

# Calendar No. 23

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1

[Report No. 107-7]

To extend programs and activities under the Elementary and Secondary Education Act of 1965.

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IN THE SENATE OF THE UNITED STATES

MARCH 28, 2001

Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, reported the following original bill; which was read twice and placed on the calendar

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## A BILL

To extend programs and activities under the Elementary and Secondary Education Act of 1965.

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

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

4       (a) SHORT TITLE.—This Act may be cited as the  
5 “Better Education for Students and Teachers Act”.

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

Sec. 1. Short title; table of contents.

- Sec. 2. References.
- Sec. 3. Short title; purpose; definitions; uniform provisions.
- Sec. 4. Maintenance of effort.
- Sec. 5. Prohibition regarding State aid.
- Sec. 6. Participation by private school children and teachers.
- Sec. 7. Standards for by-pass.
- Sec. 8. Complaint process for participation of private school children.
- Sec. 9. By-pass determination process.
- Sec. 10. Prohibition against funds for religious worship or instruction.
- Sec. 11. Applicability to home schools.
- Sec. 12. General provision regarding nonrecipient nonpublic schools.
- Sec. 13. School prayer.
- Sec. 14. General prohibitions.
- Sec. 15. Prohibition on Federal mandates, direction, and control.

#### 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. 119. Parental involvement.
- Sec. 120. Professional development.
- Sec. 120A. Participation of children enrolled in private schools.
- Sec. 120B. Early childhood education.
- Sec. 120C. Allocations.

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

- Sec. 151. 21st century learning centers; comprehensive school reform.

## PART F—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

- Sec. 161. Statement of policy.
- Sec. 162. Grants for State and local activities.
- Sec. 163. Local educational agency grants.
- Sec. 164. Secretarial responsibilities.
- Sec. 165. Definitions.
- Sec. 166. Authorization of appropriations.
- Sec. 167. Conforming amendments.

## TITLE II—TEACHERS

- Sec. 201. Teacher quality.
- Sec. 202. Teacher mobility.

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. Environmental tobacco smoke.

## TITLE V—PUBLIC SCHOOL CHOICE AND FLEXIBILITY

- Sec. 501. Public school choice and flexibility.

## TITLE VI—PARENTAL INVOLVEMENT AND ACCOUNTABILITY

- Sec. 601. Parental involvement and accountability.

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

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

## TITLE VIII—REPEALS

- Sec. 801. Repeals.

## TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. Independent evaluation.

**1 SEC. 2. REFERENCES.**

- 2       Except as otherwise expressly provided, whenever in  
3 this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a  
 2 section or other provision of the Elementary and Sec-  
 3 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

4 **SEC. 3. SHORT TITLE; PURPOSE; DEFINITIONS; UNIFORM**  
 5 **PROVISIONS.**

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

7 (1) in the heading for section 1, by striking  
 8 “**TABLE OF CONTENTS**” and inserting “**SHORT**  
 9 **TITLE**”; and

10 (2) by adding after section 1 the following:

11 **“SEC. 2. PURPOSE.**

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

15 **“SEC. 3. DEFINITIONS.**

16 “Except as otherwise provided, in this Act:

17 “(1) **AVERAGE DAILY ATTENDANCE.**—

18 “(A) **IN GENERAL.**—Except as provided  
 19 otherwise by State law or this paragraph, the  
 20 term ‘average daily attendance’ means—

21 “(i) the aggregate number of days of  
 22 attendance of all students during a school  
 23 year; divided by

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

1           “(B) CONVERSION.—The Secretary shall  
2 permit the conversion of average daily member-  
3 ship (or other similar data) to average daily at-  
4 tendance for local educational agencies in  
5 States that provide State aid to local edu-  
6 cational agencies on the basis of average daily  
7 membership or such other data.

8           “(C) SPECIAL RULE.—If the local edu-  
9 cational agency in which a child resides makes  
10 a tuition or other payment for the free public  
11 education of the child in a school located in an-  
12 other school district, the Secretary shall, for  
13 purposes of this Act—

14                   “(i) consider the child to be in attend-  
15 ance at a school of the agency making such  
16 payment; and

17                   “(ii) not consider the child to be in at-  
18 tendance at a school of the agency receiv-  
19 ing such payment.

20           “(D) CHILDREN WITH DISABILITIES.—If a  
21 local educational agency makes a tuition pay-  
22 ment to a private school or to a public school  
23 of another local educational agency for a child  
24 with a disability, as defined in section 602 of  
25 the Individuals with Disabilities Education Act,

1 the Secretary shall, for the purposes of this Act,  
2 consider such child to be in attendance at a  
3 school of the agency making such payment.

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

7 “(A) without regard to the source of  
8 funds—

9 “(i) the aggregate current expendi-  
10 tures, during the third fiscal year pre-  
11 ceding the fiscal year for which the deter-  
12 mination is made (or, if satisfactory data  
13 for that year are not available, during the  
14 most recent preceding fiscal year for which  
15 satisfactory data are available) of all local  
16 educational agencies in the State or, in the  
17 case of the United States for all States  
18 (which, for the purpose of this paragraph,  
19 means the 50 States and the District of  
20 Columbia); plus

21 “(ii) any direct current expenditures  
22 by the State for the operation of such  
23 agencies; divided by

24 “(B) the aggregate number of children in  
25 average daily attendance to whom such agencies

1           provided free public education during such pre-  
2           ceding year.

3           “(3) CHILD.—The term ‘child’ means any per-  
4           son within the age limits for which the State pro-  
5           vides free public education.

6           “(4) COMMUNITY-BASED ORGANIZATION.—The  
7           term ‘community-based organization’ means a public  
8           or private nonprofit organization of demonstrated ef-  
9           fectiveness that—

10                   “(A) is representative of a community or  
11                   significant segments of a community; and

12                   “(B) provides educational or related serv-  
13                   ices to individuals in the community.

14           “(5) CONSOLIDATED LOCAL APPLICATION.—  
15           The term ‘consolidated local application’ means an  
16           application submitted by a local educational agency  
17           pursuant to section 5505.

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

21           “(7) CONSOLIDATED STATE APPLICATION.—  
22           The term ‘consolidated State application’ means an  
23           application submitted by a State educational agency  
24           pursuant to section 5502.

1           “(8) CONSOLIDATED STATE PLAN.—The term  
2           ‘consolidated State plan’ means a plan submitted by  
3           a State educational agency pursuant to section  
4           5502.

5           “(9) COUNTY.—The term ‘county’ means one of  
6           the divisions of a State used by the Secretary of  
7           Commerce in compiling and reporting data regard-  
8           ing counties.

9           “(10) COVERED PROGRAM.—The term ‘covered  
10          program’ means each of the programs authorized  
11          by—

12                   “(A) part A of title I;

13                   “(B) part C of title I;

14                   “(C) part C of title II;

15                   “(D) part A of title IV (other than section  
16                   4114); and

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

18          “(11) CURRENT EXPENDITURES.—The term  
19          ‘current expenditures’ means expenditures for free  
20          public education—

21                   “(A) including expenditures for adminis-  
22                   tration, instruction, attendance and health serv-  
23                   ices, pupil transportation services, operation  
24                   and maintenance of plant, fixed charges, and



1 net expenditures to cover deficits for food serv-  
2 ices and student body activities; but

3 “(B) not including expenditures for com-  
4 munity services, capital outlay, and debt serv-  
5 ice, or any expenditures made from funds re-  
6 ceived under subpart 4 of part B of title V.

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

9 “(13) EDUCATIONAL SERVICE AGENCY.—The  
10 term ‘educational service agency’ means a regional  
11 public multiservice agency authorized by State stat-  
12 ute to develop, manage, and provide services or pro-  
13 grams to local educational agencies.

14 “(14) ELEMENTARY SCHOOL.—The term ‘ele-  
15 mentary school’ means a nonprofit institutional day  
16 or residential school, including a public elementary  
17 charter school, that provides elementary education,  
18 as determined under State law.

19 “(15) FREE PUBLIC EDUCATION.—The term  
20 ‘free public education’ means education that is  
21 provided—

22 “(A) at public expense, under public super-  
23 vision and direction, and without tuition charge;  
24 and

1           “(B) as elementary school or secondary  
2           school education as determined under applicable  
3           State law, except that such term does not in-  
4           clude any education provided beyond grade 12.

5           “(16) GIFTED AND TALENTED.—The term  
6           ‘gifted and talented’, when used with respect to stu-  
7           dents, children or youth, means students, children or  
8           youth who give evidence of high performance capa-  
9           bility in areas such as intellectual, creative, artistic,  
10          or leadership capacity, or in specific academic fields,  
11          and who require services or activities not ordinarily  
12          provided by the school in order to fully develop such  
13          capabilities.

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

18          “(18) LOCAL EDUCATIONAL AGENCY.—

19                 “(A) IN GENERAL.—The term ‘local edu-  
20                 cational agency’ means a public board of edu-  
21                 cation or other public authority legally con-  
22                 stituted within a State for either administrative  
23                 control or direction of, or to perform a service  
24                 function for, public elementary schools or sec-  
25                 ondary schools in a city, county, township,

1 school district, or other political subdivision of  
2 a State, or for such combination of school dis-  
3 tricts or counties as are recognized in a State  
4 as an administrative agency for the State's pub-  
5 lic elementary or secondary schools.

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

11 “(C) BIA SCHOOLS.—The term includes  
12 an elementary school or secondary school fund-  
13 ed by the Bureau of Indian Affairs but only to  
14 the extent that such inclusion makes such  
15 school eligible for programs for which specific  
16 eligibility is not provided to such school in an-  
17 other provision of law and such school does not  
18 have a student population that is smaller than  
19 the student population of the local educational  
20 agency receiving assistance under this Act with  
21 the smallest student population, except that  
22 such school shall not be subject to the jurisdic-  
23 tion of any State educational agency other than  
24 the Bureau of Indian Affairs.

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

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

15           “(21) OUTLYING AREA.—The term ‘outlying  
16           area’ means the United States Virgin Islands,  
17           Guam, American Samoa, the Commonwealth of the  
18           Northern Mariana Islands, and for the purpose of  
19           section 1121 and any other discretionary grant pro-  
20           gram under this Act, the Republic of the Marshall  
21           Islands, the Federated States of Micronesia, and the  
22           Republic of 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  
2           ‘parental involvement’ means the participation of  
3           parents on all levels of a school’s operation, includ-  
4           ing all of the activities described in section 1118.

5           “(24) PUBLIC TELECOMMUNICATIONS ENTI-  
6           TY.—The term ‘public telecommunication entity’ has  
7           the same meaning given to such term in section 397  
8           of the Communications Act of 1934.

9           “(25) PUPIL SERVICES PERSONNEL; PUPIL  
10          SERVICES.—

11           “(A) PUPIL SERVICES PERSONNEL.—The  
12           term ‘pupil services personnel’ means school  
13           counselors, school social workers, school psy-  
14           chologists, and other qualified professional per-  
15           sonnel involved in providing assessment, diag-  
16           nosis, counseling, educational, therapeutic, and  
17           other necessary services (including related serv-  
18           ices as such term is defined in section 602 of  
19           the Individuals with Disabilities Education Act)  
20           as part of a comprehensive program to meet  
21           student needs.

22           “(B) PUPIL SERVICES.—The term ‘pupil  
23           services’ means the services provided by pupil  
24           services personnel.

1           “(26) SCIENTIFICALLY BASED RESEARCH.—

2           The term ‘scientifically based research’ used with re-  
3           spect to an activity or a program, means an activity  
4           based on specific strategies and implementation of  
5           such strategies that, based on theory, research and  
6           evaluation, are effective in improving student  
7           achievement and performance and other program ob-  
8           jectives.

9           “(27) SECONDARY SCHOOL.—The term ‘sec-  
10          ondary school’ means a nonprofit institutional day or  
11          residential school, including a public secondary char-  
12          ter school, that provides secondary education, as de-  
13          termined under State law, except that such term  
14          does not include any education beyond grade 12.

15          “(28) SECRETARY.—The term ‘Secretary’  
16          means the Secretary of Education.

17          “(29) STATE.—The term ‘State’ means each of  
18          the 50 States, the District of Columbia, the Com-  
19          monwealth of Puerto Rico, and each of the outlying  
20          areas.

21          “(30) STATE EDUCATIONAL AGENCY.—The  
22          term ‘State educational agency’ means the agency  
23          primarily responsible for the State supervision of  
24          public elementary schools and secondary schools.

1           “(31) TEACHER MENTORING.—The term  
2 ‘teacher mentoring’ means activities that—

3           “(A) consist of structured guidance and  
4 regular and ongoing support for beginning  
5 teachers, that—

6           “(i) are designed to help the teachers  
7 continue to improve their practice of teach-  
8 ing and to develop their instructional skills;  
9 and

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

12           “(I) involve the assistance of a  
13 mentor teacher and other appropriate  
14 individuals from a school, local edu-  
15 cational agency, or institution of high-  
16 er education; and

17           “(II) may include coaching, class-  
18 room observation, team teaching, and  
19 reduced teaching loads; and

20           “(B) may include the establishment of a  
21 partnership by a local educational agency with  
22 an institution of higher education, another local  
23 educational agency, a teacher organization, or  
24 another organization.

1           “(32) TECHNOLOGY.—The term ‘technology’  
2           means state-of-the-art technology products and serv-  
3           ices, such as closed circuit television systems, edu-  
4           cational television and radio programs and services,  
5           cable television, satellite, copper and fiber optic  
6           transmission, computer hardware and software,  
7           video and audio laser and CD–ROM discs, video and  
8           audio tapes, web-based learning resources, including  
9           online classes, interactive tutorials, and interactive  
10          tools and virtual environments for problem-solving,  
11          hand-held devices, wireless technology, voice recogni-  
12          tion systems, and high-quality digital video, distance  
13          learning networks, visualization, modeling, and sim-  
14          ulation software, and learning focused digital librar-  
15          ies and information retrieval systems.

16 **“SEC. 4. MAINTENANCE OF EFFORT.**

17          “(a) IN GENERAL.—A local educational agency may  
18          receive funds under a covered program for any fiscal year  
19          only if the State educational agency finds that either the  
20          combined fiscal effort per student or the aggregate ex-  
21          penditures of such agency and the State with respect to  
22          the provision of free public education by such agency for  
23          the preceding fiscal year was not less than 90 percent of  
24          such combined fiscal effort or aggregate expenditures for  
25          the second preceding fiscal year.



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

2 “(1) IN GENERAL.—The State educational  
3 agency shall reduce the amount of the allocation of  
4 funds under a covered program in any fiscal year in  
5 the exact proportion to which a local educational  
6 agency fails to meet the requirement of subsection  
7 (a) by falling below 90 percent of both the combined  
8 fiscal effort per student and aggregate expenditures  
9 (using the measure most favorable to such local  
10 agency).

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

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

17 “(1) exceptional or uncontrollable circumstances  
18 such as a natural disaster; or

19 “(2) a precipitous decline in the financial re-  
20 sources of the local educational agency.

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

22 “A State shall not take into consideration payments  
23 under this Act (other than under title VIII) in determining  
24 the eligibility of any local educational agency in such State

1 for State aid, or the amount of State aid, with respect  
2 to free public education of children.

3 **“SEC. 6. PARTICIPATION BY PRIVATE SCHOOL CHILDREN**  
4 **AND TEACHERS.**

5 “(a) PRIVATE SCHOOL PARTICIPATION.—

6 “(1) IN GENERAL.—Except as otherwise pro-  
7 vided in this Act, to the extent consistent with the  
8 number of eligible children in a State educational  
9 agency, local educational agency, or educational  
10 service agency or consortium of such agencies receiv-  
11 ing financial assistance under a program specified in  
12 subsection (b), who are enrolled in private elemen-  
13 tary and secondary schools in such agency or consor-  
14 tium, such agency or consortium shall, after timely  
15 and meaningful consultation with appropriate pri-  
16 vate school officials, provide such children and their  
17 teachers or other educational personnel, on an equi-  
18 table basis, special educational services or other ben-  
19 efits under such program.

20 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-  
21 ICAL SERVICES OR BENEFITS.—Educational services  
22 or other benefits, including materials and equipment,  
23 provided under this section, shall be secular, neutral,  
24 and nonideological.

1           “(3) SPECIAL RULE.—Educational services and  
2 other benefits provided under this section for such  
3 private school children, teachers, and other edu-  
4 cational personnel shall be equitable in comparison  
5 to services and other benefits for public school chil-  
6 dren, teachers, and other educational personnel par-  
7 ticipating in such program.

8           “(4) EXPENDITURES.—Expenditures for edu-  
9 cational services and other benefits provided under  
10 this section to eligible private school children, their  
11 teachers, and other educational personnel serving  
12 such children shall be equal, taking into account the  
13 number and educational needs of the children to be  
14 served, to the expenditures for participating public  
15 school children.

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

21           “(b) APPLICABILITY.—

22           “(1) IN GENERAL.—This section applies to pro-  
23 grams under—

24                   “(A) part C of title I (migrant education);

25                   “(B) parts A and C of title II;

1 “(C) title III; and

2 “(D) part A of title IV (other than section  
3 4114).

4 “(2) DEFINITION.—For the purposes of this  
5 section, the term “eligible children” means children  
6 eligible for services under a program described in  
7 paragraph (1).

8 “(c) CONSULTATION.—

9 “(1) IN GENERAL.—To ensure timely and  
10 meaningful consultation, a State educational agency,  
11 local educational agency, educational service agency  
12 or consortium of such agencies shall consult with ap-  
13 propriate private school officials during the design  
14 and development of the programs under this Act, on  
15 issues such as—

16 “(A) how the children’s needs will be iden-  
17 tified;

18 “(B) what services will be offered;

19 “(C) how and where the services will be  
20 provided; and

21 “(D) how the services will be assessed.

22 “(2) TIMING.—Such consultation shall occur  
23 before the agency or consortium makes any decision  
24 that affects the opportunities of eligible private

1 school children, teachers, and other educational per-  
2 sonnel to participate in programs under this Act.

3 “(3) DISCUSSION REQUIRED.—Such consulta-  
4 tion shall include a discussion of service delivery  
5 mechanisms that the agency or consortium could use  
6 to provide equitable services to eligible private school  
7 children, teachers, administrators, and other staff.

8 “(d) PUBLIC CONTROL OF FUNDS.—

9 “(1) IN GENERAL.—The control of funds used  
10 to provide services under this section, and title to  
11 materials, equipment, and property purchased with  
12 such funds, shall be in a public agency for the uses  
13 and purposes provided in this Act, and a public  
14 agency shall administer such funds and property.

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

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

19 “(ii) through contract by such public agen-  
20 cy with an individual, association, agency, or or-  
21 ganization.

22 “(B) In the provision of such services, such em-  
23 ployee, person, association, agency, or organization  
24 shall be independent of such private school and of  
25 any religious organization, and such employment or

1 contract shall be under the control and supervision  
2 of such public agency.

3 “(C) Funds used to provide services under this  
4 section shall not be commingled with non-Federal  
5 funds.

6 **“SEC. 7. STANDARDS FOR BY-PASS.**

7 “If, by reason of any provision of law, a State edu-  
8 cational agency, local educational agency, educational  
9 service agency or consortium of such agencies is prohibited  
10 from providing for the participation in programs of chil-  
11 dren enrolled in, or teachers or other educational per-  
12 sonnel from, private elementary and secondary schools, on  
13 an equitable basis, or if the Secretary determines that  
14 such agency or consortium has substantially failed or is  
15 unwilling to provide for such participation, as required by  
16 section 6, the Secretary shall—

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

19 “(2) arrange for the provision of equitable serv-  
20 ices to such children, teachers, or other educational  
21 personnel through arrangements that shall be sub-  
22 ject to the requirements of this section and of sec-  
23 tions 6, 8, and 9.

1 **“SEC. 8. COMPLAINT PROCESS FOR PARTICIPATION OF PRI-**  
 2 **VATE SCHOOL CHILDREN.**

3 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-  
 4 retary shall develop and implement written procedures for  
 5 receiving, investigating, and resolving complaints from  
 6 parents, teachers, or other individuals and organizations  
 7 concerning violations of section 6 by a State educational  
 8 agency, local educational agency, educational service agen-  
 9 cy, or consortium of such agencies. Such individual or or-  
 10 ganization shall submit such complaint to the State edu-  
 11 cational agency for a written resolution by the State edu-  
 12 cational agency within a reasonable period of time.

13 “(b) APPEALS TO THE SECRETARY.—Such resolution  
 14 may be appealed by an interested party to the Secretary  
 15 not later than 30 days after the State educational agency  
 16 resolves the complaint or fails to resolve the complaint  
 17 within a reasonable period of time. Such appeal shall be  
 18 accompanied by a copy of the State educational agency’s  
 19 resolution, and a complete statement of the reasons sup-  
 20 porting the appeal. The Secretary shall investigate and re-  
 21 solve each such appeal not later than 120 days after re-  
 22 ceipt of the appeal.

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

24 “(a) REVIEW.—

25 “(1) IN GENERAL.—(A) The Secretary shall not  
 26 take any final action under section 7 until the State

1 educational agency, local educational agency, edu-  
2 cational service agency, or consortium of such agen-  
3 cies affected by such action has had an opportunity,  
4 for not less than 45 days after receiving written no-  
5 tice thereof, to submit written objections and to ap-  
6 pear before the Secretary to show cause why that ac-  
7 tion should not be taken.

8 “(B) Pending final resolution of any investiga-  
9 tion or complaint that could result in a determina-  
10 tion under this section, the Secretary may withhold  
11 from the allocation of the affected State or local  
12 educational agency the amount estimated by the  
13 Secretary to be necessary to pay the cost of those  
14 services.

15 “(2) PETITION FOR REVIEW.—(A) If such af-  
16 fected agency or consortium is dissatisfied with the  
17 Secretary’s final action after a proceeding under  
18 paragraph (1), such agency or consortium may,  
19 within 60 days after notice of such action, file with  
20 the United States court of appeals for the circuit in  
21 which such State is located a petition for review of  
22 that action.

23 “(B) A copy of the petition shall be forthwith  
24 transmitted by the clerk of the court to the Sec-  
25 retary.



1           “(C) The Secretary upon receipt of the copy of  
2 the petition shall file in the court the record of the  
3 proceedings on which the Secretary based this ac-  
4 tion, as provided in section 2112 of title 28, United  
5 States Code.

6           “(3) FINDINGS OF FACT.—(A) The findings of  
7 fact by the Secretary, if supported by substantial  
8 evidence, shall be conclusive, but the court, for good  
9 cause shown, may remand the case to the Secretary  
10 to take further evidence and the Secretary may then  
11 make new or modified findings of fact and may mod-  
12 ify the Secretary’s previous action, and shall file in  
13 the court the record of the further proceedings.

14           “(B) Such new or modified findings of fact  
15 shall likewise be conclusive if supported by substan-  
16 tial evidence.

17           “(4) JURISDICTION.—(A) Upon the filing of  
18 such petition, the court shall have jurisdiction to af-  
19 firm the action of the Secretary or to set such action  
20 aside, in whole or in part.

21           “(B) The judgment of the court shall be subject  
22 to review by the Supreme Court of the United States  
23 upon certiorari or certification as provided in section  
24 1254 of title 28, United States Code.

1       “(b) DETERMINATION.—Any determination by the  
2 Secretary under this section shall continue in effect until  
3 the Secretary determines, in consultation with such agency  
4 or consortium and representatives of the affected private  
5 school children, teachers, or other educational personnel  
6 that there will no longer be any failure or inability on the  
7 part of such agency or consortium to meet the applicable  
8 requirements of section 6 or any other provision of this  
9 Act.

10       “(c) PAYMENT FROM STATE ALLOTMENT.—When  
11 the Secretary arranges for services pursuant to this sec-  
12 tion, the Secretary shall, after consultation with the ap-  
13 propriate public and private school officials, pay the cost  
14 of such services, including the administrative costs of ar-  
15 ranging for those services, from the appropriate allocation  
16 or allocations under this Act.

17       “(d) PRIOR DETERMINATION.—Any by-pass deter-  
18 mination by the Secretary under this Act as in effect on  
19 the day preceding the date of enactment of the Improving  
20 America’s Schools Act of 1994 shall remain in effect to  
21 the extent the Secretary determines that such determina-  
22 tion is consistent with the purpose of this section.

1 **“SEC. 10. PROHIBITION AGAINST FUNDS FOR RELIGIOUS**  
2 **WORSHIP OR INSTRUCTION.**

3 “Nothing contained in this Act shall be construed to  
4 authorize the making of any payment under this Act for  
5 religious worship or instruction.

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

7 “Nothing in this Act shall be construed to affect  
8 home schools.

9 **“SEC. 12. GENERAL PROVISION REGARDING NON-**  
10 **RECIPIENT NONPUBLIC SCHOOLS.**

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

18 **“SEC. 13. SCHOOL PRAYER.**

19 “Any State or local educational agency that is ad-  
20 judged by a Federal court of competent jurisdiction to  
21 have willfully violated a Federal court order mandating  
22 that such local educational agency remedy a violation of  
23 the constitutional right of any student with respect to  
24 prayer in public schools, in addition to any other judicial  
25 remedies, shall be ineligible to receive Federal funds under  
26 this Act until such time as the local educational agency

1 complies with such order. Funds that are withheld under  
2 this section shall not be reimbursed for the period during  
3 which the local educational agency was in willful non-  
4 compliance.

5 **“SEC. 14. GENERAL PROHIBITIONS.**

6 “(a) PROHIBITION.—None of the funds authorized  
7 under this Act shall be used—

8 “(1) to develop or distribute materials, or oper-  
9 ate programs or courses of instruction directed at  
10 youth that are designed to promote or encourage,  
11 sexual activity, whether homosexual or heterosexual;

12 “(2) to distribute or to aid in the distribution  
13 by any organization of legally obscene materials to  
14 minors on school grounds;

15 “(3) to provide sex education or HIV preven-  
16 tion education in schools unless such instruction is  
17 age appropriate and includes the health benefits of  
18 abstinence; or

19 “(4) to operate a program of condom distribu-  
20 tion in schools.

21 “(b) LOCAL CONTROL.—Nothing in this section shall  
22 be construed to—

23 “(1) authorize an officer or employee of the  
24 Federal Government to mandate, direct, review, or  
25 control a State, local educational agency, or schools’

1 instructional content, curriculum, and related activi-  
2 ties;

3 “(2) limit the application of the General Edu-  
4 cation Provisions Act;

5 “(3) require the distribution of scientifically or  
6 medically false or inaccurate materials or to prohibit  
7 the distribution of scientifically or medically true or  
8 accurate materials; or

9 “(4) create any legally enforceable right.

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

12 “Nothing in this Act shall be construed to authorize  
13 an officer or employee of the Federal Government to man-  
14 date, direct, or control a State, local educational agency,  
15 or school’s curriculum, program of instruction, or alloca-  
16 tion of State or local resources, or mandate a State or  
17 any subdivision thereof to spend any funds or incur any  
18 costs not paid for under this Act.”.

19 **TITLE I—BETTER RESULTS FOR**  
20 **DISADVANTAGED CHILDREN**

21 **SEC. 101. POLICY AND PURPOSE.**

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

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

2 “The purpose of this title is to enable schools to pro-  
3 vide opportunities for children served under this title to  
4 acquire the knowledge and skills contained in the chal-  
5 lenging State content standards and to meet the chal-  
6 lenging State student performance standards developed  
7 for all children. This purpose should be accomplished by—

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

12 “(2) providing children an enriched and acceler-  
13 ated educational program, including the use of  
14 schoolwide programs or additional services that in-  
15 crease the amount and quality of instructional time  
16 so that children served under this title receive at  
17 least the classroom instruction that other children  
18 receive;

19 “(3) promoting schoolwide reform and ensuring  
20 access of children (from the earliest grades, includ-  
21 ing prekindergarten) to effective instructional strate-  
22 gies and challenging academic content that includes  
23 intensive complex thinking and problem-solving expe-  
24 riences;

25 “(4) significantly elevating the quality of in-  
26 struction by providing staff in participating schools

1 with substantial opportunities for professional devel-  
2 opment;

3 “(5) coordinating services under all parts of  
4 this title with each other, with other educational  
5 services, and to the extent feasible, with other agen-  
6 cies providing services to youth, children, and fami-  
7 lies that are funded from other sources;

8 “(6) affording parents substantial and mean-  
9 ingful opportunities to participate in the education  
10 of their children at home and at school;

11 “(7) distributing resources in amounts suffi-  
12 cient to make a difference to local educational agen-  
13 cies and schools where needs are greatest;

14 “(8) improving and strengthening account-  
15 ability, teaching, and learning by using State assess-  
16 ment systems designed to measure how well children  
17 served under this title are achieving challenging  
18 State student performance standards expected of all  
19 children; and

20 “(9) providing greater decisionmaking authority  
21 and flexibility to schools and teachers in exchange  
22 for greater responsibility for student performance.”.

23 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 1002 (20 U.S.C. 6302) is amended to read  
25 as follows:

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

2       “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For  
3 the purpose of carrying out part A, other than section  
4 1120(e), there are authorized to be appropriated  
5 \$15,000,000,000 for fiscal year 2002 and such sums as  
6 may be necessary for each of the 6 succeeding fiscal years.

7       “(b) READING FIRST.—

8               “(1) EVEN START.—For the purpose of car-  
9 rying out subpart 1 of part B, there are authorized  
10 to be appropriated \$250,000,000 for fiscal year  
11 2002 and such sums as may be necessary for each  
12 of the 6 succeeding fiscal years.

13               “(2) READING FIRST.—For the purpose of car-  
14 rying out subpart 2 of part B, there are authorized  
15 to be appropriated \$900,000,000 for fiscal year  
16 2002 and such sums as may be necessary for each  
17 of the 6 succeeding fiscal years.

18               “(3) EARLY READING FIRST.—For the purpose  
19 of carrying out subpart 3 of part B, there are au-  
20 thorized to be appropriated \$75,000,000 for fiscal  
21 year 2002 and such sums as may be necessary for  
22 each of the 6 succeeding fiscal years.

23       “(c) EDUCATION OF MIGRATORY CHILDREN.—For  
24 the purpose of carrying out part C, there are authorized  
25 to be appropriated \$400,000,000 for fiscal year 2002 and



1 such sums as may be necessary for each of the 6 suc-  
2 ceeding fiscal years.

3 “(d) PREVENTION AND INTERVENTION PROGRAMS  
4 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT  
5 RISK OF DROPPING OUT.—For the purpose of carrying  
6 out part D, there are authorized to be appropriated  
7 \$50,000,000 for fiscal year 2002 and such sums as may  
8 be necessary for each of the 6 succeeding fiscal years.

9 “(e) CAPITAL EXPENSES.—For the purpose of car-  
10 rying out section 1120(e), there are authorized to be ap-  
11 propriated \$15,000,000 for fiscal year 2002, \$15,000,000  
12 for fiscal year 2003, and \$5,000,000 for fiscal year 2004.

13 “(f) FEDERAL ACTIVITIES.—

14 “(1) SECTION 1501.—For the purpose of car-  
15 rying out section 1501, there are authorized to be  
16 appropriated \$10,000,000 for fiscal year 2002 and  
17 such sums as may be necessary for each of the 6  
18 succeeding fiscal years.

19 “(2) SECTION 1502.—For the purpose of car-  
20 rying out section 1502, there are authorized to be  
21 appropriated \$25,000,000 for fiscal year 2002 and  
22 such sums as may be necessary for each of the 6  
23 succeeding fiscal years.

24 “(g) 21ST CENTURY LEARNING CENTERS.—For the  
25 purpose of carrying out part F, there are authorized to

1 be appropriated \$1,500,000,000 for fiscal year 2002 and  
 2 such sums as may be necessary for each of the 6 suc-  
 3 ceeding fiscal years.

4 “(h) COMPREHENSIVE SCHOOL REFORM.—For the  
 5 purpose of carrying out part G, there are authorized to  
 6 be appropriated \$250,000,000 for fiscal year 2002 and  
 7 such sums as may be necessary for each of the 6 suc-  
 8 ceeding fiscal years.

9 “(i) SCHOOL DROPOUT PREVENTION.—For the pur-  
 10 pose of carrying out part H, 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  
 13 fiscal years, of which—

14 “(1) 10 percent shall be available to carry out  
 15 subpart 1 of part H for each fiscal year; and

16 “(2) 90 percent shall be available to carry out  
 17 subpart 2 of part H for each fiscal year.”.

18 **SEC. 1003. RESERVATION AND ALLOCATION FOR SCHOOL**  
 19 **IMPROVEMENT.**

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

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

23 “(a) STATE RESERVATION.—Each State educational  
 24 agency shall reserve 3.5 percent of the amount the State  
 25 educational agency receives under subpart 2 of part A for

1 each of the fiscal years 2002 and 2003, and 5 percent  
 2 of that amount for each of the fiscal years 2004 through  
 3 2008, to carry out subsection (b) and to carry out the  
 4 State educational agency’s responsibilities under sections  
 5 1116 and 1117, including carrying out the State edu-  
 6 cational agency’s statewide system of technical assistance  
 7 and support for local educational agencies.

8 “(b) USES.—Of the amount reserved under sub-  
 9 section (a) for any fiscal year, the State educational agen-  
 10 cy shall make available not less than 50 percent of that  
 11 amount directly to local educational agencies for schools  
 12 identified for school improvement, corrective action, or re-  
 13 constitution under section 1116(c).”.

14 **PART A—BETTER RESULTS FOR**  
 15 **DISADVANTAGED CHILDREN**

16 **SEC. 111. STATE PLANS.**

17 Section 1111 (20 U.S.C. 6311) is amended to read  
 18 as follows:

19 **“SEC. 1111. STATE PLANS.**

20 **“(a) PLANS REQUIRED.—**

21 **“(1) IN GENERAL.—**Any State desiring to re-  
 22 ceive a grant under this part shall submit to the  
 23 Secretary, by March 1, 2002, a plan that satisfies  
 24 the requirements of this section and that is coordi-  
 25 nated with other programs under this Act, the Indi-

1       viduals with Disabilities Education Act, the Carl D.  
2       Perkins Vocational and Technical Education Act of  
3       1998, the Adult Education and Family Literacy Act,  
4       and the Head Start Act.

5               “(2) CONSOLIDATION PLAN.—A State plan sub-  
6       mitted under paragraph (1) may be submitted as  
7       part of a consolidation plan under section 5506.

8               “(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-  
9       ABILITY.—

10              “(1) CHALLENGING STANDARDS.—(A) Each  
11       State plan shall demonstrate that the State has  
12       adopted challenging content standards and chal-  
13       lenging student performance standards that will be  
14       used by the State, its local educational agencies, and  
15       its schools to carry out this part, except that a State  
16       shall not be required to submit such standards to  
17       the Secretary.

18              “(B) The standards required by subparagraph  
19       (A) shall be the same standards that the State ap-  
20       plies to all schools and children in the State.

21              “(C) The State shall have the standards de-  
22       scribed in subparagraph (A) for all public elemen-  
23       tary school and secondary school children served  
24       under this part in subjects determined by the State,  
25       but including at least mathematics, reading or lan-

1 guage arts, history, and science, which shall include  
2 the same knowledge skills, and levels of achievement  
3 expected of all children, except that no State shall  
4 be required to meet the requirements under this part  
5 relating to history or science standards until the be-  
6 ginning of the 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 ex-  
12 pected 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 “(ii) challenging student performance  
18 standards that—

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

21 “(II) describe 2 levels of high per-  
22 formance, proficient and advanced, that  
23 determine how well children are mastering  
24 the material in the State content stand-  
25 ards; and

1                   “(III) describe a third level of per-  
2                   formance, partially proficient, to provide  
3                   complete information about the progress of  
4                   the lower performing children toward  
5                   achieving to the proficient and advanced  
6                   levels of performance.

7                   “(E) For the subjects in which students served  
8                   under this part will be taught, but for which a State  
9                   is not required by subparagraphs (A), (B), and (C)  
10                  to develop standards, and has not otherwise devel-  
11                  oped standards, the State plan shall describe a strat-  
12                  egy for ensuring that such students are taught the  
13                  same knowledge and skills and held to the same ex-  
14                  pectations as are all children.

15                  “(2) ACCOUNTABILITY.—(A) Each State plan  
16                  shall demonstrate that the State has developed and  
17                  is implementing a single, statewide State account-  
18                  ability system that has been or will be effective in  
19                  ensuring that all local educational agencies, elemen-  
20                  tary schools, and secondary schools make adequate  
21                  yearly progress as defined under subparagraph (B).  
22                  Each State accountability system shall—

23                         “(i) be based on the standards and assess-  
24                         ments adopted under paragraphs (1) and (3)

1 and take into account the performance of all  
2 students;

3 “(ii) be used for all schools or all local edu-  
4 cational agencies in the State, except that  
5 schools and local educational agencies not par-  
6 ticipating under this part are not subject to the  
7 requirements of section 1116(c);

8 “(iii) include performance indicators for  
9 local educational agencies and schools to meas-  
10 ure student performance consistent with sub-  
11 paragraph (B); and

12 “(iv) include sanctions and rewards, such  
13 as bonuses or recognition, the State will use to  
14 hold local educational agencies and schools ac-  
15 countable for student achievement and perform-  
16 ance and for ensuring that the agencies and  
17 schools make adequate yearly progress in ac-  
18 cordance with the State’s definition under sub-  
19 paragraph (B).

20 “(B) Each State plan shall demonstrate, based  
21 on assessments described in paragraph (3), what  
22 constitutes adequate yearly progress of the State,  
23 and of schools and local educational agencies in the  
24 State, toward enabling all students to meet the  
25 State’s student performance standards. Adequate

1       yearly progress shall be defined by the State in a  
2       manner that—

3               “(i) applies the same high standards of  
4               academic performance to all students in the  
5               State;

6               “(ii) is statistically valid and reliable;

7               “(iii) results in continuous and substantial  
8               academic improvement for all students;

9               “(iv) measures the progress of schools and  
10              local educational agencies based primarily on  
11              the assessments described in paragraph (3);

12              “(v) includes annual measurable objectives  
13              for continuing and significant improvement  
14              in—

15                      “(I) the achievement of all students;

16                      and

17                      “(II) the achievement of economically  
18                      disadvantaged students, students with dis-  
19                      abilities, students with limited English pro-  
20                      ficiency, migrant students, students by ra-  
21                      cial and ethnic group, and students by gen-  
22                      der, except that such disaggregation shall  
23                      not be required in any case in which the  
24                      number of students in a category is insuffi-  
25                      cient to yield statistically reliable informa-



1           tion or the results would reveal individually  
2           identifiable information about an individual  
3           student;

4           “(vi) includes a timeline for ensuring that  
5           each group of students described in clause (v)  
6           meets or exceeds the State’s proficient level of  
7           performance on the State assessment used for  
8           the purposes of this section and section 1116  
9           within 10 years from the date of enactment of  
10          the Better Education for Students and Teach-  
11          ers Act; and

12          “(vii) includes school completion or drop-  
13          out rates and at least 1 other academic indi-  
14          cator, as determined by the States, except that  
15          inclusion of such indicators shall not decrease  
16          the number of schools or local educational agen-  
17          cies that would otherwise be subject to identi-  
18          fication for improvement or corrective action if  
19          the discretionary indicators were not included.

20          “(C) Each State shall ensure that in developing  
21          its plan, the State diligently seeks public comment  
22          from a range of institutions and individuals in the  
23          State with an interest in improved student achieve-  
24          ment and performance, including parents, teachers,  
25          local educational agencies, pupil services personnel,

1 administrators (including those described in other  
2 parts of this title), and other staff, and that the  
3 State will continue to make a substantial effort to  
4 ensure that information under this part is widely  
5 known and understood by the public, parents, teach-  
6 ers, and school administrators throughout the State.  
7 Such efforts shall include, at a minimum, publica-  
8 tion of such information and explanatory text,  
9 broadly to the public through such means as the  
10 Internet, the media, and public agencies.

11 “(D) If a State educational agency provides evi-  
12 dence, which is satisfactory to the Secretary, that  
13 neither the State educational agency nor any other  
14 State government official, agency, or entity has suf-  
15 ficient authority, under State law, to adopt cur-  
16 riculum content and student performance standards,  
17 and assessments aligned with such standards, which  
18 will be applicable to all students enrolled in the  
19 State’s public schools, the State educational agency  
20 may meet the requirements of this subsection by—

21 “(i) adopting standards and assessments  
22 that meet the requirements of this subsection,  
23 on a statewide basis, and limiting the applica-  
24 bility of the standards and assessments to stu-  
25 dents served under this part; or

1           “(ii) adopting and implementing policies  
2           that ensure that each local educational agency  
3           in the State which receives a grant under this  
4           part will adopt curriculum content and student  
5           performance standards, and assessments  
6           aligned with such standards, which meet all of  
7           the criteria of this subsection.

8           “(E) Each State plan shall describe the stand-  
9           ard the State will use for judging statistically signifi-  
10          cant educational progress for purposes of imple-  
11          menting the reconstitution provisions contained in  
12          section 1116 and, in so doing, describe how the  
13          State will take into account issues such as the size  
14          of a school and the mobility of the students in a  
15          school.

16          “(3) ASSESSMENTS.—Each State plan shall  
17          demonstrate that the State, in consultation with  
18          local educational agencies, has a system of high-  
19          quality, yearly student assessments in subjects that  
20          include, at a minimum, mathematics, reading or lan-  
21          guage arts, and science that will be used as the pri-  
22          mary means of determining the yearly performance  
23          of each local educational agency and school in ena-  
24          bling all children to meet the State’s student per-  
25          formance standards, except that no State shall be

1 required to meet the requirements of this part relat-  
2 ing to science assessments until the beginning of the  
3 2007–2008 school year. Such assessments shall—

4 “(A) be the same assessments used to  
5 measure the performance of all children;

6 “(B) be aligned with the State’s chal-  
7 lenging content and student performance stand-  
8 ards and provide coherent information about  
9 student attainment of such standards;

10 “(C) be used for purposes for which such  
11 assessments are valid and reliable, and be con-  
12 sistent with relevant, nationally recognized pro-  
13 fessional and technical standards for such as-  
14 sessments;

15 “(D) measure the proficiency of students  
16 in the academic subjects in which a State has  
17 adopted challenging content and student per-  
18 formance standards and be administered not  
19 less than 1 or more times during—

20 “(i) grades 3 through 5;

21 “(ii) grades 6 through 9; and

22 “(iii) grades 10 through 12;

23 “(E) involve multiple up-to-date measures  
24 of student performance, including measures

1 that assess higher order thinking skills and un-  
2 derstanding;

3 “(F) beginning not later than school year  
4 2005–2006, measure the annual performance of  
5 students against the challenging State content  
6 and student performance standards in grades 3  
7 through 8 in at least mathematics and reading  
8 or language arts, except that—

9 “(i) the Secretary may provide the  
10 State 1 additional year if the State dem-  
11 onstrates that exceptional or uncontrollable  
12 circumstances, such as a natural disaster  
13 or a precipitous and unforeseen decline in  
14 the financial resources of the local edu-  
15 cational agency or school, prevented full  
16 implementation of the assessments by that  
17 deadline and that the State will complete  
18 the implementation within the additional  
19 1-year period; and

20 “(ii) a State shall not required to con-  
21 duct any assessments under this subpara-  
22 graph, that were not required on the day  
23 preceding the date of enactment of the  
24 Better Education for Students and Teach-  
25 ers Act, in any school year, if the amount

1 made available to the State under section  
2 6403(a) for use in that school year for  
3 such assessments is less than 50 percent of  
4 the costs of administering such assess-  
5 ments by the State in the previous school  
6 year, or if such assessments were not ad-  
7 ministered in the previous school year (in  
8 accordance with this clause), in the most  
9 recent school year in which such assess-  
10 ments were administered;

11 “(G) provide for—

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

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

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

1 reliable 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 school years, except that—

10 “(I) if the local educational agen-  
11 cy determines, on a case-by-case indi-  
12 vidual basis, that assessments in an-  
13 other language and form would likely  
14 yield more accurate and reliable infor-  
15 mation on what such student knows  
16 and can do, the local educational  
17 agency may assess such student in the  
18 appropriate language other than  
19 English for 1 additional year; or

20 “(II) in extraordinary situations,  
21 if the local educational agency deter-  
22 mines, on a case-by-case individual  
23 basis, that assessments in another  
24 language and form would likely yield  
25 more accurate and reliable informa-

1                   tion, the local educational agency may  
2                   assess such student in the appropriate  
3                   language for additional years;

4                   “(H) include students who have attended  
5                   schools in a local educational agency for a full  
6                   academic year but have not attended a single  
7                   school for a full academic year, except that the  
8                   performance of students who have attended  
9                   more than 1 school in the local educational  
10                  agency in any academic year shall be used only  
11                  in determining the progress of the local edu-  
12                  cational agency;

13                  “(I) produce individual student interpretive  
14                  and descriptive reports to be provided to par-  
15                  ents of all students, which shall include scores,  
16                  or other information on the attainment of stu-  
17                  dent performance standards, such as measures  
18                  of student course work over time, student at-  
19                  tendance rates, student dropout rates, and stu-  
20                  dent participation in advanced level courses;  
21                  and

22                  “(J) enable results to be disaggregated  
23                  within each State, local educational agency, and  
24                  school by gender, by racial and ethnic group, by  
25                  English proficiency status, by migrant status,



1 by students with disabilities as compared to  
2 nondisabled students, and by economically dis-  
3 advantaged students as compared to students  
4 who are not economically disadvantaged, except  
5 that in the case of a local educational agency or  
6 a school such disaggregation shall not be re-  
7 quired in a case in which the number of stu-  
8 dents in a category is insufficient to yield sta-  
9 tistically reliable information or the results  
10 would reveal individually identifiable informa-  
11 tion about an individual student.

12 “(4) SPECIAL RULES.—(A) Additional measures  
13 that do not meet the requirements of paragraph  
14 (3)(C) may be included in the assessments if a State  
15 includes in the State plan information regarding the  
16 State’s efforts to validate such measures.

17 “(B) States may measure the proficiency of stu-  
18 dents in the academic subjects in which a State has  
19 adopted challenging content and student perform-  
20 ance standards 1 or more times during grades kin-  
21 dergarten through 2.

22 “(5) LANGUAGE ASSESSMENTS.—Each State  
23 plan shall identify the languages other than English  
24 that are present in the participating student popu-  
25 lation and indicate the languages for which yearly

1 student assessments are not available and are need-  
2 ed. The State shall make every effort to develop  
3 such assessments and may request assistance from  
4 the Secretary if linguistically accessible assessment  
5 measures are needed. Upon request, the Secretary  
6 shall assist with the identification of appropriate as-  
7 sessment measures in the needed languages but shall  
8 not mandate a specific assessment or mode of in-  
9 struction.

10 “(6) REQUIREMENT.—Each State plan shall  
11 describe—

12 “(A) how the State educational agency will  
13 help each local educational agency and school  
14 affected by the State plan to develop the capac-  
15 ity to comply with each of the requirements of  
16 sections 1112(c)(4), 1114(b), and 1115(c) that  
17 is applicable to such agency or school; and

18 “(B) such other factors the State deems  
19 appropriate to provide students an opportunity  
20 to achieve the knowledge and skills described in  
21 the challenging content standards adopted by  
22 the State.

23 “(7) ED-FLEX.—A State shall not be eligible  
24 for designation under the Ed-Flex Partnership Act  
25 of 1999 until the State develops assessments aligned

1 with the State’s content standards in at least mathe-  
2 matics and reading or language arts.

3 “(c) OTHER PROVISIONS TO SUPPORT TEACHING  
4 AND LEARNING.—Each State plan shall contain assur-  
5 ances that—

6 “(1) the State will meet the requirements of  
7 subsection (i)(1) and, beginning with the 2002–2003  
8 school year, will produce the annual State report  
9 cards described in such subsection;

10 “(2) the State will, beginning in school year  
11 2002–2003, participate in annual State assessments  
12 of 4th and 8th grade reading and mathematics  
13 under the National Assessment of Educational  
14 Progress carried out under section 411(b)(2) of the  
15 National Education Statistics Act of 1994 if the  
16 Secretary pays the costs of administering such as-  
17 sessments;

18 “(3) the State educational agency will work  
19 with other agencies, including educational service  
20 agencies or other local consortia, and institutions to  
21 provide technical assistance to local educational  
22 agencies and schools to carry out the State edu-  
23 cational agency’s responsibilities under this part, in-  
24 cluding technical assistance in providing professional  
25 development under section 1119, technical assistance

1 under section 1117, and parental involvement under  
2 section 1118;

3 “(4)(A) where educational service agencies  
4 exist, the State educational agency will consider pro-  
5 viding professional development and technical assist-  
6 ance 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 au-  
16 thority to operate schoolwide programs, and will ful-  
17 fill the State educational agency’s responsibilities re-  
18 garding local educational agency improvement and  
19 school improvement under section 1116, including  
20 such corrective 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 stu-  
5 dent academic performance;

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

10           “(9) the State educational agency will modify or  
11 eliminate State fiscal and accounting barriers so  
12 that schools can easily consolidate funds from other  
13 Federal, State, and local sources for schoolwide pro-  
14 grams 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  
22 3 of part B of title V and, if the State is an Ed-  
23 Flex 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  
5           shall describe how the State will support the collection and  
6           dissemination to local educational agencies and schools of  
7           effective parental involvement practices. Such practices  
8           shall—

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

12          “(2) be geared toward lowering barriers to  
13          greater participation in school planning, review, and  
14          improvement 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 as-  
19                 sist in the review of State plans;

20                 “(B) appoint individuals to the peer review  
21                 process who are representative of parents,  
22                 teachers, State educational agencies, local edu-  
23                 cational agencies, and who are familiar with  
24                 educational standards, assessments, account-

1 ability, and other diverse educational needs of  
2 students;

3 “(C) approve a State plan within 120 days  
4 of its submission unless the Secretary deter-  
5 mines that the plan does not meet the require-  
6 ments of this section;

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

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

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

16 “(ii) providing technical assistance in  
17 order to assist the State to meet the re-  
18 quirements under subsections (a), (b), and  
19 (c); and

20 “(iii) providing a hearing; and

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

1 plan 1 or more specific elements of the State’s  
2 content standards or to use specific assessment  
3 instruments or items.

