *of color and women and girls with disabilities;*

24 “(B) *meet locally defined and documented*
25 *educational equity needs and priorities, includ-*

1 *ing compliance with title IX of the Education*
2 *Amendments of 1972;*

3 *“(C) are a significant component of a com-*
4 *prehensive plan for educational equity and com-*
5 *pliance with title IX of the Education Amend-*
6 *ments of 1972 in the particular school district,*
7 *institution of higher education, vocational-tech-*
8 *nical institution, or other educational agency or*
9 *institution; and*

10 *“(D) implement an institutional change*
11 *strategy with long-term impact that will con-*
12 *tinue as a central activity of the applicant after*
13 *the grant under this subpart has terminated.*

14 *“(b) PRIORITIES.—In approving applications under*
15 *this subpart, the Secretary may give special consideration*
16 *to applications—*

17 *“(1) submitted by applicants that have not re-*
18 *ceived assistance under this subpart or this subpart’s*
19 *predecessor authorities;*

20 *“(2) for projects that will contribute signifi-*
21 *cantly to directly improving teaching and learning*
22 *practices in the local community; and*

23 *“(3) for projects that will—*

1 “(A) provide for a comprehensive approach
2 to enhancing gender equity in educational insti-
3 tutions and agencies;

4 “(B) draw on a variety of resources, includ-
5 ing the resources of local educational agencies,
6 community-based organizations, institutions of
7 higher education, and private organizations;

8 “(C) implement a strategy with long-term
9 impact that will continue as a central activity
10 of the applicant after the grant under this sub-
11 part has terminated;

12 “(D) address issues of national significance
13 that can be duplicated; and

14 “(E) address the educational needs of
15 women and girls who suffer multiple or com-
16 pound discrimination based on sex and on race,
17 ethnic origin, disability, or age.

18 “(c) *SPECIAL RULE.*—To the extent feasible, the Sec-
19 retary shall ensure that grants awarded under this subpart
20 for each fiscal year address—

21 “(1) all levels of education, including preschool,
22 elementary and secondary education, higher edu-
23 cation, vocational education, and adult education;

24 “(2) all regions of the United States; and

1 “(3) urban, rural, and suburban educational in-
2 stitutions.

3 “(d) *COORDINATION.*—*Research activities supported*
4 *under this subpart—*

5 “(1) *shall be carried out in consultation with the*
6 *Office of Educational Research and Improvement to*
7 *ensure that such activities are coordinated with and*
8 *enhance the research and development activities sup-*
9 *ported by the Office; and*

10 “(2) *may include collaborative research activities*
11 *which are jointly funded and carried out with the Of-*
12 *fice of Educational Research and Improvement.*

13 “(e) *LIMITATION.*—*Nothing in this subpart shall be*
14 *construed as prohibiting men and boys from participating*
15 *in any programs or activities assisted with funds under this*
16 *subpart.*

17 **“SEC. 11706. REPORT.**

18 “*The Secretary, not later than January 1, 2007, shall*
19 *submit to the President and Congress a report on the status*
20 *of educational equity for girls and women in the Nation.*

21 **“SEC. 11707. ADMINISTRATION.**

22 “(a) *EVALUATION AND DISSEMINATION.*—*The Sec-*
23 *retary shall evaluate and disseminate materials and pro-*
24 *grams developed under this subpart and shall report to Con-*

1 *gress regarding such evaluation materials and programs*
2 *not later than January 1, 2006.*

3 “(b) *PROGRAM OPERATIONS.*—*The Secretary shall en-*
4 *sure that the activities assisted under this subpart are ad-*
5 *ministered within the Department by a person who has rec-*
6 *ognized professional qualifications and experience in the*
7 *field of gender equity education.*

8 “**SEC. 11708. AMOUNT.**

9 “*From amounts made available to carry out this sub-*
10 *part for a fiscal year, not less than $\frac{2}{3}$ of such amount shall*
11 *be used to carry out the activities described in section*
12 *11703(b)(1).*

13 “**Subpart 7—Physical Education for Progress**

14 “**SEC. 11751. SHORT TITLE.**

15 “*This subpart may be cited as the ‘Physical Education*
16 *for Progress Act’.*

17 “**SEC. 11752. PURPOSE.**

18 “*The purpose of this subpart is to award grants and*
19 *contracts to initiate, expand and improve physical edu-*
20 *cation programs for all kindergarten through 12th grade*
21 *students.*

22 “**SEC. 11753. FINDINGS.**

23 “*Congress makes the following findings:*

24 “(1) *Physical education is essential to the devel-*
25 *opment of growing children.*

1 “(2) *Physical education helps improve the over-*
2 *all health of children by improving their cardio-*
3 *vascular endurance, muscular strength and power,*
4 *and flexibility, and by enhancing weight regulation,*
5 *bone development, posture, skillful moving, active life-*
6 *style habits, and constructive use of leisure time.*

7 “(3) *Physical education helps improve the self es-*
8 *teem, interpersonal relationships, responsible behav-*
9 *ior, and independence of children.*