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

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

15 “(g) DURATION OF THE PLAN.—

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

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

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



1 student performance standards, new assessments, or  
2 a new definition of adequate progress, the State  
3 shall submit such information to the Secretary.

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

11 “(i) PENALTY.—If a State fails to meet the statutory  
12 deadlines for demonstrating that it has in place chal-  
13 lenging content standards and student performance stand-  
14 ards, and a system for measuring and monitoring ade-  
15 quate yearly progress, the Secretary shall withhold funds  
16 for State administration and activities under section 1117  
17 until the Secretary determines that the State plan meets  
18 the requirements of this section.

19 “(j) REPORTS.—

20 “(1) ANNUAL STATE REPORT CARD.—

21 “(A) IN GENERAL.—Not later than the be-  
22 ginning of the 2002–2003 school year, a State  
23 that receives assistance under this Act shall  
24 prepare and disseminate an annual State report  
25 card.

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

3                   “(i) concise; and

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

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

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

19                   “(i) information, in the aggregate, on  
20 student achievement and performance at  
21 each proficiency level on the State assess-  
22 ments described in subsection (b)(3)(F)  
23 (disaggregated by race, ethnicity, gender,  
24 disability status, migrant status, English  
25 proficiency, and socioeconomic status);

1           “(ii) the percentage of students not  
2 tested (disaggregated by the same cat-  
3 egories described in clause (i));

4           “(iii) such other information (such as  
5 dropout, graduation, and school attendance  
6 rates, completion of advanced placement  
7 courses, professional qualifications of  
8 teachers, and average class size by grade  
9 level) as the State believes will best provide  
10 parents, students, and other members of  
11 the public with information on the progress  
12 of each of the State’s public schools;

13           “(iv) the number and names of each  
14 school identified for school improvement,  
15 including schools identified under section  
16 1116(c); and

17           “(v) information on the performance  
18 of local educational agencies in the State  
19 regarding making adequate yearly  
20 progress, including the number and per-  
21 centage of schools in the State that did not  
22 make adequate yearly progress.

23           “(2) ANNUAL LOCAL EDUCATIONAL AGENCY  
24 REPORT CARDS.—

1           “(A) IN GENERAL.—Not later than the be-  
2           ginning of the 2002–2003 school year, a local  
3           educational agency that receives assistance  
4           under this Act shall prepare and disseminate an  
5           annual local educational agency report card.

6           “(B) MINIMUM REQUIREMENTS.—The  
7           State shall ensure that each local educational  
8           agency collects appropriate data and includes in  
9           the local educational agency’s annual report the  
10          information described in paragraph (1)(D) as  
11          applied to the local educational agency and each  
12          school served by the local educational agency,  
13          and—

14                 “(i) in the case of a local educational  
15                 agency—

16                         “(I) the number and percentage  
17                         of schools identified for school im-  
18                         provement and how long they have  
19                         been so identified, including schools  
20                         identified under section 1116(c); and

21                         “(II) information that shows how  
22                         students served by the local edu-  
23                         cational agency perform on the state-  
24                         wide assessment compared to students  
25                         in the State as a whole; and

1 “(ii) in the case of a school—

2 “(I) whether the school has been  
3 identified for school improvement; and

4 “(II) information that shows how  
5 the school’s students performed on the  
6 statewide assessment compared to  
7 students in the local educational agen-  
8 cy and the State as a whole.

9 “(C) OTHER INFORMATION.—A local edu-  
10 cational agency may include in its annual re-  
11 ports any other appropriate information wheth-  
12 er or not such information is included in the  
13 annual State report.

14 “(D) DATA.—A local educational agency  
15 or school shall only include in its annual local  
16 educational agency report card data that is suf-  
17 ficient to yield statistically reliable information,  
18 as determined by the State, and does not reveal  
19 individually identifiable information about an  
20 individual student.

21 “(E) PUBLIC DISSEMINATION.—The local  
22 educational agency shall, not later than the be-  
23 ginning of the 2002–2003 school year, publicly  
24 disseminate the information described in this  
25 paragraph to all schools in the school district

1 and to all parents of students attending those  
2 schools, and make the information broadly  
3 available through public means, such as posting  
4 on the Internet, distribution to the media, and  
5 distribution through public agencies, except  
6 that if a local educational agency issues a re-  
7 port card for all students, the local educational  
8 agency may include the information under this  
9 section as part of such report.

10 “(3) PREEXISTING REPORT CARDS.—A State or  
11 local educational agency that was providing public  
12 report cards on the performance of students,  
13 schools, local educational agencies, or the State, may  
14 continue to use those reports for the purpose of this  
15 subsection, if such report is modified, as may be nec-  
16 essary, to contain the information required by this  
17 subsection.

18 “(4) ANNUAL STATE REPORT TO THE SEC-  
19 RETARY.—Each State receiving assistance under  
20 this Act shall report annually to the Secretary, and  
21 make widely available within the State—

22 “(A) beginning with school year 2001–  
23 2002, information on the State’s progress in  
24 developing and implementing the assessments  
25 described in subsection (b)(3);

1           “(B) beginning not later than school year  
2           2004–2005, information on the achievement of  
3           students on the assessments required by that  
4           section, including the disaggregated results for  
5           the categories of students identified in sub-  
6           section (b)(2)(B)(v)(II);

7           “(C) the number and names of each school  
8           identified for school improvement, including  
9           schools identified under section 1116(c), the  
10          reason why each school was so identified, and  
11          the measures taken to address the performance  
12          problems of such schools; and

13          “(D) in any year before the State begins to  
14          provide the information described in subpara-  
15          graph (B), information on the results of stu-  
16          dent assessments (including disaggregated re-  
17          sults) required under this section.

18          “(5) PARENTS RIGHT-TO-KNOW.—

19                 “(A) QUALIFICATIONS.—A local edu-  
20                 cational agency that receives funds under this  
21                 part shall provide and notify the parents of  
22                 each student attending any school receiving  
23                 funds under this part that the parents may re-  
24                 quest, and will be provided on request, informa-  
25                 tion regarding the professional qualifications of

1 the student’s classroom teachers, including, at a  
2 minimum, the following:

3 “(i) Whether the teacher has met  
4 State qualification and licensing criteria  
5 for the grade levels and subject areas in  
6 which the teacher provides instruction.

7 “(ii) Whether the teacher is teaching  
8 under emergency or other provisional sta-  
9 tus through which State qualification or li-  
10 censing criteria have been waived.

11 “(iii) The baccalaureate degree major  
12 of the teacher and any other graduate cer-  
13 tification or degree held by the teacher,  
14 and the field of discipline of the certifi-  
15 cation or degree.

16 “(iv) Whether the child is provided  
17 services by paraprofessionals and the quali-  
18 fications of such paraprofessional.

19 “(B) ADDITIONAL INFORMATION.—A  
20 school that receives funds under this part shall  
21 provide to parents information on the level of  
22 performance, of the individual student for  
23 whom they are the parent, in each of the State  
24 assessments as required under this part.



1           “(C) **FORMAT.**—The notice and informa-  
2           tion provided to parents shall be in an under-  
3           standable and uniform format.

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

7           “(l) **TECHNICAL ASSISTANCE.**—The Secretary shall  
8           provide a State educational agency, at the State edu-  
9           cational agency’s request, technical assistance in meeting  
10          the requirements of this section, including the provision  
11          of advice by experts in the development of high-quality as-  
12          sessments and other relevant areas.”.

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

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

15               (1) in subsection (a)—

16                       (A) in paragraph (1), by striking “the  
17                       Goals” and all that follows through “section  
18                       14306” and inserting “the Individuals with  
19                       Disabilities Education Act, the Carl D. Perkins  
20                       Vocational and Technical Education Act of  
21                       1998, the Head Start Act, and other Acts, as  
22                       appropriate”; and

23                       (B) in paragraph (2), by striking “14304”  
24                       and inserting “5504”;

25               (2) in subsection (b)—

- 1 (A) in paragraph (1)—
- 2 (i) in subparagraph (B), by striking
- 3 “and” after the semicolon;
- 4 (ii) in subparagraph (C), by inserting
- 5 “and” after the semicolon; and
- 6 (iii) by adding at the end the fol-
- 7 lowing:
- 8 “(D) determine the literacy levels of first
- 9 graders and their needs for interventions, in-
- 10 cluding a description of how the agency will en-
- 11 sure that any such assessments—
- 12 “(i) are developmentally appropriate;
- 13 “(ii) use multiple measures to provide
- 14 information about the variety of skills that
- 15 research has identified as leading to early
- 16 reading; and
- 17 “(iii) are administered to students in
- 18 the language most likely to yield valid re-
- 19 sults;”;
- 20 (B) in paragraph (3), by inserting “, which
- 21 strategy shall be coordinated with activities
- 22 under title II if the local educational agency re-
- 23 ceives funds under title II” before the semi-
- 24 colon;
- 25 (C) in paragraph (4)—

1 (i) in subparagraph (A)—

2 (I) by striking “programs, voca-  
3 tional” and inserting “programs and  
4 vocational”; and

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

7 (ii) in subparagraph (B)—

8 (I) by striking “served under  
9 part C” and all that follows through  
10 “1994”; and

11 (II) by striking “served under  
12 part D”; and

13 (D) by striking paragraph (9) and insert-  
14 ing the following:

15 “(9) where appropriate, a description of how  
16 the local educational agency will use funds under  
17 this part to support early childhood education pro-  
18 grams under section 1120B; and

19 “(10) a description of the strategy the local  
20 educational agency will use to implement effective  
21 parental involvement under section 1118.”;

22 (3) by amending subsection (c) to read as fol-  
23 lows:

1       “(c) ASSURANCES.—Each local educational agency  
2 plan shall provide assurances that the local educational  
3 agency will—

4           “(1) inform eligible schools and parents of  
5 schoolwide project authority;

6           “(2) provide technical assistance and support to  
7 schoolwide programs;

8           “(3) work in consultation with schools as the  
9 schools develop the schools’ plans pursuant to sec-  
10 tion 1114 and assist schools as the schools imple-  
11 ment such plans or undertake activities pursuant to  
12 section 1115 so that each school can make adequate  
13 yearly progress toward meeting the State content  
14 standards and State student performance standards;

15           “(4) fulfill such agency’s school improvement  
16 responsibilities under section 1116, including taking  
17 corrective actions under section 1116(c)(5);

18           “(5) work in consultation with schools as the  
19 schools develop and implement their plans or activi-  
20 ties under sections 1118 and 1119;

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

1           “(7) provide services to eligible children attend-  
2           ing private elementary and secondary schools in ac-  
3           cordance with section 1120, and timely and mean-  
4           ingful consultation with private school officials re-  
5           garding such services;

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

12          “(9) comply with the requirements of section  
13          1119 regarding professional development;

14          “(10) inform eligible schools of the local edu-  
15          cational agency’s authority to obtain waivers on the  
16          school’s behalf under subpart 3 of part B of title V,  
17          and if the State is an Ed-Flex Partnership State,  
18          waivers under the Education Flexibility Partnership  
19          Act of 1999;

20          “(11) ensure, through incentives for voluntary  
21          transfers, the provision of professional development,  
22          recruitment programs, or other effective strategies,  
23          that low-income students and minority students are  
24          not taught at higher rates than other students by  
25          unqualified, out-of-field, or inexperienced teachers;

1           “(12) use the results of the student assess-  
2           ments required under section 1111(b)(3), and other  
3           measures or indicators available to the agency, to re-  
4           view annually the progress of each school served by  
5           the agency and receiving funds under this title to de-  
6           termine whether or not all of the schools are making  
7           the annual progress necessary to ensure that all stu-  
8           dents will meet the State’s proficient level of per-  
9           formance on the State assessments described in sec-  
10          tion 1111(b)(3) within 10 years of the date of enact-  
11          ment of the Better Education for Students and  
12          Teachers Act; and

13           “(13) ensure that the results from the assess-  
14          ments required under section 1111 will be provided  
15          to parents and teachers as soon as is practicably  
16          possible after the test is taken, in a manner and  
17          form that is understandable and easily accessible to  
18          parents and teachers.”; and

19           (4) in subsection (e)—

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

23           (B) in paragraph (3)—

24           (i) by striking “professional develop-  
25           ment”; and

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

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

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

6 (1) in subparagraph (B), by striking “and”  
7 after the semicolon;

8 (2) in subparagraph (C)(iii), by striking the pe-  
9 riod and inserting “; and”; and

10 (3) by adding at the end the following:

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

18 **SEC. 114. SCHOOLWIDE PROGRAMS.**

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

20 (1) in subsection (a)—

21 (A) by striking paragraph (1) and insert-  
22 ing the following:

23 “(1) IN GENERAL.—A local educational agency  
24 may use funds under this part, together with other  
25 Federal, State, and local funds, to upgrade the en-

1        tire educational program of a school that serves an  
2        eligible school attendance area in which not less than  
3        40 percent of the children are from low-income fami-  
4        lies, or not less than 40 percent of the children en-  
5        rolled in the school are from such families, for the  
6        initial year of the schoolwide program.”; and

7                    (B) in paragraph (4)—

8                    (i) by amending the heading to read  
9                    as follows: “EXEMPTION FROM STATUTORY  
10                    AND REGULATORY REQUIREMENTS.—”;

11                    and

12                    (ii) by adding at the end the fol-  
13                    lowing:

14                    “(C) A school that chooses to use funds from  
15                    such other programs under this section shall not be  
16                    required to maintain separate fiscal accounting  
17                    records, by program, that identify the specific activi-  
18                    ties supported by those particular funds as long as  
19                    the school maintains records that demonstrate that  
20                    the schoolwide program, considered as a whole, ad-  
21                    dresses the intent and purposes of each of the pro-  
22                    grams that were consolidated to support the  
23                    schoolwide program.”; and

24                    (2) in subsection (b)—

25                    (A) in paragraph (1)—



1 (i) in subparagraph (B)(vii), by strik-  
2 ing “, if any, approved under title III of  
3 the Goals 2000: Educate America Act”;  
4 and

5 (ii) in subparagraph (E), by striking  
6 “, such as family literacy services” and in-  
7 serting “(including activities described in  
8 section 1118), such as family literacy serv-  
9 ices, in-school volunteer opportunities, or  
10 parent membership on school-based leader-  
11 ship or management teams.”; and

12 (B) in paragraph (2)—

13 (i) in subparagraph (A)—

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

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

23 (ii) in subparagraph (C)—

24 (I) in clause (i)(II), by striking  
25 “Improving America’s Schools Act of

1                   1994” and inserting “Better Edu-  
2                   cation for Students and Teachers  
3                   Act”; and

4                   (II) in clause (v), by striking  
5                   “the School-to-Work Opportunities  
6                   Act of 1994”.

7 **SEC. 115. TARGETED ASSISTANCE SCHOOLS.**

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

9           (1) in subsection (b)—

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

12                   (B) in paragraph (2)—

13                           (i) in subparagraph (B), insert “or in  
14                           early childhood education services under  
15                           this title,” after “program,”; and

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

19           (2) in subsection (c)(1)—

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

22                           “(G) provide opportunities for professional  
23                           development with resources provided under this  
24                           part, and to the extent practicable, from other  
25                           sources, for teachers, principals, administrators,

1           paraprofessionals, pupil services personnel, and  
 2           parents, who work with participating children in  
 3           programs under this section or in the regular  
 4           education program; and”;

5                   (B) in subparagraph (H), by striking “,  
 6           such as family literacy services” and inserting  
 7           “(including activities described in section 1118),  
 8           such as family literacy services, in-school volun-  
 9           teer opportunities, or parent membership on  
 10          school-based leadership or management  
 11          teams.”.

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

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

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

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

20                   “(1) becomes a victim of a violent criminal of-  
 21 fense while in or on the grounds of a public elemen-  
 22 tary school or secondary school that the student at-  
 23 tends and that receives assistance under this part,  
 24 then the local educational agency shall allow such  
 25 student to transfer to another public school or public

1 charter school in the same State as the school where  
2 the criminal offense occurred, that is selected by the  
3 student's parent unless allowing such transfer is  
4 prohibited—

5 “(A) under the provisions of a State or  
6 local law; or

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

9 “(2) the public school that the student attends  
10 and that receives assistance under this part has been  
11 designated as an unsafe public school, then the local  
12 educational agency may allow such student to trans-  
13 fer to another public school or public charter school  
14 in the same State as the school where the criminal  
15 offense occurred, that is selected by the student's  
16 parent.

17 “(b) STATE EDUCATIONAL AGENCY DETERMINA-  
18 TIONS.—

19 “(1) The State educational agency shall deter-  
20 mine, based upon State law, what actions constitute  
21 a violent criminal offense for purposes of this sec-  
22 tion.

23 “(2) The State educational agency shall deter-  
24 mine which schools in the State are unsafe public  
25 schools.

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

5           “(A) expulsions and suspensions of stu-  
6 dents from school;

7           “(B) referrals of students to alternative  
8 schools for disciplinary reasons, to special pro-  
9 grams or schools for delinquent youth, or to ju-  
10 venile court;

11           “(C) victimization of students or teachers  
12 by criminal acts, including robbery, assault and  
13 homicide;

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

16           “(E) possession, use, sale or distribution of  
17 illegal drugs;

18           “(F) enrolled students who are attending  
19 school while under the influence of illegal drugs  
20 or alcohol;

21           “(G) possession or use of guns or other  
22 weapons;

23           “(H) participation in youth gangs; or

24           “(I) crimes against property, such as theft  
25 or vandalism.

1           “(c) TRANSPORTATION COSTS.—The local edu-  
2 cational agency that serves the public school in which the  
3 violent criminal offense occurred or that serves the des-  
4 ignated unsafe public school may use funds provided under  
5 this part to provide transportation services or to pay the  
6 reasonable costs of transportation for the student to at-  
7 tend the school selected by the student’s parent.

8           “(d) SPECIAL RULE.—Any school receiving assist-  
9 ance provided under this section shall comply with title  
10 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et  
11 seq.) and not discriminate on the basis of race, color, or  
12 national origin.

13           “(e) PART B OF THE INDIVIDUALS WITH DISABIL-  
14 ITIES EDUCATION ACT.—Nothing in this section shall be  
15 construed to affect the requirements of part B of the Indi-  
16 viduals with Disabilities Education Act (20 U.S.C. 1411  
17 et seq.).

18           “(f) MAXIMUM AMOUNT.—Notwithstanding any  
19 other provision of this section, the amount of assistance  
20 provided under this part for a student who elects a trans-  
21 fer under this section shall not exceed the per pupil ex-  
22 penditures for elementary or secondary school students as  
23 provided by the local educational agency that serves the  
24 school involved in the transfer.”.

1 **SEC. 117. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**  
2 **AND SCHOOL IMPROVEMENT.**

3 Section 1116 (20 U.S.C. 6317) is amended to read  
4 as follows:

5 **“SEC. 1116. ASSESSMENT AND LOCAL EDUCATIONAL AGEN-**  
6 **CY AND SCHOOL IMPROVEMENT.**

7 “(a) LOCAL REVIEW.—Each local educational agency  
8 receiving funds under this part shall—

9 “(1) use the State assessments described in the  
10 State plan;

11 “(2) use any additional measures or indicators  
12 described in the local educational agency’s plan to  
13 review annually the progress of each school served  
14 under this part to determine whether the school is  
15 meeting, or making adequate progress as defined in  
16 section 1111(b)(2)(B) toward enabling its students  
17 to meet the State’s student performance standards  
18 described in the State plan;

19 “(3) provide the results of the local annual re-  
20 view to schools so that the schools can continually  
21 refine the program of instruction to help all children  
22 served under this part in those schools meet the  
23 State’s student performance standards; and

24 “(4) annually review the effectiveness of the ac-  
25 tions and activities the schools are carrying out  
26 under this part with respect to parental involvement

1 activities under section 1118, professional develop-  
2 ment activities under section 1119, and other activi-  
3 ties assisted under this Act.

4 “(b) DESIGNATION OF DISTINGUISHED SCHOOLS.—  
5 Each State educational agency and local educational agen-  
6 cy receiving funds under this part shall designate distin-  
7 guished schools in accordance with section 1117.

8 “(c) SCHOOL IMPROVEMENT.—

9 “(1) SCHOOL IMPROVEMENT.—(A) Subject to  
10 subparagraph (B), a local educational agency shall  
11 identify for school improvement any elementary  
12 school or secondary school served under this part  
13 that—

14 “(i) fails, for any year, to make adequate  
15 yearly progress as defined in the State’s plan  
16 under section 1111(b)(2)(B); or

17 “(ii) was in school improvement status  
18 under this section on the day preceding the  
19 date of enactment of the Better Education for  
20 Students and Teachers Act.

21 “(B) Subparagraph (A) shall not apply to a  
22 school if almost every student in such school is meet-  
23 ing the State’s proficient level of performance.

24 “(C) To determine if an elementary school or a  
25 secondary school that is conducting a targeted as-



1       sistance program under section 1115 should be iden-  
2       tified for school improvement under this subsection,  
3       a local educational agency may choose to review the  
4       progress of only the students in the school who are  
5       served, or are eligible for services, under this part.

6               “(2) OPPORTUNITY TO REVIEW AND PRESENT  
7       EVIDENCE; TIME LIMIT.—(A) Before identifying an  
8       elementary school or a secondary school for school  
9       improvement under paragraph (1), for corrective ac-  
10      tion under paragraph (6), or for reconstitution  
11      under paragraph (7), the local educational agency  
12      shall provide the school with an opportunity to re-  
13      view the school-level data, including assessment  
14      data, on which such identification is based.

15             “(B) If the principal of a school proposed for  
16      identification under paragraph (1), (6), or (7) be-  
17      lieves that the proposed identification is in error for  
18      statistical or other substantive reasons, the principal  
19      may provide supporting evidence to the local edu-  
20      cational agency, which shall consider that evidence  
21      before making a final determination.

22             “(C) Not later than 30 days after a local edu-  
23      cational agency makes an initial determination con-  
24      cerning identifying a school under paragraph (1),  
25      (6), or (7), the local educational agency shall make

1 public a final determination on the status of the  
2 school.

3 “(3) SCHOOL PLAN.—(A) Each school identified  
4 under paragraph (1) for school improvement shall,  
5 not later than 3 months after being so identified, de-  
6 velop or revise a school plan, in consultation with  
7 parents, school staff, the local educational agency  
8 serving the school, the local school board, and other  
9 outside experts, for approval by such local edu-  
10 cational agency. The school plan shall cover a 2-year  
11 period and—

12 “(i) incorporate scientifically based re-  
13 search strategies that strengthen the core aca-  
14 demic subjects in the school and address the  
15 specific academic issues that caused the school  
16 to be identified for school improvement;

17 “(ii) adopt policies and practices con-  
18 cerning the school’s core academic subjects that  
19 have the greatest likelihood of ensuring that all  
20 groups of students specified in section  
21 1111(b)(2)(B)(v)(II) and enrolled in the school  
22 will meet the State’s proficient level of perform-  
23 ance on the State assessment described in sec-  
24 tion 1111(b)(3) within 10 years after the date

1 of enactment of the Better Education for Stu-  
2 dents and Teachers Act;

3 “(iii) provide an assurance that the school  
4 will reserve not less than 10 percent of the  
5 funds made available to the school under this  
6 part for each fiscal year that the school is in  
7 school improvement status, for the purpose of  
8 providing to the school’s teachers and principal  
9 high-quality professional development that—

10 “(I) directly addresses the academic  
11 performance problem that caused the  
12 school to be identified for school improve-  
13 ment; and

14 “(II) meets the requirements for pro-  
15 fessional development activities under sec-  
16 tion 1119;

17 “(iv) specify how the funds described in  
18 clause (iii) will be used to remove the school  
19 from school improvement status;

20 “(v) establish specific annual, objective  
21 goals for continuous and significant progress by  
22 each group of students specified in section 1111  
23 (b)(2)(B)(v)(II) and enrolled in the school that  
24 will ensure that all such groups of students will  
25 meet the State’s proficient level of performance

1 on the State assessment described in section  
2 1111(b)(3) within 10 years after the date of en-  
3 actment of the Better Education for Students  
4 and Teachers Act;

5 “(vi) identify how the school will provide  
6 written notification about the identification to  
7 the parents of each student enrolled in such  
8 school, in a format and, to the extent prac-  
9 ticable, in a language the parents can under-  
10 stand;

11 “(vii) specify the responsibilities of the  
12 school, the local educational agency, and the  
13 State educational agency serving the school  
14 under the plan, including the technical assist-  
15 ance to be provided by the local educational  
16 agency under paragraph (4); and

17 “(viii) include strategies to promote effec-  
18 tive parental involvement in the school.

19 “(B) The local educational agency may condi-  
20 tion approval of a school plan on inclusion of 1 or  
21 more of the corrective actions specified in paragraph  
22 (6)(D)(ii).

23 “(C) A school shall implement the school plan  
24 (including a revised plan) expeditiously, but not later  
25 than the beginning of the school year following the

1 school year in which the school was identified for  
2 school improvement.

3 “(D) The local educational agency, within 45  
4 days after receiving a school plan, shall—

5 “(i) establish a peer-review process to as-  
6 sist with review of a school plan prepared by a  
7 school served by the local educational agency;  
8 and

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

13 “(4) TECHNICAL ASSISTANCE.—(A) For each  
14 school identified for school improvement under para-  
15 graph (1), the local educational agency serving the  
16 school shall provide technical assistance as the  
17 school develops and implements the school plan.

18 “(B) Such technical assistance—

19 “(i) shall include assistance in analyzing  
20 data from the assessments required under sec-  
21 tion 1111(b)(3), and other samples of student  
22 work, to identify and address instructional  
23 problems and solutions;

24 “(ii) shall include assistance in identifying  
25 and implementing instructional strategies and

1 methods that are tied to scientifically based re-  
2 search and that have proven effective in ad-  
3 dressing the specific instructional issues that  
4 caused the school to be identified for school im-  
5 provement;

6 “(iii) shall include assistance in analyzing  
7 and revising the school’s budget so that the  
8 school resources are more effectively allocated  
9 for the activities most likely to increase student  
10 performance and to remove the school from  
11 school improvement status; and

12 “(iv) may be provided—

13 “(I) by the local educational agency,  
14 through mechanisms authorized under sec-  
15 tion 1117; or

16 “(II) by the State educational agency,  
17 an institution of higher education (in full  
18 compliance with all the reporting provi-  
19 sions of title II of the Higher Education  
20 Act of 1965), a private not-for-profit orga-  
21 nization or for-profit organization, an edu-  
22 cational service agency, or another entity  
23 with experience in helping schools improve  
24 performance.

1           “(C) Technical assistance provided under this  
2 section by a local educational agency or an entity ap-  
3 proved by that agency shall be based on scientifically  
4 based research.

5           “(5) NOTIFICATION TO PARENTS.—A local edu-  
6 cational agency shall promptly provide parents (in a  
7 format and, to the extent practicable, in a language  
8 they can understand) of each student in an elemen-  
9 tary school or a secondary school identified for  
10 school improvement—

11           “(A) an explanation of what the school im-  
12 provement identification means, and how the  
13 school identified for school improvement com-  
14 pares in terms of academic performance to  
15 other elementary schools or secondary schools  
16 served by the local educational agency and the  
17 State educational agency involved;

18           “(B) the reasons for the identification;

19           “(C) an explanation of what the school  
20 identified for school improvement is doing to  
21 address the problem of low performance;

22           “(D) an explanation of what the local edu-  
23 cational agency or State educational agency is  
24 doing to help the school address the perform-  
25 ance problem; and

1           “(E) an explanation of how parents de-  
2           scribed in this paragraph can become involved  
3           in addressing the academic issues that caused  
4           the school to be identified for school improve-  
5           ment.

6           “(6) CORRECTIVE ACTION.—(A) In this sub-  
7           section, the term ‘corrective action’ means action,  
8           consistent with State and local law, that—

9                   “(i) substantially and directly responds  
10           to—

11                           “(I) the consistent academic failure of  
12                           a school that caused the local educational  
13                           agency to take such action; and

14                           “(II) any underlying staffing, cur-  
15                           riculum, or other problem in the school;  
16                           and

17                           “(ii) is designed to increase substantially  
18                           the likelihood that students enrolled in the  
19                           school identified for corrective action will per-  
20                           form at the State’s proficient and advanced lev-  
21                           els of performance on the State assessment de-  
22                           scribed in section 1111(b)(3).

23           “(B) In order to help students served under  
24           this part meet challenging State standards, each  
25           local educational agency shall implement a system of



1 corrective action in accordance with subparagraphs  
2 (C) through (F) and paragraph (7).

3 “(C) After providing technical assistance under  
4 paragraph (4), the local educational agency—

5 “(i) may identify for corrective action and  
6 take corrective action with respect to any school  
7 served by the local educational agency under  
8 this part that fails to make adequate yearly  
9 progress, as defined by the State under section  
10 1111(b)(2)(B), at the end of the first year after  
11 the school year in which the school was identi-  
12 fied under paragraph (1);

13 “(ii) shall identify for corrective action and  
14 take corrective action with respect to any school  
15 served by the local educational agency under  
16 this part that—

17 “(I) fails to make adequate yearly  
18 progress, as defined by the State under  
19 section 1111(b)(2)(B), at the end of the  
20 second year after the school year in which  
21 the school was identified under paragraph  
22 (1); or

23 “(II) was in program-improvement  
24 status for 2 years or in corrective-action  
25 status under this subsection on the day

1 preceding the date of enactment of the  
2 Better Education for Students and Teach-  
3 ers Act;

4 “(iii) shall continue to provide technical as-  
5 sistance while instituting any corrective action  
6 under clause (i) or (ii); and

7 “(iv) shall promptly notify parents of the  
8 option to transfer their child to another public  
9 school under subparagraph (D)(i).

10 “(D) In the case of a school described in sub-  
11 paragraph (C)(ii), the local educational agency  
12 shall—

13 “(i) provide all students enrolled in the  
14 school with the option to transfer to another  
15 public school within the local educational agen-  
16 cy, including a public charter school, that has  
17 not been identified for school improvement  
18 under paragraph (1), unless—

19 “(I) such an option is prohibited by  
20 State law or local law (which includes a  
21 policy adopted by the school board); or

22 “(II) the local educational agency  
23 demonstrates to the satisfaction of the  
24 State educational agency that the local  
25 educational agency lacks the capacity to

1 provide that option to all students in the  
2 school who request it, in which case it shall  
3 permit as many students as possible (se-  
4 lected by the agency on an equitable basis)  
5 to make such a transfer; and

6 “(ii) take at least 1 of the following correc-  
7 tive actions:

8 “(I) Make alternative governance ar-  
9 rangements, such as reopening the school  
10 as a public charter school.

11 “(II) Replace the relevant school staff.

12 “(III) Institute and fully implement a  
13 new curriculum, including providing appro-  
14 priate professional development for all rel-  
15 evant staff, that is tied to scientifically  
16 based research and offers substantial  
17 promise of improving educational perform-  
18 ance for low-performing students.

19 “(E) A local educational agency may delay, for  
20 a period not to exceed 1 year, implementation of cor-  
21 rective action only if the school’s failure to make  
22 adequate yearly progress was justified due to excep-  
23 tional or uncontrollable circumstances, such as a  
24 natural disaster or a precipitous and unforeseen de-

1 cline in the financial resources of the local edu-  
2 cational agency or school.

3 “(F) The local educational agency shall publish  
4 and disseminate information regarding any correc-  
5 tive action the local educational agency takes under  
6 this paragraph at a school—

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

10 “(ii) in a format and, to the extent prac-  
11 ticable, in a language that the parents can un-  
12 derstand; and

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

15 “(7) RECONSTITUTION.—(A) If, after 1 addi-  
16 tional year, a school subject to corrective action  
17 under paragraph (6) continues to fail to make ade-  
18 quate yearly progress and students in the school who  
19 are from economically disadvantaged families are not  
20 making statistically significant progress in the sub-  
21 jects included in the State’s definition of adequate  
22 yearly progress, the local educational agency shall—

23 “(i) provide all students enrolled in the  
24 school with the option to transfer to another  
25 public school within the local educational agen-

1           cy, including a public charter school, that has  
2           not been identified for school improvement  
3           under paragraph (1), including affording each  
4           such student the same right to attend any such  
5           school as is afforded to any child who is a new  
6           resident of that school’s attendance area; and

7                   “(ii) prepare a plan and make necessary  
8                   arrangements to carry out subparagraph (B).

9                   “(B) Not later than the beginning of the school  
10           year following the year in which the local educational  
11           agency implements subparagraph (A), the local edu-  
12           cational agency shall implement 1 of the following  
13           alternative governance arrangements for the school:

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) Making alternative governance ar-  
19           rangements.

20                   “(C) The local educational agency shall provide  
21           prompt notice to teachers and parents whenever sub-  
22           paragraph (A) or (B) applies, shall provide the  
23           teachers and parents adequate opportunity to com-  
24           ment before taking any action under those para-  
25           graphs and to participate in developing any plan

1 under subparagraph (A)(ii), and shall provide par-  
2 ents an explanation of the option under subpara-  
3 graph (A)(i).

4 “(8) TRANSPORTATION.—In any case described  
5 in paragraph (6)(D)(i) or (7)(A)(i), the local edu-  
6 cational agency shall provide, or shall pay for the  
7 provision of, transportation for the student to the  
8 school the child attends, provided that payments for  
9 such purpose do not exceed 15 percent of the local  
10 educational agency’s allocation under this part.

11 “(9) DURATION OF RECONSTITUTION.—If any  
12 school identified for reconstitution under paragraph  
13 (7) makes adequate yearly progress for 2 consecutive  
14 years and children in that school from economically  
15 disadvantaged families are making statistically sig-  
16 nificant educational progress over that 2-year period,  
17 then the local educational agency need no longer  
18 subject the school to corrective action or identify the  
19 school as in need of improvement.

20 “(10) STATE EDUCATIONAL AGENCY RESPON-  
21 SIBILITIES.—The State educational agency shall—

22 “(A) make technical assistance under sec-  
23 tion 1117 available to all schools identified for  
24 school improvement and corrective action under

1 this subsection, to the extent possible with  
2 funds reserved under section 1003; and

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

9 “(d) STATE REVIEW AND LOCAL EDUCATIONAL  
10 AGENCY IMPROVEMENT.—

11 “(1) IN GENERAL.—A State educational agency  
12 shall review annually—

13 “(A) the progress of each local educational  
14 agency receiving funds under this part to deter-  
15 mine whether schools receiving assistance under  
16 this part are making adequate progress as de-  
17 fined in section 1111(b)(2)(B) toward meeting  
18 the State’s student performance standards and  
19 to determine whether each local educational  
20 agency is carrying out its responsibilities under  
21 section 1116 and section 1117; and

22 “(B) the effectiveness of the activities car-  
23 ried out under this part by each local edu-  
24 cational agency that receives funds under this  
25 part and is served by the State educational

1           agency with respect to parental involvement,  
2           professional development, and other activities  
3           assisted under this part.

4           “(2) REWARDS.—In the case of a local edu-  
5           cational agency that for 3 consecutive years has met  
6           or exceeded the State’s definition of adequate  
7           progress as defined in section 1111(b)(2)(B), the  
8           State may make institutional and individual rewards  
9           of the kinds described for individual schools in para-  
10          graph (2) of section 1117(c).

11          “(3) IDENTIFICATION.—(A) A State edu-  
12          cational agency shall identify for improvement any  
13          local educational agency that for 2 consecutive years,  
14          is not making adequate progress as defined in sec-  
15          tion 1111(b)(2)(B) in schools served under this part  
16          toward meeting the State’s student performance  
17          standards, except that schools served by the local  
18          educational agency that are operating targeted as-  
19          sistance programs may be reviewed on the basis of  
20          the progress of only those students served under this  
21          part.

22          “(B) Before identifying a local educational  
23          agency for improvement under paragraph (1), the  
24          State educational agency shall provide the local edu-  
25          cational agency with an opportunity to review the



1 school-level data, including assessment data, on  
2 which such identification is based. If the local edu-  
3 cational agency believes that such identification for  
4 improvement is in error due to statistical or other  
5 substantive reasons, such local educational agency  
6 may provide evidence to the State educational agen-  
7 cy to support such belief.

8 “(4) LOCAL EDUCATIONAL AGENCY REVI-  
9 SIONS.—(A) Each local educational agency identified  
10 under paragraph (3) shall, not later than 3 months  
11 after being so identified, revise a local educational  
12 agency plan as described under section 1112. The  
13 plan shall—

14 “(i) include specific State-determined year-  
15 ly progress requirements in subjects and grades  
16 to ensure that all students will meet proficient  
17 levels of performance within 10 years;

18 “(ii) address the fundamental teaching and  
19 learning needs in the schools of that agency,  
20 and the specific academic problems of low-per-  
21 forming students including a determination of  
22 why the local educational agency’s prior plan  
23 failed to bring about increased student achieve-  
24 ment and performance;

1           “(iii) incorporate scientifically based re-  
2 search strategies that strengthen the core aca-  
3 demic program in the local educational agency;

4           “(iv) address the professional development  
5 needs of the instructional staff by committing  
6 to spend not less than 10 percent of the funds  
7 received by the school under this part during 1  
8 fiscal year for professional development, which  
9 funds shall supplement and not supplant pro-  
10 fessional development that instructional staff  
11 would otherwise receive, and which professional  
12 development shall increase the content knowl-  
13 edge of teachers and build the capacity of the  
14 teachers to align classroom instruction with  
15 challenging content standards and to bring all  
16 students to proficient or advanced levels of per-  
17 formance as determined by the State;

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

23           “(vi) identify how the local educational  
24 agency will provide written notification to par-

1           ents in a format, and to the extent practicable,  
2           in a language that the parents can understand;

3           “(vii) specify the responsibilities of the  
4           State educational agency and the local edu-  
5           cational agency under the plan; and

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

8           “(5) STATE EDUCATIONAL AGENCY RESPONSI-  
9           BILITY.—(A) For each local educational agency  
10          identified under paragraph (3), the State edu-  
11          cational agency shall—

12           “(i) provide technical or other assistance,  
13           if requested, as authorized under section 1117,  
14           to better enable the local educational agency  
15           to—

16           “(I) develop and implement the local  
17           educational agency’s revised plan; and

18           “(II) work with schools needing im-  
19           provement; and

20           “(ii) make available to the local edu-  
21           cational agencies farthest from meeting the  
22           State’s standards, if requested, assistance  
23           under section 1117.

24           “(B) Technical assistance provided under  
25           this section by the State educational agency or

1 an entity authorized by such agency shall be  
2 supported by effective methods and scientifically  
3 based research instructional strategies. Such  
4 technical assistance shall address problems, if  
5 any, in implementing the parental involvement  
6 activities described in section 1118 and the pro-  
7 fessional development activities described in sec-  
8 tion 1119.”;

9 “(6) CORRECTIVE ACTION.—(A) Except as pro-  
10 vided in subparagraph (C), after providing technical  
11 assistance pursuant to paragraph (5) and taking  
12 other remediation measures, the State educational  
13 agency may take corrective action at any time  
14 against a local educational agency that has been  
15 identified under paragraph (3), but, during the  
16 fourth year following identification under paragraph  
17 (3), shall take such action against any local edu-  
18 cational agency that still fails to make adequate  
19 progress.

20 “(B)(i) Consistent with State and local law, in  
21 order to help students served under this part meet  
22 challenging State and local standards, each State  
23 educational agency shall implement a corrective ac-  
24 tion system in accordance with the following:

1           “(I) After providing technical assistance as  
2 described under paragraph (5), the State edu-  
3 cational agency—

4           “(aa) may take corrective action at  
5 any time with respect to a local edu-  
6 cational agency that has been identified  
7 under paragraph (3);

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

12           “(cc) shall continue to provide tech-  
13 nical assistance while implementing any  
14 corrective action.

15           “(II) Consistent with State and local law,  
16 in the case of a local educational agency de-  
17 scribed under subclause (I), the State edu-  
18 cational agency shall not take less than 1 of the  
19 following corrective actions:

20           “(aa) Instituting and fully imple-  
21 menting a new curriculum that is based on  
22 State and local standards, including appro-  
23 priate scientifically based research profes-  
24 sional development for all relevant staff  
25 that offers substantial promise of improv-

1 ing educational achievement for low-per-  
2 forming students.

3 “(bb) Restructuring the local edu-  
4 cational agency.

5 “(cc) Developing and implementing a  
6 joint plan between the State educational  
7 agency and the local educational agency  
8 that addresses specific elements of student  
9 performance problems and that specifies  
10 the responsibilities of the State educational  
11 agency and the local educational agency  
12 under the plan.

13 “(dd) Reconstituting school district  
14 personnel.

15 “(ee) Making alternative governance  
16 arrangements.

17 “(III) Consistent with State and local law,  
18 in the case of a local educational agency de-  
19 scribed under subclause (I), the State edu-  
20 cational agency may take 1 of the following cor-  
21 rective actions:

22 “(aa) Deferring, reducing, or with-  
23 holding funds.

24 “(bb) Restructuring or abolishing the  
25 local educational agency.

1           “(cc) Removal of particular schools  
2           from the jurisdiction of the local edu-  
3           cational agency and establishment of alter-  
4           native arrangements for public governance  
5           and supervision of such schools.

6           “(dd) Appointment by the State edu-  
7           cational agency of a receiver or trustee to  
8           administer the affairs of the local edu-  
9           cational agency in place of the super-  
10          intendent and school board.

11          “(ii) Notwithstanding clause (i), corrective ac-  
12          tions taken pursuant to this section shall not include  
13          the actions described in subclauses (I), (II), and  
14          (III) of clause (i) until the State has developed as-  
15          sessments that meet the requirements of paragraph  
16          (3) of section 1111(b).

17          “(C) HEARING.—Prior to implementing any  
18          corrective action, the State educational agency shall  
19          provide notice and a hearing to the affected local  
20          educational agency, if State law provides for such  
21          notice and hearing. The hearing shall take place not  
22          later than 45 days following the decision to imple-  
23          ment corrective action.

24          “(D) NOTIFICATION TO PARENTS.—The State  
25          educational agency shall publish, and disseminate to

1 parents and the public, any corrective action the  
2 State educational agency takes under this paragraph  
3 through a widely read or distributed medium.

4 “(E) DELAY.—A State educational agency may  
5 delay, for a period not to exceed 1 year, implementa-  
6 tion of corrective action if—

7 “(i) the State educational agency deter-  
8 mines that the local educational agency is meet-  
9 ing the State-determined yearly progress re-  
10 quirements in subjects and grades included in  
11 the State assessments; and

12 “(ii) the schools within the local edu-  
13 cational agency will meet the State’s criteria for  
14 improvement within 1 year.

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



1 scribed in the local educational agency’s improve-  
2 ment plan.

3 “(7) SPECIAL RULE.—Local educational agen-  
4 cies that for at least 2 of the 3 years following iden-  
5 tification under paragraph (3) make adequate  
6 progress toward meeting the State’s standards no  
7 longer need to be identified for local educational  
8 agency improvement.

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

17 **SEC. 118. ASSISTANCE FOR SCHOOL SUPPORT AND IM-**  
18 **PROVEMENT.**

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

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

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

24 “(A) first, provide support and assistance  
25 to local educational agencies subject to correc-

1           tive action described in section 1116 and assist  
2           schools, in accordance with section 1116, for  
3           which a local educational agency has failed to  
4           carry out its responsibilities under section  
5           1116;

6           “(B) second, provide support and assist-  
7           ance to other local educational agencies and  
8           schools identified as in need of improvement  
9           under section 1116; and

10           “(C) third, provide support and assistance  
11           to other local educational agencies and schools  
12           participating under this part that need support  
13           and assistance in order to achieve the purpose  
14           of this part.”;

15           (2) in subsection (b), by striking “the com-  
16           prehensive regional technical assistance centers  
17           under part A of title XIII and” and inserting “com-  
18           prehensive regional technical assistance centers,  
19           and”;

20           (3) in subsection (c)—

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

23           “(1) APPROACHES.—

24           “(A) IN GENERAL.—In order to achieve  
25           the purpose described in subsection (a), each

1 such system shall give priority to using funds  
2 made available to carry out this section—

3 “(i) to establish school support teams  
4 for assignment to and working in schools  
5 in the State that are described in sub-  
6 section (a)(3)(A); and

7 “(ii) to provide such support as the  
8 State educational agency determines to be  
9 necessary and available to assure the effec-  
10 tiveness of such teams.

11 “(B) COMPOSITION.—Each school support  
12 team shall be composed of persons knowledge-  
13 able about successful schoolwide projects, school  
14 reform, and improving educational opportunities  
15 for low-achieving students, including—

16 “(i) teachers;

17 “(ii) pupil services personnel;

18 “(iii) parents;

19 “(iv) distinguished teachers or prin-  
20 cipals;

21 “(v) representatives of institutions of  
22 higher education;

23 “(vi) regional educational laboratories  
24 or research centers;

25 “(vii) outside consultant groups; or

1           “(viii) other individuals as the State  
2           educational agency, in consultation with  
3           the local educational agency, may deter-  
4           mine appropriate.

5           “(C) FUNCTIONS.—Each school support  
6           team assigned to a school under this section  
7           shall—

8                   “(i) review and analyze all facets of  
9                   the school’s operation, including the design  
10                  and operation of the instructional program,  
11                  and assist the school in developing rec-  
12                  ommendations for improving student per-  
13                  formances in that school;

14                  “(ii) collaborate, with school staff and  
15                  the local educational agency serving the  
16                  school, in the design, implementation, and  
17                  monitoring of a plan that, if fully imple-  
18                  mented, can reasonably be expected to im-  
19                  prove student performance and help the  
20                  school meet its goals for improvement, in-  
21                  cluding adequate yearly progress under  
22                  section 1111(b)(2)(B);

23                  “(iii) evaluate, at least semiannually,  
24                  the effectiveness of school personnel as-  
25                  signed to the school, including identifying

1 outstanding teachers and principals, and  
2 make findings and recommendations (in-  
3 cluding the need for additional resources,  
4 professional development, or compensation)  
5 to the school, the local educational agency,  
6 and, where appropriate, the State edu-  
7 cational agency; and

8 “(iv) make additional recommenda-  
9 tions as the school implements the plan de-  
10 scribed in clause (ii) to the local edu-  
11 cational agency and the State educational  
12 agency concerning additional assistance  
13 and resources that are needed by the  
14 school or the school support team.

15 “(D) CONTINUATION OF ASSISTANCE.—  
16 After 1 school year, the school support team  
17 may recommend that the school support team  
18 continue to provide assistance to the school, or  
19 that the local educational agency or the State  
20 educational agency, as appropriate, take alter-  
21 native actions with regard to the school.”;

22 (B) in paragraph (2)—

23 (i) in subparagraph (A), by striking  
24 “part which” and all that follows through  
25 the period and inserting “part.”; and

- 1 (ii) in subparagraph (C)—
- 2 (I) by striking “and may” and
- 3 inserting “(and may”); and
- 4 (II) by striking “exemplary per-
- 5 formance” and inserting “exemplary
- 6 performance)”; and
- 7 (C) in paragraph (3)—
- 8 (i) in the paragraph heading, by strik-
- 9 ing “EDUCATORS” and inserting “TEACH-
- 10 ERS AND PRINCIPALS”;
- 11 (ii) by amending subparagraph (A) to
- 12 read as follows:
- 13 “(A) The State may also recognize and
- 14 provide financial awards to teachers or prin-
- 15 cipals in a school described in paragraph (2)
- 16 whose students consistently make significant
- 17 gains in academic achievement.”;
- 18 (iii) in subparagraph (B), by striking
- 19 “educators” and inserting “teachers or
- 20 principals”; and
- 21 (iv) by striking subparagraph (C).

22 **SEC. 119. PARENTAL INVOLVEMENT.**

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

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

4           (2) in subsection (b)(1)—

5                 (A) in the first sentence, by inserting “(in  
6                 a language parents can understand)” after  
7                 “distribute”; and

8                 (B) in the second sentence, insert “shall be  
9                 made available to the local community and”  
10                after “Such policy”;

11          (3) in subsection (e)—

12                (A) in paragraph (1), by striking “partici-  
13                pating parents in such areas as understanding  
14                the National Education Goals,” and inserting  
15                “parents of children served by the school or  
16                local educational agency, as appropriate, in un-  
17                derstanding”;

18                (B) in paragraph (2)—

19                   (i) in subparagraph (A), by striking  
20                   “and” after the semicolon;

21                   (ii) in subparagraph (B), by inserting  
22                   “and” after the semicolon; and

23                   (iii) by adding at the end the fol-  
24                   lowing:

1           “(C) using technology, as appropriate, to  
2 foster parental involvement;”;

3           (C) in paragraph (14), by striking “and”  
4 after the semicolon;

5           (D) by amending paragraph (15) to read  
6 as follows:

7           “(15) may establish a school district wide par-  
8 ent advisory council to advise the school and local  
9 educational agency on all matters related to parental  
10 involvement in programs supported under this sec-  
11 tion; and”; and

12           (E) by adding at the end the following:

13           “(16) shall provide such other reasonable sup-  
14 port for parental involvement activities under this  
15 section as parents may request, which may include  
16 emerging technologies.”;

17           (4) in subsection (f), by striking “or with” and  
18 inserting “, parents of migratory children, or par-  
19 ents with”; and

20           (5) by striking subsection (g) and inserting the  
21 following:

22           “(g) INFORMATION FROM PARENTAL INFORMATION  
23 AND RESOURCE CENTERS.—In a State where a parental  
24 information and resource center is established to provide  
25 training, information, and support to parents and individ-



1 uals who work with local parents, local educational agen-  
2 cies, and schools receiving assistance under this part, each  
3 school or local educational agency that receives assistance  
4 under this part and is located in the State, shall assist  
5 parents and parental organizations by informing such par-  
6 ents and organizations of the existence and purpose of  
7 such centers, providing such parents and organizations  
8 with a description of the services and programs provided  
9 by such centers, advising parents on how to use such cen-  
10 ters, and helping parents to contact such centers.