10 “(4) *Children who participate in high quality*
11 *daily physical education programs tend to be more*
12 *healthy and physically fit.*

13 “(5) *The percentage of young people who are*
14 *overweight has more than doubled in the 30 years*
15 *preceding 1999.*

16 “(6) *Low levels of activity contribute to the high*
17 *prevalence of obesity among children in the United*
18 *States.*

19 “(7) *Obesity related diseases cost the United*
20 *States economy more than \$100,000,000,000 every*
21 *year.*

22 “(8) *Inactivity and poor diet cause at least*
23 *300,000 deaths a year in the United States.*

24 “(9) *Physically fit adults have significantly re-*
25 *duced risk factors for heart attacks and stroke.*

1 “(10) *Children are not as active as they should*
2 *be and fewer than one in four children get 20 minutes*
3 *of vigorous activity every day of the week.*

4 “(11) *The Surgeon General’s 1996 Report on*
5 *Physical Activity and Health, and the Centers for*
6 *Disease Control and Prevention, recommend daily*
7 *physical education for all students in kindergarten*
8 *through grade 12.*

9 “(12) *Twelve years after Congress passed House*
10 *Concurrent Resolution 97, 100th Congress, agreed to*
11 *December 11, 1987, encouraging State and local gov-*
12 *ernments and local educational agencies to provide*
13 *high quality daily physical education programs for*
14 *all children in kindergarten through grade 12, little*
15 *progress has been made.*

16 “(13) *Every student in our Nation’s schools,*
17 *from kindergarten through grade 12, should have the*
18 *opportunity to participate in quality physical edu-*
19 *cation. It is the unique role of quality physical edu-*
20 *cation programs to develop the health-related fitness,*
21 *physical competence, and cognitive understanding*
22 *about physical activity for all students so that the*
23 *students can adopt healthy and physically active life-*
24 *styles.*

1 **“SEC. 11754. PROGRAM AUTHORIZED.**

2 *“The Secretary is authorized to award grants to, and*
3 *enter into contracts with, local educational agencies and*
4 *community based organizations such as Boys and Girls*
5 *Clubs, Boy Scouts and Girl Scouts, and YMCA and YWCA,*
6 *to pay the Federal share of the costs of initiating, expand-*
7 *ing, and improving physical education programs, including*
8 *after school programs for kindergarten through grade 12*
9 *students by—*

10 *“(1) providing equipment and support to enable*
11 *students to actively participate in physical education*
12 *activities; and*

13 *“(2) providing funds for staff and teacher train-*
14 *ing and education.*

15 **“SEC. 11755. APPLICATIONS; PROGRAM ELEMENTS.**

16 *“(a) APPLICATIONS.—Each local educational agency*
17 *and community based organization desiring a grant or con-*
18 *tract under this subpart shall submit to the Secretary an*
19 *application that contains a plan to initiate, expand, or im-*
20 *prove physical education programs in order to make*
21 *progress toward meeting State standards for physical edu-*
22 *cation.*

23 *“(b) PROGRAM ELEMENTS.—A physical education*
24 *program described in any application submitted under sub-*
25 *section (a) may provide—*

1 “(1) *fitness education and assessment to help*
2 *children understand, improve, or maintain their*
3 *physical well-being;*

4 “(2) *instruction in a variety of motor skills and*
5 *physical activities designed to enhance the physical,*
6 *mental, and social or emotional development of every*
7 *child;*

8 “(3) *development of cognitive concepts about*
9 *motor skill and physical fitness that support a life-*
10 *long healthy lifestyle;*

11 “(4) *opportunities to develop positive social and*
12 *cooperative skills through physical activity participa-*
13 *tion;*

14 “(5) *instruction in healthy eating habits and*
15 *good nutrition; and*

16 “(6) *teachers of physical education the oppor-*
17 *tunity for professional development to stay abreast of*
18 *the latest research, issues, and trends in the field of*
19 *physical education.*

20 “(c) *SPECIAL RULE.—For the purpose of this subpart,*
21 *extracurricular activities such as team sports and Reserve*
22 *Officers’ Training Corps (ROTC) program activities shall*
23 *not be considered as part of the curriculum of a physical*
24 *education program assisted under this subpart.*

1 **“SEC. 11756. PROPORTIONALITY.**

2 *“The Secretary shall ensure that grants awarded and*
3 *contracts entered into under this subpart shall be equitably*
4 *distributed between local educational agencies and commu-*
5 *nity based organizations serving urban and rural areas,*
6 *and between local educational agencies and community*
7 *based organizations serving large and small numbers of stu-*
8 *dents.*

9 **“SEC. 11757. PRIVATE SCHOOL STUDENTS AND HOME-**
10 **SCHOOLED STUDENTS.**

11 *“An application for funds under this subpart may*
12 *provide for the participation, in the activities funded under*
13 *this subpart, of—*