11 “(h) REVIEW.—The State educational agency shall  
12 review the local educational agency’s parental involvement  
13 policies and practices to determine if the policies and prac-  
14 tices meet the requirements of this section.”.

15 **SEC. 120. PROFESSIONAL DEVELOPMENT.**

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

17 (1) in subsection (b)—

18 (A) in paragraph (1), by amending sub-  
19 paragraph (A) to read as follows:

20 “(A) support professional development ac-  
21 tivities that give teachers, principals, adminis-  
22 trators, paraprofessionals, pupil services per-  
23 sonnel, and parents the knowledge and skills to  
24 provide students with the opportunity to meet

1 challenging State or local content standards  
2 and student performance standards;”;

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

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

8 “(B) advance teacher understanding of ef-  
9 fective instructional strategies, based on re-  
10 search for improving student achievement, at a  
11 minimum in reading or language arts and  
12 mathematics;

13 “(C) be of sufficient intensity and duration  
14 (not to include 1-day or short-term workshops  
15 and conferences) to have a positive and lasting  
16 impact on the teacher’s performance in the  
17 classroom, except that this subparagraph shall  
18 not apply to an activity if such activity is 1  
19 component of a long-term comprehensive pro-  
20 fessional development plan established by the  
21 teacher and the teacher’s supervisor based upon  
22 an assessment of the needs of the teacher, the  
23 needs of students, and the needs of the local  
24 educational agency;”;

1 (D) in subparagraph (E) (as so redesign-  
2 nated), by striking “title III of the Goals 2000:  
3 Educate America Act,”;

4 (E) in subparagraph (F) (as so redesign-  
5 nated), by striking “and” after the semicolon;

6 (F) in subparagraph (G) (as so redesign-  
7 nated), by striking the period and inserting a  
8 semicolon; and

9 (G) by adding at the end the following:

10 “(H) to the extent appropriate, provide  
11 training for teachers in the use of technology  
12 and the applications of technology that are ef-  
13 fectively used—

14 “(i) in the classroom to improve  
15 teaching and learning in the curriculum;  
16 and

17 “(ii) in academic content areas in  
18 which the teachers provide instruction; and

19 “(I) be regularly evaluated for their impact  
20 on increased teacher effectiveness and improved  
21 student performance and achievement, with the  
22 findings of such evaluations used to improve the  
23 quality of professional development.”; and

1           (2) in subsection (g), by striking “title III of  
2           the Goals 2000: Educate America Act,” and insert-  
3           ing “other Acts”.

4 **SEC. 120A. PARTICIPATION OF CHILDREN ENROLLED IN**  
5 **PRIVATE SCHOOLS.**

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

8           (1) in subsection (a)—

9                   (A) in paragraph (1), by inserting “that  
10                   address their needs, and shall ensure that  
11                   teachers and families of such children partici-  
12                   pate, on an equitable basis, in services and ac-  
13                   tivities under sections 1118 and 1119” before  
14                   the period;

15                   (B) in paragraph (3), by inserting “and  
16                   shall be provided in a timely manner” before  
17                   the period; and

18                   (C) in paragraph (4), insert “as deter-  
19                   mined by the local educational agency each year  
20                   or every 2 years” before the period;

21           (2) in subsection (b)—

22                   (A) in paragraph (1)—

23                           (i) in subparagraph (C), by striking  
24                           “and where” and inserting “, where, and  
25                           by whom”;

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

3 “(D) how the services will be assessed and  
4 how the results of that assessment will be used  
5 to improve those services;”;

6 (iii) in subparagraph (E), by striking  
7 the period and inserting “; and”; and

8 (iv) by adding at the end the fol-  
9 lowing:

10 “(F) how and when the local educational  
11 agency will make decisions about the delivery of  
12 services to eligible private school children, in-  
13 cluding a thorough consideration and analysis  
14 of the views of private school officials regarding  
15 the provision of contract services through po-  
16 tential third party providers, and if the local  
17 educational agency disagrees with the views of  
18 the private school officials on such provision of  
19 services, the local educational agency shall pro-  
20 vide in writing to such private school officials  
21 an analysis of the reasons why the local edu-  
22 cational agency has chosen not to so provide  
23 such services.”; and

24 (B) by adding at the end the following:

1           “(4) CONSULTATION.—Each local educational  
2 agency shall provide to the State educational agency,  
3 and maintain in the local educational agency’s  
4 records, a written affirmation signed by officials of  
5 each participating private school that the consulta-  
6 tion required by this section has occurred. If a pri-  
7 vate school declines in writing to have eligible chil-  
8 dren in the private school participate in services pro-  
9 vided under this section, the local educational agency  
10 is not required to further consult with the private  
11 school officials or to document the local educational  
12 agency’s consultation with the private school officials  
13 until the private school officials request in writing  
14 such consultation. The local educational agency shall  
15 inform the private school each year of the oppor-  
16 tunity for eligible children to participate in services  
17 provided under this section.

18           “(5) COMPLIANCE.—A private school official  
19 shall have the right to appeal to the State edu-  
20 cational agency the decision of a local educational  
21 agency as to whether consultation provided for in  
22 this section was meaningful and timely, and whether  
23 due consideration was given to the views of the pri-  
24 vate school official. If the private school official  
25 wishes to appeal the decision, the basis of the claim

1 of noncompliance with this section by the local edu-  
 2 cational agencies shall be provided to the State edu-  
 3 cational agency, and the local educational agency  
 4 shall forward the appropriate documentation to the  
 5 State educational agency.”;

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

8 (4) by inserting after subsection (b) the fol-  
 9 lowing:

10 “(c) ALLOCATION FOR EQUITABLE SERVICE TO PRI-  
 11 VATE SCHOOL STUDENTS.—

12 “(1) CALCULATION.—A local educational agen-  
 13 cy shall have the final authority, consistent with this  
 14 section, to calculate the number of private school  
 15 children, ages 5 through 17, who are low-income  
 16 by—

17 “(A) using the same measure of low-in-  
 18 come used to count public school children;

19 “(B) using the results of a survey that, to  
 20 the extent possible, protects the identity of fam-  
 21 ilies of private school students, and allowing  
 22 such survey results to be extrapolated if com-  
 23 plete actual data are unavailable; or

24 “(C) applying the low-income percentage of  
 25 each participating public school attendance

1 area, determined pursuant to this section, to  
2 the number of private school children who re-  
3 side in that school attendance area.

4 “(2) COMPLAINT PROCESS.—Any dispute re-  
5 garding low-income data for private school students  
6 shall be subject to the complaint process authorized  
7 in section 8.”;

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

9 (A) in paragraph (2), by striking “14505  
10 and 14506” and inserting “8 and 9”;

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

14 (C) by striking “If a” and inserting the  
15 following:

16 “(1) IN GENERAL.—If a”; and

17 (D) by adding at the end the following:

18 “(2) DETERMINATION.—In making the deter-  
19 mination under paragraph (1), the Secretary shall  
20 consider 1 or more factors, including the quality,  
21 size, scope, or location of the program, or the oppor-  
22 tunity of eligible children to participate in the pro-  
23 gram.”; and

24 (6) by repealing subsection (f) (as so redesign-  
25 nated).



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

3 (c) CONFORMING AMENDMENT.—Section 1120A(a)  
4 (20 U.S.C. 6322(a)) is amended by striking “14501 of  
5 this Act” and inserting “4”.

6 **SEC. 120B. EARLY CHILDHOOD EDUCATION.**

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

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

10 **“SEC. 1120B. COORDINATION REQUIREMENTS; EARLY**  
11 **CHILDHOOD EDUCATION SERVICES.”;**

12 (2) in subsection (c), by striking “Head Start  
13 Act Amendments of 1994” and inserting “Head  
14 Start Amendments of 1998”; and

15 (3) by adding at the end the following:

16 “(d) EARLY CHILDHOOD SERVICES.—A local edu-  
17 cational agency may use funds received under this part  
18 to provide preschool services—

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

21 “(2) through any school participating in the  
22 local educational agency’s program under this part;  
23 or

24 “(3) through a contract with a local Head Start  
25 agency, an eligible entity operating an Even Start

1 program, a State-funded preschool program, or a  
2 comparable public early childhood development pro-  
3 gram.

4 “(e) EARLY CHILDHOOD EDUCATION PROGRAMS.—  
5 Early childhood education programs operated with funds  
6 provided under this part may be operated and funded  
7 jointly with Even Start programs under part B of this  
8 title, Head Start programs, or State-funded preschool pro-  
9 grams. Early childhood education programs funded under  
10 this part shall—

11 “(1) focus on the developmental needs of par-  
12 ticipating children, including their social, cognitive,  
13 and language-development needs, and use scientif-  
14 ically based research approaches that build on com-  
15 petencies that lead to school success, particularly in  
16 language and literacy development and in reading;

17 “(2) teach children to understand and use lan-  
18 guage in order to communicate for various purposes;

19 “(3) enable children to develop and demonstrate  
20 an appreciation of books; and

21 “(4) in the case of children with limited English  
22 proficiency, enable the children to progress toward  
23 acquisition of the English language.”.

1 **SEC. 120C. ALLOCATIONS.**

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

4 **“Subpart 2—Allocations**

5 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**  
6 **SECRETARY OF THE INTERIOR.**

7 “(a) RESERVATION OF FUNDS.—From the amount  
8 appropriated for any fiscal year under section 1002(a), the  
9 Secretary shall reserve a total of 1 percent to provide as-  
10 sistance to—

11 “(1) the outlying areas on the basis of their re-  
12 spective need for such assistance according to such  
13 criteria as the Secretary determines will best carry  
14 out the purpose of this part; and

15 “(2) the Secretary of the Interior in the amount  
16 necessary to make payments pursuant to subsection  
17 (c).

18 “(b) ASSISTANCE TO THE OUTLYING AREAS.—

19 “(1) IN GENERAL.—From amounts made avail-  
20 able under subsection (a)(1) in each fiscal year the  
21 Secretary shall make grants to local educational  
22 agencies in the outlying areas.

23 “(2) COMPETITIVE GRANTS.—

24 “(A) IN GENERAL.—For fiscal year 2002  
25 and each of the 6 succeeding fiscal years, the  
26 Secretary shall reserve \$5,000,000 from the

1 amounts made available under subsection (a)(1)  
2 to award grants, on a competitive basis, to local  
3 educational agencies in the Freely Associated  
4 States. The Secretary shall award such grants  
5 according to the recommendations of the Pacific  
6 Region Educational Laboratory which shall con-  
7 duct a competition for such grants.

8 “(B) USES.—Except as provided in sub-  
9 paragraph (C), grant funds awarded under this  
10 paragraph only may be used—

11 “(i) for programs described in this  
12 Act, including teacher training, curriculum  
13 development, instructional materials, or  
14 general school improvement and reform;  
15 and

16 “(ii) to provide direct educational  
17 services.

18 “(C) ADMINISTRATIVE COSTS.—The Sec-  
19 retary may provide 5 percent of the amount  
20 made available for grants under this paragraph  
21 to the Pacific Region Educational Laboratory  
22 to pay the administrative costs of the Pacific  
23 Region Educational Laboratory regarding ac-  
24 tivities assisted under this paragraph.

1       “(c) ALLOTMENT TO THE SECRETARY OF THE INTE-  
2 RIOR.—

3           “(1) IN GENERAL.—The amount reserved for  
4 payments to the Secretary of the Interior under sub-  
5 section (a)(2) for any fiscal year shall be, as deter-  
6 mined pursuant to criteria established by the Sec-  
7 retary, the amount necessary to meet the special  
8 educational needs of—

9           “(A) Indian children on reservations served  
10 by elementary schools and secondary schools for  
11 Indian children operated or supported by the  
12 Department of the Interior; and

13           “(B) out-of-State Indian children in ele-  
14 mentary schools and secondary schools in local  
15 educational agencies under special contracts  
16 with the Department of the Interior.

17           “(2) PAYMENTS.—From the amount reserved  
18 for payments to the Secretary of the Interior under  
19 subsection (a)(2), the Secretary of the Interior shall  
20 make payments to local educational agencies, upon  
21 such terms as the Secretary determines will best  
22 carry out the purposes of this part, with respect to  
23 out-of-State Indian children described in paragraph  
24 (1)(B). The amount of such payment may not ex-  
25 ceed, for each such child, the greater of—

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

4           “(B) 48 percent of such expenditure in the  
5           United States.

6   **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**  
7                           **TION GRANTS, AND TARGETED GRANTS.**

8           “(a) IN GENERAL.—For each of the fiscal years 2002  
9           through 2008—

10           “(1) the amount appropriated to carry out this  
11           part that is less than or equal to the amount appro-  
12           priated to carry out section 1124 for fiscal year  
13           2001, shall be allocated in accordance with section  
14           1124;

15           “(2) the amount appropriated to carry out this  
16           part that is not used under paragraph (1) that  
17           equals the amount appropriated to carry out section  
18           1124A for fiscal year 2001, shall be allocated in ac-  
19           cordance with section 1124A; and

20           “(3) any amount appropriated to carry out this  
21           part for the fiscal year for which the determination  
22           is made that is not used to carry out paragraphs (1)  
23           and (2) shall be allocated in accordance with section  
24           1125.

1       “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-  
2 PROPRIATIONS.—

3           “(1) IN GENERAL.—If the sums made available  
4 under this part for any fiscal year are insufficient to  
5 pay the full amounts that all local educational agen-  
6 cies in States are eligible to receive under sections  
7 1124, 1124A, and 1125 for such year, the Secretary  
8 shall ratably reduce the allocations to such local edu-  
9 cational agencies, subject to subsections (c) and (d).

10          “(2) ADDITIONAL FUNDS.—If additional funds  
11 become available for making payments under sec-  
12 tions 1124, 1124A, and 1125 for such fiscal year,  
13 allocations that were reduced under paragraph (1)  
14 shall be increased on the same basis as the alloca-  
15 tions were reduced.

16          “(c) HOLD-HARMLESS AMOUNTS.—

17           “(1) IN GENERAL.—For each fiscal year the  
18 amount made available to each local educational  
19 agency under each of sections 1124, 1124A, and  
20 1125 shall be not less than—

21           “(A) 95 percent of the amount made avail-  
22 able to the local educational agency under each  
23 such section for the preceding fiscal year if the  
24 number of children counted for grants under  
25 section 1124 is not less than 30 percent of the

1 total number of children aged 5 to 17 years, in-  
2 clusive, served by the local educational agency;

3 “(B) 90 percent of the amount made avail-  
4 able to the local educational agency under each  
5 such section for the preceding fiscal year if such  
6 percentage is not less than 15 percent and not  
7 more than 30 percent; and

8 “(C) 85 percent of the amount made avail-  
9 able to the local educational agency under each  
10 such section for the preceding fiscal year if such  
11 percentage is less than 15 percent.

12 “(2) SPECIAL RULES.—If sufficient funds are  
13 appropriated, the hold-harmless amounts described  
14 in paragraph (1) shall be paid to all local edu-  
15 cational agencies that received grants under section  
16 1124, 1124A, or 1125 for the preceding fiscal year,  
17 regardless of whether the local educational agency  
18 meets the minimum eligibility criteria provided in  
19 section 1124(b), 1124A(a)(1)(A), or 1125(a), re-  
20 spectively, except that a local educational agency  
21 that does not meet such minimum eligibility criteria  
22 for 5 consecutive years shall no longer be eligible to  
23 receive a hold-harmless amount under this sub-  
24 section.



1           “(3) COUNTY CALCULATION BASIS.—For any  
2 fiscal year for which the Secretary calculates grants  
3 on the basis of population data for counties, the Sec-  
4 retary shall apply the hold-homeless percentages in  
5 paragraphs (1) and (2) to counties, and if the Sec-  
6 retary’s allocation for a county is not sufficient to  
7 meet the hold-harmless requirements of this sub-  
8 section for every local educational agency within that  
9 county, then the State educational agency shall re-  
10 allocate funds proportionately from all other local  
11 educational agencies in the State that receive funds  
12 for the fiscal year in excess of the hold-harmless  
13 amounts specified in this paragraph.

14           “(d) RATABLE REDUCTIONS.—

15           “(1) IN GENERAL.—If the sums made available  
16 under this part for any fiscal year are insufficient to  
17 pay the full amounts that all States are eligible to  
18 receive under subsection (c) for such year, the Sec-  
19 retary shall ratably reduce such amounts for such  
20 year.

21           “(2) ADDITIONAL FUNDS.—If additional funds  
22 become available for making payments under sub-  
23 section (c) for such fiscal year, amounts that were  
24 reduced under paragraph (1) shall be increased on  
25 the same basis as such amounts were reduced.

1 **“SEC. 1123. DEFINITIONS.**

2 “In this subpart:

3 “(1) FREELY ASSOCIATED STATES.—The term  
4 ‘Freely Associated States’ means the Republic of the  
5 Marshall Islands, the Federated States of Micro-  
6 nesia, and the Republic of Palau.7 “(2) OUTLYING AREAS.—The term ‘outlying  
8 areas’ means the United States Virgin Islands,  
9 Guam, American Samoa, and the Commonwealth of  
10 the Northern Mariana Islands.11 “(3) STATE.—The term ‘State’ means each of  
12 the several States of the United States, the District  
13 of Columbia, and the Commonwealth of Puerto Rico.14 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
15 **CIES.**

16 “(a) AMOUNT OF GRANTS.—

17 “(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-  
18 CIES AND PUERTO RICO.—Except as provided in  
19 paragraph (4) and in section 1126, the grant that  
20 a local educational agency is eligible to receive under  
21 this section for a fiscal year is the amount deter-  
22 mined by multiplying—23 “(A) the number of children counted under  
24 subsection (c); and25 “(B) 40 percent of the average per-pupil  
26 expenditure in the State, except that the

1 amount determined under this subparagraph  
2 shall not be less than 32 percent, and not more  
3 than 48 percent, of the average per-pupil ex-  
4 penditure in the United States.

5 “(2) CALCULATION OF GRANTS.—

6 “(A) ALLOCATIONS TO LOCAL EDU-  
7 CATIONAL AGENCIES.—The Secretary shall cal-  
8 culate grants under this section on the basis of  
9 the number of children counted under sub-  
10 section (c) for local educational agencies, unless  
11 the Secretary and the Secretary of Commerce  
12 determine that some or all of those data are un-  
13 reliable or that their use would be otherwise in-  
14 appropriate, in which case—

15 “(i) the Secretary and the Secretary  
16 of Commerce shall publicly disclose the  
17 reasons for their determination in detail;  
18 and

19 “(ii) paragraph (3) shall apply.

20 “(B) ALLOCATIONS TO LARGE AND SMALL  
21 LOCAL EDUCATIONAL AGENCIES.—

22 “(i) LARGE LOCAL EDUCATIONAL  
23 AGENCIES.—In the case of an allocation  
24 under this section to a large local edu-  
25 cational agency, the amount of the grant

1 under this section for the large local edu-  
2 cational agency shall be the amount deter-  
3 mined under paragraph (1).

4 “(ii) SMALL LOCAL EDUCATIONAL  
5 AGENCIES.—

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

10 “(aa) distribute grants  
11 under this section in amounts de-  
12 termined by the Secretary under  
13 paragraph (1); or

14 “(bb) use an alternative  
15 method approved by the Sec-  
16 retary to distribute the portion of  
17 the State’s total grants under  
18 this section that is based on  
19 those small local educational  
20 agencies.

21 “(II) ALTERNATIVE METHOD.—

22 An alternative method under sub-  
23 clause (I)(bb) shall be based on popu-  
24 lation data that the State educational  
25 agency determines best reflect the

1 current distribution of children in  
2 poor families among the State's small  
3 local educational agencies that meet  
4 the minimum number of children to  
5 qualify described in subsection (b).

6 “(III) APPEAL.—If a small local  
7 educational agency is dissatisfied with  
8 the determination of the amount of its  
9 grant by the State educational agency  
10 under subclause (I)(bb), the small  
11 local educational agency may appeal  
12 the determination to the Secretary,  
13 who shall respond within 45 days of  
14 receiving the appeal.

15 “(iii) DEFINITIONS.—In this  
16 subparagraph—

17 “(I) the term ‘large local edu-  
18 cational agency’ means a local edu-  
19 cational agency serving a school dis-  
20 trict with a total population of 20,000  
21 or more; and

22 “(II) the term ‘small local edu-  
23 cational agency’ means a local edu-  
24 cational agency serving a school dis-

1                   trict with a total population of less  
2                   than 20,000.

3                   “(3) ALLOCATIONS TO COUNTIES.—

4                   “(A) IN GENERAL.—For any fiscal year to  
5                   which this paragraph applies, the Secretary  
6                   shall calculate grants under this section on the  
7                   basis of the number of children counted under  
8                   section 1124(c) for counties, and State edu-  
9                   cational agencies shall allocate county amounts  
10                  to local educational agencies, in accordance with  
11                  regulations promulgated by the Secretary.

12                  “(B) APPLICATION.—In any State in  
13                  which a large number of local educational agen-  
14                  cies overlap county boundaries, or for which the  
15                  State believes the State has data that would  
16                  better target funds than allocating the funds by  
17                  county, the State educational agency may apply  
18                  to the Secretary for authority to make the allo-  
19                  cations under this part for a particular fiscal  
20                  year directly to local educational agencies with-  
21                  out regard to counties.

22                  “(C) ALLOCATIONS TO LOCAL EDU-  
23                  CATIONAL AGENCIES.—If the Secretary ap-  
24                  proves its application under subparagraph (B),  
25                  the State educational agency shall provide the

1 Secretary an assurance that the allocations will  
2 be made—

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

6 “(ii) using data that the State edu-  
7 cational agency submits to the Secretary  
8 for approval that more accurately target  
9 poverty.

10 “(D) APPEAL.—The State educational  
11 agency shall provide the Secretary an assurance  
12 that a procedure is or will be established  
13 through which local educational agencies that  
14 are dissatisfied with determinations under sub-  
15 paragraph (B) may appeal directly to the Sec-  
16 retary for a final determination.

17 “(4) PUERTO RICO.—For each fiscal year, the  
18 Secretary shall determine the percentage which the  
19 average per-pupil expenditure in the Commonwealth  
20 of Puerto Rico is of the lowest average per-pupil ex-  
21 penditure of any of the 50 States. The grant which  
22 the Commonwealth of Puerto Rico shall be eligible  
23 to receive under this section for a fiscal year shall  
24 be the amount arrived at by multiplying the number

1 of children counted under subsection (c) for the  
 2 Commonwealth of Puerto Rico by the product of—

3 “(A) the percentage determined under the  
 4 preceding sentence; and

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

7 “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-  
 8 IFY.—A local educational agency is eligible for a basic  
 9 grant under this section for any fiscal year only if the  
 10 number of children counted under subsection (c) for that  
 11 agency is—

12 “(1) 10 or more; and

13 “(2) more than 2 percent of the total school-age  
 14 population in the school district of the local edu-  
 15 cational agency.

16 “(c) CHILDREN TO BE COUNTED.—

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

20 “(A) the number of children aged 5 to 17,  
 21 inclusive, in the school district of the local edu-  
 22 cational agency from families below the poverty  
 23 level as determined under paragraphs (2) and  
 24 (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  
10          district of such agency in institutions for ne-  
11          glected and delinquent children and youth  
12          (other than such institutions operated by the  
13          United States), but not counted pursuant to  
14          chapter 1 of subpart 1 of part D for the pur-  
15          poses of a grant to a State agency, or being  
16          supported in foster homes with public funds.

17          “(2) DETERMINATION OF NUMBER OF CHIL-  
18          DREN.—For the purposes of this section, the Sec-  
19          retary shall determine the number of children aged  
20          5 to 17, inclusive, from families below the poverty  
21          level on the basis of the most recent satisfactory  
22          data, described in paragraph (3), available from the  
23          Department of Commerce. The District of Columbia  
24          and the Commonwealth of Puerto Rico shall be  
25          treated as individual local educational agencies. If a

1 local educational agency contains 2 or more counties  
2 in their entirety, then each county shall be treated  
3 as if such county were a separate local educational  
4 agency for purposes of calculating grants under this  
5 part. The total of grants for such counties shall be  
6 allocated to such a local educational agency, which  
7 local educational agency shall distribute to schools in  
8 each county within such agency a share of the local  
9 educational agency's total grant that is no less than  
10 the county's share of the population counts used to  
11 calculate the local educational agency's grant.

12 “(3) POPULATION UPDATES.—In fiscal year  
13 2001 and every 2 years thereafter, the Secretary  
14 shall use updated data on the number of children,  
15 aged 5 to 17, inclusive, from families below the pov-  
16 erty level for counties or local educational agencies,  
17 published by the Department of Commerce, unless  
18 the Secretary and the Secretary of Commerce deter-  
19 mine that use of the updated population data would  
20 be inappropriate or unreliable. If the Secretary and  
21 the Secretary of Commerce determine that some or  
22 all of the data referred to in this paragraph are in-  
23 appropriate or unreliable, the Secretary and the Sec-  
24 retary of Commerce shall publicly disclose their rea-  
25 sons. In determining the families which are below

1 the poverty level, the Secretary shall utilize the cri-  
2 teria of poverty used by the Bureau of the Census  
3 in compiling the most recent decennial census, in  
4 such form as those criteria have been updated by in-  
5 creases in the Consumer Price Index for all urban  
6 consumers, published by the Bureau of Labor Statis-  
7 tics.

8 “(4) OTHER CHILDREN TO BE COUNTED.—For  
9 purposes of this section, the Secretary shall deter-  
10 mine the number of children aged 5 to 17, inclusive,  
11 from families above the poverty level on the basis of  
12 the number of such children from families receiving  
13 an annual income, in excess of the current criteria  
14 of poverty, from payments under a State program  
15 funded under part A of title IV of the Social Secu-  
16 rity Act. In making such determinations the Sec-  
17 retary shall utilize the criteria of poverty used by the  
18 Bureau of the Census in compiling the most recent  
19 decennial census for a family of 4 in such form as  
20 those criteria have been updated by increases in the  
21 Consumer Price Index for all urban consumers, pub-  
22 lished by the Bureau of Labor Statistics. The Sec-  
23 retary shall determine the number of such children  
24 and the number of children aged 5 through 17 living  
25 in institutions for neglected or delinquent children,

1 or being supported in foster homes with public  
2 funds, on the basis of the caseload data for the  
3 month of October of the preceding fiscal year (using,  
4 in the case of children described in the preceding  
5 sentence, the criteria of poverty and the form of  
6 such criteria required by such sentence which were  
7 determined for the calendar year preceding such  
8 month of October) or, to the extent that such data  
9 are not available to the Secretary before January of  
10 the calendar year in which the Secretary's deter-  
11 mination is made, then on the basis of the most re-  
12 cent reliable data available to the Secretary at the  
13 time of such determination. The Secretary of Health  
14 and Human Services shall collect and transmit the  
15 information required by this subparagraph to the  
16 Secretary not later than January 1 of each year.  
17 For the purpose of this section, the Secretary shall  
18 consider all children who are in correctional institu-  
19 tions to be living in institutions for delinquent chil-  
20 dren.

21 “(5) ESTIMATE.—When requested by the Sec-  
22 retary, the Secretary of Commerce shall make a spe-  
23 cial updated estimate of the number of children of  
24 such ages who are from families below the poverty  
25 level (as determined under paragraph (2)) in each

1 school district, and the Secretary is authorized to  
2 pay (either in advance or by way of reimbursement)  
3 the Secretary of Commerce the cost of making this  
4 special estimate. The Secretary of Commerce shall  
5 give consideration to any request of the chief execu-  
6 tive of a State for the collection of additional census  
7 information.

8 “(d) STATE MINIMUM.—Notwithstanding section  
9 1122, the aggregate amount allotted for all local edu-  
10 cational agencies within a State may not be less than the  
11 lesser of—

12 “(1) 0.25 percent of the total amount made  
13 available to carry out this section for such fiscal  
14 year; or

15 “(2) the average of—

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

19 “(B) the number of children in such State  
20 counted under subsection (c) in the fiscal year  
21 multiplied by 150 percent of the national aver-  
22 age per-pupil payment made with funds avail-  
23 able under this section for that fiscal year.

1 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**  
2 **CATIONAL AGENCIES.**

3 “(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

4 “(1) ELIGIBILITY.—

5 “(A) IN GENERAL.—Except as otherwise  
6 provided in this paragraph, each local edu-  
7 cational agency in a State that is eligible for a  
8 grant under section 1124 for any fiscal year is  
9 eligible for an additional grant under this sec-  
10 tion for that fiscal year if the number of chil-  
11 dren counted under section 1124(c) who are  
12 served by the agency exceeds—

13 “(i) 6,500; or

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

17 “(B) MINIMUM.—Notwithstanding section  
18 1122, no State shall receive under this section  
19 an amount that is less than the lesser of—

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

23 “(ii) the average of—

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

1 “(II) the greater of—  
2 “(aa) \$340,000; or  
3 “(bb) the number of chil-  
4 dren in such State counted for  
5 purposes of this section in that  
6 fiscal year multiplied by 150 per-  
7 cent of the national average per-  
8 pupil payment made with funds  
9 available under this section for  
10 that fiscal year.

11 “(2) DETERMINATION.—For each county or  
12 local educational agency eligible to receive an addi-  
13 tional grant under this section for any fiscal year  
14 the Secretary shall determine the product of—

15 “(A) the number of children counted under  
16 section 1124(e) for that fiscal year; and

17 “(B) the amount in section 1124(a)(1)(B)  
18 for all States except the Commonwealth of  
19 Puerto Rico, and the amount in section  
20 1124(a)(3) for the Commonwealth of Puerto  
21 Rico.

22 “(3) AMOUNT.—The amount of the additional  
23 grant for which an eligible local educational agency  
24 or county is eligible under this section for any fiscal  
25 year shall be an amount that bears the same ratio

1 to the amount available to carry out this section for  
2 that fiscal year as the product determined under  
3 paragraph (2) for such local educational agency for  
4 that fiscal year bears to the sum of such products  
5 for all local educational agencies in the United  
6 States for that fiscal year.

7 “(4) LOCAL ALLOCATIONS.—

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

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

21 “(b) RATABLE REDUCTION RULE.—If the sums  
22 available under subsection (a) for any fiscal year for mak-  
23 ing payments under this section are not sufficient to pay  
24 in full the total amounts which all States are eligible to  
25 receive under subsection (a) for such fiscal year, the max-



1 imum amounts that all States are eligible to receive under  
2 subsection (a) for such fiscal year shall be ratably reduced.  
3 In the case that additional funds become available for  
4 making such payments for any fiscal year during which  
5 the preceding sentence is applicable, such reduced  
6 amounts shall be increased on the same basis as they were  
7 reduced.

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

13 “(1) in accordance with paragraphs (2) and (4)  
14 of subsection (a); or

15 “(2) based on their respective concentrations  
16 and numbers of children counted under section  
17 1124(e), except that only those local educational  
18 agencies with concentrations or numbers of children  
19 counted under section 1124(e) that exceed the state-  
20 wide average percentage of such children or the  
21 statewide average number of such children shall re-  
22 ceive any funds on the basis of this paragraph.

1 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**  
2 **AGENCIES.**

3 “(a) **ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-**  
4 **CIES.—**

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

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

13 “(B) if the number of children counted for  
14 grants under section 1124(c), before application  
15 of the weighted child count described in sub-  
16 section (c), is at least 5 percent of the total  
17 number of children aged 5 to 17 years, inclu-  
18 sive, in the school district of the local edu-  
19 cational agency.

20 “(2) **SPECIAL RULE.—**For any fiscal year for  
21 which the Secretary allocates funds under this sec-  
22 tion on the basis of counties, funds made available  
23 as a result of applying this subsection shall be re-  
24 allocated by the State educational agency to other el-  
25 igible local educational agencies in the State in pro-

1       portion to the distribution of other funds under this  
2       section.

3       “(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES,  
4 THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH  
5 OF PUERTO RICO.—

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

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

13               “(B) the amount determined under section  
14              1124(a)(1)(B).

15               “(2) PUERTO RICO.—For each fiscal year, the  
16      amount of the grant the Commonwealth of Puerto  
17      Rico is eligible to receive under this section shall be  
18      equal to the number of children counted under sub-  
19      section (c) for the Commonwealth of Puerto Rico,  
20      multiplied by the amount determined in section  
21      1124(a)(4) for the Commonwealth of Puerto Rico.

22      “(c) WEIGHTED CHILD COUNT.—

23               “(1) WEIGHTS FOR ALLOCATIONS TO COUN-  
24      TIES.—

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

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

11           “(i) the number of children deter-  
12 mined under section 1124(c) for that coun-  
13 ty who constitute not more than 15.00 per-  
14 cent, inclusive, of the county’s total popu-  
15 lation aged 5 to 17, inclusive, multiplied by  
16 1.0;

17           “(ii) the number of such children who  
18 constitute more than 15.00 percent, but  
19 not more than 19.00 percent, of such pop-  
20 ulation, multiplied by 1.75;

21           “(iii) the number of such children who  
22 constitute more than 19.00 percent, but  
23 not more than 24.20 percent, of such pop-  
24 ulation, multiplied by 2.5;

1           “(iv) the number of such children who  
2           constitute more than 24.20 percent, but  
3           not more than 29.20 percent, of such pop-  
4           ulation, multiplied by 3.25; and

5           “(v) the number of such children who  
6           constitute more than 29.20 percent of such  
7           population, multiplied by 4.0.

8           “(C) BY NUMBER OF CHILDREN.—The  
9           amount referred to in subparagraph (A) is de-  
10          termined by adding—

11          “(i) the number of children deter-  
12          mined under section 1124(c) who con-  
13          stitute not more than 2,311, inclusive, of  
14          the county’s total population aged 5 to 17,  
15          inclusive, multiplied by 1.0;

16          “(ii) the number of such children be-  
17          tween 2,312 and 7,913, inclusive, in such  
18          population, multiplied by 1.5;

19          “(iii) the number of such children be-  
20          tween 7,914 and 23,917, inclusive, in such  
21          population, multiplied by 2.0;

22          “(iv) the number of such children be-  
23          tween 23,918 and 93,810, inclusive, in  
24          such population, multiplied by 2.5; and

1           “(v) the number of such children in  
2           excess of 93,811 in such population, multi-  
3           plied by 3.0.

4           “(D) PUERTO RICO.—Notwithstanding  
5           subparagraph (A), the weighting factor for the  
6           Commonwealth of Puerto Rico under this para-  
7           graph shall not be greater than the total num-  
8           ber of children counted under section 1124(c)  
9           multiplied by 1.72.

10          “(2) WEIGHTS FOR ALLOCATIONS TO LOCAL  
11          EDUCATIONAL AGENCIES.—

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

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

22           “(i) the number of children deter-  
23           mined under section 1124(c) for that local  
24           educational agency who constitute not  
25           more than 15.233 percent, inclusive, of the

1 agency's total population aged 5 to 17, in-  
2 clusive, multiplied by 1.0;

3 “(ii) the number of such children who  
4 constitute more than 15.233 percent, but  
5 not more than 22.706 percent, of such  
6 population, multiplied by 1.75;

7 “(iii) the number of such children who  
8 constitute more than 22.706 percent, but  
9 not more than 32.213 percent, of such  
10 population, multiplied by 2.5;

11 “(iv) the number of such children who  
12 constitute more than 32.213 percent, but  
13 not more than 41.452 percent, of such  
14 population, multiplied by 3.25; and

15 “(v) the number of such children who  
16 constitute more than 41.452 percent of  
17 such population, multiplied by 4.0.

18 “(C) BY NUMBER OF CHILDREN.—The  
19 amount referred to in subparagraph (A) is de-  
20 termined by adding—

21 “(i) the number of children deter-  
22 mined under section 1124(c) who con-  
23 stitute not more than 710, inclusive, of the  
24 agency's total population aged 5 to 17, in-  
25 clusive, multiplied by 1.0;

1           “(ii) the number of such children be-  
2           tween 711 and 2,384, inclusive, in such  
3           population, multiplied by 1.5;

4           “(iii) the number of such children be-  
5           tween 2,385 and 9,645, inclusive, in such  
6           population, multiplied by 2.0;

7           “(iv) the number of such children be-  
8           tween 9,646 and 54,600, inclusive, in such  
9           population, multiplied by 2.5; and

10           “(v) the number of such children in  
11           excess of 54,600 in such population, multi-  
12           plied by 3.0.

13           “(D) PUERTO RICO.—Notwithstanding  
14           subparagraph (A), the weighting factor for the  
15           Commonwealth of Puerto Rico under this para-  
16           graph shall not be greater than the total num-  
17           ber of children counted under section 1124(c)  
18           multiplied by 1.72.

19           “(d) CALCULATION OF GRANT AMOUNTS.—Grant  
20           amounts under this section shall be calculated in the same  
21           manner as grant amounts are calculated under section  
22           1124(a) (2) and (3).

23           “(e) STATE MINIMUM.—Notwithstanding any other  
24           provision of this section or section 1122, from the total  
25           amount available for any fiscal year to carry out this sec-



1 tion, each State shall be allotted not less than 0.5 percent  
 2 of the total amount made available to carry out this sec-  
 3 tion for such fiscal year.

4 **“SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.**

5       “(a) GRANTS.—From funds appropriated under sub-  
 6 section (e) the Secretary is authorized to make grants to  
 7 States, from allotments under subsection (b), to carry out  
 8 the purposes of this part.

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

11           “(1) IN GENERAL.—

12                   “(A) IN GENERAL.—Except as provided in  
 13 subparagraph (B), funds appropriated pursuant  
 14 to subsection (e) shall be allotted to each State  
 15 based upon the number of children counted  
 16 under section 1124(c) in such State multiplied  
 17 by the product of—

18                           “(i) such State’s effort factor de-  
 19 scribed in paragraph (2); multiplied by

20                           “(ii) 1.30 minus such State’s equity  
 21 factor described in paragraph (3).

22           “(B) MINIMUM.—For each fiscal year no  
 23 State shall receive under this section less than  
 24 0.5 percent of the total amount appropriated  
 25 under subsection (e) for the fiscal year.

1           “(2) EFFORT FACTOR.—

2                   “(A) IN GENERAL.—Except as provided in  
3           subparagraph (B), the effort factor for a State  
4           shall be determined in accordance with the suc-  
5           ceeding sentence, except that such factor shall  
6           not be less than 0.95 nor greater than 1.05.  
7           The effort factor determined under this sen-  
8           tence shall be a fraction the numerator of which  
9           is the product of the 3-year average per-pupil  
10          expenditure in the State multiplied by the 3-  
11          year average per capita income in the United  
12          States and the denominator of which is the  
13          product of the 3-year average per capita income  
14          in such State multiplied by the 3-year average  
15          per-pupil expenditure in the United States.

16                   “(B) COMMONWEALTH OF PUERTO  
17          RICO.—The effort factor for the Commonwealth  
18          of Puerto Rico shall be equal to the lowest ef-  
19          fort factor calculated under subparagraph (A)  
20          for any State.

21           “(3) EQUITY FACTOR.—

22                   “(A) DETERMINATION.—

23                           “(i) IN GENERAL.—Except as pro-  
24                   vided in subparagraph (B), the Secretary  
25                   shall determine the equity factor under

1 this section for each State in accordance  
2 with clause (ii).

3 “(ii) COMPUTATION.—

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

10 “(II) VARIATION.—In computing  
11 coefficients of variation, the Secretary  
12 shall weigh the variation between per-  
13 pupil expenditures in each local edu-  
14 cational agency and the average per-  
15 pupil expenditures in the State ac-  
16 cording to the number of pupils  
17 served by the local educational agency.

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

1                   “(IV) ENROLLMENT REQUIRE-  
2                   MENT.—In computing coefficients of  
3                   variation, the Secretary shall include  
4                   only those local educational agencies  
5                   with an enrollment of more than 200  
6                   students.

7                   “(B) SPECIAL RULE.—The equity factor  
8                   for a State that meets the disparity standard  
9                   described in section 222.162 of title 34, Code of  
10                  Federal Regulations (as such section was in ef-  
11                  fect on the day preceding the date of enactment  
12                  of the Better Education for Students and  
13                  Teachers Act) or a State with only 1 local edu-  
14                  cational agency shall be not greater than 0.10.

15                  “(C) REVISIONS.—The Secretary may re-  
16                  vise each State’s equity factor as necessary  
17                  based on the advice of independent education fi-  
18                  nance scholars to reflect other need-based costs  
19                  of local educational agencies in addition to low-  
20                  income student enrollment, such as differing ge-  
21                  ographic costs, costs associated with students  
22                  with disabilities, children with limited English-  
23                  proficiency or other meaningful educational  
24                  needs, which deserve additional support. In ad-  
25                  dition, after obtaining the advice of independent

1 education finance scholars, the Secretary may  
2 revise each State's equity factor to incorporate  
3 other valid and accepted methods to achieve  
4 adequacy of educational opportunity that may  
5 not be reflected in a coefficient of variation  
6 method.

7 “(c) USE OF FUNDS.—All funds awarded to each  
8 State under this section shall be allocated to local edu-  
9 cational agencies and schools on a basis consistent with  
10 the distribution of other funds to such agencies and  
11 schools under sections 1124, 1124A, and 1125 to carry  
12 out activities under this part.

13 “(d) MAINTENANCE OF EFFORT.—

14 “(1) IN GENERAL.—Except as provided in para-  
15 graph (2), a State is entitled to receive its full allot-  
16 ment of funds under this section for any fiscal year  
17 if the Secretary finds that either the combined fiscal  
18 effort per student or the aggregate expenditures  
19 within the State with respect to the provision of free  
20 public education for the fiscal year preceding the fis-  
21 cal year for which the determination is made was  
22 not less than 90 percent of such combined fiscal ef-  
23 fort or aggregate expenditures for the second fiscal  
24 year preceding the fiscal year for which the deter-  
25 mination is made.

1           “(2) REDUCTION OF FUNDS.—The Secretary  
2           shall reduce the amount of funds awarded to any  
3           State under this section in any fiscal year in the  
4           exact proportion to which the State fails to meet the  
5           requirements of paragraph (1) by falling below 90  
6           percent of both the fiscal effort per student and ag-  
7           gregate expenditures (using the measure most favor-  
8           able to the State), and no such lesser amount shall  
9           be used for computing the effort required under  
10          paragraph (1) for subsequent years.

11          “(3) WAIVERS.—The Secretary may waive, for  
12          1 fiscal year only, the requirements of this sub-  
13          section if the Secretary determines that such a waiv-  
14          er would be equitable due to exceptional or uncon-  
15          trollable circumstances such as a natural disaster or  
16          a precipitous and unforeseen decline in the financial  
17          resources of the State.

18          “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
19          are authorized to be appropriated to carry out this section  
20          \$200,000,000 for fiscal year 2002 and such sums as may  
21          be necessary for each of the 6 succeeding fiscal years.

22          **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

23          “(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

24                  “(1) IN GENERAL.—If a State educational  
25                  agency determines that a local educational agency in

1 the State is unable or unwilling to provide for the  
2 special educational needs of children who are living  
3 in institutions for neglected or delinquent children as  
4 described in section 1124(c)(1)(C), the State edu-  
5 cational agency shall, if such agency assumes re-  
6 sponsibility for the special educational needs of such  
7 children, receive the portion of such local educational  
8 agency's allocation under sections 1124, 1124A, and  
9 1125 that is attributable to such children.

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

15 “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL  
16 AGENCIES.—The State educational agency may allocate  
17 the amounts of grants under sections 1124, 1124A, and  
18 1125 among the affected local educational agencies—

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

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

1           “(3) to reflect the merger, creation, or change  
2           of boundaries of 1 or more local educational agen-  
3           cies.

4           “(c) REALLOCATION.—If a State educational agency  
5           determines that the amount of a grant a local educational  
6           agency would receive under sections 1124, 1124A, and  
7           1125 is more than such local educational agency will use,  
8           the State educational agency shall make the excess  
9           amount available to other local educational agencies in the  
10          State that need additional funds in accordance with cri-  
11          teria established by the State educational agency.

12          **“SEC. 1127. CARRYOVER AND WAIVER.**

13          “(a) LIMITATION ON CARRYOVER.—Notwithstanding  
14          section 421 of the General Education Provisions Act or  
15          any other provision of law, not more than 15 percent of  
16          the funds allocated to a local educational agency for any  
17          fiscal year under this subpart (but not including funds re-  
18          ceived through any reallocation under this subpart) may  
19          remain available for obligation by such agency for one ad-  
20          ditional fiscal year.

21          “(b) WAIVER.—A State educational agency may,  
22          once every 3 years, waive the percentage limitation in sub-  
23          section (a) if—



1           “(1) the agency determines that the request of  
2           a local educational agency is reasonable and nec-  
3           essary; or

4           “(2) supplemental appropriations for this sub-  
5           part become available.

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

10           **PART B—LITERACY FOR CHILDREN AND**  
11   **FAMILIES**

12           **SEC. 121. READING FIRST.**

13           Part B of title I (20 U.S.C. 6361 et seq.) is  
14           amended—

15           (1) by striking the part heading and inserting  
16           the following:

17           **“PART B—LITERACY FOR CHILDREN AND**  
18   **FAMILIES”;**

19           (2) by inserting after the part heading the fol-  
20           lowing:

21           **“Subpart 1—William F. Goodling Even Start Family**  
22   **Literacy Programs”;**

23           (3) in sections 1201 through 1212, by striking  
24           “this part” each place such term appears and insert-  
25           ing “this subpart”; and

1 (4) by adding at the end the following:

2 **“Subpart 2—Reading First”**

3 **“SEC. 1221. PURPOSES.**

4 “The purposes of this subpart are as follows:

5 “(1) To provide assistance to States and local  
6 educational agencies in establishing reading pro-  
7 grams for students in grades kindergarten through  
8 3 that are grounded in scientifically based reading  
9 research, in order to ensure that every student can  
10 read at grade level or above by the end of the third  
11 grade.

12 “(2) To provide assistance to States and local  
13 educational agencies in preparing teachers, through  
14 professional development and other support, so the  
15 teachers can identify specific reading barriers facing  
16 their students and so the teachers have the tools ef-  
17 fectively to help their student to learn to read.

18 “(3) To provide assistance to States and local  
19 educational agencies in selecting or developing rig-  
20 orous diagnostic reading assessments that document  
21 the effectiveness of this subpart in improving stu-  
22 dents’ reading and in holding grant and subgrant re-  
23 cipients accountable for their results.

24 “(4) To provide assistance to States and local  
25 educational agencies in selecting or developing effec-

1       tive instructional materials, programs, and strategies  
 2       to implement methods that have been proven to pre-  
 3       vent or remediate reading failure within a State or  
 4       States.

5               “(5) To strengthen coordination among schools,  
 6       early literacy programs, and family literacy pro-  
 7       grams in order to improve reading achievement for  
 8       all children.

9       **“SEC. 1222. FORMULA GRANTS TO STATES; COMPETITIVE**  
 10               **SUBGRANTS TO LOCAL AGENCIES.**

11       “(a) IN GENERAL.—In the case of each State that  
 12       in accordance with section 1224 submits to the Secretary  
 13       an application for a 5-year period, the Secretary, subject  
 14       to the application’s approval, shall make a grant to the  
 15       State educational agency for the uses specified in sub-  
 16       sections (c) and (d). The grant shall consist of the allot-  
 17       ment determined for the State under subsection (b).

18       “(b) DETERMINATION OF AMOUNT OF ALLOT-  
 19       MENT.—

20               “(1) IN GENERAL.—From the total amount  
 21       made available to carry out this subpart for any fis-  
 22       cal year and not reserved under section 1225, the  
 23       Secretary shall allot 75 percent under this section  
 24       among each of the 50 States, the District of Colum-  
 25       bia, and the Commonwealth of Puerto Rico.

1           “(2) STATE ALLOTMENTS.—The Secretary shall  
2 allot the amount made available under paragraph  
3 (1) for a fiscal year among the States in proportion  
4 to the amount all local educational agencies in a  
5 State would receive under section 1124.

6           “(3) REALLOTMENT.—If any State does not  
7 apply for an allotment under this section for any fis-  
8 cal year, or if the State’s application is not ap-  
9 proved, the Secretary shall reallocate such amount to  
10 the remaining States in accordance with paragraph  
11 (2).

12           “(c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
13 CIES.—

14           “(1) DISTRIBUTION OF SUBGRANTS.—The Sec-  
15 retary may make a grant to a State under this sec-  
16 tion only if the State agrees to expend at least 80  
17 percent of the amount of the funds provided under  
18 the grant for the purpose of making, in accordance  
19 with this subsection, competitive subgrants to eligi-  
20 ble local educational agencies.

21           “(2) NOTICE.—A State receiving a grant under  
22 this section shall provide notice to all eligible local  
23 educational agencies in the State of the availability  
24 of competitive subgrants under this subsection and  
25 of the requirements for applying for the subgrants.

1           “(3) LOCAL APPLICATION.—To be eligible to re-  
2           ceive a subgrant under this subsection, an eligible  
3           local educational agency shall submit an application  
4           to the State at such time, in such manner, and con-  
5           taining such information as the State may reason-  
6           ably require.

7           “(4) DEFINITION OF ELIGIBLE LOCAL EDU-  
8           CATIONAL AGENCY.—In this subpart the term ‘eligi-  
9           ble local educational agency’ means a local edu-  
10          cational agency that—

11                 “(A) has a high percentage of students in  
12                 grades kindergarten through 3 reading below  
13                 grade level; and

14                 “(B) has—

15                         “(i) jurisdiction over a geographic  
16                         area that includes an area designated as  
17                         an empowerment zone, or an enterprise  
18                         community, under part I of subchapter U  
19                         of chapter 1 of the Internal Revenue Code  
20                         of 1986;

21                         “(ii) jurisdiction over at least 1 school  
22                         that is identified for school improvement  
23                         under section 1116(c); or

24                         “(iii) a high percentage of children  
25                         who are counted under section 1124(c), in

1 comparison to other local educational agen-  
2 cies in the State.