14 *“(1) home-schooled children, and their parents*
15 *and teachers; or*

16 *“(2) children enrolled in private nonprofit ele-*
17 *mentary schools or secondary schools, and their par-*
18 *ents and teachers.*

19 **“SEC. 11758. REPORT REQUIRED FOR CONTINUED FUNDING.**

20 *“As a condition to continue to receive grant or con-*
21 *tract funding after the first year of a multiyear grant or*
22 *contract under this subpart, the administrator of the grant*
23 *or contract for the local educational agency or community*
24 *based organization shall submit to the Secretary an annual*
25 *report that describes the activities conducted during the pre-*

1 *ceding year and demonstrates that progress has been made*
2 *toward meeting State standards for physical education.*

3 **“SEC. 11759. REPORT TO CONGRESS.**

4 *“The Secretary shall submit a report to Congress not*
5 *later than June 1, 2003, that describes the programs as-*
6 *sisted under this subpart, documents the success of such pro-*
7 *grams in improving physical fitness, and makes such rec-*
8 *ommendations as the Secretary determines appropriate for*
9 *the continuation and improvement of the programs assisted*
10 *under this subpart.*

11 **“SEC. 11760. ADMINISTRATIVE COSTS.**

12 *“Not more than 5 percent of the grant or contract*
13 *funds made available to a local educational agency or com-*
14 *munity based organization under this subpart for any fiscal*
15 *year may be used for administrative costs.*

16 **“SEC. 11761. FEDERAL SHARE; SUPPLEMENT NOT SUP-**
17 **PLANT.**

18 *“(a) FEDERAL SHARE.—The Federal share under this*
19 *subpart may not exceed—*

20 *“(1) 90 percent of the total cost of a project for*
21 *the first year for which the project receives assistance*
22 *under this subpart; and*

23 *“(2) 75 percent of such cost for the second and*
24 *each subsequent such year.*

1 “(b) *SUPPLEMENT NOT SUPPLANT.*—Funds made
2 available under this subpart shall be used to supplement
3 and not supplant other Federal, State and local funds
4 available for physical education activities.

5 **“SEC. 11762. AVAILABILITY OF AMOUNTS.**

6 “Amounts made available to the Secretary to carry out
7 this subpart shall remain available until expended.

8 **“Subpart 8—Smaller Learning Communities**

9 **“SEC. 11801. SMALLER LEARNING COMMUNITIES.**

10 “(a) *IN GENERAL.*—Each local educational agency de-
11 siring a grant under this section shall submit an applica-
12 tion to the Secretary at such time, in such manner, and
13 accompanied by such information as the Secretary may re-
14 quire. Each such application shall describe—

15 “(1) strategies and methods the applicant will
16 use to create the smaller learning community or com-
17 munities;

18 “(2) curriculum and instructional practices, in-
19 cluding any particular themes or emphases, to be used
20 in the learning environment;

21 “(3) the extent of involvement of teachers and
22 other school personnel in investigating, designing, im-
23 plementing and sustaining the smaller learning com-
24 munity or communities;

1 “(4) the process to be used for involving students,
2 parents and other stakeholders in the development
3 and implementation of the smaller learning commu-
4 nity or communities;

5 “(5) any cooperation or collaboration among
6 community agencies, organizations, businesses, and
7 others to develop or implement a plan to create the
8 smaller learning community or communities;

9 “(6) the training and professional development
10 activities that will be offered to teachers and others
11 involved in the activities assisted under this part;

12 “(7) the goals and objectives of the activities as-
13 sisted under this part, including a description of how
14 such activities will better enable all students to reach
15 challenging State content standards and State student
16 performance standards;

17 “(8) the methods by which the applicant will as-
18 sess progress in meeting such goals and objectives;

19 “(9) if the smaller learning community or com-
20 munities exist as a school-within-a-school, the rela-
21 tionship, including governance and administration, of
22 the smaller learning community to the rest of the
23 school;

24 “(10) a description of the administrative and
25 managerial relationship between the local educational

1 *agency and the smaller learning community or com-*
2 *munities, including how such agency will demonstrate*
3 *a commitment to the continuity of the smaller learn-*
4 *ing community or communities, including the con-*
5 *tinuity of student and teacher assignment to a par-*
6 *ticular learning community;*

7 *“(11) how the applicant will coordinate or use*
8 *funds provided under this part with other funds pro-*
9 *vided under this Act or other Federal laws;*

10 *“(12) grade levels or ages of students who will*
11 *participate in the smaller learning community or*
12 *communities; and*

13 *“(13) the method of placing students in the*
14 *smaller learning community or communities, such*
15 *that students are not placed according to ability, per-*
16 *formance or any other measure, so that students are*
17 *placed at random or by their own choice, not pursu-*
18 *ant to testing or other judgments.*

19 *“(b) AUTHORIZED ACTIVITIES.—Funds under this sec-*
20 *tion may be used—*

21 *“(1) to study the feasibility of creating the small-*
22 *er learning community or communities as well as ef-*
23 *fective and innovative organizational and instruc-*
24 *tional strategies that will be used in the smaller*
25 *learning community or communities;*