3 “(5) STATE REQUIREMENT.—In distributing  
4 subgrant funds to local educational agencies, a State  
5 shall provide the funds in sufficient amounts to en-  
6 able local educational agencies to improve reading,  
7 as measured by scores on rigorous diagnostic read-  
8 ing assessments.

9 “(6) LOCAL PRIORITY.—In distributing  
10 subgrant funds under this subsection a local edu-  
11 cational agency shall give priority to providing the  
12 funds to schools that—

13 “(A) have a high percentage of students in  
14 grades kindergarten through 3 reading below  
15 grade level;

16 “(B) are identified for school improvement  
17 under section 1116(c); or

18 “(C) have a high percentage of children  
19 counted under section 1124(c).

20 “(7) LOCAL USES OF FUNDS.—Subject to para-  
21 graph (8), a local educational agency that receives a  
22 subgrant under this subsection shall use the funds  
23 provided under the subgrant to carry out the fol-  
24 lowing activities:

1           “(A) Selecting or developing, and admin-  
2           istering, a rigorous diagnostic reading assess-  
3           ment.

4           “(B) Selecting or developing, and imple-  
5           menting, a program or programs of reading in-  
6           struction grounded on scientifically based read-  
7           ing research that—

8                   “(i) includes the major components of  
9                   reading instruction; and

10                   “(ii) provides such instruction to all  
11                   children, including children who—

12                           “(I) may have reading difficul-  
13                           ties;

14                           “(II) are at risk of being referred  
15                           to special education based on these  
16                           difficulties;

17                           “(III) have been evaluated under  
18                           section 614 of the Individuals with  
19                           Disabilities Education Act but, in ac-  
20                           cordance with section 614(b)(5) of  
21                           such Act, and have not been identified  
22                           as being a child with a disability (as  
23                           defined in section 602 of such Act);

24                           “(IV) are being served under  
25                           such Act primarily due to being iden-

1           tified as being a child with a specific  
2           learning disability (as defined in sec-  
3           tion 602 of such Act) related to read-  
4           ing; or

5                   “(V) are identified as having lim-  
6           ited English proficiency (as defined in  
7           section 3501).

8                   “(C) Procuring and implementing instruc-  
9           tional materials grounded on scientifically based  
10          reading research.

11                   “(D) Providing professional development  
12          for teachers of grades kindergarten through 3  
13          that—

14                           “(i) will prepare these teachers in all  
15                           of the major components of reading in-  
16                           struction;

17                                   “(ii) shall include—

18   “(I) information on instructional  
19   materials, programs, strategies, and  
20   approaches grounded on scientifically  
21   based reading research, including  
22   early intervention and reading remedi-  
23   ation materials, programs, and ap-  
24   proaches; and



1                   “(II) instruction in the use of  
2                   rigorous diagnostic reading assess-  
3                   ments and other procedures that ef-  
4                   fectively identify students who may be  
5                   at risk for reading failure or who are  
6                   having difficulty reading; and

7                   “(iii) may be provided by eligible pro-  
8                   fessional development providers or other-  
9                   wise.

10                  “(E) Promoting reading and library pro-  
11                  grams that provide access to engaging reading  
12                  material.

13                  “(F) Providing training to individuals who  
14                  volunteer to be reading tutors for students to  
15                  enable the volunteers to support instructional  
16                  practices that are based on scientific reading re-  
17                  search and being used by the student’s teacher.

18                  “(G) Assisting parents, through the use of  
19                  materials, programs, strategies and approaches,  
20                  that are based on scientific reading research, to  
21                  help support their children’s reading develop-  
22                  ment.

23                  “(H) Collecting and summarizing data  
24                  from rigorous diagnostic reading assessments—

1           “(i) to document the effectiveness of  
2           this subpart in individual schools and in  
3           the local educational agency as a whole;  
4           and

5           “(ii) to stimulate and accelerate im-  
6           provement by identifying the schools that  
7           produce the significant gains in reading  
8           achievement.

9           “(I) Reporting data in the same manner as  
10          data is reported under section 1116(c).

11          “(9) LOCAL PLANNING AND ADMINISTRATION.—A  
12          local educational agency that receives a subgrant under  
13          this subsection may use not more than 5 percent of the  
14          funds provided under the subgrant for planning and ad-  
15          ministration.

16          “(d) OTHER STATE USES OF FUNDS.—

17                 “(1) IN GENERAL.—A State that receives a  
18                 grant under this section may expend not more than  
19                 a total of 20 percent of the grant funds to carry out  
20                 the activities described in paragraphs (3), (4), and  
21                 (5).

22                 “(2) PRIORITY.—A State shall give priority to  
23                 carrying out the activities described in paragraphs  
24                 (3), (4), and (5) for schools described in subsection  
25                 (c)(6).

1           “(3) PROFESSIONAL DEVELOPMENT.—A State  
2 that receives a grant under this section may expend  
3 not more than 15 percent of the amount of the  
4 funds provided under the grant to develop and im-  
5 plement a program of professional development for  
6 teachers of grades kindergarten through 3 that—

7           “(A) will prepare these teachers in all of  
8 the major components of reading instruction;

9           “(B) shall include—

10           “(i) information on instructional ma-  
11 terials, programs, strategies, and ap-  
12 proaches grounded on scientifically based  
13 reading research, including early interven-  
14 tion and reading remediation materials,  
15 programs, and approaches; and

16           “(ii) instruction in the use of rigorous  
17 diagnostic reading assessments and other  
18 procedures that effectively identify stu-  
19 dents who may be at risk for reading fail-  
20 ure or who are having difficulty reading;  
21 and

22           “(C) may be provided by eligible profes-  
23 sional development providers or otherwise.

24           “(4) TECHNICAL ASSISTANCE FOR LOCAL EDU-  
25 CATIONAL AGENCIES AND SCHOOLS.—A State that

1 receives a grant under this section may expend not  
2 more than 5 percent of the amount of the funds pro-  
3 vided under the grant for one or more of the fol-  
4 lowing authorized State activities:

5 “(A) Assisting local educational agencies in  
6 accomplishing the tasks required to design and  
7 implement a program under this subpart,  
8 including—

9 “(i) selecting and implementing a pro-  
10 gram or programs of reading instruction  
11 grounded on scientifically based reading re-  
12 search;

13 “(ii) selecting or developing rigorous  
14 diagnostic reading assessments; and

15 “(iii) identifying eligible professional  
16 development providers to help prepare  
17 reading teachers to teach students using  
18 the programs and assessments described in  
19 subparagraphs (A) and (B).

20 “(B) Providing expanded opportunities to  
21 students in grades kindergarten through 3 with-  
22 in eligible local educational agencies for receiv-  
23 ing reading assistance from alternative pro-  
24 viders that includes—

1                   “(i) a rigorous diagnostic reading as-  
2                   sessment; and

3                   “(ii) instruction in the major compo-  
4                   nents of reading that is based on scientific  
5                   reading research.

6                   “(3) PLANNING, ADMINISTRATION, AND RE-  
7                   PORTING.—

8                   “(A) IN GENERAL.—A State that receives  
9                   a grant under this section shall expend not  
10                  more than 5 percent of the amount of the funds  
11                  provided under the grant for the activities de-  
12                  scribed in this paragraph.

13                  “(B) PLANNING AND ADMINISTRATION.—A  
14                  State that receives a grant under this section  
15                  may expend funds made available under sub-  
16                  paragraph (A) for planning and administration  
17                  relating to the State uses of funds authorized  
18                  under this subpart, including the following:

19                         “(i) Administering the distribution of  
20                         competitive subgrants to local educational  
21                         agencies under sections 1222 and 1223.

22                         “(ii) Collecting and summarizing data  
23                         from rigorous diagnostic reading  
24                         assessments—

1                   “(I) to document the effective-  
2                   ness of this subpart in individual local  
3                   educational agencies and in the State  
4                   as a whole; and

5                   “(II) to stimulate and accelerate  
6                   improvement by identifying the local  
7                   educational agencies that produce sig-  
8                   nificant gains in reading achievement.

9                   “(C) ANNUAL REPORTING.—

10                   “(i) IN GENERAL.—A State that re-  
11                   ceives a grant under this section shall ex-  
12                   pend funds provided under the grant to  
13                   provide the Secretary annually with a re-  
14                   port on the implementation of this subpart.  
15                   The report shall include evidence that the  
16                   State is fulfilling its obligations under this  
17                   subpart. The report shall also include the  
18                   data required under subsection (c)(7)(H)  
19                   to be reported to the State by local edu-  
20                   cational agencies. The report shall include  
21                   a specific identification of those local edu-  
22                   cational agencies that report significant  
23                   gains in reading achievement overall and  
24                   such gains based on disaggregated data,

1 reported in the same manner as data is re-  
2 ported under section 1116(c).

3 “(ii) PRIVACY PROTECTION.—Data in  
4 the report shall be reported in a manner  
5 that protects the privacy of individuals.

6 “(iii) CONTRACT.—To the extent  
7 practicable, a State shall enter into a con-  
8 tract with an entity that conducts scientif-  
9 ically based reading research, under which  
10 contract the entity will assist the State in  
11 producing the reports required to be sub-  
12 mitted under this subparagraph.

13 **“SEC. 1223. COMPETITIVE GRANTS TO STATES; COMPETI-**  
14 **TIVE SUBGRANTS TO LOCAL AGENCIES.**

15 “(a) IN GENERAL.—In the case of a State that in  
16 accordance with section 1224 submits to the Secretary an  
17 application, the Secretary may award a grant, on a com-  
18 petitive basis, to the State for the use specified in sub-  
19 section (c). The grant shall consist of the allotment deter-  
20 mined for the State under subsection (b).

21 “(b) DETERMINATION OF AMOUNT OF ALLOT-  
22 MENT.—

23 “(1) IN GENERAL.—From the total amount  
24 made available to carry out this subpart for any fis-  
25 cal year referred to in subsection (a) that is neither

1 used under section 1222 nor reserved under section  
2 1225, the Secretary may allot such remaining  
3 amount under this section among each of the 50  
4 States, the District of Columbia, and the Common-  
5 wealth of Puerto Rico.

6 “(2) STATE ALLOTMENTS.—

7 “(A) IN GENERAL.—In carrying out para-  
8 graph (1), the Secretary shall allot such funds  
9 to those States that demonstrate the most ef-  
10 fective implementation of this subpart, as deter-  
11 mined by the peer review panel convened under  
12 section 1224 based upon the application con-  
13 tents described in subparagraph (B).

14 “(B) APPLICATION CONTENTS.—A State  
15 that desires to receive a grant under this sec-  
16 tion shall include in its application the fol-  
17 lowing:

18 “(i) Evidence that the State has car-  
19 ried out its obligations under this subpart.

20 “(ii) Evidence that the State has in-  
21 creased significantly the percentage of stu-  
22 dents reading at grade level or above by  
23 the end of the third grade.

24 “(iii) Evidence that the State has  
25 been successful in reducing the reading



1 deficit in terms of the percentage of stu-  
2 dents in ethnic, racial, and low-income  
3 populations who are reading at grade level  
4 or above by the end of the third grade.

5 “(iv) The amount of funds being re-  
6 quested by the State and a description of  
7 the criteria the State intends to use in dis-  
8 tributing subgrants to local educational  
9 agencies under this section to continue or  
10 expand activities under this subpart.

11 “(v) Any additional evidence that  
12 demonstrates success in the implementa-  
13 tion of this subpart.

14 “(c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
15 CIES.—

16 “(1) IN GENERAL.—The Secretary may make a  
17 grant to a State under this section only if the State  
18 agrees to expend 100 percent of the amount of the  
19 funds provided under the grant for the purpose of  
20 making competitive subgrants in accordance with  
21 this subsection to local educational agencies.

22 “(2) NOTICE.—A State receiving a grant under  
23 this section shall provide notice to all eligible local  
24 educational agencies in the State of the availability

1 of competitive subgrants under this subsection and  
2 of the requirements for applying for the subgrants.

3 “(3) APPLICATION.—To apply for a subgrant  
4 under this subsection, an eligible local educational  
5 agency shall submit an application to the State at  
6 such time, in such manner, and containing such in-  
7 formation as the State may reasonably require.

8 “(4) DISTRIBUTION.—A State shall distribute  
9 funds under this section, on a competitive basis,  
10 based on the following criteria:

11 “(A) Evidence that a local educational  
12 agency has carried out its obligations under this  
13 subpart.

14 “(B) Evidence that a local educational  
15 agency has increased significantly the percent-  
16 age of students reading at grade level or above  
17 by the end of the third grade.

18 “(C) Evidence that a local educational  
19 agency has been successful in reducing the  
20 reading deficit in terms of the percentage of  
21 students in ethnic, racial, and low-income popu-  
22 lations who are reading at grade level or above  
23 by the end of the third grade.

24 “(D) The amount of funds being requested  
25 by a local educational agency in its application

1 under paragraph (3) and the description in  
2 such application of how such funds will be used  
3 to support the continuation or expansion of the  
4 agency's programs under this subpart.

5 “(E) Evidence that the local educational  
6 agency will work with other eligible local edu-  
7 cational agencies in the State who have not re-  
8 ceived a subgrant under this subsection to as-  
9 sist such nonreceiving agencies in increasing the  
10 reading achievement of students.

11 “(F) Any additional evidence in a local  
12 educational agency's application under para-  
13 graph (3) that demonstrates success in the im-  
14 plementation of this subpart.

15 “(5) LOCAL USES OF FUNDS.—A local edu-  
16 cational agency that receives a subgrant under this  
17 subsection shall use the funds provided under the  
18 subgrant to carry out the activities described in sub-  
19 paragraphs (A) through (G) of section 1222(c)(7).

20 **“SEC. 1224. STATE APPLICATIONS.**

21 “(a) IN GENERAL.—A State that desires to receive  
22 a grant under this subpart shall submit an application to  
23 the Secretary at such time and in such form as the Sec-  
24 retary may require. The application shall contain the in-  
25 formation described in subsection (b).

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 descrip-  
7 tion of how such partnership—

8           “(A) coordinated the development of the  
9 application; and

10           “(B) will assist in the oversight and eval-  
11 uation of the State’s activities under this sub-  
12 part.

13           “(2) A description of a strategy to expand, con-  
14 tinue, or modify activities commenced under part C  
15 of title II of this Act (as such part was in effect on  
16 the day before the date of the enactment of the Bet-  
17 ter Education for Students and Teachers Act).

18           “(3) An assurance that the State will submit to  
19 the Secretary, at such time and in such manner as  
20 the Secretary may reasonably require, a State plan  
21 containing a description of the following:

22           “(A) How the State will assist local edu-  
23 cational agencies in identifying rigorous diag-  
24 nostic reading assessments.

1           “(B) How the State will assist local edu-  
2           cational agencies in identifying instructional  
3           materials, programs, strategies, and ap-  
4           proaches, grounded on scientifically based read-  
5           ing research, including early intervention and  
6           reading remediation materials, programs and  
7           approaches.

8           “(C) How the State educational agency  
9           will ensure that professional development activi-  
10          ties related to reading instruction and provided  
11          under this subpart are—

12                   “(i) coordinated with other State and  
13                   local level funds and used effectively to im-  
14                   prove instructional practices for reading;  
15                   and

16                   “(ii) based on scientifically based  
17                   reading research.

18          “(D) How the activities assisted under this  
19          subpart will address the needs of teachers and  
20          other instructional staff in schools receiving as-  
21          sistance under this subpart and will effectively  
22          teach students to read.

23          “(E) The extent to which the activities will  
24          prepare teachers in all the major components of  
25          reading instruction.

1           “(F) How subgrants made by the State  
2 educational agency under this subpart will meet  
3 the requirements of this subpart, including how  
4 the State educational agency will ensure that  
5 local educational agencies receiving subgrants  
6 under this subpart will use practices based on  
7 scientifically based reading research.

8           “(G) How the State educational agency  
9 will, to the extent practicable, make grants to  
10 subgrantees in both rural and urban areas.

11           “(H) How the State educational agency—

12           “(i) will build on, and promote coordi-  
13 nation among, literacy programs in the  
14 State (including federally funded programs  
15 such as the Adult Education and Family  
16 Literacy Act and the Individuals with Dis-  
17 abilities Education Act), in order to in-  
18 crease the effectiveness of the programs in  
19 improving reading for adults and children  
20 and to avoid duplication of the efforts of  
21 the program; and

22           “(ii) will assess and evaluate, on a  
23 regular basis, local educational agency ac-  
24 tivities assisted under this subpart, with

1                   respect to whether they have been effective  
2                   in achieving the purposes of this subpart.

3           “(c) APPROVAL OF APPLICATIONS.—

4                   “(1) IN GENERAL.—The Secretary shall ap-  
5                   prove an application of a State under this section  
6                   only if such application meets the requirement of  
7                   this section.

8                   “(2) PEER REVIEW.—

9                   “(A) IN GENERAL.—The Secretary, in con-  
10                   sultation with the National Institute for Lit-  
11                   eracy, shall convene a panel to evaluate applica-  
12                   tions under this section. At a minimum, the  
13                   panel shall include—

14                           “(i) 3 individuals selected by the Sec-  
15                           retary;

16                           “(ii) 3 individuals selected by the Na-  
17                           tional Institute for Literacy;

18                           “(iii) 3 individuals selected by the Na-  
19                           tional Research Council of the National  
20                           Academy of Sciences; and

21                           “(iv) 3 individuals selected by the Na-  
22                           tional Institute of Child Health and  
23                           Human Development.

24                   “(B) EXPERTS.—The panel shall include  
25                   experts who are competent, by virtue of their

1 training, expertise, or experience, to evaluate  
2 applications under this section, and experts who  
3 provide professional development to teachers of  
4 reading to children and adults, and experts who  
5 provide professional development to other in-  
6 structional staff, based on scientifically based  
7 reading research.

8 “(C) RECOMMENDATIONS.—The panel  
9 shall recommend grant applications from States  
10 under this section to the Secretary for funding  
11 or for disapproval.

12 “(d) READING AND LITERACY PARTNERSHIPS.—

13 “(1) REQUIRED PARTICIPANTS.—In order for a  
14 State to receive a grant under this subpart, the Gov-  
15 ernor of the State, in consultation with the State  
16 educational agency, shall establish a reading and lit-  
17 eracy partnership consisting of at least the following  
18 participants:

19 “(A) The Governor of the State.

20 “(B) The chief State school officer.

21 “(C) The chairman and the ranking mem-  
22 ber of each committee of the State legislature  
23 that is responsible for education policy.

24 “(D) A representative, selected jointly by  
25 the Governor and the chief State school officer,



1 of at least one local educational agency that is  
2 eligible to receive a subgrant under section  
3 1222.

4 “(E) A representative, selected jointly by  
5 the Governor and the chief State school officer,  
6 of a community-based organization working  
7 with children to improve their reading skills,  
8 particularly a community-based organization  
9 using tutors and scientifically based reading re-  
10 search.

11 “(F) State directors of appropriate Federal  
12 or State programs with a strong reading com-  
13 ponent.

14 “(G) A parent of a public or private school  
15 student or a parent who educates their child or  
16 children in their home, selected jointly by the  
17 Governor and the chief State school officer.

18 “(H) A teacher who successfully teaches  
19 reading and an instructional staff member, se-  
20 lected jointly by the Governor and the chief  
21 State school officer.

22 “(I) A family literacy service provider se-  
23 lected jointly by the Governor and the chief  
24 state school officer.

1           “(2) OPTIONAL PARTICIPANTS.—A reading and  
2 literacy partnership may include additional partici-  
3 pants, who shall be selected jointly by the Governor  
4 and the chief State school officer, and who may in-  
5 clude a representative of—

6           “(A) an institution of higher education op-  
7 erating a program of teacher preparation based  
8 on scientifically based reading research in the  
9 State;

10           “(B) a local educational agency;

11           “(C) a private nonprofit or for-profit eligi-  
12 ble professional development provider providing  
13 instruction based on scientifically based reading  
14 research;

15           “(D) an adult education provider;

16           “(E) a volunteer organization that is in-  
17 volved in reading programs; or

18           “(F) a school library or a public library  
19 that offers reading or literacy programs for  
20 children or families.

21           “(3) PREEXISTING PARTNERSHIP.—If, before  
22 the date of the enactment of the Better Education  
23 for Students and Teachers Act, a State established  
24 a consortium, partnership, or any other similar body  
25 that was considered a reading and literacy partner-

1 ship for purposes of part C of title II of this Act (as  
2 such part was in effect on the day before the date  
3 of the enactment of the Better Education for Stu-  
4 dents and Teachers Act), that consortium, partner-  
5 ship, or body may be considered a reading and lit-  
6 eracy partnership for purposes of this subpart not-  
7 withstanding that it does not satisfy the require-  
8 ments of paragraph (1).

9 **“SEC. 1225. RESERVATIONS FROM APPROPRIATIONS.**

10 “From the amounts appropriated to carry out this  
11 subpart for a fiscal year, the Secretary—

12 “(1) may reserve not more than 1 percent to  
13 carry out section 1226 (relating to national activi-  
14 ties); and

15 “(2) shall reserve \$5,000,000 to carry out sec-  
16 tion 1227 (relating to information dissemination).

17 **“SEC. 1226. NATIONAL ACTIVITIES.**

18 “From funds reserved under section 1225(1), the  
19 Secretary—

20 “(1) through grants or contracts, shall conduct  
21 an evaluation of the program under this subpart  
22 using criteria recommended by the peer review panel  
23 convened under section 1224; and

24 “(2) may provide technical assistance in achiev-  
25 ing the purposes of this subpart to States, local edu-

1       cational agencies, and schools requesting such assist-  
2       ance.

3       **“SEC. 1227. INFORMATION DISSEMINATION.**

4       “(a) IN GENERAL.—From funds reserved under sec-  
5       tion 1225(2), the National Institute for Literacy, in col-  
6       laboration with the Departments of Education and Health  
7       and Human Services, including the National Institute for  
8       Child Health and Human Development, shall—

9               “(1) disseminate information on scientifically  
10       based reading research pertaining to children, youth,  
11       and adults;

12               “(2) identify and disseminate information about  
13       schools, local educational agencies, and States that  
14       effectively developed and implemented reading pro-  
15       grams that meet the requirements of this subpart,  
16       including those effective States, local educational  
17       agencies, and schools identified through the evalua-  
18       tion and peer review provisions of this subpart; and

19               “(3) support the continued identification of sci-  
20       entifically based reading research that can lead to  
21       improved reading outcomes for children, youth, and  
22       adults through evidenced-based assessments of the  
23       scientific research literature.

24       “(b) DISSEMINATION AND COORDINATION.—At a  
25       minimum, the National Institute for Literacy shall dis-

1 seminate such information to recipients of Federal finan-  
 2 cial assistance under titles I and III, the Head Start Act,  
 3 the Individuals With Disabilities Education Act, and the  
 4 Adult Education and Family Literacy Act. In carrying out  
 5 this section, the National Institute for Literacy shall, to  
 6 the extent practicable, utilize existing information and dis-  
 7 semination networks developed and maintained through  
 8 other public and private entities.

9       “(c) USE OF FUNDS.—The National Institute for  
 10 Literacy may use not more than 5 percent of the funds  
 11 made available under section 1225(2) for administrative  
 12 purposes directly related to carrying out of activities au-  
 13 thorized by this section.

14 **“SEC. 1228. DEFINITIONS.**

15       “For purposes of this subpart:

16           “(1) ELIGIBLE PROFESSIONAL DEVELOPMENT  
 17 PROVIDER.—The term ‘eligible professional develop-  
 18 ment provider’ means a provider of professional de-  
 19 velopment in reading instruction to teachers that is  
 20 based on scientifically based reading research.

21           “(2) INSTRUCTIONAL STAFF.—The term ‘in-  
 22 structional staff’—

23                   “(A) means individuals who have responsi-  
 24 bility for teaching children to read; and

1           “(B) includes principals, teachers, super-  
2           visors of instruction, librarians, library school  
3           media specialists, teachers of academic subjects  
4           other than reading, and other individuals who  
5           have responsibility for assisting children to  
6           learn to read.

7           “(3) MAJOR COMPONENTS OF READING IN-  
8           STRUCTION.—The term ‘major components of read-  
9           ing instruction’ means systematic instruction that  
10          includes—

11                   “(A) phonemic awareness;

12                   “(B) phonics;

13                   “(C) vocabulary development;

14                   “(D) reading fluency; and

15                   “(E) reading comprehension strategies.

16          “(4) READING.—The term ‘reading’ means a  
17          complex system of deriving meaning from print that  
18          requires all of the following:

19                   “(A) The skills and knowledge to under-  
20                   stand how phonemes, or speech sounds, are  
21                   connected to print.

22                   “(B) The ability to decode unfamiliar  
23                   words.

24                   “(C) The ability to read fluently.

1           “(D) Sufficient background information  
2           and vocabulary to foster reading comprehen-  
3           sion.

4           “(E) The development of appropriate ac-  
5           tive strategies to construct meaning from print.

6           “(F) The development and maintenance of  
7           a motivation to read.

8           “(5) RIGOROUS DIAGNOSTIC READING ASSESS-  
9           MENT.—The term ‘rigorous diagnostic reading as-  
10          sessment’ means a diagnostic reading assessment  
11          that—

12           “(A) is valid, reliable, and grounded in sci-  
13           entifically based reading research;

14           “(B) measures progress in phonemic  
15           awareness and phonics, vocabulary development,  
16           reading fluency, and reading comprehension;  
17           and

18           “(C) identifies students who may be at risk  
19           for reading failure or who are having difficulty  
20           reading.

21           “(6) SCIENTIFICALLY BASED READING RE-  
22           SEARCH.—The term ‘scientifically based reading  
23           research’—

24           “(A) means research that applies rigorous,  
25           systematic, and objective procedures to obtain

1 valid knowledge relevant to reading develop-  
2 ment, reading instruction, and reading difficul-  
3 ties; and

4 “(B) shall include research that—

5 “(i) employs systematic, empirical  
6 methods that draw on observation or ex-  
7 periment;

8 “(ii) involves rigorous data analyses  
9 that are adequate to test the stated  
10 hypotheses and justify the general conclu-  
11 sions drawn;

12 “(iii) relies on measurements or obser-  
13 vational methods that provide valid data  
14 across evaluators and observers and across  
15 multiple measurements and observations;  
16 and

17 “(iv) has been accepted by a peer-re-  
18 viewed journal or approved by a panel of  
19 independent experts through a comparably  
20 rigorous, objective, and scientific review.”.

21 **SEC. 122. EARLY READING INITIATIVE.**

22 Part B of title I (20 U.S.C. 6361 et seq.) is amended  
23 further by adding at the end the following:



1                   **“Subpart 3—Early Reading First**

2   **“SEC. 1241. PURPOSES.**

3           “The purposes of this subpart are as follows:

4                   “(1) To support local efforts to enhance the  
5           school readiness of young children, particularly those  
6           from low-income families, through scientific, re-  
7           search-based strategies and professional development  
8           that are designed to enhance the early language and  
9           literacy development of children aged 3 through 5.

10                   “(2) To provide children aged 3 through 5 with  
11           cognitive learning opportunities in high-quality lan-  
12           guage and literature-rich environments, so that they  
13           can attain the fundamental knowledge necessary for  
14           optimal reading development in kindergarten and be-  
15           yond.

16                   “(3) To integrate these learning opportunities  
17           with family literacy services.

18                   “(4) To demonstrate research-based language  
19           and literacy activities, which can be integrated with  
20           existing preschool programs, that support the age-  
21           appropriate development of letter knowledge, letter  
22           sounds and blending of sounds, words, the use of  
23           books, and the understanding and use of an increas-  
24           ingly complex and rich spoken vocabulary, developed  
25           in part through teacher-read stories, as well as other

1 activities that build a strong foundation for learning  
2 to read.

3 **“SEC. 1242. LOCAL EARLY READING FIRST GRANTS.**

4 “(a) PROGRAM AUTHORIZED.—From amounts ap-  
5 propriated under section 1002(b)(3), the Secretary shall  
6 award grants, on a competitive basis, for periods of not  
7 more than 4 years, to eligible applicants to enable the eli-  
8 gible applicants to carry out activities that are consistent  
9 with the purposes of this subpart.

10 “(b) DEFINITION OF ELIGIBLE APPLICANT.—In this  
11 subpart the term ‘eligible applicant’ means—

12 “(1) one or more local educational agencies that  
13 are eligible to receive a subgrant under subpart 2;

14 “(2) one or more public or private organiza-  
15 tions, acting on behalf of 1 or more programs that  
16 serve preschool age children (such as a program at  
17 a Head Start center or a family literacy program),  
18 which organizations shall be located in a community  
19 served by a local educational agency described in  
20 paragraph (1); or

21 “(3) one or more local educational agencies de-  
22 scribed in paragraph (1) in collaboration with one or  
23 more organizations described in paragraph (2).

24 “(c) APPLICATIONS.—An eligible applicant that de-  
25 sires to receive a grant under this section shall submit an

1 application to the Secretary which shall include a descrip-  
2 tion of—

3           “(1) the programs to be served by the proposed  
4 project, including demographic and socioeconomic in-  
5 formation on the children enrolled in the programs;

6           “(2) how the proposed project will prepare and  
7 provide ongoing assistance to staff in the programs,  
8 through professional development and other support,  
9 to provide high-quality language, literacy and  
10 prereading activities using scientifically based re-  
11 search, for children ages 3 through 5;

12           “(3) how the proposed project will provide serv-  
13 ices and utilize materials that are based on scientif-  
14 ically based research on early language acquisition,  
15 prereading activities, and the development of spoken  
16 vocabulary skills;

17           “(4) how the proposed project will help staff in  
18 the programs to meet the diverse needs of children  
19 in the community better, including children with lim-  
20 ited English proficiency, disabilities, or other special  
21 needs;

22           “(5) how the proposed project will help chil-  
23 dren, particularly children experiencing difficulty  
24 with spoken language, prereading, and literacy skills,

1 to make the transition from preschool to formal  
2 classroom instruction in school;

3 “(6) if the eligible applicant has received a  
4 subgrant under subpart 2, how the activities con-  
5 ducted under this subpart will be coordinated with  
6 the eligible applicant’s activities under subpart 2 at  
7 the kindergarten through third-grade level;

8 “(7) how the proposed project will determine  
9 the success of the activities supported under this  
10 subpart in enhancing the early language and literacy  
11 development of children served by the project; and

12 “(8) such other information as the Secretary  
13 may require.

14 “(d) APPROVAL OF APPLICATIONS.—The Secretary  
15 shall select applicants for funding under this subpart on  
16 the basis of the quality of the applications, in consultation  
17 with the National Institute for Child Health and Human  
18 Development, the National Institute for Literacy, and the  
19 National Academy of Sciences. The Secretary shall select  
20 applications for approval under this subpart on the basis  
21 of a peer review process.

22 “(e) AWARD AMOUNTS.—The Secretary may estab-  
23 lish a maximum award amount, or ranges of award  
24 amounts, for grants under this subpart.

1 **“SEC. 1243. FEDERAL ADMINISTRATION.**

2 “The Secretary shall consult with the Secretary of  
3 Health and Human Services in order to coordinate the ac-  
4 tivities undertaken under this subpart with early childhood  
5 programs administered by the Department of Health and  
6 Human Services.

7 **“SEC. 1244. INFORMATION DISSEMINATION.**

8 “From the funds the National Institute for Literacy  
9 receives under section 1227, the National Institute for Lit-  
10 eracy, in consultation with the Secretary, shall disseminate  
11 information regarding projects assisted under this subpart  
12 that have proven effective.

13 **“SEC. 1245. REPORTING REQUIREMENTS.**

14 “Each eligible applicant receiving a grant under this  
15 subpart shall report annually to the Secretary regarding  
16 the eligible applicant’s progress in addressing the purposes  
17 of this subpart.

18 **“SEC. 1246. EVALUATIONS.**

19 “From the total amount appropriated under section  
20 1002(b)(3) for the period beginning October 1, 2002 and  
21 ending September 30, 2008, the Secretary shall reserve  
22 not more than \$5,000,000 to conduct an independent eval-  
23 uation of the effectiveness of this subpart.

24 **“SEC. 1247. ADDITIONAL RESEARCH.**

25 “From the amount appropriated under section  
26 1002(b)(3) for each of the fiscal years 2002 through 2006,

1 the Secretary shall reserve not more than \$3,000,000 to  
2 conduct, in consultation with National Institute for Child  
3 Health and Human Development, the National Institute  
4 for Literacy, and the Department of Health and Human  
5 Services, additional research on language and literacy de-  
6 velopment for children aged 3 through 5.”.

7 **PART C—EDUCATION OF MIGRATORY CHILDREN**

8 **SEC. 131. PROGRAM PURPOSE.**

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

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

12 (2) by inserting after paragraph (1) the fol-  
13 lowing:

14 “(2) ensure that migratory children who move  
15 among the States are not penalized in any manner  
16 by disparities among the States in curriculum, grad-  
17 uation requirements, and State student performance  
18 and content standards;”;

19 (3) in paragraph (5) (as so redesignated), by  
20 striking “and” after the semicolon;

21 (4) in paragraph (6) (as so redesignated), by  
22 striking the period and inserting “; and”; and

23 (5) by adding at the end the following:

24 “(7) ensure that migratory children receive full  
25 and appropriate opportunities to meet the same

1 challenging State content and student performance  
2 standards that all children are expected to meet.”.

3 **SEC. 132. STATE APPLICATION.**

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

5 (1) in subsection (b)—

6 (A) in paragraph (1), by striking “a com-  
7 prehensive” and all that follows through  
8 “1306;” and inserting “the full range of serv-  
9 ices that are available for migratory children  
10 from appropriate local, State, and Federal edu-  
11 cational programs;”;

12 (B) by redesignating paragraphs (2)  
13 through (6) as paragraphs (3) through (7), re-  
14 spectively; and

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

17 “(2) a description of joint planning efforts that  
18 will be made with respect to programs assisted  
19 under this Act, local, State, and Federal programs,  
20 and bilingual education programs under subpart 1 of  
21 part A of title III;”;

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

24 “(3) in the planning and operation of programs  
25 and projects at both the State and local agency op-

1 erating level there is consultation with parent advi-  
 2 sory councils for programs of one school year in du-  
 3 ration, and that all such programs and projects are  
 4 carried out—

5 “(A) in a manner consistent with section  
 6 1118 unless extraordinary circumstances make  
 7 implementation with such section impractical;  
 8 and

9 “(B) in a format and language under-  
 10 standable to the parents;”.

11 **SEC. 133. COMPREHENSIVE PLAN.**

12 (a) COMPREHENSIVE PLAN.—Section 1306(a)(1) (20  
 13 U.S.C. 6396(a)(1)) is amended—

14 (1) in subparagraph (A)—

15 (A) by striking “the Goals 2000: Educate  
 16 America Act,”; and

17 (B) by striking “14306” and inserting  
 18 “5506”; and

19 (2) in subparagraph (B), by striking “14302;”  
 20 and inserting “5502, if—

21 “(i) the special needs of migratory  
 22 children are specifically addressed in the  
 23 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)  
9 (20 U.S.C. 6396(b)(3)) is amended by inserting “, and  
10 shall meet the special educational needs of migrant chil-  
11 dren before using funds under this part for schoolwide  
12 programs 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 Sec-  
20                   retary shall establish an information system for elec-  
21                   tronically exchanging, among the States, health and  
22                   educational information regarding all students  
23                   served under this part. Such information may  
24                   include—

1           “(i) immunization records and other health  
2 information;

3           “(ii) elementary and secondary academic  
4 history (including partial credit), credit accrual,  
5 and results from State assessments required  
6 under this title;

7           “(iii) other academic information essential  
8 to ensuring that migrant children achieve to  
9 high standards; and

10           “(iv) eligibility for services under the Indi-  
11 viduals with Disabilities Education Act.

12           “(B) The Secretary shall publish, not later than  
13 120 days after the date of enactment of the Better  
14 Education for Students and Teachers Act, a notice  
15 in the Federal Register seeking public comment on  
16 the proposed data elements that each State receiving  
17 funds under this part shall be required to collect for  
18 purposes of electronic transfer of migrant student  
19 information, the requirements for immediate elec-  
20 tronic access to such information, and the edu-  
21 cational agencies eligible to access such information.

22           “(C) Such system of electronic access to mi-  
23 grant student information shall be operational not  
24 later than 1 year after the date of enactment of the  
25 Better Education for Students and Teachers Act.

1           “(D) For the purpose of carrying out this sub-  
2           section in any fiscal year, the Secretary shall reserve  
3           not more than \$10,000,000 of the amount appro-  
4           priated to carry out this part for such year.

5           “(2) REPORT TO CONGRESS.—(A) Not later  
6           than April 30, 2003, the Secretary shall report to  
7           the Committee on Health, Education, Labor, and  
8           Pensions of the Senate and the Committee on Edu-  
9           cation and the Workforce of the House of Rep-  
10          representatives the Secretary’s findings and rec-  
11          ommendations regarding services under this part,  
12          and shall include in this report, recommendations for  
13          the interim measures that may be taken to ensure  
14          continuity of services under this part.

15          “(B) The Secretary shall assist States in devel-  
16          oping effective methods for the transfer of student  
17          records and in determining the number of students  
18          or full-time equivalent students in each State if such  
19          interim measures are required.”.

20                 (2) in subsection (c), by striking “\$6,000,000”  
21                 and inserting “\$10,000,000”;

22                 (3) in subsection (d)(1), by striking  
23                 “\$1,500,000” and inserting “\$3,000,000”; and

24                 (4) by adding at the end the following:

1       “(e) DATA COLLECTION.—The Secretary shall direct  
2 the National Center for Education Statistics to collect  
3 data on migratory children.”.

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

6 **SEC. 141. INITIATIVES FOR NEGLECTED, DELINQUENT, OR  
7           AT RISK YOUTH.**

8       Part D of title I (20 U.S.C. 6421 et seq.) is amended  
9 to read as follows:

10           **“PART D—INITIATIVES FOR NEGLECTED,  
11           DELINQUENT, OR AT RISK STUDENTS**  
12 **“Subpart 1—Prevention and Intervention Programs**  
13 **for Children and Youth Who Are Neglected, De-**  
14 **linquent, or at Risk of Dropping Out**

15 **“SEC. 1401. PURPOSE; PROGRAM AUTHORIZED.**

16       “(a) PURPOSE.—It is the purpose of this subpart—

17           “(1) to improve educational services for chil-  
18           dren in local and State institutions for neglected or  
19           delinquent children and youth so that such children  
20           and youth have the opportunity to meet the same  
21           challenging State content standards and challenging  
22           State student performance standards that all chil-  
23           dren in the State are expected to meet;

24           “(2) to provide such children and youth with  
25           the services needed to make a successful transition

1 from institutionalization to further schooling or em-  
2 ployment; and

3 “(3) to prevent at-risk youth from dropping out  
4 of school and to provide dropouts and youth return-  
5 ing from institutions with a support system to en-  
6 sure their continued education.

7 “(b) PROGRAM AUTHORIZED.—In order to carry out  
8 the purpose of this subpart the Secretary shall make  
9 grants to State educational agencies to enable such agen-  
10 cies to award subgrants to State agencies and local edu-  
11 cational agencies to establish or improve programs of edu-  
12 cation for neglected or delinquent children and youth at  
13 risk of dropping out of school before graduation.

14 **“SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS SUB-**  
15 **PART.**

16 “(a) AGENCY SUBGRANTS.—Based on the allocation  
17 amount computed under section 1412, the Secretary shall  
18 allocate to each State educational agency amounts nec-  
19 essary to make subgrants to State agencies under chapter  
20 1.

21 “(b) LOCAL SUBGRANTS.—Each State shall retain,  
22 for purposes of carrying out chapter 2, funds generated  
23 throughout the State under part A of title I based on  
24 youth residing in local correctional facilities, or attending

1 community day programs for delinquent children and  
2 youth.

3 **“Chapter 1—State Agency Programs**

4 **“SEC. 1411. ELIGIBILITY.**

5 “A State agency is eligible for assistance under this  
6 chapter if such State agency is responsible for providing  
7 free public education for children—

8 “(1) in institutions for neglected or delinquent  
9 children and youth;

10 “(2) attending community day programs for ne-  
11 glected or delinquent children and youth; or

12 “(3) in adult correctional institutions.

13 **“SEC. 1412. ALLOCATION OF FUNDS.**

14 “(a) SUBGRANTS TO STATE AGENCIES.—

15 “(1) IN GENERAL.—Each State agency de-  
16 scribed in section 1411 (other than an agency in the  
17 Commonwealth of Puerto Rico) is eligible to receive  
18 a subgrant under this chapter, for each fiscal year,  
19 an amount equal to the product of—

20 “(A) the number of neglected or delinquent  
21 children and youth described in section 1411  
22 who—

23 “(i) are enrolled for at least 15 hours  
24 per week in education programs in adult  
25 correctional institutions; and

1                   “(ii) are enrolled for at least 20 hours  
2                   per week—

3                   “(I) in education programs in in-  
4                   stitutions for neglected or delinquent  
5                   children and youth; or

6                   “(II) in community day programs  
7                   for neglected or delinquent children  
8                   and youth; and

9                   “(B) 40 percent of the average per-pupil  
10                  expenditure in the State, except that the  
11                  amount determined under this subparagraph  
12                  shall not be less than 32 percent, nor more  
13                  than 48 percent, of the average per-pupil ex-  
14                  penditure in the United States.

15                  “(2) SPECIAL RULE.—The number of neglected  
16                  or delinquent children and youth determined under  
17                  paragraph (1) shall—

18                  “(A) be determined by the State agency by  
19                  a deadline set by the Secretary, except that no  
20                  State agency shall be required to determine the  
21                  number of such children and youth on a specific  
22                  date set by the Secretary; and

23                  “(B) be adjusted, as the Secretary deter-  
24                  mines is appropriate, to reflect the relative  
25                  length of such agency’s annual programs.

1       “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO  
2 RICO.—For each fiscal year, the amount of the subgrant  
3 for which a State agency in the Commonwealth of Puerto  
4 Rico is eligible under this chapter shall be equal to—

5           “(1) the number of children and youth counted  
6       under subsection (a)(1)(A) for the Commonwealth of  
7       Puerto Rico; multiplied by

8           “(2) the product of—

9           “(A) the percentage that the average per-  
10       pupil expenditure in the Commonwealth of  
11       Puerto Rico is of the lowest average per-pupil  
12       expenditure of any of the 50 States; and

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

15       “(c) RATABLE REDUCTIONS IN CASE OF INSUFFI-  
16       CIENT APPROPRIATIONS.—If the amount appropriated for  
17       any fiscal year for subgrants under subsections (a) and  
18       (b) is insufficient to pay the full amount for which all  
19       State agencies are eligible under such subsections, the  
20       Secretary shall ratably reduce each such amount.

21       **“SEC. 1413. STATE REALLOCATION OF FUNDS.**

22       “‘If a State educational agency determines that a  
23       State agency does not need the full amount of the  
24       subgrant for which such State agency is eligible under this  
25       chapter for any fiscal year, the State educational agency



1 may reallocate the amount that will not be needed to other  
 2 eligible State agencies that need additional funds to carry  
 3 out the purpose of this subpart, in such amounts as the  
 4 State educational agency shall determine.

5 **“SEC. 1414. STATE PLAN AND STATE AGENCY APPLICA-**  
 6 **TIONS.**

7 “(a) STATE PLAN.—

8 “(1) IN GENERAL.—Each State educational  
 9 agency that desires to receive a grant under this  
 10 chapter shall submit, for approval by the Secretary,  
 11 a plan for meeting the needs of neglected and delin-  
 12 quent children and youth and, where applicable, chil-  
 13 dren and youth at risk of dropping out of school,  
 14 that is integrated with other programs under this  
 15 Act, or other Acts, as appropriate, consistent with  
 16 section 5506.

17 “(2) CONTENTS.—Each such State plan shall—

18 “(A) describe the program goals, objec-  
 19 tives, and performance measures established by  
 20 the State that will be used to assess the effec-  
 21 tiveness of the program in improving academic  
 22 and vocational skills of children in the program;

23 “(B) provide that, to the extent feasible,  
 24 such children will have the same opportunities  
 25 to learn as such children would have if such

1 children were in the schools of local educational  
2 agencies in the State; and

3 “(C) contain assurances that the State  
4 educational agency will—

5 “(i) ensure that programs assisted  
6 under this subpart will be carried out in  
7 accordance with the State plan described  
8 in this subsection;

9 “(ii) carry out the evaluation require-  
10 ments of section 1431;

11 “(iii) ensure that the State agencies  
12 receiving subgrants under this chapter  
13 comply with all applicable statutory and  
14 regulatory requirements; and

15 “(iv) provide such other information  
16 as the Secretary may reasonably require.

17 “(3) DURATION OF THE PLAN.—Each State  
18 plan shall—

19 “(A) remain in effect for the duration of  
20 the State’s participation under this subpart;  
21 and

22 “(B) be periodically reviewed and revised  
23 by the State, as necessary, to reflect changes in  
24 the State’s strategies and programs under this  
25 subpart.

1 “(b) SECRETARIAL APPROVAL; PEER REVIEW.—

2 “(1) IN GENERAL.—The Secretary shall ap-  
3 prove each State plan that meets the requirements  
4 of this part.

5 “(2) PEER REVIEW.—The Secretary may review  
6 any State plan with the assistance and advice of in-  
7 dividuals with relevant expertise.

8 “(c) STATE AGENCY APPLICATIONS.—Any State  
9 agency that desires to receive funds to carry out a pro-  
10 gram under this chapter shall submit an application to  
11 the State educational agency that—

12 “(1) describes the procedures to be used, con-  
13 sistent with the State plan under section 1111, to  
14 assess the educational needs of the children to be  
15 served;

16 “(2) provides assurances that in making serv-  
17 ices available to youth in adult correctional institu-  
18 tions, priority will be given to such youth who are  
19 likely to complete incarceration within a 2-year pe-  
20 riod;

21 “(3) describes the program, including a budget  
22 for the first year of the program, with annual up-  
23 dates to be provided to the State educational agency;

24 “(4) describes how the program will meet the  
25 goals and objectives of the State plan;

1           “(5) describes how the State agency will consult  
2 with experts and provide the necessary training for  
3 appropriate staff, to ensure that the planning and  
4 operation of institution-wide projects under section  
5 1416 are of high quality;

6           “(6) describes how the agency will carry out  
7 evaluation activities and how the results of the most  
8 recent evaluation are used to plan and improve the  
9 program;

10           “(7) includes data showing that the agency has  
11 maintained the fiscal effort required of a local edu-  
12 cational agency, in accordance with section 4;

13           “(8) describes how the programs will be coordi-  
14 nated with other appropriate State and Federal pro-  
15 grams, such as programs under title I of the Work-  
16 force Investment Act of 1998, vocational education  
17 programs, State and local dropout prevention pro-  
18 grams, and special education programs;

19           “(9) describes how appropriate professional de-  
20 velopment will be provided to teachers and other  
21 staff;

22           “(10) designates an individual in each affected  
23 institution to be responsible for issues relating to the  
24 transition of children and youth from the institution  
25 to locally operated programs;

1           “(11) describes how the agency will, endeavor  
2           to coordinate with businesses for training and men-  
3           toring for participating children and youth;

4           “(12) provides assurances that the agency will  
5           assist in locating alternative programs through  
6           which students can continue their education if stu-  
7           dents are not returning to school after leaving the  
8           correctional facility;

9           “(13) provides assurances that the agency will  
10          work with parents to secure parents’ assistance in  
11          improving the educational achievement of their chil-  
12          dren and preventing their children’s further involve-  
13          ment in delinquent activities;

14          “(14) provides assurances that the agency  
15          works with special education youth in order to meet  
16          an existing individualized education program and an  
17          assurance that the agency will notify the youth’s  
18          local school if the youth—

19                 “(A) is identified as in need of special edu-  
20                 cation services while the youth is in the facility;  
21                 and

22                 “(B) intends to return to the local school;

23          “(15) provides assurances that the agency will  
24          work with youth who dropped out of school before  
25          entering the facility to encourage the youth to reen-

1       ter school once the term of the youth has been com-  
2       pleted or provide the youth with the skills necessary  
3       to gain employment, continue the education of the  
4       youth, or achieve a secondary school diploma or its  
5       recognized equivalent if the youth does not intend to  
6       return to school;

7               “(16) provides assurances that teachers and  
8       other qualified staff are also trained to work with  
9       children with disabilities and other students with  
10      special needs taking into consideration the unique  
11      needs of such students;

12              “(17) describes any additional services provided  
13      to children and youth, such as career counseling,  
14      and assistance in securing student loans and grants;  
15      and

16              “(18) provides assurances that the program  
17      under this chapter will be coordinated with any pro-  
18      grams operated under the Juvenile Justice and De-  
19      linquency Prevention Act of 1974 or other com-  
20      parable programs, if applicable.

21   **“SEC. 1415. USE OF FUNDS.**

22              “(a) USES.—

23                      “(1) IN GENERAL.—A State agency shall use  
24      funds received under this chapter only for programs  
25      and projects that—

1           “(A) are consistent with the State plan  
2           under section 1414(a); and

3           “(B) concentrate on providing participants  
4           with the knowledge and skills needed to make  
5           a successful transition to secondary school com-  
6           pletion, further education, or employment.

7           “(2) PROGRAMS AND PROJECTS.—Such pro-  
8           grams and projects—

9           “(A) may include the acquisition of equip-  
10          ment;

11          “(B) shall be designed to support edu-  
12          cational services that—

13               “(i) except for institution-wide  
14               projects under section 1416, are provided  
15               to children and youth identified by the  
16               State agency as failing, or most at risk of  
17               failing, to meet the State’s challenging  
18               State content standards and challenging  
19               State student performance standards;

20               “(ii) supplement and improve the  
21               quality of the educational services provided  
22               to such children and youth by the State  
23               agency; and

1                   “(iii) afford such children and youth  
2                   an opportunity to learn to such challenging  
3                   State standards;

4                   “(C) shall be carried out in a manner con-  
5                   sistent with section 1120A and part H of title  
6                   I; and

7                   “(D) may include the costs of evaluation  
8                   activities.