1 “(2) to research, develop and implement strate-
2 gies for creating the smaller learning community or
3 communities, as well as effective and innovative
4 changes in curriculum and instruction, geared to high
5 State content standards and State student perform-
6 ance standards;

7 “(3) to provide professional development for
8 school staff in innovative teaching methods that chal-
9 lenge and engage students to be used in the smaller
10 learning community or communities; and

11 “(4) to develop and implement strategies to in-
12 clude parents, business representatives, local institu-
13 tions of higher education, community-based organiza-
14 tions, and other community members in the smaller
15 learning communities, as facilitators of activities that
16 enable teachers to participate in professional develop-
17 ment activities, as well as to provide links between
18 students and their community.

19 **“Subpart 9—Authorization of Appropriations**

20 **“SEC. 11901. AUTHORIZATION OF APPROPRIATIONS.**

21 *“For the purpose of carrying out this part, there are*
22 *authorized to be appropriated such sums as may be nec-*
23 *essary for fiscal year 2002 and for each of the 6 succeeding*
24 *fiscal years.”.*

1 **TITLE XVII—JOHN H. CHAFEE**
2 **ENVIRONMENTAL EDUCATION**
3 **ACT**

4 **SEC. 1701. SHORT TITLE.**

5 (a) *THIS TITLE.*—*This title may be cited as the “John*
6 *H. Chafee Environmental Education Act of 2001”.*

7 (b) *NATIONAL ENVIRONMENTAL EDUCATION ACT.*—
8 *Section 1(a) of the National Environmental Education Act*
9 *(20 U.S.C. 5501 note) is amended by striking “National*
10 *Environmental Education Act” and inserting “John H.*
11 *Chafee Environmental Education Act”.*

12 **SEC. 1702. OFFICE OF ENVIRONMENTAL EDUCATION.**

13 *Section 4 of the John H. Chafee Environmental Edu-*
14 *cation Act (20 U.S.C. 5503) is amended—*

15 (1) *in subsection (b)—*

16 (A) *in paragraph (1), by inserting “objec-*
17 *tive and scientifically sound” after “support”;*

18 (B) *by striking paragraph (6);*

19 (C) *by redesignating paragraphs (7)*
20 *through (13) as paragraphs (6) through (12), re-*
21 *spectively; and*

22 (D) *in paragraph (12) (as so redesignated),*
23 *by inserting before the period at the end the fol-*
24 *lowing: “through the headquarters and the re-*
25 *gional offices of the Agency”; and*

1 (2) *by striking subsection (c) and inserting the*
2 *following:*

3 “(c) *STAFF.—The Office of Environmental Education*
4 *shall—*

5 “(1) *include a headquarters staff of not more*
6 *than 10 full-time equivalent employees; and*

7 “(2) *be supported by 1 full-time equivalent em-*
8 *ployee in each regional office of the Agency.*

9 “(d) *ACTIVITIES.—The Administrator may carry out*
10 *the activities described in subsection (b) directly or through*
11 *awards of grants, cooperative agreements, or contracts.”.*

12 **SEC. 1703. ENVIRONMENTAL EDUCATION GRANTS.**

13 *Section 6 of the John H. Chafee Environmental Edu-*
14 *cation Act (20 U.S.C. 5505) is amended—*

15 (1) *in the second sentence of subsection (i), by*
16 *striking “25 percent” and inserting “15 percent”; and*

17 (2) *by adding at the end the following:*

18 “(j) *LOBBYING ACTIVITIES.—A grant under this sec-*
19 *tion may not be used to support a lobbying activity (as*
20 *described in the documents issued by the Office of Manage-*
21 *ment and Budget and designated as OMB Circulars No.*
22 *A–21 and No. A–122).*

23 “(k) *GUIDANCE REVIEW.—Before the Administrator*
24 *issues any guidance to grant applicants, the guidance shall*
25 *be reviewed and approved by the Science Advisory Board*

1 *of the Agency established by section 8 of the Environmental*
2 *Research, Development, and Demonstration Authorization*
3 *Act of 1978 (42 U.S.C. 4365).”.*

4 **SEC. 1704. JOHN H. CHAFEE MEMORIAL FELLOWSHIP PRO-**
5 **GRAM.**

6 *(a) IN GENERAL.—Section 7 of the John H. Chafee*
7 *Environmental Education Act (20 U.S.C. 5506) is amended*
8 *to read as follows:*

9 **“SEC. 7. JOHN H. CHAFEE MEMORIAL FELLOWSHIP PRO-**
10 **GRAM.**

11 *“(a) ESTABLISHMENT.—There is established the John*
12 *H. Chafee Memorial Fellowship Program for the award and*
13 *administration of 5 annual 1-year higher education fellow-*
14 *ships in environmental sciences and public policy, to be*
15 *known as ‘John H. Chafee Fellowships’.*

16 *“(b) PURPOSE.—The purpose of the John H. Chafee*
17 *Memorial Fellowship Program is to stimulate innovative*
18 *graduate level study and the development of expertise in*
19 *complex, relevant, and important environmental issues and*
20 *effective approaches to addressing those issues through orga-*
21 *nized programs of guided independent study and environ-*
22 *mental research.*

23 *“(c) AWARD.—Each John H. Chafee Fellowship*
24 *shall—*

1 “(1) be made available to individual candidates
2 through a sponsoring institution and in accordance
3 with an annual competitive selection process estab-
4 lished under subsection (f)(3); and

5 “(2) be in the amount of \$25,000.

6 “(d) *FOCUS*.—Each John H. Chafee Fellowship shall
7 focus on an environmental, natural resource, or public
8 health protection issue that a sponsoring institution deter-
9 mines to be appropriate.

10 “(e) *SPONSORING INSTITUTIONS*.—The John H. Chafee
11 Fellowships may be applied for through any sponsoring in-
12 stitution.

13 “(f) *PANEL*.—

14 “(1) *IN GENERAL*.—The National Environmental
15 Education Advisory Council established by section
16 9(a) shall administer the John H. Chafee Fellowship
17 Panel.

18 “(2) *MEMBERSHIP*.—The Panel shall consist of 5
19 members, appointed by a majority vote of members of
20 the National Environmental Education Advisory
21 Council, of whom—

22 “(A) 2 members shall be professional edu-
23 cators in higher education;

24 “(B) 2 members shall be environmental sci-
25 entists; and

1 “(C) 1 member shall be a public environ-
2 mental policy analyst.

3 “(3) DUTIES.—The Panel shall—

4 “(A) establish criteria for a competitive se-
5 lection process for recipients of John H. Chafee
6 Fellowships;

7 “(B) receive applications for John H.
8 Chafee Fellowships; and

9 “(C) annually review applications and se-
10 lect recipients of John H. Chafee Fellowships.

11 “(g) DISTRIBUTION OF FUNDS.—The amount of each
12 John H. Chafee Fellowship shall be provided directly to
13 each recipient selected by the Panel upon receipt of a certifi-
14 cation from the recipient that the recipient will adhere to
15 a specific and detailed plan of study and research.

16 “(h) FUNDING.—From amounts made available under
17 section 13(b)(1)(C) for each fiscal year, the Office of Envi-
18 ronmental Education shall make available—

19 “(1) \$125,000 for John H. Chafee Memorial Fel-
20 lowships; and

21 “(2) \$12,500 to pay administrative expenses in-
22 curred in carrying out the John H. Chafee Memorial
23 Fellowship Program.”.

1 (b) *DEFINITIONS.*—Section 3 of the John H. Chafee
2 *Environmental Education Act* (20 U.S.C. 5502) is
3 amended—

4 (1) in paragraph (12), by striking “and” at the
5 end;

6 (2) in paragraph (13), by striking the period at
7 the end and inserting a semicolon; and

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

9 “(14) ‘Panel’ means the John H. Chafee Fellow-
10 ship Panel established under section 7(f);

11 “(15) ‘sponsoring institution’ means an institu-
12 tion of higher education;”.

13 (c) *CONFORMING AMENDMENT.*—The table of contents
14 in section 1(b) of the John H. Chafee *Environmental Edu-*
15 *cation Act* (20 U.S.C. prec. 5501) is amended by striking
16 the item relating to section 7 and inserting the following:

“Sec. 7. John H. Chafee Memorial Fellowship Program.”.

17 **SEC. 1705. NATIONAL ENVIRONMENTAL EDUCATION**
18 **AWARDS.**

19 (a) *IN GENERAL.*—Section 8 of the John H. Chafee
20 *Environmental Education Act* (20 U.S.C. 5507) is amended
21 to read as follows:

22 **“SEC. 8. NATIONAL ENVIRONMENTAL EDUCATION AWARDS.**

23 “(a) *PRESIDENT’S ENVIRONMENTAL YOUTH*
24 *AWARDS.*—The Administrator may establish a program for
25 the granting and administration of awards, to be known

1 as ‘President’s Environmental Youth Awards’, to young
2 people in grades kindergarten through 12 to recognize out-
3 standing projects to promote local environmental aware-
4 ness.

5 “(b) *TEACHERS’ AWARDS.*—

6 “(1) *IN GENERAL.*—The Chairman of the Coun-
7 cil on Environmental Quality, on behalf of the Presi-
8 dent, may establish a program for the granting and
9 administration of awards to recognize—

10 “(A) teachers in elementary schools and sec-
11 ondary schools who demonstrate excellence in ad-
12 vancing objective and scientifically sound envi-
13 ronmental education through innovative ap-
14 proaches; and

15 “(B) the local educational agencies of the
16 recognized teachers.

17 “(2) *ELIGIBILITY.*—One teacher, and the local
18 education agency employing the teacher, from each
19 State, the District of Columbia, and the Common-
20 wealth of Puerto Rico, shall be eligible to be selected
21 for an award under this subsection.