9                   “(b) SUPPLEMENT, NOT SUPPLANT.—A program  
10                  under this chapter that supplements the number of hours  
11                  of instruction students receive from State and local  
12                  sources shall be considered to comply with the supplement,  
13                  not supplant requirement of section 1120A without regard  
14                  to the subject areas in which instruction is given during  
15                  those hours.

16                  **“SEC. 1416. INSTITUTION-WIDE PROJECTS.**

17                  “A State agency that provides free public education  
18                  for children and youth in an institution for neglected or  
19                  delinquent children and youth (other than an adult correc-  
20                  tional institution) or attending a community-day program  
21                  for such children may use funds received under this part  
22                  to serve all children in, and upgrade the entire educational  
23                  effort of, that institution or program if the State agency  
24                  has developed, and the State educational agency has ap-



1 proved, a comprehensive plan for that institution or pro-  
2 gram that—

3           “(1) provides for a comprehensive assessment  
4 of the educational needs of all youth in the institu-  
5 tion or program serving juveniles;

6           “(2) provides for a comprehensive assessment  
7 of the educational needs of youth aged 20 and  
8 younger in adult facilities who are expected to com-  
9 plete incarceration within a two-year period;

10           “(3) describes the steps the State agency has  
11 taken, or will take, to provide all youth under age  
12 21 with the opportunity to meet challenging State  
13 content standards and challenging State student  
14 performance standards in order to improve the likeli-  
15 hood that the youths will complete secondary school,  
16 attain a secondary diploma or its recognized equiva-  
17 lent, or find employment after leaving the institu-  
18 tion;

19           “(4) describes the instructional program, pupil  
20 services, and procedures that will be used to meet  
21 the needs described in paragraph (1), including, to  
22 the extent feasible, the provision of mentors for stu-  
23 dents;

24           “(5) specifically describes how such funds will  
25 be used;

1           “(6) describes the measures and procedures  
2 that will be used to assess student progress;

3           “(7) describes how the agency has planned, and  
4 will implement and evaluate, the institution-wide or  
5 program-wide project in consultation with personnel  
6 providing direct instructional services and support  
7 services in institutions or community-day programs  
8 for neglected or delinquent children and personnel  
9 from the State educational agency; and

10           “(8) includes an assurance that the State agen-  
11 cy has provided for appropriate training for teachers  
12 and other instructional and administrative personnel  
13 to enable such teachers and personnel to carry out  
14 the project effectively.

15 **“SEC. 1417. THREE-YEAR PROGRAMS OR PROJECTS.**

16           “‘If a State agency operates a program or project  
17 under this chapter in which individual children are likely  
18 to participate for more than 1 year, the State educational  
19 agency may approve the State agency’s application for a  
20 subgrant under this chapter for a period of not more than  
21 3 years.

22 **“SEC. 1418. TRANSITION SERVICES.**

23           “(a) TRANSITION SERVICES.—Each State agency  
24 shall reserve not more than 10 percent of the amount such  
25 agency receives under this chapter for any fiscal year to

1 support projects that facilitate the transition of children  
 2 and youth from State-operated institutions to local edu-  
 3 cational agencies.

4 “(b) CONDUCT OF PROJECTS.—A project supported  
 5 under this section may be conducted directly by the State  
 6 agency, or through a contract or other arrangement with  
 7 one or more local educational agencies, other public agen-  
 8 cies, or private nonprofit organizations.

9 “(c) LIMITATION.—Any funds reserved under sub-  
 10 section (a) shall be used only to provide transitional edu-  
 11 cational services, which may include pupil services and  
 12 mentoring, to neglected and delinquent children and youth  
 13 in schools other than State-operated institutions.

14 “(d) CONSTRUCTION.—Nothing in this section shall  
 15 be construed to prohibit a school that receives funds under  
 16 subsection (a) from serving neglected and delinquent chil-  
 17 dren and youth simultaneously with students with similar  
 18 educational needs, in the same educational settings where  
 19 appropriate.

## 20 **“Chapter 2—Local Agency Programs**

### 21 **“SEC. 1421. PURPOSE.**

22 “The purpose of this chapter is to support the oper-  
 23 ation of local educational agency programs that involve  
 24 collaboration with locally operated correctional facilities  
 25 to—

1           “(1) carry out high quality education programs  
2           to prepare youth for secondary school completion,  
3           training, and employment, or further education;

4           “(2) provide activities to facilitate the transition  
5           of such youth from the correctional program to fur-  
6           ther education or employment; and

7           “(3) operate dropout prevention programs in  
8           local schools for youth at risk of dropping out of  
9           school and youth returning from correctional facili-  
10          ties.

11 **“SEC. 1422. PROGRAMS OPERATED BY LOCAL EDU-**  
12 **CATIONAL AGENCIES.**

13          “(a) LOCAL SUBGRANTS.—With funds made avail-  
14          able under section 1412(b), the State educational agency  
15          shall award subgrants to local educational agencies with  
16          high numbers or percentages of youth residing in locally  
17          operated (including county operated) correctional facilities  
18          for youth (including facilities involved in community day  
19          programs).

20          “(b) SPECIAL RULE.—A local educational agency  
21          which includes a correctional facility that operates a school  
22          is not required to operate a dropout prevention program  
23          if more than 30 percent of the youth attending such facil-  
24          ity will reside outside the boundaries of the local edu-  
25          cational agency upon leaving such facility.

1       “(c) NOTIFICATION.—A State educational agency  
2 shall notify local educational agencies within the State of  
3 the eligibility of such agencies to receive a subgrant under  
4 this chapter.

5       **“SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

6       “Eligible local educational agencies desiring assist-  
7 ance under this chapter shall submit an application to the  
8 State educational agency, containing such information as  
9 the State educational agency may require. Each such ap-  
10 plication shall include—

11               “(1) a description of the program to be as-  
12 sisted;

13               “(2) a description of formal agreements  
14 between—

15                       “(A) the local educational agency; and

16                       “(B) correctional facilities and alternative  
17 school programs serving youth involved with the  
18 juvenile justice system to operate programs for  
19 delinquent youth;

20               “(3) as appropriate, a description of how par-  
21 ticipating schools will coordinate with facilities work-  
22 ing with delinquent youth to ensure that such youth  
23 are participating in an education program com-  
24 parable to one operating in the local school such  
25 youth would attend;

1           “(4) as appropriate, a description of the drop-  
2 out prevention program operated by participating  
3 schools and the types of services such schools will  
4 provide to at-risk youth in participating schools and  
5 youth returning from correctional facilities;

6           “(5) as appropriate, a description of the youth  
7 expected to be served by the dropout prevention pro-  
8 gram and how the school will coordinate existing  
9 educational programs to meet unique education  
10 needs;

11           “(6) as appropriate, a description of how  
12 schools will coordinate with existing social and  
13 health services to meet the needs of students at risk  
14 of dropping out of school and other participating  
15 students, including prenatal health care and nutri-  
16 tion services related to the health of the parent and  
17 child, parenting and child development classes, child  
18 care, targeted re-entry and outreach programs, re-  
19 ferrals to community resources, and scheduling flexi-  
20 bility;

21           “(7) as appropriate, a description of any part-  
22 nerships with local businesses to develop training  
23 and mentoring services for participating students;

24           “(8) as appropriate, a description of how the  
25 program will involve parents in efforts to improve

1 the educational achievement of their children, assist  
2 in dropout prevention activities, and prevent the in-  
3 volvement of their children in delinquent activities;

4 “(9) a description of how the program under  
5 this chapter will be coordinated with other Federal,  
6 State, and local programs, such as programs under  
7 title I of the Workforce Investment Act of 1998 and  
8 vocational education programs serving at-risk youth;

9 “(10) a description of how the program will be  
10 coordinated with programs operated under the Juve-  
11 nile Justice and Delinquency Prevention Act of 1974  
12 and other comparable programs, if applicable;

13 “(11) as appropriate, a description of how  
14 schools will work with probation officers to assist in  
15 meeting the needs of youth returning from correc-  
16 tional facilities;

17 “(12) a description of efforts participating  
18 schools will make to ensure correctional facilities  
19 working with youth are aware of a child’s existing  
20 individualized education program; and

21 “(13) as appropriate, a description of the steps  
22 participating schools will take to find alternative  
23 placements for youth interested in continuing their  
24 education but unable to participate in a regular pub-  
25 lic school program.

1 **“SEC. 1424. USES OF FUNDS.**

2 “Funds provided to local educational agencies under  
3 this chapter may be used, where appropriate, for—

4 “(1) dropout prevention programs which serve  
5 youth at educational risk, including pregnant and  
6 parenting teens, youth who have come in contact  
7 with the juvenile justice system, youth at least one  
8 year behind their expected grade level, migrant  
9 youth, immigrant youth, students with limited-  
10 English proficiency and gang members;

11 “(2) the coordination of health and social serv-  
12 ices for such individuals if there is a likelihood that  
13 the provision of such services, including day care  
14 and drug and alcohol counseling, will improve the  
15 likelihood such individuals will complete their edu-  
16 cation; and

17 “(3) programs to meet the unique education  
18 needs of youth at risk of dropping out of school,  
19 which may include vocational education, special edu-  
20 cation, career counseling, and assistance in securing  
21 student loans or grants.



1 **“SEC. 1425. PROGRAM REQUIREMENTS FOR CORREC-**  
2 **TIONAL FACILITIES RECEIVING FUNDS**  
3 **UNDER THIS SECTION.**

4 “Each correctional facility having an agreement with  
5 a local educational agency under section 1423(2) to pro-  
6 vide services to youth under this chapter shall—

7 “(1) where feasible, ensure educational pro-  
8 grams in juvenile facilities are coordinated with the  
9 student’s home school, particularly with respect to  
10 special education students with an individualized  
11 education program;

12 “(2) notify the local school of a youth if the  
13 youth is identified as in need of special education  
14 services while in the facility;

15 “(3) where feasible, provide transition assist-  
16 ance to help the youth stay in school, including co-  
17 ordination of services for the family, counseling, as-  
18 sistance in accessing drug and alcohol abuse preven-  
19 tion programs, tutoring, and family counseling;

20 “(4) provide support programs which encourage  
21 youth who have dropped out of school to reenter  
22 school once their term has been completed or provide  
23 such youth with the skills necessary for such youth  
24 to gain employment or seek a secondary school di-  
25 ploma or its recognized equivalent;

1           “(5) work to ensure such facilities are staffed  
2 with teachers and other qualified staff who are  
3 trained to work with children with disabilities and  
4 other students with special needs taking into consid-  
5 eration the unique needs of such children and stu-  
6 dents;

7           “(6) ensure educational programs in correc-  
8 tional facilities are related to assisting students to  
9 meet high educational standards;

10           “(7) use, to the extent possible, technology to  
11 assist in coordinating educational programs between  
12 the juvenile facility and the community school;

13           “(8) where feasible, involve parents in efforts to  
14 improve the educational achievement of their chil-  
15 dren and prevent the further involvement of such  
16 children in delinquent activities;

17           “(9) coordinate funds received under this pro-  
18 gram with other local, State, and Federal funds  
19 available to provide services to participating youth,  
20 such as funds made available under title I of the  
21 Workforce Investment Act of 1998, and vocational  
22 education funds;

23           “(10) coordinate programs operated under this  
24 chapter with activities funded under the Juvenile

1 Justice and Delinquency Prevention Act of 1974 and  
2 other comparable programs, if applicable; and

3 “(11) if appropriate, work with local businesses  
4 to develop training and mentoring programs for par-  
5 ticipating youth.

6 **“SEC. 1426. ACCOUNTABILITY.**

7 “The State educational agency may—

8 “(1) reduce or terminate funding for projects  
9 under this chapter if a local educational agency does  
10 not show progress in reducing dropout rates for  
11 male students and for female students over a 3-year  
12 period; and

13 “(2) require juvenile facilities to demonstrate,  
14 after receiving assistance under this chapter for 3  
15 years, that there has been an increase in the number  
16 of youth returning to school, obtaining a secondary  
17 school diploma or its recognized equivalent, or ob-  
18 taining employment after such youth are released.

19 **“Chapter 3—General Provisions**

20 **“SEC. 1431. PROGRAM EVALUATIONS.**

21 “(a) SCOPE OF EVALUATION.—Each State agency or  
22 local educational agency that conducts a program under  
23 chapter 1 or 2 shall evaluate the program, disaggregating  
24 data on participation by sex, and if feasible, by race, eth-  
25 nicity, and age, not less than once every 3 years to deter-

1 mine the program's impact on the ability of participants  
2 to—

3           “(1) maintain and improve educational achieve-  
4           ment;

5           “(2) accrue school credits that meet State re-  
6           quirements for grade promotion and secondary  
7           school graduation;

8           “(3) make the transition to a regular program  
9           or other education program operated by a local edu-  
10          cational agency; and

11          “(4) complete secondary school (or secondary  
12          school equivalency requirements) and obtain employ-  
13          ment after leaving the institution.

14          “(b) EVALUATION MEASURES.—In conducting each  
15          evaluation under subsection (a), a State agency or local  
16          educational agency shall use multiple and appropriate  
17          measures of student progress.

18          “(c) EVALUATION RESULTS.—Each State agency  
19          and local educational agency shall—

20                 “(1) submit evaluation results to the State edu-  
21                 cational agency; and

22                 “(2) use the results of evaluations under this  
23                 section to plan and improve subsequent programs  
24                 for participating children and youth.

1 **“SEC. 1432. DEFINITIONS.**

2 “In this subpart:

3 “(1) ADULT CORRECTIONAL INSTITUTION.—

4 The term ‘adult correctional institution’ means a fa-  
5 cility in which persons are confined as a result of a  
6 conviction for a criminal offense, including persons  
7 under 21 years of age.

8 “(2) AT-RISK YOUTH.—The term ‘at-risk youth’

9 means school aged youth who are at risk of aca-  
10 demic failure, have drug or alcohol problems, are  
11 pregnant or are parents, have come into contact  
12 with the juvenile justice system in the past, are at  
13 least one year behind the expected grade level for  
14 the age of the youth, have limited-English pro-  
15 ficiency, are gang members, have dropped out of  
16 school in the past, or have high absenteeism rates at  
17 school.

18 “(3) COMMUNITY DAY PROGRAM.—The term

19 ‘community day program’ means a regular program  
20 of instruction provided by a State agency at a com-  
21 munity day school operated specifically for neglected  
22 or delinquent children and youth.

23 “(4) INSTITUTION FOR NEGLECTED OR DELIN-

24 QUENT CHILDREN AND YOUTH.—The term ‘institu-  
25 tion for neglected or delinquent children and youth’  
26 means—

1           “(A) a public or private residential facility,  
 2           other than a foster home, that is operated for  
 3           the care of children who have been committed  
 4           to the institution or voluntarily placed in the in-  
 5           stitution under applicable State law, due to  
 6           abandonment, neglect, or death of their parents  
 7           or guardians; or

8           “(B) a public or private residential facility  
 9           for the care of children who have been adju-  
 10          dicated to be delinquent or in need of super-  
 11          vision.”.

12 **PART E—21st CENTURY LEARNING CENTERS;**  
 13 **COMPREHENSIVE SCHOOL REFORM; SCHOOL**  
 14 **DROPOUT PREVENTION**

15 **SEC. 151. 21st CENTURY LEARNING CENTERS; COMPREHEN-**  
 16 **SIVE SCHOOL REFORM.**

17 Title I (20 U.S.C. 6301 et seq.) is amended—

18           (1) by redesignating part F as part I;

19           (2) by redesignating sections 1601 through  
 20           1604 as sections 1901 through 1904, respectively;  
 21           and

22           (3) by inserting after part E the following:

1 **“PART F—21st CENTURY COMMUNITY LEARNING**

2 **CENTERS**

3 **“SEC. 1601. SHORT TITLE.**

4 “This part may be cited as the “21st Century Com-  
5 munity Learning Centers Act”.

6 **“SEC. 1602. PURPOSE.**

7 “It is the purpose of this part to provide opportuni-  
8 ties for public schools, primarily in rural and inner-city  
9 communities, to collaborate with other public and non-  
10 profit entities (including businesses and postsecondary in-  
11 stitutions) to—

12 “(1) offer a broad selection of services that ad-  
13 dress the needs of the communities served by such  
14 schools; and

15 “(2) offer extended learning opportunities for  
16 children, youth, and adults in the communities.

17 **“SEC. 1603. PROGRAM AUTHORIZATION.**

18 “(a) GRANTS BY THE SECRETARY.—The Secretary is  
19 authorized, in accordance with the provisions of this part,  
20 to award grants to local educational agencies, and units  
21 of general purpose local government, on behalf of rural  
22 and inner-city public elementary schools or secondary  
23 schools, or consortia of such schools, to enable such  
24 schools or consortia to plan, implement, or to expand  
25 projects that benefit the educational, health, social service,

1 cultural, and recreational needs of a rural or inner-city  
2 community.

3 “(b) **EQUITABLE DISTRIBUTION.**—In awarding  
4 grants under this part, the Secretary shall assure an equi-  
5 table distribution of assistance among the States, among  
6 urban and rural areas of the United States, and among  
7 urban and rural areas of a State.

8 “(c) **GRANT PERIOD.**—The Secretary shall award  
9 grants under this part for a period not to exceed 3 years.

10 “(d) **AMOUNT.**—The Secretary shall not award a  
11 grant under this part in any fiscal year in an amount less  
12 than \$50,000.

13 **“SEC. 1604. ELIGIBILITY OF CERTAIN ORGANIZATIONS AND**  
14 **ENTITIES.**

15 “(a) **IN GENERAL.**—Notwithstanding any other pro-  
16 vision of law—

17 “(1) the Secretary may award grants under this  
18 part to community-based organizations, and public  
19 or private entities, that have experience in providing  
20 before- and after-school services, on the same basis  
21 as local educational agencies described in section  
22 1603; and

23 “(2) for purposes of this part—

24 “(A) references to local educational agen-  
25 cies shall be considered to include references to



1 organizations and entities described in para-  
2 graph (1); and

3 “(B) except as provided in subsection (c),  
4 references to schools shall be considered to in-  
5 clude references to rural and inner-city public  
6 elementary schools or secondary schools served  
7 by organizations and entities described in para-  
8 graph (1).

9 “(b) PRIORITY.—In addition to giving priority to ap-  
10 plications described in section 1605(b), in awarding grants  
11 under this part, the Secretary shall give priority to appli-  
12 cations that—

13 “(1) describe projects that include academic en-  
14 richment components; and

15 “(2) are submitted jointly by—

16 “(A) organizations and entities described  
17 in subsection (a)(1); and

18 “(B) rural and inner-city public elementary  
19 schools or secondary schools (including con-  
20 sortia of such schools).

21 “(c) WAIVER.—The Secretary may waive, for an or-  
22 ganization or entity described in subsection (a)(1), any  
23 provision of this part that requires the organization or en-  
24 tity to carry out a project through or in a school, if the  
25 Secretary determines that the provision would undermine

1 the effectiveness of the project or limit the accessibility  
2 of the project to children and families in the community.

3 **“SEC. 1605. APPLICATION REQUIRED.**

4 “(a) APPLICATION.—To be eligible to receive a grant  
5 under this part, a local educational agency or unit of gen-  
6 eral purpose local government shall submit an application  
7 to the Secretary at such time, in such manner, and accom-  
8 panied by such information as the Secretary may reason-  
9 ably prescribe. Each such application shall include—

10 “(1) a comprehensive local plan that enables  
11 the school or consortium served by the local edu-  
12 cational agency or unit of general purpose local gov-  
13 ernment to serve as a center for the delivery of edu-  
14 cation and human resources for members of a com-  
15 munity;

16 “(2) an evaluation of the needs, available re-  
17 sources, and goals and objectives for the proposed  
18 project in order to determine which activities will be  
19 undertaken to address such needs; and

20 “(3) a description of the proposed project,  
21 including—

22 “(A) a description of the mechanism that  
23 will be used to disseminate information in a  
24 manner that is understandable and accessible to  
25 the community;

1           “(B) identification of Federal, State, and  
2 local programs to be merged or coordinated so  
3 that public resources may be maximized;

4           “(C) a description of the collaborative ef-  
5 forts to be undertaken by community-based or-  
6 ganizations, related public agencies, businesses,  
7 or other appropriate organizations;

8           “(D) a description of how the school or  
9 consortium served by the local educational  
10 agency or unit of general purpose local govern-  
11 ment will serve as a delivery center for existing  
12 and new services, especially for interactive tele-  
13 communication used for education and profes-  
14 sional training; and

15           “(E) an assurance that the school or con-  
16 sortium served by the local educational agency  
17 or unit of general purpose local government will  
18 establish a facility utilization policy that specifi-  
19 cally states—

20                   “(i) the rules and regulations applica-  
21 ble to building and equipment use; and

22                   “(ii) supervision guidelines.

23           “(b) PRIORITY.—The Secretary shall give priority to  
24 applications describing projects that offer a broad selec-  
25 tion of services which address the needs of the community.

1           “(c) ENCOURAGING JOINT SUBMISSION OF APPLICA-  
2 TIONS.—The Secretary shall strongly encourage applica-  
3 tions for grants under this part to be submitted jointly  
4 by a local educational agency (or a consortium of local  
5 educational agencies) or unit of general purpose local gov-  
6 ernment, and a community-based organization, including  
7 public or private entities with demonstrated effectiveness  
8 in providing educational and related services to individuals  
9 in the community.

10 **“SEC. 1606. USES OF FUNDS.**

11           “Grant funds awarded under this part may be used  
12 to plan, implement, or expand community learning centers  
13 which include not less than 4 of the following activities:

14                   “(1) Literacy education programs.

15                   “(2) Senior citizen programs.

16                   “(3) Children’s day care services.

17                   “(4) Integrated education, health, social service,  
18 recreational, or cultural programs.

19                   “(5) Summer and weekend school programs.

20                   “(6) Expanded library service hours to serve  
21 community needs.

22                   “(7) Telecommunications and technology edu-  
23 cation programs for individuals of all ages.

1           “(8) Services for individuals who leave school  
2 before graduating from secondary school, regardless  
3 of the age of such individual.

4           “(9) Services for individuals with disabilities.

5           “(10) Academic enrichment activities.

6 **“SEC. 1607. DEFINITIONS.**

7           “For the purpose of this part:

8           “(1) **COMMUNITY LEARNING CENTER.**—The  
9 term ‘community learning center’ means an entity  
10 within a public elementary school or secondary  
11 school building that—

12                   “(A) provides educational, recreational,  
13 health, and social service programs for residents  
14 of all ages within a local community; and

15                   “(B) is operated by a local educational  
16 agency or unit of general purpose local govern-  
17 ment, in conjunction with local governmental  
18 agencies, businesses, vocational education pro-  
19 grams, institutions of higher education, commu-  
20 nity colleges, and cultural, recreational, and  
21 other community and human service entities.

22           “(2) **UNIT OF GENERAL PURPOSE LOCAL GOV-**  
23 **ERNMENT.**—The term ‘unit of general purpose local  
24 government’ means any city, town, township, parish,

1 village, or other general purpose political subdivision  
2 of a State.

3 **“PART G—COMPREHENSIVE SCHOOL REFORM**

4 **“SEC. 1701. PURPOSE.**

5 “The purpose of this part is to provide financial in-  
6 centives for schools to develop comprehensive school re-  
7 forms based upon promising and effective practices and  
8 scientifically based research programs that emphasize  
9 basic academics and parental involvement so that all chil-  
10 dren can meet challenging State content and student per-  
11 formance standards.

12 **“SEC. 1702. PROGRAM AUTHORIZATION.**

13 “(a) PROGRAM AUTHORIZED.—

14 “(1) IN GENERAL.—The Secretary is authorized  
15 to award grants to State educational agencies, from  
16 allotments under paragraph (2), to enable the State  
17 educational agencies to award subgrants to local  
18 educational agencies to carry out the purpose de-  
19 scribed in section 1701.

20 “(2) ALLOTMENTS.—

21 “(A) RESERVATIONS.—Of the amount ap-  
22 propriated under section 1002(h) for a fiscal  
23 year, the Secretary may reserve—

24 “(i) not more than 1 percent to pro-  
25 vide assistance to schools supported by the

1 Bureau of Indian Affairs and in the  
2 United States Virgin Islands, Guam,  
3 American Samoa, and the Commonwealth  
4 of the Northern Mariana Islands according  
5 to their respective needs for assistance  
6 under this part; and

7 “(ii) not more than 1 percent to con-  
8 duct national evaluation activities de-  
9 scribed in section 1707.

10 “(B) IN GENERAL.—Of the amount appro-  
11 priated under section 1002(h) that remains  
12 after making the reservation under subpara-  
13 graph (A) for a fiscal year, the Secretary shall  
14 allot to each State for the fiscal year an amount  
15 that bears the same ratio to the remainder for  
16 that fiscal year as the amount made available  
17 under section 1124 to the State for the pre-  
18 ceding fiscal year bears to the total amount  
19 made available under section 1124 to all States  
20 for that year.

21 “(C) REALLOTMENT.—If a State does not  
22 apply for funds under this section, the Sec-  
23 retary shall reallocate such funds to other States  
24 that do not apply in proportion to the amount

1           allotted to such other States under subpara-  
2           graph (B).

3 **“SEC. 1703. STATE APPLICATIONS.**

4           “(a) IN GENERAL.—Each State educational agency  
5 that desires to receive a grant under this section shall sub-  
6 mit an application to the Secretary at such time, in such  
7 manner, and containing such information as the Secretary  
8 may reasonably require.

9           “(b) CONTENTS.—Each such application shall  
10 describe—

11           “(1) the process and selection criteria by which  
12 the State educational agency, using expert review,  
13 will select local educational agencies to receive sub-  
14 grants under this section;

15           “(2) how the State educational agency will en-  
16 sure that only comprehensive school reforms that are  
17 based on promising and effective practices and sci-  
18 entifically based research programs receive funds  
19 under this part;

20           “(3) how the State educational agency will dis-  
21 seminate information on comprehensive school re-  
22 forms that are based on promising and effective  
23 practices and scientifically based research programs;

24           “(4) how the State educational agency will  
25 evaluate the implementation of such reforms and



1       measure the extent to which the reforms have re-  
2       sulted in increased student academic performance;  
3       and

4               “(5) how the State educational agency will  
5       make available technical assistance to a local edu-  
6       cational agency or consortia of local educational  
7       agencies in evaluating, developing, and implementing  
8       comprehensive school reform.

9       **“SEC. 1704. STATE USE OF FUNDS.**

10       “(a) IN GENERAL.—Except as provided in subsection  
11       (e), a State educational agency that receives a grant under  
12       this part shall use the grant funds to award subgrants,  
13       on a competitive basis, to local educational agencies or  
14       consortia of local educational agencies in the State that  
15       receive funds under part A.

16       “(b) SUBGRANT REQUIREMENTS.—A subgrant to a  
17       local educational agency or consortium shall be—

18               “(1) of sufficient size and scope to support the  
19       initial costs for the particular comprehensive school  
20       reform plan selected or designed by each school iden-  
21       tified in the application of the local educational  
22       agency or consortium;

23               “(2) in an amount not less than \$50,000 for  
24       each participating school; and

1           “(3) renewable for 2 additional 1-year periods  
2           after the initial 1-year grant is made if the school  
3           is making substantial progress in the implementa-  
4           tion of reforms.

5           “(c) PRIORITY.—A State educational agency, in  
6           awarding subgrants under this part, shall give priority to  
7           local educational agencies or consortia that—

8           “(1) plan to use the funds in schools identified  
9           as being in need of improvement or corrective action  
10          under section 1116(c); and

11          “(2) demonstrate a commitment to assist  
12          schools with budget allocation, professional develop-  
13          ment, and other strategies necessary to ensure the  
14          comprehensive school reforms are properly imple-  
15          mented and are sustained in the future.

16          “(d) GRANT CONSIDERATION.—In awarding sub-  
17          grants under this part, the State educational agency shall  
18          take into consideration the equitable distribution of sub-  
19          grants to different geographic regions within the State,  
20          including urban and rural areas, and to schools serving  
21          elementary school and secondary students.

22          “(e) ADMINISTRATIVE COSTS.—A State educational  
23          agency that receives a grant under this part may reserve  
24          not more than 5 percent of the grant funds for administra-  
25          tive, evaluation, and technical assistance expenses.

1       “(f) SUPPLEMENT.—Funds made available under  
2 this part shall be used to supplement, and not supplant,  
3 any other Federal, State, or local funds that would other-  
4 wise be available to carry out the activities assisted under  
5 this part.

6       “(g) REPORTING.—Each State educational agency  
7 that receives a grant under this part shall provide to the  
8 Secretary such information as the Secretary may require,  
9 including the names of local educational agencies and  
10 schools receiving assistance under this part, the amount  
11 of the assistance, and a description of the comprehensive  
12 school reform model selected and used.

13 **“SEC. 1705. LOCAL APPLICATIONS.**

14       “(a) IN GENERAL.—Each local educational agency or  
15 consortium of local educational agencies desiring a  
16 subgrant under this section shall submit an application to  
17 the State educational agency at such time, in such man-  
18 ner, and containing such information as the State edu-  
19 cational agency may reasonably require.

20       “(b) CONTENTS.—Each such application shall—

21               “(1) identify the schools, that are eligible for  
22 assistance under part A, that plan to implement a  
23 comprehensive school reform program, including the  
24 projected costs of such a program;

1           “(2) describe the promising and effective prac-  
2           tices and scientifically based research programs that  
3           such schools will implement;

4           “(3) describe how the local educational agency  
5           or consortium will provide technical assistance and  
6           support for the effective implementation of the  
7           promising and effective practices and scientifically  
8           based research school reforms selected by such  
9           schools; and

10           “(4) describe how the local educational agency  
11           or consortium will evaluate the implementation of  
12           such reforms and measure the results achieved in  
13           improving student academic performance.

14   **“SEC. 1706. LOCAL USE OF FUNDS.**

15           “(a) USES OF FUNDS.—A local educational agency  
16           or consortium that receives a subgrant under this section  
17           shall provide the subgrant funds to schools, that are eligi-  
18           ble for assistance under part A and served by the agency,  
19           to enable the schools to implement a comprehensive school  
20           reform program for—

21           “(1) employing innovative strategies for student  
22           learning, teaching, and school management that are  
23           based on promising and effective practices and sci-  
24           entifically based research programs and have been

1 replicated successfully in schools with diverse char-  
2 acteristics;

3 “(2) integrating a comprehensive design for ef-  
4 fective school functioning, including instruction, as-  
5 sessment, classroom management, professional devel-  
6 opment, parental involvement, and school manage-  
7 ment, that aligns the school’s curriculum, tech-  
8 nology, and professional development into a com-  
9 prehensive reform plan for schoolwide change de-  
10 signed to enable all students to meet challenging  
11 State content and student performance standards  
12 and addresses needs identified through a school  
13 needs assessment;

14 “(3) providing high quality and continuous  
15 teacher and staff professional development;

16 “(4) the inclusion of measurable goals for stu-  
17 dent performance;

18 “(5) support for teachers, principals, adminis-  
19 trators, and other school personnel staff;

20 “(6) meaningful community and parental in-  
21 volvement initiatives that will strengthen school im-  
22 provement activities;

23 “(7) using high quality external technical sup-  
24 port and assistance from an entity that has experi-  
25 ence and expertise in schoolwide reform and im-

1       provement, which may include an institution of high-  
2       er education;

3             “(8) evaluating school reform implementation  
4       and student performance; and

5             “(9) identification of other resources, including  
6       Federal, State, local, and private resources, that  
7       shall be used to coordinate services that will support  
8       and sustain the school reform effort.

9       “(b) SPECIAL RULE.—A school that receives funds  
10   to develop a comprehensive school reform program shall  
11   not be limited to using the approaches identified or devel-  
12   oped by the Secretary, but may develop the school’s own  
13   comprehensive school reform programs for schoolwide  
14   change as described in subsection (a).

15   **“SEC. 1707. NATIONAL EVALUATION AND REPORTS.**

16       “(a) IN GENERAL.—The Secretary shall develop a  
17   plan for a national evaluation of the programs assisted  
18   under this part.

19       “(b) EVALUATION.—The national evaluation shall—

20             “(1) evaluate the implementation and results  
21       achieved by schools after 3 years of implementing  
22       comprehensive school reforms; and

23             “(2) assess the effectiveness of comprehensive  
24       school reforms in schools with diverse characteris-  
25       tics.

1       “(c) REPORTS.—Prior to the completion of the na-  
2 tional evaluation, the Secretary shall submit an interim  
3 report describing implementation activities for the Com-  
4 prehensive School Reform Program, which began in 1998,  
5 to the Committee on Education and the Workforce, and  
6 the Committee on Appropriations of the House of Rep-  
7 resentatives, and the Committee on Health, Education,  
8 Labor, and Pensions, and the Committee on Appropria-  
9 tions of the Senate.

10       **“PART H—SCHOOL DROPOUT PREVENTION**

11       **“SEC. 1801. SHORT TITLE.**

12       “‘This part may be cited as the ‘Dropout Prevention  
13 Act’.

14       **“SEC. 1802. PURPOSE.**

15       “‘The purpose of this part is to provide for school  
16 dropout prevention and reentry and to raise academic  
17 achievement levels by providing grants, to schools through  
18 State educational agencies, that—

19               “(1) challenge all children to attain their high-  
20               est academic potential; and

21               “(2) ensure that all students have substantial  
22               and ongoing opportunities to do so through  
23               schoolwide programs proven effective in school drop-  
24               out prevention.

1           **“Subpart 1—Coordinated National Strategy**

2   **“SEC. 1811. NATIONAL ACTIVITIES.**

3           “(a) IN GENERAL.—The Secretary is authorized—

4                   “(1) to collect systematic data on the participa-  
5           tion in the programs described in paragraph (2)(C)  
6           of individuals disaggregated within each State, local  
7           educational agency, and school by gender, by each  
8           major racial and ethnic group, by English pro-  
9           ficiency status, by migrant status, by students with  
10          disabilities as compared to nondisabled students, and  
11          by economically disadvantaged students as compared  
12          to students who are not economically disadvantaged;

13                   “(2) to establish and to consult with an inter-  
14          agency working group that shall—

15                   “(A) address inter- and intra-agency pro-  
16          gram coordination issues at the Federal level  
17          with respect to school dropout prevention and  
18          middle school and secondary school reentry, and  
19          assess the targeting of existing Federal services  
20          to students who are most at risk of dropping  
21          out of school, and the cost-effectiveness of var-  
22          ious programs and approaches used to address  
23          school dropout prevention;

24                   “(B) describe the ways in which State and  
25          local agencies can implement effective school  
26          dropout prevention programs using funds from



1 a variety of Federal programs, including the  
2 programs under this title; and

3 “(C) address all Federal programs with  
4 school dropout prevention or school reentry ele-  
5 ments or objectives, including programs under  
6 this title, programs under subtitle C of title I  
7 of the Workforce Investment Act of 1998, and  
8 other programs; and

9 “(3) carry out a national recognition program  
10 in accordance with subsection (b) that recognizes  
11 schools that have made extraordinary progress in  
12 lowering school dropout rates under which a public  
13 middle school or secondary school from each State  
14 will be recognized.

15 “(b) RECOGNITION PROGRAM.—

16 “(1) NATIONAL GUIDELINES.—The Secretary  
17 shall develop uniform national guidelines for the rec-  
18 ognition program that shall be used to recognize  
19 schools from nominations submitted by State edu-  
20 cational agencies.

21 “(2) ELIGIBLE SCHOOLS.—The Secretary may  
22 recognize under the recognition program any public  
23 middle school or secondary school (including a char-  
24 ter school) that has implemented comprehensive re-

1 forms regarding the lowering of school dropout rates  
2 for all students at that school.

3 “(3) SUPPORT.—The Secretary may make mon-  
4 etary awards to schools recognized under the rec-  
5 ognition program in amounts determined by the Sec-  
6 retary. Amounts received under this section shall be  
7 used for dissemination activities within the school  
8 district or nationally.

9 “(c) CAPACITY BUILDING.—

10 “(1) IN GENERAL.—The Secretary, through a  
11 contract with a non-Federal entity, may conduct a  
12 capacity building and design initiative in order to in-  
13 crease the types of proven strategies for dropout  
14 prevention and reentry that address the needs of an  
15 entire school population rather than a subset of stu-  
16 dents.

17 “(2) NUMBER AND DURATION.—

18 “(A) NUMBER.—The Secretary may award  
19 not more than 5 contracts under this sub-  
20 section.

21 “(B) DURATION.—The Secretary may  
22 award a contract under this subsection for a pe-  
23 riod of not more than 5 years.

24 “(d) SUPPORT FOR EXISTING REFORM NET-  
25 WORKS.—

1           “(1) IN GENERAL.—The Secretary may provide  
2           appropriate support to eligible entities to enable the  
3           eligible entities to provide training, materials, devel-  
4           opment, and staff assistance to schools assisted  
5           under this chapter.

6           “(2) DEFINITION OF ELIGIBLE ENTITY.—In  
7           this subsection, the term ‘eligible entity’ means an  
8           entity that, prior to the date of enactment of the  
9           Dropout Prevention Act—

10                   “(A) provided training, technical assist-  
11                   ance, and materials to 100 or more elementary  
12                   schools or secondary schools; and

13                   “(B) developed and published a specific  
14                   educational program or design for use by the  
15                   schools.

16           **“Subpart 2—National School Dropout Prevention**  
17   **Initiative**

18           **“SEC. 1821. PROGRAM AUTHORIZED.**

19           “(a) GRANTS.—

20                   “(1) DISCRETIONARY GRANTS.—If the sum ap-  
21                   propriated under section 1002(i) for a fiscal year is  
22                   less than \$250,000,000, then the Secretary shall use  
23                   such sum to award grants, on a competitive basis,  
24                   to State educational agencies to enable the State

1 educational agencies to award grants under sub-  
2 section (b).

3 “(2) FORMULA.—If the sum appropriated  
4 under section 1002(i) for a fiscal year equals or ex-  
5 ceeds \$250,000,000, then the Secretary shall use  
6 such sum to make an allotment to each State in an  
7 amount that bears the same relation to the sum as  
8 the amount the State received under part A for the  
9 preceding fiscal year bears to the amount received  
10 by all States under such part for the preceding fiscal  
11 year.

12 “(3) DEFINITION OF STATE.—In this subpart,  
13 the term ‘State’ means each of the several States of  
14 the United States, the District of Columbia, the  
15 Commonwealth of Puerto Rico, the United States  
16 Virgin Islands, Guam, American Samoa, the Com-  
17 monwealth of the Northern Mariana Islands, the Re-  
18 public of the Marshall Islands, the Federated States  
19 of Micronesia, and the Republic of Palau.

20 “(b) GRANTS.—From amounts made available to a  
21 State under subsection (a), the State educational agency  
22 may award grants to public middle schools or secondary  
23 schools that serve students in grades 6 through 12, that  
24 have school dropout rates that are the highest of all school  
25 dropout rates in the State, to enable the schools to pay

1 only the startup and implementation costs of effective,  
2 sustainable, coordinated, and whole school dropout preven-  
3 tion programs that involve activities such as—

4 “(1) professional development;

5 “(2) obtaining curricular materials;

6 “(3) release time for professional staff;

7 “(4) planning and research;

8 “(5) remedial education;

9 “(6) reduction in pupil-to-teacher ratios;

10 “(7) efforts to meet State student achievement  
11 standards;

12 “(8) counseling and mentoring for at-risk stu-  
13 dents; and

14 “(9) comprehensive school reform models.

15 “(c) AMOUNT.—

16 “(1) IN GENERAL.—Subject to subsection (d)  
17 and except as provided in paragraph (2), a grant  
18 under this subpart shall be awarded—

19 “(A) in the first year that a school receives  
20 a grant payment under this subpart, based on  
21 factors such as—

22 “(i) school size;

23 “(ii) costs of the model or set of pre-  
24 vention and reentry strategies being imple-  
25 mented; and

1                   “(iii) local cost factors such as poverty  
2                   rates;

3                   “(B) in the second such year, in an  
4                   amount that is not less than 75 percent of the  
5                   amount the school received under this subpart  
6                   in the first such year;

7                   “(C) in the third year, in an amount that  
8                   is not less than 50 percent of the amount the  
9                   school received under this subpart in the first  
10                  such year; and

11                  “(D) in each succeeding year in an amount  
12                  that is not less than 30 percent of the amount  
13                  the school received under this subpart in the  
14                  first such year.

15                  “(2) INCREASES.—The Secretary shall increase  
16                  the amount awarded to a school under this subpart  
17                  by 10 percent if the school creates smaller learning  
18                  communities within the school and the creation is  
19                  certified by the State educational agency.

20                  “(d) DURATION.—A grant under this subpart shall  
21                  be awarded for a period of 3 years, and may be continued  
22                  for a period of 2 additional years if the State educational  
23                  agency determines, based on the annual reports described  
24                  in section 1827(a), that significant progress has been  
25                  made in lowering the school dropout rate for students par-

1 participating in the program assisted under this subpart com-  
2 pared to students at similar schools who are not partici-  
3 pating in the program.

4 **“SEC. 1822. STRATEGIES AND CAPACITY BUILDING.**

5 “Each school receiving a grant under this subpart  
6 shall implement scientifically based research, sustainable,  
7 and widely replicated strategies for school dropout preven-  
8 tion and reentry that address the needs of an entire school  
9 population rather than a subset of students. The strate-  
10 gies may include—

11 “(1) specific strategies for targeted purposes,  
12 such as—

13 “(A) effective early intervention programs  
14 designed to identify at-risk students;

15 “(B) effective programs encompassing tra-  
16 ditionally underserved students, including racial  
17 and ethnic minorities and pregnant and par-  
18 enting teenagers, designed to prevent such stu-  
19 dents from dropping out of school; and

20 “(C) effective programs to identify and en-  
21 courage youth who have already dropped out of  
22 school to reenter school and complete their sec-  
23 ondary education; and

24 “(2) approaches such as breaking larger schools  
25 down into smaller learning communities and other

1 comprehensive reform approaches, creating alter-  
2 native school programs, developing clear linkages to  
3 career skills and employment, and addressing spe-  
4 cific gatekeeper hurdles that often limit student re-  
5 tention and academic success.

6 **“SEC. 1823. SELECTION OF SCHOOLS.**

7 “(a) SCHOOL APPLICATION.—

8 “(1) IN GENERAL.—Each school desiring a  
9 grant under this subpart shall submit an application  
10 to the State educational agency at such time, in  
11 such manner, and accompanied by such information  
12 as the State educational agency may require.

13 “(2) CONTENTS.—Each application submitted  
14 under paragraph (1) shall—

15 “(A) contain a certification from the local  
16 educational agency serving the school that—

17 “(i) the school has the highest number  
18 or rates of school dropouts in the age  
19 group served by the local educational agen-  
20 cy;

21 “(ii) the local educational agency is  
22 committed to providing ongoing oper-  
23 ational support, for the school’s com-  
24 prehensive reform plan to address the



1                   problem of school dropouts, for a period of  
2                   5 years; and

3                   “(iii) the local educational agency will  
4                   support the plan, including—

5                   “(I) release time for teacher  
6                   training;

7                   “(II) efforts to coordinate activi-  
8                   ties for feeder schools; and

9                   “(III) encouraging other schools  
10                  served by the local educational agency  
11                  to participate in the plan;

12                 “(B) demonstrate that the faculty and ad-  
13                 ministration of the school have agreed to apply  
14                 for assistance under this subpart, and provide  
15                 evidence of the school’s willingness and ability  
16                 to use the funds under this subpart, including  
17                 providing an assurance of the support of 80  
18                 percent or more of the professional staff at the  
19                 school;

20                 “(C) describe the instructional strategies  
21                 to be implemented, how the strategies will serve  
22                 all students, and the effectiveness of the strate-  
23                 gies;

24                 “(D) describe a budget and timeline for  
25                 implementing the strategies;

1           “(E) contain evidence of coordination with  
2 existing resources;

3           “(F) provide an assurance that funds pro-  
4 vided under this subpart will supplement and  
5 not supplant other Federal, State, and local  
6 funds available for dropout prevention pro-  
7 grams;

8           “(G) describe how the activities to be as-  
9 sisted conform with scientifically based research  
10 knowledge about school dropout prevention and  
11 reentry; and

12           “(H) demonstrate that the school and local  
13 educational agency have agreed to conduct a  
14 schoolwide program under section 1114.

15       “(b) STATE AGENCY REVIEW AND AWARD.—The  
16 State educational agency shall review applications and  
17 award grants to schools under subsection (a) according to  
18 a review by a panel of experts on school dropout preven-  
19 tion.

20       “(c) ELIGIBILITY.—A school is eligible to receive a  
21 grant under this subpart if the school is—

22           “(1) a public school (including a public alter-  
23 native school)—

24           “(A) that is eligible to receive assistance  
25 under part A, including a comprehensive sec-

1           secondary school, a vocational or technical sec-  
2           ondary school, or a charter school; and

3                   “(B)(i) that serves students 50 percent or  
4           more of whom are low-income individuals; or

5                   “(ii) with respect to which the feeder  
6           schools that provide the majority of the incom-  
7           ing students to the school serve students 50  
8           percent or more of whom are low-income indi-  
9           viduals; or

10           “(2) participating in a schoolwide program  
11           under section 1114 during the grant period.

12           “(d) COMMUNITY-BASED ORGANIZATIONS.—A school  
13           that receives a grant under this subpart may use the grant  
14           funds to secure necessary services from a community-  
15           based organization, including private sector entities, if—

16                   “(1) the school approves the use;

17                   “(2) the funds are used to provide school drop-  
18           out prevention and reentry activities related to  
19           schoolwide efforts; and

20                   “(3) the community-based organization has  
21           demonstrated the organization’s ability to provide ef-  
22           fective services as described in section 122 of the  
23           Workforce Investment Act of 1998.

24           “(e) COORDINATION.—Each school that receives a  
25           grant under this subpart shall coordinate the activities as-

1 sisted under this subpart with other Federal programs,  
2 such as programs assisted under chapter 1 of subpart 2  
3 of part A of title IV of the Higher Education Act of 1965.

4 **“SEC. 1824. DISSEMINATION ACTIVITIES.**

5 “Each school that receives a grant under this part  
6 shall provide information and technical assistance to other  
7 schools within the school district, including presentations,  
8 document-sharing, and joint staff development.

9 **“SEC. 1825. PROGRESS INCENTIVES.**

10 “Notwithstanding any other provision of law, each  
11 local educational agency that receives funds under this  
12 title shall use such funds to provide assistance to schools  
13 served by the agency that have not made progress toward  
14 lowering school dropout rates after receiving assistance  
15 under this subpart for 2 fiscal years.

16 **“SEC. 1826. SCHOOL DROPOUT RATE CALCULATION.**

17 “For purposes of calculating a school dropout rate  
18 under this subpart, a school shall use—

19 “(1) the annual event school dropout rate for  
20 students leaving a school in a single year determined  
21 in accordance with the National Center for Edu-  
22 cation Statistics’ Common Core of Data, if available;  
23 or

1           “(2) in other cases, a standard method for cal-  
2           culating the school dropout rate as determined by  
3           the State educational agency.

4   **“SEC. 1827. REPORTING AND ACCOUNTABILITY.**

5           “(a) REPORTING.—To receive funds under this sub-  
6           part for a fiscal year after the first fiscal year that a  
7           school receives funds under this subpart, the school shall  
8           provide, on an annual basis, to the Secretary and the State  
9           educational agency a report regarding the status of the  
10          implementation of activities funded under this subpart,  
11          the outcome data for students at schools assisted under  
12          this subpart disaggregated in the same manner as infor-  
13          mation under section 1811(a) (such as dropout rates), and  
14          a certification of progress from the eligible entity whose  
15          strategies the school is implementing.

16          “(b) ACCOUNTABILITY.—On the basis of the reports  
17          submitted under subsection (a), the Secretary shall evalu-  
18          ate the effect of the activities assisted under this subpart  
19          on school dropout prevention compared to a control group.

20   **“SEC. 1828. STATE RESPONSIBILITIES.**

21          “(a) UNIFORM DATA COLLECTION.—Within 1 year  
22          after the date of enactment of the Dropout Prevention  
23          Act, a State educational agency that receives funds under  
24          this subpart shall report to the Secretary and statewide,  
25          all school district and school data regarding school drop-

1 out rates in the State disaggregated in the same manner  
2 as information under section 1811(a), according to proce-  
3 dures that conform with the National Center for Edu-  
4 cation Statistics' Common Core of Data.

5       “(b) ATTENDANCE-NEUTRAL FUNDING POLICIES.—  
6 Within 2 years after the date of enactment of the Dropout  
7 Prevention Act, a State educational agency that receives  
8 funds under this subpart shall develop and implement edu-  
9 cation funding formula policies for public schools that pro-  
10 vide appropriate incentives to retain students in school  
11 throughout the school year, such as—

12               “(1) a student count methodology that does not  
13 determine annual budgets based on attendance on a  
14 single day early in the academic year; and

15               “(2) specific incentives for retaining enrolled  
16 students throughout each year.

17       “(c) SUSPENSION AND EXPULSION POLICIES.—With-  
18 in 2 years after the date of enactment of the Dropout Pre-  
19 vention Act, a State educational agency that receives  
20 funds under this subpart shall develop uniform, long-term  
21 suspension and expulsion policies (that in the case of a  
22 child with a disability are consistent with the suspension  
23 and expulsion policies under the Individuals with Disabil-  
24 ities Education Act) for serious infractions resulting in

1 more than 10 days of exclusion from school per academic  
 2 year so that similar violations result in similar penalties.

3 “(d) REGULATIONS.—The Secretary shall promul-  
 4 gate regulations implementing subsections (a) through (c).