22 “(3) *AUTHORIZATION.*—The Chairman is au-
23 thorized to provide a cash award of up to \$2,500 to
24 each teacher selected to receive an award pursuant to
25 this section, which shall be used to further the recipi-

1 *ent's professional development in environmental edu-*
2 *cation. The Chairman is also authorized to provide a*
3 *cash award of up to \$2,500 to the local educational*
4 *agency employing any teacher selected to receive an*
5 *award pursuant to this section, which shall be used*
6 *to fund environmental educational activities and pro-*
7 *grams. Such awards may not be used for construction*
8 *costs, general expenses, salaries, bonuses, or other ad-*
9 *ministrative expenses.*

10 *“(4) ADMINISTRATION.—The Chairman of the*
11 *Council on Environmental Quality may administer*
12 *this awards program through a cooperative agreement*
13 *with the National Environmental Learning Founda-*
14 *tion.”.*

15 *(b) DEFINITIONS.—Section 3 of the John H. Chafee*
16 *Environmental Education Act (20 U.S.C. 5502) (as amend-*
17 *ed by section 1704(b)) is amended by adding at the end*
18 *the following:*

19 *“(16) ‘elementary school’ has the meaning given*
20 *the term in section 14101 of the Elementary and Sec-*
21 *ondary Education Act of 1965 (20 U.S.C. 8801);*

22 *“(17) ‘secondary school’ has the meaning given*
23 *the term in section 14101 of the Elementary and Sec-*
24 *ondary Education Act of 1965 (20 U.S.C. 8801);”.*

1 (c) *CONFORMING AMENDMENT.*—*The table of contents*
 2 *in section 1(b) of the John H. Chafee Environmental Edu-*
 3 *cation Act (20 U.S.C. prec. 5501) is amended by striking*
 4 *the item relating to section 8 and inserting the following:*
 “*Sec. 8. National environmental education awards.*”.

5 **SEC. 1706. ENVIRONMENTAL EDUCATION ADVISORY COUN-**
 6 **CIL AND TASK FORCE.**

7 *Section 9 of the John H. Chafee Environmental Edu-*
 8 *cation Act (20 U.S.C. 5508) is amended—*

9 (1) *in subsection (b)(2)—*

10 (A) *by striking “(2) The” and all that fol-*
 11 *lows through the end of the second sentence and*
 12 *inserting the following:*

13 “(2) *MEMBERSHIP.*—

14 “(A) *IN GENERAL.*—*The Advisory Council*
 15 *shall consist of not more than 11 members ap-*
 16 *pointed by the Administrator after consultation*
 17 *with the Secretary.*

18 “(B) *REPRESENTATIVES OF SECTORS.*—*To*
 19 *the maximum extent practicable, the Adminis-*
 20 *trator shall appoint to the Advisory Council at*
 21 *least 2 members to represent each of—*

22 “(i) *elementary schools and secondary*
 23 *schools;*

24 “(ii) *colleges and universities;*

1 “(iii) not-for-profit organizations in-
2 volved in environmental education;

3 “(iv) State departments of education
4 and natural resources; and

5 “(v) business and industry.”;

6 (B) in the third sentence, by striking “A
7 representative” and inserting the following:

8 “(C) REPRESENTATIVE OF THE SEC-
9 RETARY.—A representative”; and

10 (C) in the last sentence, by striking “The
11 conflict” and inserting the following:

12 “(D) CONFLICTS OF INTEREST.—The con-
13 flict”;

14 (2) in subsection (c), by striking paragraph (2)
15 and inserting the following:

16 “(2) MEMBERSHIP.—Membership on the Task
17 Force shall be open to representatives of any Federal
18 agency actively engaged in environmental edu-
19 cation.”; and

20 (3) in subsection (d), by striking “(d)(1)” and
21 all that follows through “(2) The” and inserting the
22 following:

23 “(d) MEETINGS AND REPORTS.—

24 “(1) IN GENERAL.—The Advisory Council
25 shall—

1 “(A) hold biennial meetings on timely issues
2 regarding environmental education; and

3 “(B) issue a report describing the pro-
4 ceedings of each meeting and recommendations
5 resulting from the meeting.

6 “(2) REVIEW AND COMMENT ON DRAFT RE-
7 PORTS.—The”.

8 **SEC. 1707. NATIONAL ENVIRONMENTAL LEARNING FOUN-**
9 **DATION.**

10 (a) CHANGE IN NAME.—

11 (1) IN GENERAL.—Section 10 of the John H.
12 Chafee Environmental Education Act (20 U.S.C.
13 5509) is amended—

14 (A) by striking the section heading and in-
15 serting the following:

16 **“SEC. 10. NATIONAL ENVIRONMENTAL LEARNING FOUNDA-**
17 **TION.”;**

18 and

19 (B) in the first sentence of subsection
20 (a)(1)(A), by striking “National Environmental
21 Education and Training Foundation” and in-
22 serting “National Environmental Learning
23 Foundation”.

24 (2) CONFORMING AMENDMENTS.—

1 (A) *The table of contents in section 1(b) of*
2 *the John H. Chafee Environmental Education*
3 *Act (20 U.S.C. prec. 5501) is amended by strik-*
4 *ing the item relating to section 10 and inserting*
5 *the following:*

“Sec. 10. National Environmental Learning Foundation.”.

6 (B) *Section 3 of the John H. Chafee Envi-*
7 *ronmental Education Act (20 U.S.C. 5502) (as*
8 *amended by section 1704(b)) is amended—*

9 (i) *by striking paragraph (12) and in-*
10 *serting the following:*

11 *“(12) ‘Foundation’ means the National Environ-*
12 *mental Learning Foundation established by section*
13 *10;”;* and

14 (ii) *in paragraph (13), by striking*
15 *“National Environmental Education and*
16 *Training Foundation” and inserting*
17 *“Foundation”.*

18 (b) *NUMBER OF DIRECTORS.—Section 10(b)(1)(A) of*
19 *the John H. Chafee Environmental Education Act (20*
20 *U.S.C. 5509(b)(1)(A)) is amended in the first sentence by*
21 *striking “13” and inserting “19”.*

22 (c) *ACKNOWLEDGMENT OF DONORS.—Section 10(d) of*
23 *the John H. Chafee Environmental Education Act (20*
24 *U.S.C. 5509(d)) is amended by striking paragraph (3) and*
25 *inserting the following:*

1 “(3) *ACKNOWLEDGMENT OF DONORS.*—*The*
 2 *Foundation may acknowledge receipt of donations by*
 3 *means of a listing of the names of donors in materials*
 4 *distributed by the Foundation, except that any such*
 5 *acknowledgment—*

6 “(A) *shall not appear in educational mate-*
 7 *rial presented to students; and*

8 “(B) *shall not identify a donor by means of*
 9 *a logo, letterhead, or other corporate commercial*
 10 *symbol, slogan, or product.”.*

11 (d) *ADMINISTRATIVE SERVICES AND SUPPORT.*—*Sec-*
 12 *tion 10(e) of the John H. Chafee Environmental Education*
 13 *Act (20 U.S.C. 5509(e)) is amended in the first sentence*
 14 *by striking “for a period of up to 4 years from the date*
 15 *of enactment of this Act,”.*

16 **SEC. 1708. THEODORE ROOSEVELT ENVIRONMENTAL STEW-**
 17 **ARDSHIP GRANT PROGRAM.**

18 (a) *IN GENERAL.*—*The John H. Chafee Environ-*
 19 *mental Education Act is amended—*

20 (1) *by redesignating section 11 (20 U.S.C. 5510)*
 21 *as section 13; and*

22 (2) *by inserting after section 10 the following:*

23 **“SEC. 11. THEODORE ROOSEVELT ENVIRONMENTAL STEW-**
 24 **ARDSHIP GRANT PROGRAM.**

25 “(a) *ESTABLISHMENT.*—

1 “(1) *IN GENERAL.*—*There is established a grant*
2 *program to be known as the ‘Theodore Roosevelt En-*
3 *vironmental Stewardship Grant Program’ (referred to*
4 *in this section as the ‘Program’)* for the award and
5 *administration of grants to consortia of institutions*
6 *of higher education to pay the Federal share of the*
7 *cost of carrying out collaborative student, campus,*
8 *and community-based environmental stewardship ac-*
9 *tivities.*

10 “(2) *FEDERAL SHARE.*—*The Federal share shall*
11 *be 75 percent.*

12 “(b) *PURPOSE.*—*The purpose of the Program is to*
13 *build awareness of, encourage commitment to, and promote*
14 *participation in environmental stewardship—*

15 “(1) *among students at institutions of higher*
16 *education; and*

17 “(2) *in the relationship between—*

18 “(A) *such students and campuses; and*

19 “(B) *the communities in which the students*
20 *and campuses are located.*

21 “(c) *AWARD.*—*Grants under the Program shall be*
22 *made available to consortia of institutions of higher edu-*
23 *cation in accordance with an annual competitive selection*
24 *process established under subsection (d)(2)(A).*

25 “(d) *ADMINISTRATION.*—

1 “(1) *IN GENERAL.*—*The Office of Environmental*
2 *Education established under section 4 shall admin-*
3 *ister the Program.*

4 “(2) *DUTIES.*—*The Office of Environmental*
5 *Education shall—*

6 “(A) *establish criteria for a competitive se-*
7 *lection process for recipients of grants under the*
8 *Program;*

9 “(B) *receive applications for grants under*
10 *the Program; and*

11 “(C) *annually review applications and se-*
12 *lect recipients of grants under the Program.*

13 “(3) *CRITERIA.*—*In establishing criteria for a*
14 *competitive selection process for recipients of grants*
15 *under the Program, the Office of Environmental Edu-*
16 *cation shall include, at a minimum, as criteria, the*
17 *extent to which a grant will—*

18 “(A) *directly facilitate environmental stew-*
19 *ardship activities, including environmental pro-*
20 *tection, preservation, or improvement activities;*
21 *and*

22 “(B) *stimulate the availability of other*
23 *funds for those activities.*

1 “(e) *CONDITIONS ON USE OF FUNDS.*—With respect to
2 the funds made available to carry out this section under
3 section 13(a)(1)—

4 “(1) not fewer than 6 grants each year shall be
5 awarded using those funds; and

6 “(2) no grant made using those funds shall be in
7 an amount that exceeds \$500,000.”.