5 **“Subpart 3—Definitions; Authorization of**  
 6 **Appropriations**

7 **“SEC. 1831. DEFINITIONS.**

8 “In this part:

9 “(1) LOW-INCOME.—The term ‘low-income’,  
 10 used with respect to an individual, means an indi-  
 11 vidual determined to be low-income in accordance  
 12 with measures described in section 1113(a)(5).

13 “(2) SCHOOL DROPOUT.—The term ‘school  
 14 dropout’ means a youth who is no longer attending  
 15 any school and who has not received a secondary  
 16 school diploma or its recognized equivalent.”.

17 **PART F—EDUCATION FOR HOMELESS CHILDREN**  
 18 **AND YOUTH**

19 **SEC. 161. STATEMENT OF POLICY.**

20 Section 721(3) of the Stewart B. McKinney Home-  
 21 less Assistance Act (42 U.S.C. 11431(3)) is amended by  
 22 striking “should not be” and inserting “is not”.

23 **SEC. 162. GRANTS FOR STATE AND LOCAL ACTIVITIES.**

24 Section 722 of such Act (42 U.S.C. 11432) is  
 25 amended—

1 (1) in subsection (c)—

2 (A) in paragraph (2)(A)—

3 (i) by inserting “and” after  
4 “Samoa,”; and

5 (ii) by striking “, and Palau” and all  
6 that follows through “Palau”); and

7 (B) in paragraph (3)—

8 (i) by inserting “or” after “Samoa,”;  
9 and

10 (ii) by striking “, or Palau”;

11 (2) in subsection (e), by adding at the end the  
12 following:

13 “(3) PROHIBITION ON SEGREGATING HOMELESS  
14 STUDENTS.—In providing a free public education to  
15 a homeless child or youth, no State receiving funds  
16 under this subtitle shall segregate such child or  
17 youth, either in a separate school, or in a separate  
18 program within a school, based on such child or  
19 youth’s status as homeless, except as provided in  
20 section 723(a)(2)(B)(ii).”;

21 (3) by amending subsection (f) to read as fol-  
22 lows:

23 “(f) FUNCTIONS OF THE OFFICE OF COORDI-  
24 NATOR.—The Coordinator of Education of Homeless Chil-  
25 dren and Youth established in each State shall—



1           “(1) gather reliable, valid, and comprehensive  
2 information on the nature and extent of the prob-  
3 lems homeless children and youth have in gaining  
4 access to public preschool programs and to public el-  
5 elementary schools and secondary schools, the difficul-  
6 ties in identifying the special needs of such children  
7 and youth, any progress made by the State edu-  
8 cational agency and local educational agencies in the  
9 State in addressing such problems and difficulties,  
10 and the success of the program under this subtitle  
11 in allowing homeless children and youth to enroll in,  
12 attend, and succeed in, school;

13           “(2) develop and carry out the State plan de-  
14 scribed in subsection (g);

15           “(3) collect and transmit to the Secretary, at  
16 such time and in such manner as the Secretary may  
17 require, such information as the Secretary deems  
18 necessary to assess the educational needs of home-  
19 less children and youth within the State;

20           “(4) facilitate coordination between the State  
21 educational agency, the State social services agency,  
22 and other agencies providing services to homeless  
23 children and youth, including homeless children and  
24 youth who are preschool age, and families of such  
25 children and youth;

1           “(5) in order to improve the provision of com-  
2           prehensive education and related services to home-  
3           less children and youth and their families, coordinate  
4           and collaborate with—

5                   “(A) educators, including child develop-  
6                   ment and preschool program personnel;

7                   “(B) providers of services to homeless and  
8                   runaway children and youth and homeless fami-  
9                   lies (including domestic violence agencies, shel-  
10                  ter operators, transitional housing facilities,  
11                  runaway and homeless youth centers, and tran-  
12                  sitional living programs for homeless youth);

13                  “(C) local educational agency liaisons for  
14                  homeless children and youth; and

15                  “(D) community organizations and groups  
16                  representing homeless children and youth and  
17                  their families; and

18           “(6) provide technical assistance to local edu-  
19           cational agencies in coordination with local liaisons  
20           established under this subtitle, to ensure that local  
21           educational agencies comply with the requirements  
22           of section 722(e)(3).”; and

23           (4) in subsection (g)—

24                   (A) in paragraph (1)—

25                           (i) in subparagraph (E)—

1 (I) by striking “the report” and  
2 inserting “the information”; and

3 (II) by striking “(f)(4)” and in-  
4 serting “(f)(3)”; and

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

7 “(H) contain assurances that—

8 “(i) the State educational agency and  
9 local educational agencies in the State will  
10 adopt policies and practices to ensure that  
11 homeless children and youth are not seg-  
12 regated on the basis of their status as  
13 homeless or stigmatized; and

14 “(ii) local educational agencies serving  
15 school districts in which homeless children  
16 and youth reside or attend school will—

17 “(I) post public notice of the edu-  
18 cational rights of such children and  
19 youth where such children and youth  
20 receive services under this Act (such  
21 as family shelters and soup kitchens);  
22 and

23 “(II) designate an appropriate  
24 staff person, who may also be a coor-  
25 dinator for other Federal programs,

1 as a liaison for homeless children and  
2 youth.”;

3 (B) by amending paragraph (3) to read as  
4 follows:

5 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-  
6 MENTS.—

7 “(A) IN GENERAL.—Each local educational  
8 agency serving a homeless child or youth as-  
9 sisted under this subtitle shall, according to the  
10 child’s or youth’s best interest—

11 “(i) continue the child’s or youth’s  
12 education in the school of origin—

13 “(I) for the duration of their  
14 homelessness;

15 “(II) if the child becomes perma-  
16 nently housed, for the remainder of  
17 the academic year; or

18 “(III) in any case in which a  
19 family becomes homeless between aca-  
20 demic years, for the following aca-  
21 demic year; or

22 “(ii) enroll the child or youth in any  
23 school that nonhomeless students who live  
24 in the attendance area in which the child

1           or youth is actually living are eligible to at-  
2           tend.

3           “(B) BEST INTEREST.—In determining the  
4           best interest of the child or youth under sub-  
5           paragraph (A), the local educational agency  
6           shall—

7                   “(i) to the extent feasible, keep a  
8                   homeless child or youth in the school of or-  
9                   origin, except when doing so is contrary to  
10                  the wishes of the child’s or youth’s parent  
11                  or guardian, or in the case of an unaccom-  
12                  panied youth, doing so is contrary to the  
13                  youth’s wish; and

14                  “(ii) provide a written explanation to  
15                  the homeless child’s or youth’s parent or  
16                  guardian when the local educational agency  
17                  sends such child or youth to a school other  
18                  than the school of origin or a school re-  
19                  quested by the parent or guardian.

20           “(C) ENROLLMENT.—

21                   “(i) DOCUMENTATION.—The school  
22                   selected in accordance with this paragraph  
23                   shall immediately enroll the homeless child  
24                   or youth even if the child or youth is un-  
25                   able to produce records normally required

1 for enrollment, such as previous academic  
2 records, medical records, proof of resi-  
3 dency, or other documentation.

4 “(ii) SPECIAL RULE.—The enrolling  
5 school immediately shall contact the school  
6 last attended by the child or youth to ob-  
7 tain relevant academic and other records.  
8 If the child or youth needs to obtain immu-  
9 nizations, the enrolling school shall  
10 promptly refer the child or youth to the  
11 appropriate authorities for such immuniza-  
12 tions.

13 “(iii) DISPUTES.—If a dispute arises  
14 over school selection or enrollment in a  
15 school, the child or youth shall be admitted  
16 immediately to the school in which the par-  
17 ent or guardian (or in the case of an unac-  
18 companied youth, the youth) seeks enroll-  
19 ment pending resolution of the dispute.

20 “(D) DEFINITION OF SCHOOL OF ORI-  
21 GIN.—For purposes of this paragraph, the term  
22 ‘school of origin’ means the school that the  
23 child or youth attended when permanently  
24 housed, or the school in which the child or  
25 youth was last enrolled.

1           “(E) PLACEMENT CHOICE.—The choice re-  
2           garding placement shall be made regardless of  
3           whether the child or youth lives with the home-  
4           less parents or has been temporarily placed  
5           elsewhere by the parents.”;

6           (C) by amending paragraph (6) to read as  
7           follows:

8           “(6) COORDINATION.—

9           “(A) IN GENERAL.—Each local educational  
10          agency serving homeless children and youth  
11          that receives assistance under this subtitle shall  
12          coordinate the provision of services under this  
13          subtitle with local services agencies and other  
14          agencies or programs providing services to  
15          homeless children and youth and their families,  
16          including services and programs funded under  
17          the Runaway and Homeless Youth Act (42  
18          U.S.C. 5701 et seq.).

19          “(B) HOUSING ASSISTANCE.—If applica-  
20          ble, each State and local educational agency  
21          that receives assistance under this subtitle shall  
22          coordinate with State and local housing agen-  
23          cies responsible for developing the comprehen-  
24          sive housing affordability strategy described in  
25          section 105 of the Cranston-Gonzales National

1 Affordable Housing Act (42 U.S.C. 12705) to  
2 minimize educational disruption for children  
3 and youth who become homeless.

4 “(C) COORDINATION PURPOSE.—The co-  
5 ordination required under subparagraphs (A)  
6 and (B) shall be designed to—

7 “(i) ensure that homeless children and  
8 youth have access to available education  
9 and related support services; and

10 “(ii) raise the awareness of school  
11 personnel and service providers of the ef-  
12 fects of short-term stays in shelters and  
13 other challenges associated with homeless  
14 children and youth.”;

15 (D) by amending paragraph (7) to read as  
16 follows:

17 “(7) LIAISON.—

18 “(A) IN GENERAL.—Each local liaison for  
19 homeless children and youth designated pursu-  
20 ant to paragraph (1)(H)(ii)(II) shall ensure  
21 that—

22 “(i) homeless children and youth en-  
23 roll, and have a full and equal opportunity  
24 to succeed, in the schools of the local edu-  
25 cational agency;



1           “(ii) homeless families, children, and  
2           youth receive educational services for  
3           which such families, children, and youth  
4           are eligible, including Head Start and  
5           Even Start programs and preschool pro-  
6           grams administered by the local edu-  
7           cational agency, and referrals to health  
8           care services, dental services, mental health  
9           services, and other appropriate services;

10           “(iii) the parents or guardians of  
11           homeless children and youth are informed  
12           of the education and related opportunities  
13           available to their children and are provided  
14           with meaningful opportunities to partici-  
15           pate in the education of their children; and

16           “(iv) public notice of the educational  
17           rights of homeless children and youth is  
18           posted where such children and youth re-  
19           ceive services under this Act (such as fam-  
20           ily shelters and soup kitchens).

21           “(B) INFORMATION.—State coordinators  
22           in States receiving assistance under this subtitle  
23           and local educational agencies receiving assist-  
24           ance under this subtitle shall inform school per-  
25           sonnel, service providers, and advocates working

1 with homeless families of the duties of the liai-  
2 sons for homeless children and youth.

3 “(C) LOCAL AND STATE COORDINATION.—  
4 Liaisons for homeless children and youth shall,  
5 as a part of their duties, coordinate and col-  
6 laborate with State coordinators and commu-  
7 nity and school personnel responsible for the  
8 provision of education and related services to  
9 homeless children and youth.

10 “(D) DISPUTE RESOLUTION.—Unless an-  
11 other individual is designated by State law, the  
12 local liaison for homeless children and youth  
13 shall provide resource information and assist in  
14 resolving a dispute under this subtitle if such a  
15 dispute arises.”; and

16 (E) by striking paragraph (9).

17 **SEC. 163. LOCAL EDUCATIONAL AGENCY GRANTS.**

18 Section 723 of such Act (42 U.S.C. 11433) is  
19 amended—

20 (1) in subsection (a), by amending paragraph  
21 (2) to read as follows:

22 “(2) SERVICES.—

23 “(A) IN GENERAL.—Services provided  
24 under paragraph (1)—

1           “(i) may be provided through pro-  
2           grams on school grounds or at other facili-  
3           ties;

4           “(ii) shall, to the maximum extent  
5           practicable, be provided through existing  
6           programs and mechanisms that integrate  
7           homeless individuals with nonhomeless in-  
8           dividuals; and

9           “(iii) shall be designed to expand or  
10          improve services provided as part of a  
11          school’s regular academic program, but not  
12          replace that program.

13          “(B) SERVICES ON SCHOOL GROUNDS.—If  
14          services under paragraph (1) are provided on  
15          school grounds, schools—

16               “(i) may use funds under this subtitle  
17               to provide the same services to other chil-  
18               dren and youth who are determined by the  
19               local educational agency to be at risk of  
20               failing in, or dropping out of, schools, sub-  
21               ject to clause (ii); and

22               “(ii) shall not provide services in set-  
23               tings within a school that segregates home-  
24               less children and youth from other children

1 and youth, except as is necessary for short  
2 periods of time—

3 “(I) for health and safety emer-  
4 gencies; or

5 “(II) to provide temporary, spe-  
6 cial, supplementary services to meet  
7 the unique needs of homeless children  
8 and youth.”;

9 (2) in subsection (b)—

10 (A) by redesignating paragraphs (1)  
11 through (4) as paragraphs (2) through (5), re-  
12 spectively;

13 (B) by inserting before paragraph (2) (as  
14 so redesignated) the following:

15 “(1) an assessment of the educational and re-  
16 lated needs of homeless children and youth in the  
17 school district (which may be undertaken as a part  
18 of needs assessments for other disadvantaged  
19 groups);”; and

20 (C) in paragraph (4) (as so redesignated),  
21 by striking “(9)” and inserting “(8)”; and

22 (3) in subsection (c)—

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

1           “(1) IN GENERAL.—The State educational  
2 agency, in accordance with the requirements of this  
3 subtitle and from amounts made available to the  
4 State educational agency under section 726, shall  
5 award grants, on a competitive basis, to local edu-  
6 cational agencies that submit applications under  
7 subsection (b). Such grants shall be awarded on the  
8 basis of the need of such agencies for assistance  
9 under this subtitle and the quality of the applica-  
10 tions submitted.”;

11                   (B) by redesignating paragraph (3) as  
12 paragraph (4); and

13                   (C) by inserting after paragraph (2) the  
14 following:

15           “(3) QUALITY.—In determining the quality of  
16 applications under paragraph (1), the State edu-  
17 cational agency shall consider—

18                   “(A) the local educational agency’s needs  
19 assessment under subsection (b)(1) and the  
20 likelihood that the program to be assisted will  
21 meet the needs;

22                   “(B) the types, intensity, and coordination  
23 of services to be assisted under the program;

24                   “(C) the involvement of parents or guard-  
25 ians;

1           “(D) the extent to which homeless children  
2 and youth will be integrated within the regular  
3 education program;

4           “(E) the quality of the local educational  
5 agency’s evaluation plan for the program;

6           “(F) the extent to which services provided  
7 under this subtitle will be coordinated with  
8 other available services;

9           “(G) the extent to which the local edu-  
10 cational agency provides case management or  
11 related services to homeless children and youth  
12 who are unaccompanied by a parent or guard-  
13 ian; and

14           “(H) such other measures as the State  
15 educational agency determines indicative of a  
16 high-quality program.”.

17 **SEC. 164. SECRETARIAL RESPONSIBILITIES.**

18       Section 724 of such Act (42 U.S.C. 11434) is  
19 amended—

20           (1) in subsection (a), by striking “the State  
21 educational” and inserting “State educational”;

22           (2) by striking subsection (f);

23           (3) by redesignating subsections (e) through (e)  
24 as subsections (d) through (f), respectively;

1           (4) by inserting after subsection (b) the fol-  
2           lowing:

3           “(c) GUIDELINES.—The Secretary shall develop,  
4           issue, and publish in the Federal Register, not later than  
5           60 days after the date of enactment of the Better Edu-  
6           cation for Students and Teachers Act, school enrollment  
7           guidelines for States with respect to homeless children and  
8           youth. The guidelines shall describe—

9           “(1) successful ways in which a State may as-  
10          sist local educational agencies to enroll immediately  
11          homeless children and youth in school; and

12          “(2) how a State can review the State’s require-  
13          ments regarding immunization and medical or school  
14          records and make revisions to the requirements as  
15          are appropriate and necessary in order to enroll  
16          homeless children and youth in school more quick-  
17          ly.”; and

18          (5) by adding at the end the following:

19          “(g) INFORMATION.—

20          “(1) IN GENERAL.—From funds appropriated  
21          under section 726, the Secretary, directly or through  
22          grants, contracts, or cooperative agreements, shall  
23          periodically collect and disseminate data and infor-  
24          mation regarding—

1           “(A) the number and location of homeless  
2 children and youth;

3           “(B) the education and related services  
4 homeless children and youth receive;

5           “(C) the extent to which the needs of  
6 homeless children and youth are met; and

7           “(D) such other data and information as  
8 the Secretary determines necessary and relevant  
9 to carry out this subtitle.

10          “(2) COORDINATION.—The Secretary shall co-  
11 ordinate such collection and dissemination with  
12 other agencies and entities that receive assistance  
13 and administer programs under this subtitle.

14          “(h) REPORT.—Not later than 4 years after the date  
15 of enactment of the Better Education for Students and  
16 Teachers Act, the Secretary shall prepare and submit to  
17 the President and the appropriate committees of the  
18 House of Representatives and the Senate a report on the  
19 status of the education of homeless children and youth,  
20 which shall include information regarding—

21           “(1) the education of homeless children and  
22 youth; and

23           “(2) the actions of the Department of Edu-  
24 cation and the effectiveness of the programs sup-  
25 ported under this subtitle.”.



1 **SEC. 165. DEFINITIONS.**

2 Section 725 of such Act (42 U.S.C. 11434a) is  
3 amended—

4 (1) by redesignating paragraphs (1) and (2) as  
5 paragraphs (2) and (3), respectively; and

6 (2) by inserting before paragraph (2) (as so re-  
7 designated) the following:

8 “(1) the terms ‘local educational agency’ and  
9 ‘State educational agency’ have the meanings given  
10 the terms in section 3 of the Elementary and Sec-  
11 ondary Education Act of 1965;”.

12 **SEC. 166. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 726 of such Act (42 U.S.C. 11435) is amend-  
14 ed to read as follows:

15 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

16 “For the purpose of carrying out this subtitle, there  
17 are authorized to be appropriated \$70,000,000 for fiscal  
18 year 2002 and such sums as may be necessary for each  
19 of the 6 succeeding fiscal years.”.

20 **SEC. 167. CONFORMING AMENDMENTS.**

21 (a) GRANTS FOR STATE AND LOCAL ACTIVITIES.—  
22 Section 722 of the Stewart B. McKinney Homeless Assist-  
23 ance Act (42 U.S.C. 11432) is amended—

24 (1) in subsection (c)(1), by striking “section  
25 724(c)” and inserting “section 724(d)”; and

1           (2) in subsection (g)(2), by striking “para-  
2           graphs (3) through (9)” and inserting “paragraphs  
3           (3) through (8)”.

4           (b) LOCAL EDUCATIONAL AGENCY GRANTS.—Sec-  
5           tion 723(b)(3) of such Act (42 U.S.C. 11433(b)(3)) is  
6           amended by striking “paragraphs (3) through (9) of sec-  
7           tion 722(g)” and inserting “paragraphs (3) through (8)  
8           of section 722(g)”.

9           (c) SECRETARIAL RESPONSIBILITIES.—Section  
10          724(f) of such Act (as amended by section 164(3)) is  
11          amended by striking “subsection (d)” and inserting “sub-  
12          section (e)”.

## 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  
21          State educational agencies, local educational agencies,  
22          State agencies for higher education, and eligible partner-  
23          ships in order to—

24                       “(1) increase student academic achievement  
25                       and student performance through such strategies as

1 improving teacher quality and increasing the number  
2 of highly qualified teachers in the classroom; and

3 “(2) hold local educational agencies and schools  
4 accountable for improvements in student academic  
5 achievement and student performance.

6 **“SEC. 2102. DEFINITIONS.**

7 “In this part:

8 “(1) ALL STUDENTS.—The term ‘all students’  
9 means students from a broad range of backgrounds  
10 and circumstances, including economically disadvan-  
11 taged students, students with diverse racial, ethnic,  
12 and cultural backgrounds, students with disabilities,  
13 students with limited English proficiency, and aca-  
14 demically talented students.

15 “(2) CORE ACADEMIC SUBJECTS.—The term  
16 ‘core academic subjects’ means English, mathe-  
17 matics, science, foreign languages, civics and govern-  
18 ment, economics, arts, history, and geography.

19 “(3) HIGHLY QUALIFIED.—The term ‘highly  
20 qualified’ means—

21 “(A) with respect to an elementary school  
22 teacher, a teacher—

23 “(i)(I) with an academic major in the  
24 arts and sciences; or

1           “(II) who can demonstrate com-  
2           petence through a high level of perform-  
3           ance in core academic subjects; and

4           “(ii) who is certified or licensed by the  
5           State involved; and

6           “(B) with respect to a secondary school  
7           teacher, a teacher—

8           “(i)(I) with an academic major (or  
9           courses totaling an equivalent number of  
10          credit hours) in the academic subject that  
11          the teacher teaches or a related field;

12          “(II) who can demonstrate a high  
13          level of competence through rigorous aca-  
14          demic subject tests and achievement of a  
15          high level of competence as described in  
16          subclause (III);

17          “(III) who can demonstrate a high  
18          level of competence through a high level of  
19          performance in the academic subjects that  
20          the teacher teaches; and

21          “(ii) who is certified or licensed by the  
22          State.

23          “(4) HIGH NEED LOCAL EDUCATIONAL AGEN-  
24          CY.—The term ‘high need local educational agency’

1 has the meaning given the term in section 201(b) of  
2 the Higher Education Act of 1965.

3 “(5) INSTITUTION OF HIGHER EDUCATION.—  
4 The term ‘institution of higher education’ has the  
5 meaning given the term in section 101(a) of the  
6 Higher Education Act of 1965.

7 “(6) OUT-OF-FIELD TEACHER.—The term ‘out-  
8 of-field teacher’ means a secondary school teacher  
9 who is teaching an academic subject for which the  
10 teacher is not highly qualified.

11 “(7) POVERTY LINE.—The term ‘poverty line’  
12 means the poverty line (as defined by the Office of  
13 Management and Budget and revised annually in ac-  
14 cordance with section 673(2) of the Community  
15 Services Block Grant Act) applicable to a family of  
16 the size involved.

17 “(8) PROFESSIONAL DEVELOPMENT.—The  
18 term ‘professional development’ means activities  
19 that—

20 “(A) are an integral part of broad  
21 schoolwide and districtwide educational im-  
22 provement plans;

23 “(B) enhance the ability of teachers and  
24 other staff to—

1 “(i) help all students meet challenging  
2 State and local content and student per-  
3 formance standards;

4 “(ii) improve understanding and use  
5 of student assessments by the teachers and  
6 staff;

7 “(iii) improve classroom management  
8 skills; and

9 “(iv) as appropriate, integrate tech-  
10 nology into the curriculum;

11 “(C) are sustained, intensive, and school-  
12 embedded;

13 “(D) are tied to State content and student  
14 performance standards;

15 “(E) are of high quality and sufficient du-  
16 ration to have a positive and lasting impact on  
17 classroom instruction, and are not one-time  
18 workshops; and

19 “(F) are based on the best available re-  
20 search on teaching and learning.

21 **“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS.**

22 “(a) GRANTS TO STATES, LOCAL EDUCATIONAL  
23 AGENCIES, AND ELIGIBLE PARTNERSHIPS.—There are  
24 authorized to be appropriated to carry out this part (other  
25 than subpart 5) \$3,000,000,000 for fiscal year 2002 and

1 such sums as may be necessary for each of the 6 suc-  
 2 ceeding fiscal years.

3 “(b) NATIONAL PROGRAMS.—There are authorized to  
 4 be appropriated to carry out subpart 5 (other than sub-  
 5 section (f)) \$100,000,000 for fiscal year 2002 and such  
 6 sums as may be necessary for each of the 6 succeeding  
 7 fiscal years.

8 **“Subpart 1—Grants to States**

9 **“SEC. 2111. ALLOTMENTS TO STATES.**

10 “(a) IN GENERAL.—The Secretary shall make grants  
 11 to States with applications approved under section 2112  
 12 to pay for the Federal share of carrying out the activities  
 13 specified in section 2113. Each grant shall consist of the  
 14 allotment determined for a State under subsection (b).

15 “(b) DETERMINATION OF ALLOTMENTS.—

16 “(1) RESERVATION OF FUNDS.—

17 “(A) IN GENERAL.—From the total  
 18 amount appropriated under section 2103(a) for  
 19 a fiscal year, the Secretary shall reserve—

20 “(i) ½ of 1 percent for payments to  
 21 the outlying areas, to be distributed among  
 22 the outlying areas on the basis of their rel-  
 23 ative need, as determined by the Secretary,  
 24 for activities authorized under this part re-

1 relating to teacher quality, including profes-  
2 sional development and teacher hiring; and

3 “(ii)  $\frac{1}{2}$  of 1 percent for payments to  
4 the Secretary of the Interior for activities  
5 described in clause (i) in schools operated  
6 or funded by the Bureau of Indian Affairs.

7 “(B) LIMITATION.—In reserving an  
8 amount for the purposes described in clauses (i)  
9 and (ii) of subparagraph (A) for a fiscal year,  
10 the Secretary shall not reserve more than the  
11 total amount the outlying areas and the schools  
12 operated or funded by the Bureau of Indian Af-  
13 fairs received for fiscal year 2001 under—

14 “(i) section 2202(b) of this Act (as in  
15 effect on the day before the date of enact-  
16 ment of the Better Education for Students  
17 and Teachers Act); and

18 “(ii) section 306 of the Department of  
19 Education Appropriations Act, 2001 (as  
20 enacted into law by section 1(a)(1) of Pub-  
21 lic Law 106–554).

22 “(2) STATE ALLOTMENTS.—

23 “(A) HOLD HARMLESS.—

24 “(i) IN GENERAL.—Subject to sub-  
25 paragraph (B), from the total amount ap-



1           appropriated under section 2103(a) for any  
2           fiscal year and not reserved under para-  
3           graph (1), the Secretary shall allot to each  
4           of the 50 States, the District of Columbia,  
5           and the Commonwealth of Puerto Rico an  
6           amount equal to the total amount that  
7           such State received for fiscal year 2001  
8           under the authorities described in para-  
9           graph (1)(B).

10           “(ii) RATABLE REDUCTION.—If the  
11           total amount appropriated under section  
12           2103(a) for any fiscal year and not re-  
13           served under paragraph (1) is insufficient  
14           to pay the full amounts that all States are  
15           eligible to receive under clause (i) for the  
16           fiscal year, the Secretary shall ratably re-  
17           duce such amounts for the fiscal year.

18           “(B) ALLOTMENT OF ADDITIONAL  
19           FUNDS.—

20           “(i) IN GENERAL.—Subject to clause  
21           (ii), for any fiscal year for which the total  
22           amount appropriated under section  
23           2103(a) and not reserved under paragraph  
24           (1) exceeds the total amount made avail-  
25           able to the 50 States, the District of Co-

1                   lumbia, and the Commonwealth of Puerto  
2                   Rico for fiscal year 2001 under the au-  
3                   thorities described in paragraph (1)(B),  
4                   the Secretary shall allot to each of those  
5                   States the sum of—

6                   “(I) an amount that bears the  
7                   same relationship to 50 percent of the  
8                   excess amount as the number of indi-  
9                   viduals age 5 through 17 in the State,  
10                  as determined by the Secretary on the  
11                  basis of the most recent satisfactory  
12                  data, bears to the number of those in-  
13                  dividuals in all such States, as so de-  
14                  termined; and

15                  “(II) an amount that bears the  
16                  same relationship to 50 percent of the  
17                  excess amount as the number of indi-  
18                  viduals age 5 through 17 from fami-  
19                  lies with incomes below the poverty  
20                  line in the State, as determined by the  
21                  Secretary on the basis of the most re-  
22                  cent satisfactory data, bears to the  
23                  number of those individuals in all  
24                  such States, as so determined.

1           “(ii) EXCEPTION.—No State receiving  
2           an allotment under clause (i) may receive  
3           less than  $\frac{1}{2}$  of 1 percent of the total ex-  
4           cess amount allotted under clause (i) for a  
5           fiscal year.

6           “(3) REALLOTMENT.—If any State does not  
7           apply for an allotment under this subsection for any  
8           fiscal year, the Secretary shall reallocate the amount of  
9           the allotment to the remaining States in accordance  
10          with this subsection.

11 **“SEC. 2112. STATE APPLICATIONS.**

12          “(a) IN GENERAL.—For a State to be eligible to re-  
13          ceive a grant under this part, the State educational agency  
14          shall submit an application to the Secretary at such time,  
15          in such manner, and containing such information as the  
16          Secretary may reasonably require.

17          “(b) CONTENTS.—Each application submitted under  
18          this section shall include the following:

19                 “(1) A description of how the activities to be  
20                 carried out by the State educational agency under  
21                 this subpart will be based on a review of relevant re-  
22                 search and an explanation of why the activities are  
23                 expected to improve student performance and out-  
24                 comes.

1           “(2) A description of how the State educational  
2 agency will align activities assisted under this sub-  
3 part with State content and student performance  
4 standards and State assessments.

5           “(3) A description of how the State educational  
6 agency will ensure that a local educational agency  
7 receiving a subgrant to carry out subpart 2 will com-  
8 ply with the requirements of such subpart.

9           “(4) A description of how the State educational  
10 agency will use funds made available under this part  
11 to improve the quality of the State’s teaching force  
12 and the educational opportunities for students.

13           “(5) A description of how the State educational  
14 agency will coordinate professional development ac-  
15 tivities authorized under this part with professional  
16 development activities provided under other Federal,  
17 State, and local programs, including those author-  
18 ized under—

19                   “(A) title I, part C of this title, part A of  
20 title III, and title IV; and

21                   “(B) where applicable, the Individuals with  
22 Disabilities Education Act, the Carl D. Perkins  
23 Vocational and Technical Education Act of  
24 1998, and title II of the Higher Education Act  
25 of 1965.

1           “(6) An assurance that the State educational  
2           agency will consistently monitor the progress of each  
3           local educational agency and school in the State in  
4           achieving the purpose of this part and meeting the  
5           performance objectives and measures described in  
6           section 2141.

7           “(c) APPROVAL.—The Secretary shall approve a  
8           State application submitted to the Secretary under this  
9           section unless the Secretary makes a written determina-  
10          tion, within 90 days after receiving the application, that  
11          the application does not meet the requirements of this Act.

12          **“SEC. 2113. STATE USE OF FUNDS.**

13          “(a) IN GENERAL.—A State that receives a grant  
14          under section 2111 shall—

15                 “(1) reserve a portion of the funds made avail-  
16                 able through the grant for State activities described  
17                 in subsection (b);

18                 “(2) reserve 95 percent of the funds to make  
19                 subgrants to local educational agencies as described  
20                 in subpart 2; and

21                 “(3) reserve a portion of the funds to make  
22                 subgrants to local partnerships as described in sub-  
23                 part 3.

24          “(b) STATE ACTIVITIES.—The State educational  
25          agency for a State that receives a grant under section

1 2111 shall use the funds reserved under subsection (a)(1)  
2 to carry out 1 or more of the following activities:

3 “(1) Reforming teacher certification (including  
4 recertification) or licensing requirements to ensure  
5 that—

6 “(A) teachers have the necessary subject  
7 matter knowledge and teaching skills in the  
8 academic subjects that the teachers teach;

9 “(B) the requirements are aligned with  
10 challenging State content standards; and

11 “(C) teachers have the subject matter  
12 knowledge and teaching skills necessary to help  
13 students meet challenging State student per-  
14 formance standards.

15 “(2) Carrying out programs that provide sup-  
16 port during the initial teaching experience, such as  
17 programs that provide mentoring, team teaching, re-  
18 duced schedules, and intensive professional develop-  
19 ment.

20 “(3) Carrying out programs that establish, ex-  
21 pand, or improve alternative routes for State certifi-  
22 cation of teachers for highly qualified individuals  
23 with a baccalaureate degree, including mid-career  
24 professionals from other occupations, paraprofes-  
25 sionals, former military personnel, and recent college

1 or university graduates with records of academic dis-  
2 tinction who demonstrate the potential to become  
3 highly effective teachers.

4 “(4) Supporting activities to encourage and  
5 support teachers seeking national board certification  
6 from the National Board for Professional Teaching  
7 Standards or other recognized entities.

8 “(5) Developing and implementing effective  
9 mechanisms to assist local educational agencies and  
10 schools in effectively recruiting and retaining highly  
11 qualified and effective teachers and principals.

12 “(6) Funding projects to promote reciprocity of  
13 teacher certification or licensure between or among  
14 States.

15 “(7) Testing new teachers for subject matter  
16 knowledge, and testing the teachers for State certifi-  
17 cation or licensing, consistent with title II of the  
18 Higher Education Act of 1965.

19 “(8) Supporting activities that ensure that  
20 teachers are able to use State content and student  
21 performance standards and assessments to improve  
22 instructional practices and improve student achieve-  
23 ment and student performance.

24 “(9) Establishing teacher compensation systems  
25 based on merit and proven performance.





1 the Secretary on the basis of the most recent satis-  
2 factory data, bears to the number of those individ-  
3 uals in the geographic areas served by all the local  
4 educational agencies in the State, as so determined;  
5 and

6 “(2) an amount that bears the same relation-  
7 ship to 75 percent of the total amount as the num-  
8 ber of individuals age 5 through 17 from families  
9 with incomes below the poverty line, in the geo-  
10 graphic area served by the agency, as determined by  
11 the Secretary on the basis of the most recent satis-  
12 factory data, bears to the number of those individ-  
13 uals in the geographic areas served by all the local  
14 educational agencies in the State, as so determined.

15 **“SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESS-**  
16 **MENT.**

17 “(a) IN GENERAL.—To be eligible to receive a  
18 subgrant under this subpart, a local educational agency  
19 shall submit an application to the State educational agen-  
20 cy at such time, in such manner, and containing such in-  
21 formation as the State educational agency may reasonably  
22 require.

23 “(b) CONTENTS.—Each application submitted under  
24 this section shall be based on the needs assessment re-  
25 quired in subsection (c) and shall include the following:

1           “(1)(A) A description of the activities to be car-  
2           ried out by the local educational agency under this  
3           subpart.

4           “(B) A description of how the activities will be  
5           based on a review of relevant research and an expla-  
6           nation of why the activities are expected to improve  
7           student performance and outcomes.

8           “(2) A description of how the activities will  
9           have a substantial, measurable, and positive impact  
10          on student academic achievement and student per-  
11          formance and how the activities will be used as part  
12          of a broader strategy to eliminate the achievement  
13          gap that separates low-income and minority students  
14          from other students.

15          “(3) An assurance that the local educational  
16          agency will target funds to schools served by the  
17          local educational agency that—

18                 “(A) have the lowest proportions of highly  
19                 qualified teachers;

20                 “(B) are identified for school improvement  
21                 under section 1116(e); or

22                 “(C) are identified for school improvement  
23                 in accordance with other measures of school  
24                 quality as determined and documented by the  
25                 local educational agency.

1           “(4) A description of how the local educational  
2 agency will coordinate professional development ac-  
3 tivities authorized under this subpart with profes-  
4 sional development activities provided under other  
5 Federal, State, and local programs, including those  
6 authorized 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  
12 1998, and title II of the Higher Education Act  
13 of 1965.

14           “(5) A description of the evaluation plan that  
15 the local educational agency will carry out pursuant  
16 to section 2141.

17           “(6) A description of how the local educational  
18 agency has collaborated with teachers, paraprofes-  
19 sionals, principals, other relevant school personnel,  
20 and parents in the preparation of the application.

21           “(7) A description of the results of the needs  
22 assessment described in subsection (c).

23           “(8) A description of how the local educational  
24 agency will address the ongoing professional develop-

1 ment and mentoring needs of teachers and adminis-  
2 trators.

3 “(c) NEEDS ASSESSMENT.—

4 “(1) IN GENERAL.—To be eligible to receive a  
5 subgrant under this subpart, a local educational  
6 agency shall conduct an assessment of local needs  
7 for professional development and hiring, as identified  
8 by the local educational agency and school staff.

9 “(2) REQUIREMENTS.—Such needs assessment  
10 shall be conducted with the involvement of teachers,  
11 including teachers receiving assistance under part A  
12 of title I, and shall take into account the activities  
13 that need to be conducted in order to give teachers  
14 and, where appropriate, administrators, the means,  
15 including subject matter knowledge and teaching  
16 skills, to provide students with the opportunity to  
17 meet challenging State and local student perform-  
18 ance standards.

19 **“SEC. 2123. LOCAL USE OF FUNDS.**

20 “(a) SPECIAL RULE.—

21 “(1) IN GENERAL.—A local educational agency  
22 that receives a subgrant under section 2121 may use  
23 the amount described in paragraph (2), of the funds  
24 made available through the subgrant, to carry out  
25 activities described in section 306 of the Department

1 of Education Appropriations Act, 2001 (as enacted  
2 into law by section 1(a)(1) of Public Law 106–554).

3 “(2) AMOUNT.—The amount referred to in  
4 paragraph (1) is the amount received by the agency  
5 under that section 306.

6 “(b) LOCAL USE OF FUNDS.—A local educational  
7 agency that receives a subgrant under section 2121 shall  
8 use the funds made available through the subgrant to  
9 carry out 1 or more of the following activities:

10 “(1) Providing professional development activi-  
11 ties that improve the knowledge of teachers  
12 concerning—

13 “(A) 1 or more of the core academic sub-  
14 jects that the teachers teach;

15 “(B) effective instructional strategies,  
16 methods, and skills for improving student aca-  
17 demic achievement and student performance;  
18 and

19 “(C) effective use of State content and stu-  
20 dent performance standards and assessments to  
21 improve instructional practices and improve  
22 student achievement and student performance.

23 “(2) Mentoring.

1           “(3) Providing teachers and principals with op-  
2           portunities for professional development through in-  
3           stitutions of higher education.

4           “(4) Providing induction and support for teach-  
5           ers during their first 3 years of teaching.

6           “(5) Recruiting (including recruiting through  
7           the use of scholarships, signing bonuses, or other fi-  
8           nancial incentives, as well as accelerated paraprofes-  
9           sional-to-teacher training programs and programs  
10          that attract mid-career professionals from other pro-  
11          fessions), hiring, and training regular and special  
12          education teachers (which may include hiring special  
13          education teachers to team-teach in classrooms that  
14          contain both children with disabilities and non-  
15          disabled children, and may include recruiting and  
16          hiring certified or licensed teachers to reduce class  
17          size), and teachers of special needs children, who are  
18          highly qualified.

19          “(6) Carrying out programs and activities re-  
20          lated to—

21                  “(A) reform of teacher tenure systems;

22                  “(B) provision of merit pay for teachers;

23                  and

1                   “(C) testing of elementary school and sec-  
2                   ondary school teachers in the academic subjects  
3                   that the teachers teach.

4           **“Subpart 3—Subgrants to Eligible Partnerships**

5   **“SEC. 2131. SUBGRANTS.**

6           “(a) IN GENERAL.—The State agency for higher edu-  
7           cation for a State that receives a grant under section  
8           2111, working in conjunction with the State educational  
9           agency (if such agencies are separate) shall use the funds  
10          reserved under section 2113(a)(3) to make subgrants, on  
11          a competitive basis, to eligible partnerships to enable such  
12          partnerships to carry out the activities described in section  
13          2133.

14          “(b) DISTRIBUTION.—The State agency for higher  
15          education shall ensure that—

16                  “(1) such subgrants are equitably distributed  
17                  by geographic area within a State; or

18                  “(2) eligible partnerships in all geographic  
19                  areas within the State are served through the sub-  
20                  grants.

21          “(c) SPECIAL RULE.—No single participant in an eli-  
22          gible partnership may use more than 50 percent of the  
23          funds made available to the partnership under this section.

1 **“SEC. 2132. APPLICATIONS.**

2 “To be eligible to receive a subgrant under this sub-  
3 part, an eligible partnership shall submit an application  
4 to the State agency for higher education at such time, in  
5 such manner, and containing such information as the  
6 agency may require.

7 **“SEC. 2133. USE OF FUNDS.**

8 “(a) IN GENERAL.—An eligible partnership that re-  
9 ceives a subgrant under section 2131 shall use the funds  
10 made available through the subgrant for—

11 “(1) professional development activities in core  
12 academic subjects to ensure that teachers, para-  
13 professionals, and, if appropriate, principals have  
14 subject matter knowledge in the academic subjects  
15 that the teachers teach; and

16 “(2) developing and providing assistance to  
17 local educational agencies and individuals who are  
18 teachers, paraprofessionals, or principals of schools  
19 served by such agencies, for sustained, high-quality  
20 professional development activities that—

21 “(A) ensure that the individuals are able to  
22 use State content standards, performance  
23 standards, and assessments to improve instruc-  
24 tional practices and improve student academic  
25 achievement and student performance; and



1           “(B) may include intensive programs de-  
2           signed to prepare such individuals who will re-  
3           turn to a school to provide instruction related  
4           to the professional development described in  
5           subparagraph (A) to other such individuals  
6           within such school.

7           “(b) COORDINATION.—An eligible partnership that  
8           receives a subgrant to carry out this subpart and a grant  
9           under section 203 of the Higher Education Act of 1965  
10          shall coordinate the activities carried out under this sub-  
11          part and the activities carried out under that section 203.

12       **“SEC. 2134. DEFINITION.**

13          “In this subpart, the term ‘eligible partnership’  
14          means an entity that—

15               “(1) shall include—

16                       “(A) a private or State institution of high-  
17                       er education and the division of the institution  
18                       that 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  
23                       agency, a public charter school, an elementary school  
24                       or secondary school, an educational service agency,  
25                       a nonprofit educational organization, another insti-

1       tution of higher education, a school of arts and  
 2       sciences within such an institution, the division of  
 3       such an institution that prepares teachers, a non-  
 4       profit cultural organization, an entity carrying out a  
 5       prekindergarten program, a teacher organization, or  
 6       a business.

7                               **“Subpart 4—Accountability**

8       **“SEC. 2141. EVALUATION PLAN FOR LOCAL EDUCATIONAL**  
 9                               **AGENCIES.**

10       “Each local educational agency receiving funds under  
 11       this part shall establish and include in the agency’s appli-  
 12       cation submitted under section 2122(b) an evaluation plan  
 13       that requires evaluation of the agency and the schools  
 14       served by the agency with respect to—

15               “(1) strong performance objectives and other  
 16       measures concerning—

17                       “(A)(i) increasing student academic  
 18       achievement and student performance for all  
 19       students as measured by the local educational  
 20       agency; and

21                       “(ii) increasing participation in sustained  
 22       professional development and mentoring;

23                       “(B) increasing teacher retention among  
 24       teachers in the first 3 years of their teaching  
 25       careers; and

1                   “(C) decreasing use of out-of-field teach-  
2                   ers; and

3                   “(2) other measures of improved student aca-  
4                   demic achievement and student performance, as de-  
5                   termined by the local educational agency.

6   **“SEC. 2142. SANCTIONS FOR LOCAL EDUCATIONAL AGEN-**  
7                   **CIES.**

8                   “(a) **REPORTS.**—Each local educational agency re-  
9                   ceiving a subgrant under this part shall annually prepare  
10                  and submit to the State educational agency a report de-  
11                  scribing the progress of the local educational agency and  
12                  the schools served by the agency toward achieving the pur-  
13                  pose of this part and meeting the performance objectives  
14                  and measures described in section 2141.

15                  “(b) **TECHNICAL ASSISTANCE.**—If a State edu-  
16                  cational agency determines that a local educational agency  
17                  in the State has failed to make substantial progress to-  
18                  ward achieving the purpose and meeting the objectives and  
19                  measures described in subsection (a) by the end of the  
20                  third year for which the local educational agency receives  
21                  funds under this part, the State educational agency shall  
22                  provide technical assistance—

23                         “(1) to the local educational agency; and

1           “(2) if applicable, to schools served by the local  
2           educational agency that need assistance to achieve  
3           the purpose and meet the objectives and measures.

4           “(c) WITHHOLDING OF FUNDS.—If the State edu-  
5           cational agency determines that the local educational  
6           agency has failed to make substantial progress toward  
7           achieving the purpose and meeting the objectives and  
8           measures described in subsection (a) by the end of the  
9           fifth year for which the local educational agency receives  
10          funds under this part, the State educational agency  
11          shall—

12           “(1) withhold the allocation described in section  
13          2121(b) from the local educational agency for 2 fis-  
14          cal years; and

15           “(2) use the funds to carry out programs to as-  
16          sist the local educational agency and schools served  
17          by the local educational agency to achieve the pur-  
18          pose and meet the objectives and measures.

19                           **“Subpart 5—National Programs**

20           **“SEC. 2151. NATIONAL PROGRAMS OF DEMONSTRATED EF-**  
21                           **ECTIVENESS.**

22           “(a) IN GENERAL.—The Secretary shall use funds  
23          made available under section 2103(b) to carry out each  
24          of the activities described in subsections (b) through (e).

1       “(b) SCHOOL LEADERSHIP.—The Secretary shall  
2 award grants to entities that are State educational agen-  
3 cies, local educational agencies, institutions of higher edu-  
4 cation, or nonprofit educational organizations, and con-  
5 sortia of such entities, to enable such entities and con-  
6 sortia to recruit and train school leaders (including prin-  
7 cipals and assistant principals), provide mentorship for  
8 new school leaders, and provide ongoing professional de-  
9 velopment to develop or enhance the leadership skills of  
10 school leaders.

11       “(c) ADVANCED CERTIFICATION OR ADVANCED  
12 CREDENTIALING.—

13           “(1) IN GENERAL.—The Secretary shall sup-  
14 port activities to encourage and support teachers  
15 seeking advanced certification or advanced  
16 credentialing through high quality professional  
17 teacher enhancement programs designed to improve  
18 teaching and learning, including programs provided  
19 by the National Board for Professional Teaching  
20 Standards.

21           “(2) IMPLEMENTATION.—In carrying out para-  
22 graph (1), the Secretary shall make grants to the  
23 National Board for Professional Teaching Stand-  
24 ards, State educational agencies, local educational  
25 agencies, or individuals, to promote outreach, teach-

1 er recruitment, teacher subsidy, or teacher support  
2 programs related to teacher certification by the Na-  
3 tional Board for Professional Teaching Standards.

4 “(d) TROOPS-TO-TEACHERS PROGRAM.—

5 “(1) PURPOSE.—The purpose of this subsection  
6 is to authorize a mechanism for the funding and ad-  
7 ministration of the Troops-to-Teachers Program es-  
8 tablished by the Troops-to-Teachers Program Act of  
9 1999 (title XVII of the National Defense Authoriza-  
10 tion Act for Fiscal Year 2000).

11 “(2) TRANSFER OF FUNDS FOR ADMINISTRA-  
12 TION OF PROGRAM.—To the extent that funds are  
13 made available under this Act to the Secretary for  
14 the Troops-to-Teachers Program, the Secretary shall  
15 use the funds to enter into a contract with the De-  
16 fense Activity for Non-Traditional Education Sup-  
17 port of the Department of Defense. The Defense Ac-  
18 tivity shall use the amounts made available through  
19 the contract to perform the actual administration of  
20 the Troops-to-Teachers Program, including the se-  
21 lection of participants in the program under section  
22 1704 of the Troops-to-Teachers Program Act of  
23 1999. The Secretary may retain a portion of the  
24 funds to identify local educational agencies with con-  
25 centrations of children from low-income families or

1 with teacher shortages and States with alternative  
2 certification or licensure requirements, as required  
3 by section 1702 of such Act.

4 “(e) TRANSITION TO TEACHING.—The Secretary  
5 shall provide assistance for activities to support the devel-  
6 opment and implementation of national or regional pro-  
7 grams to—

8 “(1) recruit, prepare, place, and support mid-  
9 career professionals who have knowledge and experi-  
10 ence that will help the professionals become highly  
11 qualified teachers, through alternative routes to cer-  
12 tification, for high need local educational agencies;  
13 and

14 “(2) help retain the professionals as classroom  
15 teachers serving the local educational agencies for  
16 more than 3 years.

17 “(f) NATIONAL TEACHER RECRUITMENT CAM-  
18 PAIGN.—

19 “(1) GRANT.—The Secretary shall award a  
20 grant, on a competitive basis, to a single national co-  
21 alition of teacher and media organizations, including  
22 the National Teacher Recruitment Clearinghouse, to  
23 enable such organizations to jointly conduct a na-  
24 tional public service campaign as described in para-  
25 graph (2).

1           “(2) USE OF FUNDS.—A coalition that receives  
2           a grant under paragraph (1) shall use amounts  
3           made available under the grant to conduct a na-  
4           tional public service campaign concerning the re-  
5           sources for and routes to entering the field of teach-  
6           ing. In conducting the campaign, the coalition shall  
7           focus on providing information both to a national  
8           audience and in specific media markets, and shall  
9           specifically expand on, promote, and link the coaliti-  
10          tion’s outreach efforts to, the information referral  
11          activities and resources of the National Teacher Re-  
12          cruitment Clearinghouse.

13           “(3) APPLICATION.—To be eligible to receive a  
14          grant under this subsection, a coalition shall prepare  
15          and submit to the Secretary an application at such  
16          time, in such manner, and containing such informa-  
17          tion as the Secretary may require.

18           “(4) AUTHORIZATION OF APPROPRIATIONS.—  
19          There is authorized to be appropriated to carry out  
20          this subsection \$3,000,0000 for fiscal year 2002 and  
21          each of the 6 succeeding fiscal years.





1 institutions of higher education are better able to  
2 provide than the schools; and

3 “(4) develop more rigorous mathematics and  
4 science curricula that are aligned with State and  
5 local standards and with the standards expected for  
6 postsecondary study in mathematics and science, re-  
7 spectively.