8 (b) *DEFINITIONS.*—Section 3 of the John H. Chafee
9 Environmental Education Act (20 U.S.C. 5502) (as amend-
10 ed by section 1705(b)) is amended by adding at the end
11 the following:

12 “(18) ‘consortium of institutions of higher edu-
13 cation’ means a cooperative arrangement among 2 or
14 more institutions of higher education; and

15 “(19) ‘institution of higher education’ has the
16 meaning given the term in section 101 of the Higher
17 Education Act of 1965 (20 U.S.C. 1001).”.

18 **SEC. 1709. INFORMATION STANDARDS.**

19 (a) *IN GENERAL.*—The John H. Chafee Environ-
20 mental Education Act is amended by inserting after section
21 11 (as added by section 1708(a)(2)) the following:

22 **“SEC. 12. INFORMATION STANDARDS.**

23 “In disseminating information under this Act, the Of-
24 fice of Environmental Education shall comply with the
25 guidelines issued by the Administrator under section 515

1 *of the Treasury and General Government Appropriations*
 2 *Act, 2001 (44 U.S.C. 3516 note; 114 Stat. 2763A–153).”.*

3 (b) **CONFORMING AMENDMENT.**—*The table of contents*
 4 *in section 1(b) of the John H. Chafee Environmental Edu-*
 5 *cation Act (20 U.S.C. prec. 5501) is amended by striking*
 6 *the item relating to section 11 and inserting the following:*

“*Sec. 11. Theodore Roosevelt Environmental Stewardship Grant Program.*”

“*Sec. 12. Information standards.*”

“*Sec. 13. Authorization of appropriations.*”.

7 **SEC. 1710. AUTHORIZATION OF APPROPRIATIONS.**

8 *Section 13 of the John H. Chafee Environmental Edu-*
 9 *cation Act (20 U.S.C. 5510) (as redesignated by section*
 10 *1708(a)(1)) is amended—*

11 (1) *by redesignating subsection (c) as subsection*
 12 *(d);*

13 (2) *by striking the section heading and sub-*
 14 *sections (a) and (b) and inserting the following:*

15 **“SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

16 “(a) **IN GENERAL.**—*There is authorized to be appro-*
 17 *priated to the Environmental Protection Agency to carry*
 18 *out this Act \$13,000,000 for each of fiscal years 2002*
 19 *through 2007, of which—*

20 “(1) *\$3,000,000 for each fiscal year shall be used*
 21 *to carry out section 11; and*

22 “(2) *\$10,000,000 for each fiscal year shall be al-*
 23 *located in accordance with subsection (b).*

24 “(b) **LIMITATIONS.**—

1 “(1) *IN GENERAL.*—Subject to paragraph (2), of
2 the amounts made available under subsection (a)(2)
3 for each fiscal year—

4 “(A) not more than 25 percent may be used
5 for the activities of the Office of Environmental
6 Education established under section 4;

7 “(B) not more than 25 percent may be used
8 for the operation of the environmental education
9 and training program under section 5;

10 “(C) not less than 38 percent shall be used
11 for environmental education grants under section
12 6 and for the John H. Chafee Memorial Fellow-
13 ship Program under section 7; and

14 “(D) 10 percent shall be used for the activi-
15 ties of the Foundation under section 10; and

16 “(E) not less than 2 percent shall be avail-
17 able to support Teachers’ Awards under section
18 8(b).

19 “(2) *ADMINISTRATIVE EXPENSES.*—Of the
20 amounts made available under paragraph (1)(A) for
21 each fiscal year, not more than 10 percent may be
22 used for administrative expenses of the Office of Envi-
23 ronmental Education.

24 “(c) *EXPENSE REPORT.*—As soon as practicable after
25 the end of each fiscal year, the Administrator shall submit

1 *to Congress a report describing in detail the activities for*
2 *which funds appropriated for the fiscal year were ex-*
3 *pended.”; and*

4 *(3) in subsection (d) (as redesignated by para-*
5 *graph (1))—*

6 *(A) by striking “National Environmental*
7 *Education and Training Foundation” and in-*
8 *serting “Foundation”; and*

9 *(B) in paragraph (2), by striking “section*
10 *10(d) of this Act” and inserting “section 10(e)”.*

Attest:

Secretary.

107TH CONGRESS
1ST SESSION

H. R. 1

AMENDMENT

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