8 **“SEC. 2202. DEFINITIONS.**

9 “In this part:

10 “(1) ELIGIBLE PARTNERSHIP.—The term ‘eligi-  
11 ble partnership’ means a partnership that—

12 “(A) shall include—

13 “(i) a State educational agency;

14 “(ii) a mathematics or science depart-  
15 ment of an institution of higher education;

16 and

17 “(iii) a local educational agency; and

18 “(B) may include—

19 “(i) another mathematics, science, or  
20 teacher training department of an institu-  
21 tion of higher education;

22 “(ii) another local educational agency,  
23 or an elementary school or secondary  
24 school;

25 “(iii) a business; or

1                   “(iv) a nonprofit organization of dem-  
2                   onstrated effectiveness, including a mu-  
3                   seum.

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)  
20                  or (iii), shall be conducted in the classroom  
21                  for a period of not less than 3 days, which  
22                  may 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  
18 shall 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  
25 the 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  
3           kind, 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.

7           **“SEC. 2212. APPLICATION REQUIREMENTS.**

8           “(a) IN GENERAL.—Each eligible partnership desir-  
9           ing a grant under this subpart shall submit an application  
10          to the Secretary at such time, in such manner, and accom-  
11          panied by such information as the Secretary may require.

12          “(b) CONTENTS.—Each such application shall  
13          include—

14                 “(1) an assessment of the teacher quality and  
15                 professional development needs of all the schools and  
16                 agencies participating in the eligible partnership  
17                 with respect to the teaching and learning of mathe-  
18                 matics and science;

19                 “(2) a description of how the activities to be  
20                 carried out by the eligible partnership will be aligned  
21                 with State and local standards and with other edu-  
22                 cational reform activities that promote student  
23                 achievement in mathematics and science;

24                 “(3) a description of how the activities to be  
25                 carried out by the eligible partnership will be based

1 on a review of relevant research, and an explanation  
2 of why the activities are expected to improve student  
3 performance and to strengthen the quality of mathe-  
4 matics and science instruction; and

5 “(4) a description of—

6 “(A) how the eligible partnership will carry  
7 out the authorized activities described in section  
8 2213; and

9 “(B) the eligible partnership’s evaluation  
10 and accountability plan described in section  
11 2214.

12 **“SEC. 2213. AUTHORIZED ACTIVITIES.**

13 “An eligible partnership shall use the grant funds  
14 provided under this subpart for 1 or more of the following  
15 activities related to elementary schools or secondary  
16 schools:

17 “(1) Developing or redesigning more rigorous  
18 mathematics and science curricula that are aligned  
19 with State and local standards and with the stand-  
20 ards expected for postsecondary study in mathe-  
21 matics and science, respectively.

22 “(2) Creating opportunities for enhanced and  
23 ongoing professional development that improves the  
24 subject matter knowledge of mathematics and  
25 science teachers.

1           “(3) Recruiting mathematics and science ma-  
2           jors to teaching.

3           “(4) Promoting strong teaching skills for math-  
4           ematics and science teachers and teacher educators,  
5           including integrating reliable scientifically based re-  
6           search teaching methods into the curriculum.

7           “(5) Establishing mathematics and science  
8           summer workshops or institutes (including followup  
9           training) for teachers, using curricula that are ex-  
10          periment-oriented, content-based, and grounded in  
11          research that is current as of the date of the work-  
12          shop or institute involved.

13          “(6) Establishing distance learning programs  
14          for mathematics and science teachers using curricula  
15          that are experiment-oriented, content-based, and  
16          grounded in research that is current as of the date  
17          of the program involved.

18          “(7) Designing programs to prepare a teacher  
19          at a school to provide professional development to  
20          other teachers at the school and to assist novice  
21          teachers at such school, including (if applicable) a  
22          mechanism to integrate experiences from a summer  
23          workshop or institute.

24          “(8) Designing programs to bring teachers into  
25          contact with working scientists.

1 **“SEC. 2214. EVALUATION AND ACCOUNTABILITY PLAN.**

2 “Each eligible partnership receiving a grant under  
3 this subpart shall develop an evaluation and accountability  
4 plan for activities assisted under this subpart that includes  
5 strong performance objectives. The plan shall include ob-  
6 jectives and measures for—

7 “(1) improved student performance on State  
8 mathematics and science assessments or the Third  
9 International Math and Science Study assessment;

10 “(2) increased participation by students in ad-  
11 vanced courses in mathematics and science;

12 “(3) increased percentages of secondary school  
13 classes in mathematics and science taught by teach-  
14 ers with academic majors in mathematics and  
15 science, respectively; and

16 “(4) increased numbers of mathematics and  
17 science teachers who participate in content-based  
18 professional development activities.

19 **“SEC. 2215. REPORT; REVOCATION OF GRANT.**

20 “(a) REPORT.—Each eligible partnership receiving a  
21 grant under this subpart annually shall report to the Sec-  
22 retary regarding the eligible partnership’s progress in  
23 meeting the performance objectives described in section  
24 2214.

25 “(b) REVOCATION.—If the Secretary determines that  
26 an eligible partnership is not making substantial progress



1 in meeting the performance objectives described in section  
2 2214 by the end of the third year of a grant under this  
3 subpart, the grant payments shall not be made for the  
4 fourth and fifth year of the grant.

5           **“Subpart 2—Eisenhower Clearinghouse for**  
6                   **Mathematics and Science Education**

7 **“SEC. 2221. CLEARINGHOUSE.**

8           “(a) GRANT OR CONTRACT.—

9                   “(1) IN GENERAL.—The Secretary, in consulta-  
10           tion with the Director of the National Science Foun-  
11           dation, may award a grant or contract to an entity  
12           to continue the operation of the Eisenhower Na-  
13           tional Clearinghouse for Mathematics and Science  
14           Education (referred to in this section as the ‘Clear-  
15           inghouse’). The Secretary shall award the grant or  
16           contract on a competitive basis, on the basis of  
17           merit.

18                   “(2) DURATION.—The grant or contract award-  
19           ed under paragraph (1) shall be awarded for a pe-  
20           riod of 5 years.

21           “(b) CLEARINGHOUSE.—

22                   “(1) USE OF FUNDS.—An entity that receives  
23           a grant or contract under subsection (a) shall use  
24           the funds made available through the grant or con-  
25           tract to—

1           “(A) maintain a permanent repository of  
2 mathematics and science education instructional  
3 materials and programs for elementary schools  
4 and secondary schools, including middle schools;

5           “(B) compile information on all mathe-  
6 matics and science education programs adminis-  
7 tered by each Federal agency or department;

8           “(C) disseminate instructional materials,  
9 programs, and information to the public and  
10 dissemination networks, including information  
11 on model engineering, science, technology, and  
12 mathematics teacher mentoring programs;

13           “(D) coordinate activities with entities op-  
14 erating identifiable databases containing mathe-  
15 matics and science instructional materials and  
16 programs, including Federal, non-Federal, and,  
17 where feasible, international, databases;

18           “(E) gather qualitative and evaluative data  
19 on submissions to the Clearinghouse;

20           “(F)(i) solicit and gather (in consultation  
21 with the Department, national teacher associa-  
22 tions, professional associations, and other re-  
23 viewers and developers of instructional mate-  
24 rials and programs) qualitative and evaluative

1 materials and programs, including full text and  
2 graphics, for the Clearinghouse;

3 “(ii) review the evaluation of the materials  
4 and programs, and rank the effectiveness of the  
5 materials and programs on the basis of the  
6 evaluations, except that nothing in this sub-  
7 paragraph shall be construed to permit the  
8 Clearinghouse to directly conduct an evaluation  
9 of the materials or programs; and

10 “(iii) distribute to teachers, in an easily ac-  
11 cessible manner, the results of the reviews (in  
12 a short, standardized, and electronic format  
13 that contains electronic links to an electronic  
14 version of the qualitative and evaluative mate-  
15 rials and programs described in clause (i)), ex-  
16 cerpts of the materials and programs, links to  
17 Internet-based sites, and information regarding  
18 on-line communities of persons who use the ma-  
19 terials and programs; and

20 “(G) develop and establish an Internet-  
21 based site offering a search mechanism to assist  
22 site visitors in identifying information available  
23 through the Clearinghouse on engineering,  
24 science, technology, and mathematics education  
25 instructional materials and programs, including

1           electronic links to information on classroom  
2           demonstrations and experiments, to teachers  
3           who have used materials or participated in pro-  
4           grams, to vendors, to curricula, and to text-  
5           books.

6           “(2) SUBMISSION TO CLEARINGHOUSE.—Each  
7           Federal agency or department that develops mathe-  
8           matics or science education instructional materials  
9           or programs, including the National Science Foun-  
10          dation and the Department, shall submit to the  
11          Clearinghouse copies of such materials or programs.

12          “(3) STEERING COMMITTEE.—The Secretary  
13          may appoint a steering committee to recommend  
14          policies and activities for the Clearinghouse.

15          “(4) APPLICATION OF COPYRIGHT LAWS.—  
16          Nothing in this section shall be construed to allow  
17          the use or copying, in any medium, of any material  
18          collected by the Clearinghouse that is protected  
19          under the copyright laws of the United States unless  
20          the Clearinghouse obtains the permission of the  
21          owner of the copyright. The Clearinghouse, in car-  
22          rying out this subsection, shall ensure compliance  
23          with title 17, United States Code.

24          “(c) APPLICATION.—

1           “(1) IN GENERAL.—To be eligible to receive a  
2           grant or contract under subsection (a) to operate the  
3           Clearinghouse, an entity shall submit an application  
4           to the Secretary at such time, in such manner, and  
5           accompanied by such information as the Secretary  
6           may reasonably require.

7           “(2) PEER REVIEW.—The Secretary shall es-  
8           tablish a peer review process to review the applica-  
9           tions and select the recipient of the award under  
10          subsection (a).

11          “(d) DISSEMINATION OF INFORMATION.—The Sec-  
12         retary shall disseminate information concerning the grant  
13         or contract awarded under this section to State edu-  
14         cational agencies, local educational agencies, and institu-  
15         tions of higher education. The information disseminated  
16         shall include examples of exemplary national programs in  
17         mathematics and science instruction and information on  
18         necessary technical assistance for the establishment of  
19         similar programs.

20          “(e) REPORT.—Not later than 2 years after the date  
21         of enactment of the Better Education for Students and  
22         Teachers Act, the National Academy of Sciences, in con-  
23         junction with appropriate related associations and organi-  
24         zations, shall—

1           “(1) conduct a study on the Clearinghouse to  
2 evaluate the effectiveness of the Clearinghouse in  
3 conducting the activities described in subsection  
4 (b)(1); and

5           “(2) submit to Congress a report on the results  
6 of the study, including any recommendations of the  
7 Academy regarding the Clearinghouse.

8   **“Subpart 3—Preparing Tomorrow’s Teachers To Use**  
9                                   **Technology**

10 **“SEC. 2231. PURPOSE; PROGRAM AUTHORITY.**

11           “(a) PURPOSE.—It is the purpose of this subpart to  
12 assist consortia of public and private entities in carrying  
13 out programs that prepare prospective teachers to use ad-  
14 vanced technology to foster learning environments condu-  
15 cive to preparing all students to meet challenging State  
16 and local content and student performance standards.

17           “(b) PROGRAM AUTHORITY.—

18           “(1) IN GENERAL.—The Secretary, acting  
19 through the Director of the Office of Educational  
20 Technology, is authorized to award grants, con-  
21 tracts, or cooperative agreements on a competitive  
22 basis to eligible applicants in order to pay for the  
23 Federal share of the cost of assisting applicants in  
24 carrying out projects to develop or redesign teacher  
25 preparation programs to enable prospective teachers

1 to use advanced technology effectively in their class-  
2 rooms.

3 “(2) PERIOD OF AWARDS.—The Secretary may  
4 award grants, contracts, or cooperative agreements  
5 under this subpart for a period of not more than 5  
6 years.

7 **“SEC. 2232. ELIGIBILITY.**

8 “(a) ELIGIBLE APPLICANTS.—In order to receive an  
9 award under this subpart, an applicant shall be a consor-  
10 tium that includes—

11 “(1) at least 1 institution of higher education  
12 that offers a baccalaureate degree and prepares  
13 teachers for their initial entry into teaching;

14 “(2) at least 1 State educational agency or local  
15 educational agency; and

16 “(3) 1 or more entities consisting of—

17 “(A) an institution of higher education  
18 (other than the institution described in para-  
19 graph (1));

20 “(B) a school or department of education  
21 at an institution of higher education;

22 “(C) a school or college of arts and  
23 sciences at an institution of higher education;

24 “(D) a professional association, founda-  
25 tion, museum, library, for-profit business, pub-

1           lic or private nonprofit organization, commu-  
2           nity-based organization, or other entity, with  
3           the capacity to contribute to the technology-re-  
4           lated reform of teacher preparation programs.

5           “(b) APPLICATION REQUIREMENTS.—In order to re-  
6           ceive an award under this subpart, an eligible applicant  
7           shall submit an application to the Secretary at such time,  
8           in such manner, and containing such information as the  
9           Secretary may require. Such application shall include—

10           “(1) a description of the proposed project, in-  
11           cluding how the project would ensure that individ-  
12           uals participating in the project would be prepared  
13           to use advanced technology to create learning envi-  
14           ronments conducive to preparing all students, in-  
15           cluding girls and students who have economic and  
16           educational disadvantages, to meet challenging State  
17           and local content and student performance stand-  
18           ards;

19           “(2) a demonstration of—

20           “(A) the commitment, including the finan-  
21           cial commitment, of each of the members of the  
22           consortium for the proposed project; and

23           “(B) the active support of the leadership of  
24           each organization that is a member of the con-  
25           sortium for the proposed project;



1           “(3) a description of how each member of the  
2 consortium will be included in project activities;

3           “(4) a description of how the proposed project  
4 will be continued after Federal funds are no longer  
5 awarded under this subpart; and

6           “(5) a plan for the evaluation of the project,  
7 which shall include benchmarks to monitor progress  
8 toward specific project objectives.

9           “(c) **MATCHING REQUIREMENTS.**—

10           “(1) **IN GENERAL.**—The Federal share of the  
11 cost of any project funded under this subpart shall  
12 not exceed 50 percent. Except as provided in para-  
13 graph (2), the non-Federal share of the cost of such  
14 project may be provided in cash or in kind, fairly  
15 evaluated, including services.

16           “(2) **ACQUISITION OF EQUIPMENT.**—Not more  
17 than 10 percent of the funds awarded for a project  
18 under this subpart may be used to acquire equip-  
19 ment, networking capabilities, or infrastructure, and  
20 the non-Federal share of the cost of any such acqui-  
21 sition shall be provided in cash.

22 **“SEC. 2233. USE OF FUNDS.**

23           “(a) **REQUIRED USES.**—A recipient of an award  
24 under this subpart shall use funds made available under  
25 this subpart for—

1           “(1) a project that creates programs that en-  
2           able prospective teachers to use advanced technology  
3           to create learning environments conducive to pre-  
4           paring all students, including girls and students who  
5           have economic and educational disadvantages, to  
6           meet challenging State and local content and stu-  
7           dent performance standards; and

8           “(2) evaluating the effectiveness of the project.

9           “(b) PERMISSIBLE USES.—The recipient may use  
10          funds made available under this subpart for activities, de-  
11          scribed in the application submitted by the recipient under  
12          this subpart, that carry out the purpose of this subpart,  
13          such as—

14               “(1) developing and implementing high-quality  
15          teacher preparation programs that enable educators  
16          to—

17                       “(A) learn the full range of resources that  
18                       can be accessed through the use of technology;

19                       “(B) integrate a variety of technologies  
20                       into the classroom in order to expand students’  
21                       knowledge;

22                       “(C) evaluate educational technologies and  
23                       their potential for use in instruction; and

24                       “(D) help students develop their technical  
25                       skills and digital learning environments;

1           “(2) developing alternative teacher development  
2 paths that provide elementary schools and secondary  
3 schools with well-prepared, technology-proficient  
4 educators;

5           “(3) developing performance-based standards  
6 and assessments aligned with the standards to meas-  
7 ure the capacity of prospective teachers to use tech-  
8 nology effectively in their classrooms;

9           “(4) providing technical assistance to entities  
10 carrying out other teacher preparation programs;

11           “(5) developing and disseminating resources  
12 and information in order to assist institutions of  
13 higher education to prepare teachers to use tech-  
14 nology effectively in their classrooms; and

15           “(6) subject to section 2232(c)(2), acquiring  
16 equipment, networking capabilities, and infrastruc-  
17 ture to carry out the project.

18           **“Subpart 4—General Provisions**

19 **“SEC. 2241. CONSULTATION WITH NATIONAL SCIENCE**  
20 **FOUNDATION.**

21           “**In carrying out the activities authorized by this**  
22 **part, the Secretary shall consult and coordinate activities**  
23 **with the Director of the National Science Foundation, par-**  
24 **ticularly with respect to the appropriate roles for the De-**  
25 **partment and the Foundation in the conduct of summer**

1 workshops or institutes provided by the eligible partner-  
 2 ships to improve mathematics and science teaching in ele-  
 3 mentary schools and secondary schools.

4 **“SEC. 2242. AUTHORIZATION OF APPROPRIATIONS.**

5       “(a) GRANTS.—There are authorized to be appro-  
 6 priated to carry out subpart 1 \$500,000,000 for fiscal  
 7 year 2002 and such sums as may be necessary for each  
 8 of the 6 succeeding fiscal years.

9       “(b) CLEARINGHOUSE.—There are authorized to be  
 10 appropriated to carry out subpart 2 \$5,000,000 for fiscal  
 11 year 2002 and such sums as may be necessary for each  
 12 of the 6 succeeding fiscal years.

13       “(c) TECHNOLOGY PREPARATION.—There are au-  
 14 thorized to be appropriated to carry out subpart 3  
 15 \$150,000,000 for fiscal year 2002 and such sums as may  
 16 be necessary for each of the 6 succeeding fiscal years.

17       **“PART C—STATE AND LOCAL PROGRAMS FOR**  
 18               **TECHNOLOGY USE IN CLASSROOMS**

19 **“SEC. 2301. PURPOSE; GOAL.**

20       “(a) PURPOSE.—The purpose of this part is to sup-  
 21 port a comprehensive system to effectively use technology  
 22 in elementary and secondary schools to improve student  
 23 academic achievement and performance.

24       “(b) GOAL.—A goal of this part shall also be to assist  
 25 every student in crossing the digital divide by ensuring

1 that every child is technologically literate by the time the  
2 child finishes the 8th grade, regardless of the child’s race,  
3 ethnicity, gender, income, geography, or disability.

4 **“SEC. 2302. DEFINITIONS.**

5 “In this part:

6 “(1) ADULT EDUCATION.—The term ‘adult edu-  
7 cation’ has the meaning given the term in section  
8 312(2) of the Adult Education Act (20 U.S.C.  
9 1201a(2)).

10 “(2) ALL STUDENTS.—The term ‘all students’  
11 means students from a broad range of backgrounds  
12 and circumstances, including disadvantaged stu-  
13 dents, students with diverse racial, ethnic, and cul-  
14 tural backgrounds, students with disabilities, stu-  
15 dents with limited English proficiency, and academi-  
16 cally talented students.

17 “(3) CHILD IN POVERTY.—The term ‘child in  
18 poverty’ means a child from a family with a family  
19 income below the poverty line (as defined in section  
20 2102).

21 “(4) INFORMATION INFRASTRUCTURE.—The  
22 term ‘information infrastructure’ means a network  
23 of communication systems designed to exchange in-  
24 formation among all citizens and residents of the  
25 United States.

1           “(5) INTEROPERABLE; INTEROPERABILITY.—  
2           The terms ‘interoperable’ and ‘interoperability’ mean  
3           the ability to exchange data easily with, and connect  
4           to, other hardware and software in order to provide  
5           the greatest accessibility for all students and other  
6           users.

7           “(6) PUBLIC TELECOMMUNICATIONS ENTITY.—  
8           The term ‘public telecommunications entity’ has the  
9           meaning given the term in section 397(12) of the  
10          Communications Act of 1934 (47 U.S.C. 397(12)).

11          “(7) STATE EDUCATIONAL AGENCY.—The term  
12          ‘State educational agency’ includes the Bureau of  
13          Indian Affairs for purposes of serving schools funded  
14          by the Bureau of Indian Affairs in accordance with  
15          this part.

16          “(8) STATE LIBRARY ADMINISTRATIVE AGEN-  
17          CY.—The term ‘State library administrative agency’  
18          has the meaning given the term in section 213(5) of  
19          the Library Services and Technology Act (20 U.S.C.  
20          9122(5)).

21       **“SEC. 2303. ALLOTMENT AND REALLOTMENT.**

22          “(a) LIMITATION.—From funds appropriated under  
23          this part, the Secretary shall first reserve such sums as  
24          may be necessary for grants awarded under section 3136

1 prior to the date of enactment of the Better Education  
2 for Students and Teacher Act.

3 “(b) ALLOTMENT.—

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), each State educational agency shall be el-  
6 igible to receive a grant under this part for a fiscal  
7 year in an amount which bears the same relationship  
8 to the amount made available under section 2310 for  
9 such year as the amount such State received under  
10 part A of title I for such year bears to the amount  
11 received for such year under such part by all States.

12 “(2) MINIMUM.—No State educational agency  
13 shall be eligible to receive a grant under paragraph  
14 (1) in any fiscal year in an amount which is less  
15 than  $\frac{1}{2}$  of 1 percent of the amount made available  
16 under section 2310 for such year.

17 “(c) REALLOTMENT OF UNUSED FUNDS.—

18 “(1) IN GENERAL.—The amount of any State  
19 educational agency’s allotment under subsection (b)  
20 for any fiscal year which the State determines will  
21 not be required for such fiscal year to carry out this  
22 part shall be available for reallocation from time to  
23 time, on such dates during such year as the Sec-  
24 retary may determine, to other State educational  
25 agencies in proportion to the original allotments to

1 such State educational agencies under subsection (b)  
2 for such year, but with such proportionate amount  
3 for any of such other State educational agencies  
4 being reduced to the extent such amount exceeds the  
5 sum the State estimates such State needs and will  
6 be able to use for such year.

7 “(2) OTHER REALLOTMENTS.—The total of re-  
8 ductions under paragraph (1) shall be similarly real-  
9 lotted among the State educational agencies whose  
10 proportionate amounts were not so reduced. Any  
11 amounts reallocated to a State educational agency  
12 under this subsection during a year shall be deemed  
13 a subpart of such agency’s allotment under sub-  
14 section (b) for such year.

15 **“SEC. 2304. TECHNOLOGY GRANTS.**

16 “(a) GRANTS TO STATES.—

17 “(1) IN GENERAL.—From amounts made avail-  
18 able under section 2303, the Secretary, through the  
19 Office of Educational Technology, shall award  
20 grants to State educational agencies having applica-  
21 tions approved under section 2305.

22 “(2) USE OF GRANTS.—

23 “(A) AWARD TO AGENCIES.—Each State  
24 educational agency receiving a grant under  
25 paragraph (1) shall use such grant funds to



1 award grants, on a competitive basis, to local  
2 educational agencies to enable such local edu-  
3 cational agencies to carry out the activities de-  
4 scribed in section 2306.

5 “(B) SUFFICIENCY.—In awarding grants  
6 under subparagraph (A), each State educational  
7 agency shall ensure that each such grant is of  
8 sufficient duration, and of sufficient size, scope,  
9 and quality, to carry out the purposes of this  
10 part effectively.

11 “(C) PRIORITY.—In awarding the grants,  
12 each State educational agency shall give priority  
13 to the local educational agencies serving the  
14 school districts that have the highest number or  
15 percentage of children in poverty.

16 “(D) DISTRIBUTION.—In awarding the  
17 grants, each State educational agency shall as-  
18 sure an equitable distribution of assistance  
19 under this part among urban and rural areas of  
20 the State, according to the demonstrated need  
21 of the local educational agencies serving the  
22 areas.

23 “(b) TECHNICAL ASSISTANCE.—Each State edu-  
24 cational agency receiving a grant under subsection (a)  
25 shall—

1           “(1) identify the local educational agencies  
2           served by the State educational agency that—

3                   “(A) have the highest number or percent-  
4                   age of children in poverty; and

5                   “(B) demonstrate to such State edu-  
6                   cational agency the greatest need for technical  
7                   assistance in developing the application under  
8                   2307; and

9           “(2) offer such technical assistance to such  
10          local educational agencies.

11 **“SEC. 2305. STATE APPLICATION.**

12          “To receive a grant under this part, each State edu-  
13          cational agency shall submit an application to the Sec-  
14          retary at such time, in such manner, and accompanied by  
15          such information as the Secretary may reasonably require,  
16          including a systemic statewide educational technology plan  
17          that—

18                   “(1) outlines the long-term strategies for im-  
19                   proving student performance and student academic  
20                   achievement through the effective use of technology  
21                   in classrooms throughout the State;

22                   “(2) outlines long-term strategies for financing  
23                   technology education in the State and describes how  
24                   business, industry, and other public and private  
25                   agencies, including libraries, library literacy pro-

1       grams, and institutions of higher education, can par-  
2       ticipate in the implementation, ongoing planning,  
3       and support of the plan; and

4               “(3) meets such other criteria as the Secretary  
5       may establish in order to enable such agency to pro-  
6       vide assistance to local educational agencies that  
7       have the highest numbers or percentages of children  
8       in poverty and demonstrate the greatest need for  
9       technology, in order to enable such local educational  
10      agencies, for the benefit of school sites served by  
11      such local educational agencies, to improve student  
12      academic achievement and student performance.

13   **“SEC. 2306. LOCAL USES OF FUNDS.**

14           “(a) IN GENERAL.—Each local educational agency,  
15   to the extent possible, shall use the funds made available  
16   under section 2304(a)(2) for—

17               “(1) developing, adapting, or expanding existing  
18      and new applications of technology to support the  
19      school reform effort to improve student academic  
20      achievement and student performance;

21               “(2) providing ongoing professional develop-  
22      ment in the integration of quality educational tech-  
23      nologies into school curriculum;

24               “(3) acquiring connectivity linkages, resources,  
25      and services, including the acquisition of hardware

1 and software, for use by teachers, students, and  
2 school library media personnel in the classroom or in  
3 school library media centers, in order to improve  
4 student academic achievement and student perform-  
5 ance;

6 “(4) acquiring connectivity with wide area net-  
7 works for purposes of accessing information and  
8 educational programming sources, particularly with  
9 institutions of higher education and public libraries;

10 “(5) providing educational services for adults  
11 and families; and

12 “(6) repairing and maintaining school tech-  
13 nology equipment.

14 “(b) SPECIAL RULE.—A local educational agency re-  
15 ceiving a grant under this part shall use at least 30 per-  
16 cent of allocated funds for professional development.

17 **“SEC. 2307. LOCAL APPLICATION.**

18 “(a) APPLICATION.—Each local educational agency  
19 desiring assistance from a State educational agency under  
20 section 2304(a)(2) shall submit an application, consistent  
21 with the objectives of the systemic statewide plan, to the  
22 State educational agency at such time, in such manner,  
23 and accompanied by such information as the State edu-  
24 cational agency may reasonably require. Such application,

1 at a minimum, shall include an updated version of a stra-  
2 tegic, long-range plan (3 to 5 years) that includes—

3           “(1) a description of how the activities to be  
4 carried out by the local educational agency under  
5 this part will be based on a review of relevant re-  
6 search and an explanation of why the activities are  
7 expected to improve student achievement;

8           “(2) an explanation of how the acquired tech-  
9 nologies will be integrated into the curriculum to  
10 help the local educational agency improve student  
11 academic achievement, student performance, and  
12 teaching;

13           “(3) a description of the type of technologies to  
14 be acquired, including specific provisions for inter-  
15 operability among components of such technologies  
16 and, to the extent practicable, with existing tech-  
17 nologies;

18           “(4) an explanation of how programs will be de-  
19 veloped in collaboration with existing adult literacy  
20 service providers to maximize the use of such tech-  
21 nologies;

22           “(5) a description of how the local educational  
23 agency will ensure ongoing, sustained professional  
24 development for teachers, administrators, and school  
25 library media personnel served by the local edu-

1       cational agency to further the effective use of tech-  
2       nology in the classroom or library media center, in-  
3       cluding a list of those entities that will partner with  
4       the local educational agency in providing ongoing  
5       sustained professional development;

6               “(6) a description of the supporting resources,  
7       such as services, software, and print resources,  
8       which will be acquired to ensure successful and ef-  
9       fective use of technologies acquired under this part;

10              “(7) the projected cost of technologies to be ac-  
11       quired and related expenses needed to implement the  
12       plan;

13              “(8) a description of how the local educational  
14       agency will coordinate the technology provided pur-  
15       suant to this part with other grant funds available  
16       for technology from other Federal, State, and local  
17       sources;

18              “(9) a description of a process for the ongoing  
19       evaluation of how technologies acquired under this  
20       part will be integrated into the school curriculum;  
21       and will affect student academic achievement and  
22       student performance as related to challenging State  
23       content standards and State student performance  
24       standards in all subjects; and

1           “(10) 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 edu-  
5           cational agency for any fiscal year may apply for financial  
6           assistance as part of a consortium with other local edu-  
7           cational agencies, institutions of higher education, inter-  
8           mediate educational units, libraries, or other educational  
9           entities appropriate to provide local programs. The State  
10          educational agency may assist in the formation of con-  
11          sortia among local educational agencies, providers of edu-  
12          cational services for adults and families, institutions of  
13          higher education, intermediate educational units, libraries,  
14          or other appropriate educational entities to provide serv-  
15          ices for the teachers and students in a local educational  
16          agency at the request of such 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  
20          a comprehensive education improvement plan, the State  
21          educational agency may approve such plan, or a compo-  
22          nent of such plan if the State educational agency deter-  
23          mines that such approval would further the purposes of  
24          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 sec-  
5 tion 2307 an evaluation plan that requires evaluation of  
6 the agency and the schools served by the agency with re-  
7 spect to strong performance objectives and other measures  
8 concerning—

9 “(1) increased professional development in the  
10 effective use of technology in educating students  
11 with the goal of improving student academic achieve-  
12 ment and student performance;

13 “(2) increased access to technology in the class-  
14 room, especially in low-income schools; and

15 “(3) other indicators reflecting increased stu-  
16 dent academic achievement or student performance.

17 “(b) REPORT.—Each local educational agency receiv-  
18 ing a grant under this part shall annually prepare and  
19 submit to the State educational agency a report regarding  
20 the progress of the local educational agency and the  
21 schools served by the local educational agency toward  
22 achieving the purposes of this part and meeting the per-  
23 formance objectives and measures described in this sec-  
24 tion.

25 “(c) SANCTION.—If after 3 years, the local edu-  
26 cational agency does not show measurable improvements



1 in all of the areas, the local educational agency shall not  
2 receive funds for the remaining grant years.

3 “(d) ASSISTANCE.—The State educational agency  
4 shall provide technical assistance to the local educational  
5 agency to assist them in meeting the performance objec-  
6 tives and measures described in this section.

7 **“SEC. 2309. NATIONAL EDUCATION TECHNOLOGY PLAN.**

8 “(a) IN GENERAL.—Not later than 12 months after  
9 the date of enactment of this section, the Secretary shall  
10 prepare the national long-range plan that supports the  
11 overall national technology policy. The Secretary shall up-  
12 date such plan periodically when appropriate.

13 “(b) CONSULTATION.—In preparing the plan de-  
14 scribed in subsection (a), the Secretary shall consult with  
15 other Federal departments or agencies, State and local  
16 education practitioners, and policymakers, including  
17 teachers, principals, and superintendents, experts in tech-  
18 nology and the applications of technology to education,  
19 representatives of distance learning consortia, representa-  
20 tives of telecommunications partnerships receiving assist-  
21 ance under the Star Schools Act or the Technology Chal-  
22 lenge Fund program, and providers of technology services  
23 and products.

1       “(c) SUBMISSION; PUBLICATION.—Upon completion  
2 of the plan described in subsection (a), the Secretary  
3 shall—

4           “(1) submit such plan to the President and to  
5 the appropriate committees of Congress; and

6           “(2) publish such plan in a form that is readily  
7 accessible to the public, including on the Internet.

8       “(d) CONTENT OF THE PLAN.—The plan described  
9 in subsection (a) shall describe the following:

10           “(1) EFFECTIVE USE.—The plan shall describe  
11 the manner in which the Secretary will encourage  
12 the effective use of technology to provide all students  
13 the opportunity to achieve challenging State aca-  
14 demic content standards and challenging State stu-  
15 dent performance standards, especially through pro-  
16 grams administered by the Department.

17           “(2) JOINT ACTIVITIES.—The plan shall de-  
18 scribe joint activities in support of the overall na-  
19 tional technology policy to be carried out with other  
20 Federal departments or agencies, such as the Office  
21 of Science and Technology Policy, the National En-  
22 dowment for the Humanities, the National Endow-  
23 ment for the Arts, the National Institute for Lit-  
24 eracy, the National Aeronautics and Space Adminis-  
25 tration, the National Science Foundation, the Bu-

1 reau of Indian Affairs, and the Departments of  
2 Commerce, Energy, Health and Human Services,  
3 and Labor—

4 “(A) to promote the use of technology in  
5 education, training, and lifelong learning, in-  
6 cluding plans for the educational uses of a na-  
7 tional information infrastructure; and

8 “(B) to ensure that the policies and pro-  
9 grams of such departments or agencies facili-  
10 tate the use of technology for educational pur-  
11 poses, to the extent feasible.

12 “(3) COLLABORATION.—The plan shall describe  
13 the manner in which the Secretary will work with  
14 educators, State and local educational agencies, and  
15 appropriate representatives of the private sector, in-  
16 cluding the Universal Service Administrative Com-  
17 pany, to facilitate the effective use of technology in  
18 education.

19 “(4) PROMOTING ACCESS.—The plan shall de-  
20 scribe the manner in which the Secretary will  
21 promote—

22 “(A) higher academic achievement and  
23 performance of all students through the inte-  
24 gration of technology into the curriculum;

1           “(B) increased access to the benefits of  
2           technology for teaching and learning for schools  
3           with a high number or percentage of children  
4           from low-income families;

5           “(C) the use of technology to assist in the  
6           implementation of State systemic reform strate-  
7           gies;

8           “(D) the application of technological ad-  
9           vances to use in improving educational opportu-  
10          nities;

11          “(E) increased access to high quality adult  
12          and family education services through the use  
13          of technology for instruction and professional  
14          development; and

15          “(F) increased opportunities for the pro-  
16          fessional development of teachers in the use of  
17          new technologies.

18          “(5) GUIDELINES.—The plan shall describe the  
19          manner in which the Secretary will determine, in  
20          consultation with appropriate individuals, organiza-  
21          tions, industries, and agencies, the feasibility and  
22          desirability of establishing guidelines to facilitate an  
23          easy exchange of data and effective use of tech-  
24          nology in improving educational opportunities.

1           “(6) EXCHANGE.—The plan shall describe the  
2           manner in which the Secretary will promote the ex-  
3           change of information among States, local edu-  
4           cational agencies, schools, consortia, and other enti-  
5           ties concerning the effective use of technology in im-  
6           proving educational opportunities.

7           “(7) GOALS.—The plan shall describe the Sec-  
8           retary’s long-range measurable goals and objectives  
9           relating to the purposes of this part.

10 **“SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.**

11           “(a) IN GENERAL.—There are authorized to be ap-  
12           propriated to carry out this part \$1,000,000,000 for fiscal  
13           year 2002 and such sums as may be necessary for each  
14           of the 6 succeeding fiscal years.

15           “(b) LIMITATION.—Not more than 5 percent of the  
16           funds made available to a recipient under this part for  
17           any fiscal year may be used by such recipient for adminis-  
18           trative costs or technical assistance.”.

19 **SEC. 202. TEACHER MOBILITY.**

20           (a) SHORT TITLE.—This section may be cited as the  
21           “Teacher Mobility Act”.

22           (b) PORTABILITY OF TEACHER PENSIONS AND CRE-  
23           DENTIALS.—Title II of the Elementary and Secondary  
24           Education Act of 1965 (20 U.S.C. 6601 et seq.), as

1 amended by section 201, is further amended by adding  
2 at the end the following:

3 **“PART D—PORTABILITY OF TEACHER PENSIONS**  
4 **AND CREDENTIALS**

5 **“SEC. 2401. DEFINITION.**

6 “In this part, the term ‘pension’ means a pension  
7 provided under an employee pension benefit plan, as de-  
8 fined in section 3(2) of the Employee Retirement Income  
9 Security Act of 1974.

10 **“SEC. 2402. NATIONAL PANEL ON PORTABILITY OF TEACH-**  
11 **ER PENSIONS AND CREDENTIALS.**

12 “(a) ESTABLISHMENT.—There is established a panel  
13 to be known as the National Panel on Portability of  
14 Teacher Pensions and Credentials (referred to in this sec-  
15 tion as the ‘panel’).

16 “(b) MEMBERSHIP.—The panel shall be composed of  
17 9 members appointed by the Secretary. The Secretary  
18 shall appoint the members from among practitioners and  
19 experts with experience relating to teacher pensions and  
20 credentials, such as pension managers, teachers, members  
21 of teacher certification or licensing bodies, faculty of insti-  
22 tutions of higher education that prepare teachers, and  
23 State policymakers with such experience.

24 “(c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
25 bers shall be appointed for the life of the panel. Any va-

1 cancy in the panel shall not affect the powers of the panel,  
2 but shall be filled in the same manner as the original ap-  
3 pointment.

4 “(d) DUTIES.—

5 “(1) STUDY.—The panel shall study various op-  
6 tions for increasing the reciprocity of recognition of  
7 teacher credentials, and the portability of teacher  
8 pensions, between States.

9 “(2) REPORT.—Not later than 1 year after the  
10 date on which all members of the panel have been  
11 appointed, the panel shall submit to the Secretary  
12 and to the appropriate committees of Congress a re-  
13 port containing the results of the study.

14 “(e) POWERS.—

15 “(1) HEARINGS.—The panel may hold such  
16 hearings, sit and act at such times and places, take  
17 such testimony, and receive such evidence as the  
18 panel considers advisable to carry out the objectives  
19 of this section.

20 “(2) INFORMATION FROM FEDERAL AGEN-  
21 CIES.—The panel may secure directly from any Fed-  
22 eral department or agency such information as the  
23 panel considers necessary to carry out the provisions  
24 of this section. Upon request of a majority of the  
25 members of the panel, the head of such department

1 or agency shall furnish such information to the  
2 panel.

3 “(3) POSTAL SERVICES.—The panel may use  
4 the United States mails in the same manner and  
5 under the same conditions as other departments and  
6 agencies of the Federal Government.

7 “(f) PERSONNEL.—

8 “(1) TRAVEL EXPENSES.—The members of the  
9 panel shall not receive compensation for the per-  
10 formance of services for the panel, but shall be al-  
11 lowed travel expenses, including per diem in lieu of  
12 subsistence, at rates authorized for employees of  
13 agencies under subchapter I of chapter 57 of title 5,  
14 United States Code, while away from their homes or  
15 regular places of business in the performance of  
16 services for the panel. Notwithstanding section 1342  
17 of title 31, United States Code, the Secretary may  
18 accept the voluntary and uncompensated services of  
19 members of the panel.

20 “(2) DETAIL OF GOVERNMENT EMPLOYEES.—  
21 Any Federal Government employee may be detailed  
22 to the panel without reimbursement, and such detail  
23 shall be without interruption or loss of civil service  
24 status or privilege.



1 “(g) PERMANENT COMMITTEE.—Section 14 of the  
2 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
3 apply to the panel.

4 “(h) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—There are authorized to be  
6 appropriated to carry out this section such sums as  
7 may be necessary for fiscal year 2002.

8 “(2) AVAILABILITY.—Any sums appropriated  
9 under the authorization contained in this subsection  
10 shall remain available, without fiscal year limitation,  
11 until expended.”.

12 **TITLE III—MOVING LIMITED**  
13 **ENGLISH PROFICIENT STU-**  
14 **DENTS TO ENGLISH FLUENCY**

15 **SEC. 301. BILINGUAL EDUCATION.**

16 Title III (20 U.S.C. 6511 et seq.) is amended to read  
17 as follows:

18 **“TITLE III—BILINGUAL EDU-**  
19 **CATION, LANGUAGE EN-**  
20 **HANCEMENT, AND LANGUAGE**  
21 **ACQUISITION PROGRAMS**

22 **“PART A—BILINGUAL EDUCATION**

23 **“SEC. 3001. SHORT TITLE.**

24 “This part may be cited as the ‘Bilingual Education  
25 Act’.

1 **“SEC. 3002. PURPOSE.**

2 “The purpose of this part is to help ensure that lim-  
3 ited English proficient students master English and meet  
4 the same rigorous standards for academic performance as  
5 all children and youth are expected to meet, including  
6 meeting challenging State content standards and chal-  
7 lenging State student performance standards in academic  
8 subjects by—

9 “(1) promoting systemic improvement and re-  
10 form of, and developing accountability systems for,  
11 educational programs serving limited English pro-  
12 ficient students;

13 “(2) developing bilingual skills and multicul-  
14 tural understanding;

15 “(3) developing the English of limited English  
16 proficient children and youth and, to the extent pos-  
17 sible, the native language skills of such children and  
18 youth;

19 “(4) providing similar assistance to Native  
20 Americans with certain modifications relative to the  
21 unique status of Native American languages under  
22 Federal law;

23 “(5) developing data collection and dissemina-  
24 tion, research, materials, and technical assistance  
25 that are focused on school improvement for limited  
26 English proficient students; and

1           “(6) developing programs that strengthen and  
2           improve the professional training of educational per-  
3           sonnel who work with limited English proficient stu-  
4           dents.

5   **“SEC. 3003. AUTHORIZATION OF APPROPRIATIONS.**

6           “(a) IN GENERAL.—There are authorized to be ap-  
7           propriated to carry out this part \$300,000,000 for fiscal  
8           year 2002 and such sums as may be necessary for each  
9           of the 6 succeeding fiscal years.

10          “(b) DISTRIBUTION.—From the sums appropriated  
11          under subsection (a) for any fiscal year, the Secretary  
12          shall reserve not less than 25 percent of such funds for  
13          such year to carry out subpart 3.

14   **“SEC. 3004. NATIVE AMERICAN CHILDREN IN SCHOOL.**

15          “(a) ELIGIBLE ENTITIES.—

16                 “(1) IN GENERAL.—For the purpose of car-  
17                 rying out programs under this part for individuals  
18                 served by elementary schools, secondary schools, and  
19                 postsecondary schools operated predominately for  
20                 Native American (including Alaska Native) children  
21                 and youth, an Indian tribe, a tribally sanctioned  
22                 educational authority, a Native Hawaiian or Native  
23                 American Pacific Islander native language education  
24                 organization, or an elementary school or secondary  
25                 school that is operated or funded by the Bureau of

1 Indian Affairs shall be considered to be a local edu-  
2 cational agency.

3 “(2) DEFINITIONS.—In this section:

4 “(A) INDIAN TRIBE.—The term ‘Indian  
5 tribe’ means any Indian tribe, band, nation, or  
6 other organized group or community, including  
7 any Native village or Regional Corporation or  
8 Village Corporation as defined in or established  
9 pursuant to the Alaska Native Claims Settle-  
10 ment Act, that is recognized as eligible for the  
11 special programs and services provided by the  
12 United States to Indians because of their status  
13 as Indians.

14 “(B) TRIBALLY SANCTIONED EDU-  
15 CATIONAL AUTHORITY.—The term ‘tribally  
16 sanctioned educational authority’ means—

17 “(i) any department or division of  
18 education operating within the administra-  
19 tive structure of the duly constituted gov-  
20 erning body of an Indian tribe; and

21 “(ii) any nonprofit institution or orga-  
22 nization that is—

23 “(I) chartered by the governing  
24 body of an Indian tribe to operate any  
25 school operated predominately for In-

1                   dian children and youth or otherwise  
 2                   to oversee the delivery of educational  
 3                   services to members of that tribe; and  
 4                   “(II) approved by the Secretary  
 5                   for the purpose of this section.

6           “(b) **ELIGIBLE ENTITY APPLICATION.**—Notwith-  
 7 standing any other provision of this part, each eligible en-  
 8 tity described in subsection (a) shall submit any applica-  
 9 tion for assistance under this part directly to the Secretary  
 10 along with timely comments on the need for the program  
 11 proposed in the application.

12 **“SEC. 3005. RESIDENTS OF THE TERRITORIES AND FREELY**  
 13 **ASSOCIATED STATES.**

14           “For the purpose of carrying out programs under this  
 15 part in the outlying areas, the term ‘local educational  
 16 agency’ includes public institutions or agencies whose mis-  
 17 sion is the preservation and maintenance of native lan-  
 18 guages.

19           **“Subpart 1—Bilingual Education Capacity and**  
 20 **Demonstration Grants**

21 **“SEC. 3101. FINANCIAL ASSISTANCE FOR BILINGUAL EDU-**  
 22 **CATION.**

23           “The purpose of this subpart is to assist local edu-  
 24 cational agencies, institutions of higher education, and

1 community-based organizations, through the grants au-  
 2 thorized under sections 3102 and 3103, to—

3 “(1) develop and enhance their capacity to pro-  
 4 vide high-quality instruction through bilingual edu-  
 5 cation or special alternative instruction programs to  
 6 children and youth of limited English proficiency;  
 7 and

8 “(2) help such children and youth—

9 “(A) develop proficiency in English, and to  
 10 the extent possible, their native language; and

11 “(B) meet the same challenging State con-  
 12 tent standards and challenging State student  
 13 performance standards as all children and  
 14 youth are expected to meet under section  
 15 1111(b).

16 **“SEC. 3102. PROGRAM ENHANCEMENT PROJECTS.**

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

18 “(1) provide grants to eligible entities to pro-  
 19 vide innovative, locally designed, high quality in-  
 20 struction to children and youth of limited English  
 21 proficiency;

22 “(2) help children and youth develop proficiency  
 23 in the English language by expanding or strength-  
 24 ening instructional programs; and

1           “(3) help children and youth attain the stand-  
2           ards established under section 1111(b).

3           “(b) PROGRAM AUTHORIZED.—

4           “(1) AUTHORITY.—

5           “(A) IN GENERAL.—The Secretary is au-  
6           thorized to award grants to eligible entities hav-  
7           ing applications approved under section 3104 to  
8           enable such entities to carry out activities de-  
9           scribed in paragraph (2).

10           “(B) PERIOD.—Each grant awarded under  
11           this section shall be awarded for a period of 3  
12           years.

13           “(2) AUTHORIZED ACTIVITIES.—

14           “(A) MANDATORY ACTIVITIES.—Grants  
15           awarded under this section shall be used for—

16           “(i) developing, implementing, ex-  
17           panding, or enhancing comprehensive pre-  
18           school, elementary, or secondary education  
19           programs for limited English proficient  
20           children and youth, that are—

21           “(I) aligned with State and local  
22           content and student performance  
23           standards, and local school reform ef-  
24           forts; and

1                   “(II) coordinated with related  
2                   services for children and youth;

3                   “(ii) providing high quality profes-  
4                   sional development to classroom teachers,  
5                   administrators, and other school or com-  
6                   munity-based organization personnel to im-  
7                   prove the instruction and assessment of  
8                   limited English proficient students; and

9                   “(iii) annually assessing the English  
10                  proficiency of all limited English proficient  
11                  students served by activities carried out  
12                  under this section.

13                  “(B) PERMISSIBLE ACTIVITIES.—Grants  
14                  awarded under this section may be used for—

15                  “(i) implementing programs to up-  
16                  grade the reading and other academic  
17                  skills of limited English proficient stu-  
18                  dents;

19                  “(ii) developing accountability systems  
20                  to monitor the academic progress of lim-  
21                  ited English proficient and formerly lim-  
22                  ited English proficient students;

23                  “(iii) implementing family education  
24                  programs and parent outreach and train-  
25                  ing activities designed to assist parents to



1 become active participants in the education  
2 of their children;

3 “(iv) improving the instructional pro-  
4 grams for limited English proficient stu-  
5 dents by identifying, acquiring, and apply-  
6 ing effective curricula, instructional mate-  
7 rials (including materials provided through  
8 technology), and assessments that are all  
9 aligned with State and local standards;

10 “(v) providing intensified instruction,  
11 including tutorials and academic or career  
12 counseling, for children and youth who are  
13 limited English proficient;

14 “(vi) adapting best practice models  
15 for meeting the needs of limited English  
16 proficient students;

17 “(vii) assisting limited English pro-  
18 ficient students with disabilities;

19 “(viii) implementing applied learning  
20 activities such as service learning to en-  
21 hance and support comprehensive elemen-  
22 tary and secondary bilingual education  
23 programs; and

1                   “(ix) carrying out such other activities  
2                   related to the purpose of this part as the  
3                   Secretary may approve.

4           “(c) PRIORITY.—In awarding grants under this sec-  
5 tion, the Secretary may give priority to an entity that—

6                   “(1) serves a school district—

7                   “(A) that has a total district enrollment  
8                   that is less than 10,000 students; or

9                   “(B) with a large percentage or number of  
10                  limited English proficient students; and

11                  “(2) has limited or no experience in serving lim-  
12                  ited English proficient students.

13           “(d) ELIGIBLE ENTITY.—In this section, the term  
14 ‘eligible entity’ means—

15                  “(1) 1 or more local educational agencies;

16                  “(2) 1 or more local educational agencies in col-  
17                  laboration with an institution of higher education,  
18                  community-based organization, or State educational  
19                  agency; or

20                  “(3) a community-based organization or an in-  
21                  stitution of higher education that has an application  
22                  approved by the local educational agency to partici-  
23                  pate in programs carried out under this subpart by  
24                  enhancing early childhood education or family edu-  
25                  cation programs or conducting instructional pro-

1       grams that supplement the educational services pro-  
2       vided by a local educational agency.

3       **“SEC. 3103. COMPREHENSIVE SCHOOL AND SYSTEMWIDE**  
4                                   **IMPROVEMENT GRANTS.**

5       “(a) PURPOSES.—The purposes of this section are—

6               “(1) to provide financial assistance to schools  
7       and local educational agencies for implementing bi-  
8       lingual education programs, in coordination with  
9       programs carried out under this title, for children  
10      and youth of limited English proficiency;

11              “(2) to assist limited English proficient stu-  
12      dents to meet the standards established under sec-  
13      tion 1111(b); and

14              “(3) to improve, reform, and upgrade relevant  
15      instructional programs and operations, carried out  
16      by schools and local educational agencies, that serve  
17      significant percentages of students of limited  
18      English proficiency or significant numbers of such  
19      students.

20      “(b) AUTHORIZED ACTIVITIES.—

21              “(1) AUTHORITY.—The Secretary may award  
22      grants to eligible entities having applications ap-  
23      proved under section 3104 to enable such entities to  
24      carry out activities described in paragraphs (2) and  
25      (3).

1           “(2) MANDATORY ACTIVITIES.—Grants award-  
2 ed under this section shall be used for—

3           “(A) improving instructional programs for  
4 limited English proficient students by acquiring  
5 and upgrading curricula and related instruc-  
6 tional materials;

7           “(B) aligning the activities carried out  
8 under this section with State and local school  
9 reform efforts;

10          “(C) providing training, aligned with State  
11 and local standards, to school personnel and  
12 participating community-based organization  
13 personnel to improve the instruction and assess-  
14 ment of limited English proficient students;

15          “(D) developing and implementing plans,  
16 coordinated with plans for programs carried out  
17 under title II of the Higher Education Act of  
18 1965 (where applicable), and title II of this Act  
19 (where applicable), to recruit teachers trained  
20 to serve limited English proficient students;

21          “(E) implementing culturally and linguis-  
22 tically appropriate family education programs,  
23 or parent outreach and training activities, that  
24 are designed to assist parents to become active  
25 participants in the education of their children;

1           “(F) coordinating the activities carried out  
2 under this section with other programs, such as  
3 programs carried out under this title;

4           “(G) providing services to meet the full  
5 range of the educational needs of limited  
6 English proficient students;

7           “(H) annually assessing the English pro-  
8 ficiency of all limited English proficient stu-  
9 dents served by the activities carried out under  
10 this section; and

11           “(I) developing or improving accountability  
12 systems to monitor the academic progress of  
13 limited English proficient students.

14           “(3) PERMISSIBLE ACTIVITIES.—Grants award-  
15 ed under this section may be used for—

16           “(A) implementing programs to upgrade  
17 reading and other academic skills of limited  
18 English proficient students;

19           “(B) developing and using educational  
20 technology to improve learning, assessments,  
21 and accountability to meet the needs of limited  
22 English proficient students;

23           “(C) implementing scientifically based re-  
24 search programs to meet the needs of limited  
25 English proficient students;

1           “(D) providing tutorials and academic or  
2 career counseling for limited English proficient  
3 children and youth;

4           “(E) developing and implementing State  
5 and local content and student performance  
6 standards for learning English as a second lan-  
7 guage, as well as for learning other languages;

8           “(F) developing and implementing pro-  
9 grams for limited English proficient students to  
10 meet the needs of changing populations of such  
11 students;

12           “(G) implementing policies to ensure that  
13 limited English proficient students have access  
14 to other education programs (other than pro-  
15 grams designed to address limited English pro-  
16 ficiency), such as gifted and talented, vocational  
17 education, and special education programs;

18           “(H) assisting limited English proficient  
19 students with disabilities;

20           “(I) developing and implementing pro-  
21 grams to help all students become proficient in  
22 more than 1 language; and

23           “(J) carrying out such other activities re-  
24 lated to the purpose of this part as the Sec-  
25 retary may approve.

1           “(4) SPECIAL RULE.—A recipient of a grant  
2 under this section, before carrying out activities  
3 under this section, shall plan, train personnel, de-  
4 velop curricula, and acquire or develop materials,  
5 but shall not use funds made available under this  
6 section for planning purposes for more than 90 days.  
7 The recipient shall commence carrying out activities  
8 under this section not later than 90 days after the  
9 date of receipt of the grant.

10           “(c) AVAILABILITY OF APPROPRIATIONS.—

11           “(1) RESERVATION OF FUNDS FOR CONTINUED  
12 PAYMENTS.—

13           “(A) COVERED GRANT.—In this para-  
14 graph, the term ‘covered grant’ means a  
15 grant—

16           “(i) that was awarded under section  
17 7114 or 7115 (as such sections were in ef-  
18 fect on the day before the date of enact-  
19 ment of the Better Education for Students  
20 and Teachers Act); and

21           “(ii) for which the grant period has  
22 not ended.

23           “(B) RESERVATION.—For any fiscal year  
24 that is part of the grant period of a covered  
25 grant, the Secretary shall reserve funds for the

1 payments described in subparagraph (C) from  
2 the amount appropriated for the fiscal year  
3 under section 3003 and made available for car-  
4 rying out this section.

5 “(C) PAYMENTS.—The Secretary shall  
6 continue to make grant payments to each entity  
7 that received a covered grant, for the duration  
8 of the grant period of the grant, to carry out  
9 activities in accordance with the appropriate  
10 section described in subparagraph (A)(i).

11 “(2) AVAILABILITY.—Of the amount appro-  
12 priated for a fiscal year under section 3003 that is  
13 made available for carrying out this section, and  
14 that remains after the Secretary reserves funds for  
15 payments under paragraph (1)—

16 “(A) not less than  $\frac{1}{3}$  of the remainder  
17 shall be used to award grants for activities car-  
18 ried out within an entire school district; and

19 “(B) not less than  $\frac{2}{3}$  of the remainder  
20 shall be used to award grants for activities car-  
21 ried out within individual schools.

22 “(d) ELIGIBLE ENTITIES.—In this section, the term  
23 ‘eligible entity’ means—

24 “(1) 1 or more local educational agencies; or



1           “(2) 1 or more local educational agencies, in  
2           collaboration with an institution of higher education,  
3           community-based organization, or State educational  
4           agency.

5 **“SEC. 3104. APPLICATIONS.**

6           “(a) IN GENERAL.—

7           “(1) SECRETARY.—To receive a grant under  
8           this subpart, an eligible entity shall submit an appli-  
9           cation to the Secretary at such time, in such form,  
10          and containing such information as the Secretary  
11          may require.

12          “(2) STATE EDUCATIONAL AGENCY.—An eligi-  
13          ble entity, with the exception of schools funded by  
14          the Bureau of Indian Affairs, shall submit a copy of  
15          the application submitted by the entity under this  
16          section to the State educational agency.

17          “(b) STATE REVIEW AND COMMENTS.—

18          “(1) DEADLINE.—The State educational agen-  
19          cy, not later than 45 days after receipt of an appli-  
20          cation under this section, shall review the application  
21          and submit the written comments of the agency re-  
22          garding the application to the Secretary.

23          “(2) COMMENTS.—

1           “(A) SUBMISSION OF COMMENTS.—Re-  
2           garding applications submitted under this sub-  
3           part, the State educational agency shall—

4                   “(i) submit to the Secretary written  
5           comments regarding all such applications;  
6           and

7                   “(ii) submit to each eligible entity the  
8           comments that pertain to such entity.

9           “(B) SUBJECT.—For purposes of this sub-  
10          part, such comments shall address—

11                   “(i) how the activities to be carried  
12          out under the grant will further the aca-  
13          demic achievement and English proficiency  
14          of limited English proficient students  
15          served under the grant; and

16                   “(ii) how the grant application is con-  
17          sistent with the State plan required under  
18          section 1111.

19          “(c) ELIGIBLE ENTITY COMMENTS.—An eligible en-  
20          tity may submit to the Secretary comments that address  
21          the comments submitted by the State educational agency.

22          “(d) COMMENT CONSIDERATION.—In making grants  
23          under this subpart, the Secretary shall take into consider-  
24          ation comments made by State educational agencies.

1       “(e) WAIVER.—Notwithstanding subsection (b), the  
2 Secretary is authorized to waive the review requirement  
3 specified in subsection (b) if a State educational agency  
4 can demonstrate that such review requirement may im-  
5 pede such agency’s ability to fulfill the requirements of  
6 participation in the program authorized in section 3124,  
7 particularly such agency’s ability to carry out data collec-  
8 tion efforts and such agency’s ability to provide technical  
9 assistance to local educational agencies not receiving funds  
10 under this Act.

11       “(f) REQUIRED DOCUMENTATION.—Such application  
12 shall include documentation that—

13               “(1) the applicant has the qualified personnel  
14 required to develop, administer, and implement the  
15 program proposed in the application; and

16               “(2) the leadership personnel of each school  
17 participating in the program have been involved in  
18 the development and planning of the program in the  
19 school.

20       “(g) CONTENTS.—

21               “(1) IN GENERAL.—An application for a grant  
22 under this subpart shall contain the following:

23                       “(A) A description of the need for the pro-  
24 posed program, including—

1                   “(i) data on the number of limited  
2 English proficient students in the school or  
3 school district to be served;

4                   “(ii) information on the characteris-  
5 tics of such students, including—

6                   “(I) the native languages of the  
7 students;

8                   “(II) the proficiency of the stu-  
9 dents in English and their native lan-  
10 guage;

11                   “(III) achievement data (current  
12 as of the date of submission of the ap-  
13 plication) for the limited English pro-  
14 ficient students in—

15                   “(aa) reading or language  
16 arts (in English and in the native  
17 language, if applicable); and

18                   “(bb) mathematics;

19                   “(IV) a comparison of that data  
20 for the students with that data for the  
21 English proficient peers of the stu-  
22 dents; and

23                   “(V) the previous schooling expe-  
24 riences of the students;

1           “(iii) the professional development  
2 needs of the instructional personnel who  
3 will provide services for the limited English  
4 proficient students under the proposed pro-  
5 gram; and

6           “(iv) how the services provided  
7 through the grant will supplement the  
8 basic services provided to limited English  
9 proficient students.

10           “(B) A description of the program to be  
11 implemented and how such program’s design—

12           “(i) relates to the linguistic and aca-  
13 demic needs of the children and youth of  
14 limited English proficiency to be served;

15           “(ii) will ensure that the services pro-  
16 vided through the program will supplement  
17 the basic services the applicant provides to  
18 limited English proficient students;

19           “(iii) will ensure that the program is  
20 coordinated with other programs under  
21 this Act and other Acts;

22           “(iv) involves the parents of the chil-  
23 dren and youth of limited English pro-  
24 ficiency to be served;

1           “(v) ensures accountability in achiev-  
2           ing high academic standards; and

3           “(vi) promotes coordination of services  
4           for the children and youth of limited  
5           English proficiency to be served and their  
6           families.

7           “(C) A description, if appropriate, of the  
8           applicant’s collaborative activities with institu-  
9           tions of higher education, community-based or-  
10          ganizations, local educational agencies or State  
11          educational agencies, private schools, nonprofit  
12          organizations, or businesses in carrying out the  
13          proposed program.

14          “(D) An assurance that the applicant will  
15          not reduce the level of State and local funds  
16          that the applicant expends for bilingual edu-  
17          cation or special alternative instruction pro-  
18          grams if the applicant receives an award under  
19          this subpart.

20          “(E) An assurance that the applicant will  
21          employ teachers in the proposed program who,  
22          individually or in combination, are proficient  
23          in—

24                  “(i) English, with respect to written,  
25                  as well as oral, communication skills; and

1                   “(ii) the native language of the major-  
2                   ity of the students that the teachers teach,  
3                   if instruction in the program is in the na-  
4                   tive language as well as English.

5                   “(F) A budget for the grant funds.

6                   “(2) ADDITIONAL INFORMATION.—Each appli-  
7                   cation for a grant under section 3103 shall—

8                   “(A) describe—

9                   “(i) current services (as of the date of  
10                  submission of the application) the appli-  
11                  cant provides to children and youth of lim-  
12                  ited English proficiency;

13                  “(ii) what services children and youth  
14                  of limited English proficiency will receive  
15                  under the grant that such children or  
16                  youth will not otherwise receive;

17                  “(iii) how funds received under this  
18                  subpart will be integrated with all other  
19                  Federal, State, local, and private resources  
20                  that may be used to serve children and  
21                  youth of limited English proficiency;

22                  “(iv) specific achievement and school  
23                  retention goals for the children and youth  
24                  to be served by the proposed program and

1           how progress toward achieving such goals  
2           will be measured; and

3           “(v) the current family education pro-  
4           grams (as of the date of submission of the  
5           application) of the eligible entity, if appli-  
6           cable; and

7           “(B) provide assurances that—

8           “(i) the program funded with the  
9           grant will be integrated with the overall  
10          educational program of the students served  
11          through the proposed program; and

12          “(ii) the application has been devel-  
13          oped in consultation with an advisory  
14          council, the majority of whose members are  
15          parents and other representatives of the  
16          children and youth to be served in such  
17          program.

18          “(h) APPROVAL OF APPLICATIONS.—An application  
19          for a grant under this subpart may be approved only if  
20          the Secretary determines that—

21          “(1) the program proposed in the application  
22          will use qualified personnel, including personnel who  
23          are proficient in the language or languages used for  
24          instruction;



1           “(2) in designing the program, the eligible enti-  
2           ty has, after consultation with appropriate private  
3           school officials—

4                   “(A) taken into account the needs of chil-  
5                   dren in nonprofit private elementary schools  
6                   and secondary schools; and

7                   “(B) in a manner consistent with the num-  
8                   ber of such children enrolled in such schools in  
9                   the area to be served, whose educational needs  
10                  are of the type and whose language, and grade  
11                  levels are of a similar type to the needs, lan-  
12                  guage, and grade levels that the program is in-  
13                  tended to address, provided for the participa-  
14                  tion of such children on a basis comparable to  
15                  the basis on which public school children par-  
16                  ticipate;

17                  “(3)(A) student evaluation and assessment pro-  
18                  cedures in the program are valid, reliable, and fair  
19                  for limited English proficient students; and

20                  “(B) limited English proficient students with  
21                  disabilities will be identified and served through the  
22                  program in accordance with the requirements of the  
23                  Individuals with Disabilities Education Act;

24                  “(4) Federal funds made available for the pro-  
25                  gram will be used to supplement the State and local

1 funds that, in the absence of such Federal funds,  
2 would be expended for special programs for children  
3 of limited English proficient individuals, and in no  
4 case to supplant such State and local funds, except  
5 that nothing in this paragraph shall be construed to  
6 preclude a local educational agency from using funds  
7 made available under this subpart—

8 “(A) for activities carried out under an  
9 order of a Federal or State court respecting  
10 services to be provided to such children; or

11 “(B) to carry out a plan approved by the  
12 Secretary as adequate under title VI of the  
13 Civil Rights Act of 1964 with respect to serv-  
14 ices to be provided to such children;

15 “(5)(A) the assistance provided through the  
16 grant will contribute toward building the capacity of  
17 the eligible entity to provide a program on a regular  
18 basis, similar to the proposed program, that will be  
19 of sufficient size, scope, and quality to promise sig-  
20 nificant improvement in the education of limited  
21 English proficient students; and

22 “(B) the eligible entity will have the resources  
23 and commitment to continue the program of suffi-  
24 cient size, scope, and quality when assistance under  
25 this subpart is reduced or no longer available; and

1           “(6) the eligible entity will use State and na-  
2           tional dissemination sources for program design and  
3           dissemination of results and products.

4           “(i) PRIORITIES AND SPECIAL RULES.—

5           “(1) PRIORITY.—In approving applications for  
6           grants for programs under this subpart, the Sec-  
7           retary shall give priority to an applicant who—

8                   “(A) experiences a dramatic increase in the  
9                   number or percentage of limited English pro-  
10                  ficient students enrolled in the applicant’s pro-  
11                  grams and has limited or no experience in serv-  
12                  ing limited English proficient students;

13                  “(B) is a local educational agency that  
14                  serves a school district that has a total district  
15                  enrollment that is less than 10,000 students;

16                  “(C) demonstrates that the applicant has a  
17                  proven record of success in helping limited  
18                  English proficient children and youth learn  
19                  English and meet high academic standards;

20                  “(D) proposes programs that provide for  
21                  the development of bilingual proficiency both in  
22                  English and another language for all partici-  
23                  pating students; or

1           “(E) serves a school district with a large  
2           number or percentage of limited English pro-  
3           ficient students.

4           “(2) CONSIDERATION.—In determining whether  
5           to approve an application under this subpart, the  
6           Secretary shall give consideration to the degree to  
7           which the program for which assistance is sought in-  
8           volves the collaborative efforts of institutions of  
9           higher education, community-based organizations,  
10          the appropriate local educational agency and State  
11          educational agency, or businesses.

12          “(3) DUE CONSIDERATION.—In determining  
13          whether to approve an application under this sub-  
14          part, the Secretary shall give due consideration to an  
15          application that—

16                 “(A) provides for training for personnel  
17                 participating in or preparing to participate in  
18                 the program that will assist such personnel in  
19                 meeting State and local certification require-  
20                 ments; and

21                 “(B) to the extent possible, describes how  
22                 credit at an institution of higher education will  
23                 be awarded for such training.

1 **“SEC. 3105. CAPACITY BUILDING.**

2 “Each recipient of a grant under this subpart shall  
3 use the grant in ways that will build such recipient’s ca-  
4 pacity to continue to offer high-quality bilingual and spe-  
5 cial alternative education programs and services to chil-  
6 dren and youth of limited English proficiency after Fed-  
7 eral assistance is reduced or eliminated.

8 **“SEC. 3106. PROGRAMS FOR NATIVE AMERICANS AND**  
9 **PUERTO RICO.**

10 “Programs authorized under this subpart that serve  
11 Native American children (including Native American Pa-  
12 cific Islander children), and children in the Commonwealth  
13 of Puerto Rico, notwithstanding any other provision of  
14 this subpart, may include programs of instruction, teacher  
15 training, curriculum development, evaluation, and testing  
16 designed for Native American children and youth learning  
17 and studying Native American languages and children and  
18 youth of limited Spanish proficiency, except that 1 out-  
19 come of such programs serving Native American children  
20 shall be increased English proficiency among such chil-  
21 dren.

22 **“SEC. 3107. EVALUATIONS.**

23 “(a) **EVALUATION.**—Each recipient of funds under  
24 this subpart for a program shall annually conduct an eval-  
25 uation of the program and submit to the Secretary a re-

1 port concerning the evaluation, in the form prescribed by  
2 the Secretary.

3 “(b) USE OF EVALUATION.—Such evaluation shall be  
4 used by the grant recipient—

5 “(1) for program improvement;

6 “(2) to further define the program’s goals and  
7 objectives; and

8 “(3) to determine program effectiveness.

9 “(c) EVALUATION REPORT COMPONENTS.—In pre-  
10 paring the evaluation reports, the recipient shall—

11 “(1) use the data provided in the application  
12 submitted by the recipient under section 3104 as  
13 baseline data against which to report academic  
14 achievement and gains in English proficiency for  
15 students in the program;

16 “(2) disaggregate the results of the evaluation  
17 by gender, language groups, and whether the stu-  
18 dents have disabilities;

19 “(3) include data on the progress of the recipi-  
20 ent in achieving the objectives of the program, in-  
21 cluding data demonstrating the extent to which stu-  
22 dents served by the program are meeting the State’s  
23 student performance standards, and including data  
24 comparing limited English proficient students with

1 English proficient students with regard to school re-  
2 tention and academic achievement concerning—

3 “(A) reading and language arts;

4 “(B) English proficiency;

5 “(C) mathematics; and

6 “(D) the native language of the students if  
7 the program develops native language pro-  
8 ficiency;

9 “(4) include information on the extent that pro-  
10 fessional development activities carried out through  
11 the program have resulted in improved classroom  
12 practices and improved student performance;

13 “(5) include a description of how the activities  
14 carried out through the program are coordinated  
15 and integrated with the other Federal, State, or  
16 local programs serving limited English proficient  
17 children and youth; and

18 “(6) include such other information as the Sec-  
19 retary may require.

20 **“SEC. 3108. CONSTRUCTION.**

21 “Nothing in this subpart shall be construed to pro-  
22 hibit a local educational agency from serving limited  
23 English proficient children and youth simultaneously with  
24 students with similar educational needs, in the same edu-  
25 cational settings where appropriate.

1           **“Subpart 2—Research, Evaluation, and**  
2                                   **Dissemination**

3   **“SEC. 3121. AUTHORITY.**

4           “(a) IN GENERAL.—The Secretary is authorized to  
5   conduct data collection, dissemination, research, and ongoing  
6   ing program evaluation activities in accordance with the  
7   provisions of this subpart for the purpose of improving  
8   bilingual education and special alternative instruction pro-  
9   grams for children and youth of limited English pro-  
10   ficiency.

11          “(b) COMPETITIVE AWARDS.—Research and program  
12   evaluation activities carried out under this subpart shall  
13   be supported through competitive grants, contracts and  
14   cooperative agreements awarded to institutions of higher  
15   education, nonprofit organizations, State educational  
16   agencies, and local educational agencies.

17          “(c) ADMINISTRATION.—The Secretary shall conduct  
18   data collection, dissemination, and ongoing program eval-  
19   uation activities authorized by this subpart through the  
20   Office of Bilingual Education and Minority Language Af-  
21   fairs.

22   **“SEC. 3122. RESEARCH.**

23          “(a) ADMINISTRATION.—The Secretary shall conduct  
24   research activities authorized by this subpart through the  
25   Office of Educational Research and Improvement in co-



1 ordination and collaboration with the Office of Bilingual  
2 Education and Minority Language Affairs.

3 “(b) REQUIREMENTS.—Such research activities—

4 “(1) shall have a practical application to teach-  
5 ers, counselors, paraprofessionals, school administra-  
6 tors, parents, and others involved in improving the  
7 education of limited English proficient students and  
8 their families;

9 “(2) may include research on effective instruc-  
10 tional practices for multilingual classes, and on ef-  
11 fective instruction strategies to be used by a teacher  
12 or other staff member who does not know the native  
13 language of a limited English proficient child or  
14 youth in the teacher’s or staff member’s classroom;

15 “(3) may include establishing (through the Na-  
16 tional Center for Education Statistics in consulta-  
17 tion with experts in bilingual education, second lan-  
18 guage acquisition, and English-as-a-second-lan-  
19 guage) a common definition of ‘limited English pro-  
20 ficient student’ for purposes of national data collec-  
21 tion; and

22 “(4) shall be administered by individuals with  
23 expertise in bilingual education and the needs of lim-  
24 ited English proficient students and their families.

25 “(c) FIELD-INITIATED RESEARCH.—

1           “(1) IN GENERAL.—The Secretary shall reserve  
2           not less than 5 percent of the funds made available  
3           to carry out this section for field-initiated research  
4           conducted by recipients of grants under subpart 1 or  
5           this subpart who have received such grants within  
6           the previous 5 years. Such research may provide for  
7           longitudinal studies of students or teachers into bi-  
8           lingual education, monitoring the education of such  
9           students from entry into bilingual education through  
10          secondary school completion.

11          “(2) APPLICATIONS.—An applicant for assist-  
12          ance under this subsection may submit an applica-  
13          tion for such assistance to the Secretary at the same  
14          time as the applicant submits another application  
15          under subpart 1 or this subpart. The Secretary shall  
16          complete a review of such applications on a timely  
17          basis to allow the activities carried out under re-  
18          search and program grants to be coordinated when  
19          recipients are awarded 2 or more of such grants.

20          “(d) CONSULTATION.—The Secretary shall consult  
21          with agencies and organizations that are engaged in bilin-  
22          gual education research and practice, or related research,  
23          and bilingual education researchers and practitioners, to  
24          identify areas of study and activities to be funded under  
25          this section.

1       “(e) DATA COLLECTION.—The Secretary shall pro-  
2 vide for the collection of data on limited English proficient  
3 students as part of the data systems operated by the De-  
4 partment.

5 **“SEC. 3123. ACADEMIC EXCELLENCE AWARDS.**

6       “(a) AUTHORITY.—The Secretary may make grants  
7 to State educational agencies to assist the agencies in rec-  
8 ognizing local educational agencies and other public and  
9 nonprofit entities whose programs have—

10           “(1) demonstrated significant progress in as-  
11 sisting limited English proficient students to learn  
12 English according to age appropriate and develop-  
13 mentally appropriate standards; and

14           “(2) demonstrated significant progress in as-  
15 sisting limited English proficient children and youth  
16 to meet, according to age appropriate and develop-  
17 mentally appropriate standards, the same chal-  
18 lenging State content standards as all children and  
19 youth are expected to meet.

20       “(b) APPLICATIONS.—A State educational agency de-  
21 siring a grant under this section shall include an applica-  
22 tion for such grant in the application submitted by the  
23 agency under section 3124(e).

1 **“SEC. 3124. STATE GRANT PROGRAM.**

2       “(a) STATE GRANT PROGRAM.—The Secretary is au-  
3 thorized to make an award to a State educational agency  
4 that demonstrates, to the satisfaction of the Secretary,  
5 that such agency, through such agency’s programs and  
6 other Federal education programs, effectively provides for  
7 the education of children and youth of limited English pro-  
8 ficiency within the State.

9       “(b) PAYMENTS.—The amount paid to a State edu-  
10 cational agency under subsection (a) shall not exceed 5  
11 percent of the total amount awarded to local educational  
12 agencies and entities within the State under subpart 1 for  
13 the previous fiscal year, except that in no case shall the  
14 amount paid by the Secretary to any State educational  
15 agency under this subsection for any fiscal year be less  
16 than \$200,000.

17       “(c) USE OF FUNDS.—

18               “(1) IN GENERAL.—A State educational agency  
19 shall use funds awarded under this section to—

20                       “(A) assist local educational agencies in  
21 the State with activities that—

22                               “(i) consist of program design, capac-  
23 ity building, assessment of student per-  
24 formance, program evaluation, and devel-  
25 opment of data collection and account-

1 ability systems for limited English pro-  
2 ficient students; and

3 “(ii) are aligned with State reform ef-  
4 forts; and

5 “(B) collect data on the State’s limited  
6 English proficient populations and document  
7 the services available to all such populations.

8 “(2) TRAINING.—The State educational agency  
9 may also use funds provided under this section for  
10 the training of State educational agency personnel in  
11 educational issues affecting limited English pro-  
12 ficient children and youth.

13 “(3) SPECIAL RULE.—Recipients of funds  
14 under this section shall not restrict the provision of  
15 services under this section to federally funded pro-  
16 grams.

17 “(d) STATE CONSULTATION.—A State educational  
18 agency receiving funds under this section shall consult  
19 with recipients of grants under this subpart and other in-  
20 dividuals or organizations involved in the development or  
21 operation of programs serving limited English proficient  
22 children or youth to ensure that such funds are used in  
23 a manner consistent with the requirements of this subpart.

24 “(e) APPLICATIONS.—A State educational agency de-  
25 siring to receive funds under this section shall submit an

1 application to the Secretary at such time, in such form,  
2 and containing such information and assurances as the  
3 Secretary may require.

4 “(f) SUPPLEMENT NOT SUPPLANT.—Federal funds  
5 made available under this section for any fiscal year shall  
6 be used by the State educational agency to supplement  
7 and, to the extent practical, to increase the State funds  
8 that, in the absence of such Federal funds, would be made  
9 available for the purposes described in this section, and  
10 in no case to supplant such State funds.

11 “(g) REPORT TO THE SECRETARY.—A State edu-  
12 cational agency receiving an award under this section shall  
13 provide for the annual submission of a summary report  
14 to the Secretary describing such State’s use of the funds  
15 made available through the award.

16 **“SEC. 3125. NATIONAL CLEARINGHOUSE FOR BILINGUAL**  
17 **EDUCATION.**

18 “(a) ESTABLISHMENT.—The Secretary shall estab-  
19 lish and support the operation of a National Clearinghouse  
20 for Bilingual Education, which shall collect, analyze, syn-  
21 thesize, and disseminate information about bilingual edu-  
22 cation and related programs.

23 “(b) FUNCTIONS.—The National Clearinghouse for  
24 Bilingual Education shall—

1           “(1) be administered as an adjunct clearing-  
2           house of the Educational Resources Information  
3           Center Clearinghouses system of clearinghouses sup-  
4           ported by the Office of Educational Research and  
5           Improvement;

6           “(2) coordinate activities with Federal data and  
7           information clearinghouses and entities operating  
8           Federal dissemination networks and systems;

9           “(3) develop a database management and moni-  
10          toring system for improving the operation and effec-  
11          tiveness of federally funded bilingual education pro-  
12          grams;

13          “(4) develop, maintain, and disseminate a list-  
14          ing, by geographical area, of education professionals,  
15          parents, teachers, administrators, community mem-  
16          bers, and others, who are native speakers of lan-  
17          guages other than English, for use as a resource by  
18          local educational agencies and schools in the develop-  
19          ment and implementation of bilingual education pro-  
20          grams; 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  
4 high-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  
8 of natives of the outlying areas, for which instruc-  
9 tional 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  
22 consistent with voluntary national content standards  
23 and 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 pro-  
6 fessional development programs and the dissemination of  
7 information 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  
11 provide for the incorporation of courses and curricula on  
12 appropriate and effective instructional and assessment  
13 methodologies, 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           cational 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  
5           more 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  
11          of 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 expe-  
17               rienced teachers;

18               “(B) implementing school-based collabo-  
19               rative efforts among teachers to improve in-  
20               struction in core academic areas, including  
21               reading, for students of limited English pro-  
22               ficiency;

23               “(C) coordinating activities with entities  
24               carrying out other programs, such as other pro-



1           “(1) preservice and inservice professional devel-  
2           opment for bilingual education teachers, administra-  
3           tors, pupil services personnel, and other educational  
4           personnel who are either involved in, or preparing to  
5           be involved in, the provision of educational services  
6           for children and youth of limited English proficiency;  
7           and

8           “(2) national professional development insti-  
9           tutes that assist schools or departments of education  
10          in institutions of higher education to improve the  
11          quality of professional development programs for  
12          personnel serving, preparing to serve, or who may  
13          serve, children and youth of limited English pro-  
14          ficiency.

15          “(b) PROGRAM AUTHORIZED.—

16               “(1) GRANTS TO INSTITUTIONS OF HIGHER  
17               EDUCATION.—The Secretary is authorized to award  
18               grants for a period of not more than 5 years to in-  
19               stitutions of higher education, in consortia with  
20               State educational agencies or local educational agen-  
21               cies, to achieve the purpose of this section.

22               “(2) GRANTS TO STATE AND LOCAL EDU-  
23               CATIONAL AGENCIES.—The Secretary is authorized  
24               to award grants for a period of not more than 5  
25               years to State educational agencies and local edu-

1        cational agencies, for inservice professional develop-  
2        ment programs.

3        “(c) PRIORITY.—The Secretary shall give priority in  
4        awarding grants under this section to institutions of high-  
5        er education, in consortia with State educational agencies  
6        or local educational agencies, that offer degree programs  
7        that prepare new bilingual education teachers for teaching  
8        in order to increase the availability of teachers to provide  
9        high-quality education to limited English proficient stu-  
10       dents.

11       **“SEC. 3134. BILINGUAL EDUCATION CAREER LADDER PRO-**  
12       **GRAM.**

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

14                “(1) to upgrade the qualifications and skills of  
15        noncertified educational personnel, especially edu-  
16        cational paraprofessionals, to enable the personnel to  
17        meet high professional standards, including stand-  
18        ards for certification and licensure as bilingual edu-  
19        cation teachers or for other types of educational per-  
20        sonnel who serve limited English proficient students,  
21        through collaborative training programs operated by  
22        institutions of higher education and State edu-  
23        cational agencies and local educational agencies; and

24                “(2) to help recruit and train secondary school  
25        students as bilingual education teachers and other

1 types of educational personnel to serve limited  
2 English proficient students.

3 “(b) AUTHORIZATION.—

4 “(1) IN GENERAL.—The Secretary is authorized  
5 to award grants for bilingual education career ladder  
6 programs to institutions of higher education, in con-  
7 sortia with State educational agencies or local edu-  
8 cational agencies, which consortia may include com-  
9 munity-based organizations or professional education  
10 organizations.

11 “(2) DURATION.—Each grant awarded under  
12 this section shall be awarded for a period of not  
13 more than 5 years.

14 “(c) PERMISSIBLE ACTIVITIES.—Grants awarded  
15 under this section may be used—

16 “(1) for the development of bilingual education  
17 career ladder program curricula appropriate to the  
18 needs of the consortium participants involved;

19 “(2) to provide assistance for stipends and costs  
20 related to tuition, fees, and books for enrolling in  
21 courses required to complete the degree, and certifi-  
22 cation or licensing requirements for bilingual edu-  
23 cation teachers; and

24 “(3) for programs to introduce secondary school  
25 students to careers in bilingual education teaching

1 that are coordinated with other activities assisted  
2 under this section.

3 “(d) SPECIAL CONSIDERATION.—In awarding the  
4 grants, the Secretary shall give special consideration to an  
5 applicant proposing a program that provides for—

6 “(1) participant completion of teacher edu-  
7 cation programs for a baccalaureate or master’s de-  
8 gree, and certification requirements, which programs  
9 may include effective employment placement activi-  
10 ties;

11 “(2) development of teacher proficiency in  
12 English as a second language, including developing  
13 proficiency in the instructional use of English and,  
14 as appropriate, a second language in classroom con-  
15 texts;

16 “(3) coordination with the Federal TRIO pro-  
17 grams under chapter 1 of subpart 2 of part A of  
18 title IV of the Higher Education Act of 1965, pro-  
19 grams under title I of the National and Community  
20 Service Act of 1990, and other programs for the re-  
21 cruitment and retention of bilingual students in sec-  
22 ondary and postsecondary programs to train the stu-  
23 dents to become bilingual educators; and

24 “(4) the applicant’s contribution of additional  
25 student financial aid to participating students.

1 **“SEC. 3135. GRADUATE FELLOWSHIPS IN BILINGUAL EDU-**  
2 **CATION PROGRAM.**

3 “(a) AUTHORIZATION.—

4 “(1) IN GENERAL.—The Secretary may award  
5 fellowships for master’s, doctoral, and post-doctoral  
6 study related to instruction of children and youth of  
7 limited English proficiency in such areas as teacher  
8 training, program administration, research and eval-  
9 uation, and curriculum development, and for the  
10 support of dissertation research related to such  
11 study.

12 “(2) INFORMATION.—The Secretary shall in-  
13 clude information on the operation of, and the num-  
14 ber of fellowships awarded under, the fellowship pro-  
15 gram in the evaluation required under section 3138.

16 “(b) FELLOWSHIP REQUIREMENTS.—

17 “(1) IN GENERAL.—Any person receiving a fel-  
18 lowship under this section shall agree to—

19 “(A) work in an activity related to the pro-  
20 gram or in an activity such as an activity au-  
21 thorized under this part, including work as a bi-  
22 lingual education teacher, for a period of time  
23 equivalent to the period of time during which  
24 such person receives assistance under this sec-  
25 tion; or

26 “(B) repay such assistance.



1           “(2) REGULATIONS.—The Secretary shall es-  
2           tablish in regulations such terms and conditions for  
3           such agreement as the Secretary determines to be  
4           reasonable and necessary and may waive the require-  
5           ment of paragraph (1) in extraordinary cir-  
6           cumstances.

7           “(c) PRIORITY.—In awarding fellowships under this  
8           section the Secretary may give priority to institutions of  
9           higher education that demonstrate experience in assisting  
10          fellowship recipients to find employment in the field of bi-  
11          lingual education.

12          **“SEC. 3136. APPLICATION.**

13          “(a) IN GENERAL.—

14                 “(1) SECRETARY.—To receive an award under  
15                 this subpart, an eligible entity shall submit an appli-  
16                 cation to the Secretary at such time, in such form,  
17                 and containing such information as the Secretary  
18                 may require.

19                 “(2) CONSULTATION AND ASSESSMENT.—Each  
20                 such application shall contain a description of how  
21                 the applicant has consulted with, and assessed the  
22                 needs of, public and private schools serving children  
23                 and youth of limited English proficiency to deter-  
24                 mine such schools’ need for, and the design of, the  
25                 program for which funds are sought.

1           “(3) SPECIAL RULE.—

2                   “(A) TRAINING PRACTICUM.—An eligible  
3           entity who proposes to conduct a master’s- or  
4           doctoral-level program with funds received  
5           under this subpart shall submit an application  
6           under this section that contains an assurance  
7           that such program will include, as a part of the  
8           program, a training practicum in a local school  
9           program serving children and youth of limited  
10          English proficiency.

11                   “(B) WAIVER.—A recipient of a grant  
12          under this subpart for a program may waive  
13          the requirement that a participant in the pro-  
14          gram participate in the training practicum, for  
15          a degree candidate with significant experience  
16          in a local school program serving children and  
17          youth of limited English proficiency.

18                   “(4) STATE EDUCATIONAL AGENCY.—An eligi-  
19          ble entity that submits an application under this sec-  
20          tion, with the exception of a school funded by the  
21          Bureau of Indian Affairs, shall submit a copy of the  
22          application to the appropriate State educational  
23          agency.

24                   “(b) STATE REVIEW AND COMMENTS.—

1           “(1) DEADLINE.—The State educational agen-  
2           cy, not later than 45 days after receipt of such ap-  
3           plication, shall review the application and transmit  
4           such application to the Secretary.

5           “(2) COMMENTS.—

6           “(A) SUBMISSION OF COMMENTS.—Re-  
7           garding applications submitted under this sub-  
8           part, the State educational agency shall—

9           “(i) submit to the Secretary written  
10           comments regarding all such applications;  
11           and

12           “(ii) submit to each eligible entity the  
13           comments that pertain to such entity.

14           “(B) SUBJECT.—For purposes of this sub-  
15           part, comments shall address—

16           “(i) how the activities to be carried  
17           out under the award will further the aca-  
18           demic achievement and English proficiency  
19           of limited English proficient students  
20           served under the award; and

21           “(ii) how the application is consistent  
22           with the State plan required under section  
23           1111.

1       “(c) ELIGIBLE ENTITY COMMENTS.—An eligible en-  
2 tity may submit to the Secretary comments that address  
3 the comments submitted by the State educational agency.

4       “(d) COMMENT CONSIDERATION.—In making awards  
5 under this subpart, the Secretary shall take into consider-  
6 ation comments made by State educational agencies.

7       “(e) WAIVER.—Notwithstanding subsection (b), the  
8 Secretary is authorized to waive the review requirement  
9 specified in subsection (b) if a State educational agency  
10 can demonstrate that such review requirement may im-  
11 pede such agency’s ability to fulfill the requirements of  
12 participation in the program authorized in section 3124,  
13 particularly such agency’s ability to carry out data collec-  
14 tion efforts, and such agency’s ability to provide technical  
15 assistance to local educational agencies not receiving funds  
16 under this Act.

17       “(f) SPECIAL RULE.—

18               “(1) OUTREACH AND TECHNICAL ASSIST-  
19 ANCE.—The Secretary shall provide for outreach  
20 and technical assistance to institutions of higher  
21 education eligible for assistance under title III of the  
22 Higher Education Act of 1965 and institutions of  
23 higher education that are operated or funded by the  
24 Bureau of Indian Affairs to facilitate the participa-

1       tion of such institutions in activities under this sub-  
2       part.

3           “(2) DISTRIBUTION RULE.—In making awards  
4       under this subpart, the Secretary, consistent with  
5       subsection (d), shall ensure adequate representation  
6       of Hispanic-serving institutions that demonstrate  
7       competence and experience concerning the programs  
8       and activities authorized under this subpart and are  
9       otherwise qualified.

10 **“SEC. 3137. STIPENDS.**

11       “The Secretary shall provide, for persons partici-  
12       pating in training programs under this subpart, for the  
13       payment of such stipends (including allowances for sub-  
14       sistence and other expenses for such persons and their de-  
15       pendents), as the Secretary determines to be appropriate.

16 **“SEC. 3138. PROGRAM EVALUATIONS.**

17       “Each recipient of funds under this subpart for a  
18       program shall annually conduct an evaluation of the pro-  
19       gram and submit to the Secretary a report containing the  
20       evaluation. Such report shall include information on—

21           “(1) the number of participants served through  
22       the program, the number of participants who com-  
23       pleted program requirements, and the number of  
24       participants who took positions in an instructional  
25       setting with limited English proficient students;

1           “(2) the effectiveness of the program in impart-  
2           ing the professional skills necessary for participants  
3           to achieve the objectives of the program; and

4           “(3) the teaching effectiveness of graduates of  
5           the program or other participants who have com-  
6           pleted the program.

7   **“SEC. 3139. USE OF FUNDS FOR SECOND LANGUAGE COM-**  
8                           **PETENCE.**

9           “Awards under this subpart may be used to develop  
10          a program participant’s competence in a second language  
11          for use in instructional programs.

12   **“PART B—FOREIGN LANGUAGE ASSISTANCE**  
13                           **PROGRAM**

14   **“SEC. 3201. SHORT TITLE.**

15          “This part may be cited as the ‘Foreign Language  
16          Assistance Act of 1994’.

17   **“SEC. 3202. PROGRAM AUTHORIZED.**

18          “(a) PROGRAM AUTHORITY.—

19               “(1) IN GENERAL.—The Secretary shall make  
20               grants, on a competitive basis, to State educational  
21               agencies or local educational agencies to pay the  
22               Federal share of the cost of innovative model pro-  
23               grams providing for the establishment, improvement  
24               or expansion of foreign language study for elemen-  
25               tary school and secondary school students.

1           “(2) DURATION.—Each grant under paragraph  
2 (1) shall be awarded for a period of 3 years.

3           “(b) REQUIREMENTS.—

4           “(1) GRANTS TO STATE EDUCATIONAL AGEN-  
5 CIES.—In awarding a grant under subsection (a) to  
6 a State educational agency, the Secretary shall sup-  
7 port programs that promote systemic approaches to  
8 improving foreign language learning in the State.

9           “(2) GRANTS TO LOCAL EDUCATIONAL AGEN-  
10 CIES.—In awarding a grant under subsection (a) to  
11 a local educational agency, the Secretary shall sup-  
12 port programs that—

13           “(A) show the promise of being continued  
14 beyond the grant period;

15           “(B) demonstrate approaches that can be  
16 disseminated and duplicated in other local edu-  
17 cational agencies; and

18           “(C) may include a professional develop-  
19 ment component.

20           “(c) FEDERAL SHARE.—

21           “(1) IN GENERAL.—The Federal share for each  
22 fiscal year shall be 50 percent.

23           “(2) WAIVER.—The Secretary may waive the  
24 requirement of paragraph (1) for any local edu-  
25 cational agency which the Secretary determines does

1 not have adequate resources to pay the non-Federal  
2 share of the cost of the activities assisted under this  
3 part.

4 “(3) SPECIAL RULE.—Not less than  $\frac{3}{4}$  of the  
5 funds appropriated under section 3205 shall be used  
6 for the expansion of foreign language learning in the  
7 elementary grades.

8 “(4) RESERVATION.—The Secretary may re-  
9 serve not more than 5 percent of funds appropriated  
10 under section 3205 to evaluate the efficacy of pro-  
11 grams under this part.

12 **“SEC. 3203. APPLICATIONS.**

13 “(a) IN GENERAL.—Any State educational agency or  
14 local educational agency desiring a grant under this part  
15 shall submit an application to the Secretary at such time,  
16 in such form, and containing such information and assur-  
17 ances as the Secretary may require.

18 “(b) SPECIAL CONSIDERATION.—The Secretary shall  
19 give special consideration to applications describing pro-  
20 grams that—

21 “(1) include intensive summer foreign language  
22 programs for professional development;

23 “(2) link non-native English speakers in the  
24 community with the schools in order to promote two-  
25 way language learning;



1           “(3) promote the sequential study of a foreign  
2 language for students, beginning in elementary  
3 schools;

4           “(4) make effective use of technology, such as  
5 computer-assisted instruction, language laboratories,  
6 or distance learning, to promote foreign language  
7 study;

8           “(5) promote innovative activities such as for-  
9 eign language immersion, partial foreign language  
10 immersion, or content-based instruction; and

11           “(6) are carried out through a consortium com-  
12 prised of the agency receiving the grant and an ele-  
13 mentary school or secondary school.

14 **“SEC. 3204. ELEMENTARY SCHOOL FOREIGN LANGUAGE IN-**  
15 **CENTIVE PROGRAM.**

16           “(a) INCENTIVE PAYMENTS.—From amounts appro-  
17 priated under section 3205 the Secretary shall make an  
18 incentive payment for each fiscal year to each public ele-  
19 mentary school that provides to students attending such  
20 school a program designed to lead to communicative com-  
21 petency in a foreign language.

22           “(b) AMOUNT.—The Secretary shall determine the  
23 amount of the incentive payment under subsection (a) for  
24 each public elementary school for each fiscal year on the  
25 basis of the number of students participating in a program

1 described in such subsection at such school for such year  
2 compared to the total number of such students at all such  
3 schools in the United States for such year.

4 “(c) REQUIREMENT.—The Secretary shall consider a  
5 program to be designed to lead to communicative com-  
6 petency in a foreign language if such program is com-  
7 parable to a program that provides not less than 45 min-  
8 utes of instruction in a foreign language not less than 4  
9 days per week throughout an academic year.

10 **“SEC. 3205. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated  
12 \$35,000,000 for the fiscal year 2002, and such sums as  
13 may be necessary for each of the 6 succeeding fiscal years,  
14 to carry out this part, of which not more than  
15 \$20,000,000 may be used in each fiscal year to carry out  
16 section 3204.

17 **“PART C—EMERGENCY IMMIGRANT EDUCATION**  
18 **PROGRAM**

19 **“SEC. 3301. PURPOSE.**

20 “(a) FINDINGS.—The Congress finds that—

21 “(1) the education of our Nation’s children and  
22 youth is 1 of the most sacred government respon-  
23 sibilities;

24 “(2) local educational agencies have struggled  
25 to fund adequately education services;

1           “(3) in the case of *Plyler v. Doe*, 457 U.S. 202  
2           (1982), the Supreme Court held that States have a  
3           responsibility under the Equal Protection Clause of  
4           the Constitution to educate all children, regardless  
5           of immigration status; and

6           “(4) immigration policy is solely a responsibility  
7           of the Federal Government.

8           “(b) PURPOSE.—The purpose of this part is to assist  
9           eligible local educational agencies that experience unex-  
10          pectedly large increases in their student population due  
11          to immigration to—

12           “(1) provide high-quality instruction to immi-  
13          grant children and youth; and

14           “(2) help such children and youth—

15           “(A) with their transition into American  
16          society; and

17           “(B) meet the same challenging State per-  
18          formance standards expected of all children and  
19          youth.

20          **“SEC. 3302. STATE ADMINISTRATIVE COSTS.**

21           “For any fiscal year, a State educational agency may  
22          reserve not more than 1.5 percent (2 percent if the State  
23          educational agency distributes funds received under this  
24          part to local educational agencies on a competitive basis)  
25          of the amount allocated to such agency under section 3304

1 to pay the costs of performing such agency's administra-  
2 tive functions under this part.

3 **“SEC. 3303. WITHHOLDING.**

4 “Whenever the Secretary, after providing reasonable  
5 notice and opportunity for a hearing to any State edu-  
6 cational agency, finds that there is a failure to meet the  
7 requirement of any provision of this part, the Secretary  
8 shall notify that agency that further payments will not be  
9 made to the agency under this part, or in the discretion  
10 of the Secretary, that the State educational agency shall  
11 not make further payments under this part to specified  
12 local educational agencies whose actions cause or are in-  
13 volved in such failure until the Secretary is satisfied that  
14 there is no longer any such failure to comply. Until the  
15 Secretary is so satisfied, no further payments shall be  
16 made to the State educational agency under this part, or  
17 payments by the State educational agency under this part  
18 shall be limited to local educational agencies whose actions  
19 did not cause or were not involved in the failure, as the  
20 case may be.

21 **“SEC. 3304. STATE ALLOCATIONS.**

22 “(a) PAYMENTS.—The Secretary shall, in accordance  
23 with the provisions of this section, make payments to  
24 State educational agencies for each of the fiscal years

1 2002 through 2008 for the purpose set forth in section  
2 3301.

3 “(b) ALLOCATIONS.—

4 “(1) IN GENERAL.—Except as provided in sub-  
5 sections (c) and (d), of the amount appropriated for  
6 each fiscal year for this part, each State partici-  
7 pating in the program assisted under this part shall  
8 receive an allocation equal to the proportion of such  
9 State’s number of immigrant children and youth  
10 who are enrolled in public elementary schools or sec-  
11 ondary schools under the jurisdiction of each local  
12 educational agency described in paragraph (2) with-  
13 in such State, and in nonpublic elementary schools  
14 or secondary schools within the district served by  
15 each such local educational agency, relative to the  
16 total number of immigrant children and youth so en-  
17 rolled in all the States participating in the program  
18 assisted under this part.

19 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
20 CIES.—The local educational agencies referred to in  
21 paragraph (1) are those local educational agencies in  
22 which the sum of the number of immigrant children  
23 and youth who are enrolled in public elementary  
24 schools or secondary schools under the jurisdiction  
25 of such agencies, and in nonpublic elementary

1 schools or secondary schools within the districts  
2 served by such agencies, during the fiscal year for  
3 which the payments are to be made under this part,  
4 is equal to—

5 “(A) at least 500; or

6 “(B) at least 3 percent of the total number  
7 of students enrolled in such public or nonpublic  
8 schools during such fiscal year,

9 whichever is less.

10 “(c) DETERMINATIONS OF NUMBER OF CHILDREN  
11 AND YOUTH.—

12 “(1) IN GENERAL.—Determinations by the Sec-  
13 retary under this section for any period with respect  
14 to the number of immigrant children and youth shall  
15 be made on the basis of data or estimates provided  
16 to the Secretary by each State educational agency in  
17 accordance with criteria established by the Sec-  
18 retary, unless the Secretary determines, after notice  
19 and opportunity for a hearing to the affected State  
20 educational agency, that such data or estimates are  
21 clearly erroneous.

22 “(2) SPECIAL RULE.—No such determination  
23 with respect to the number of immigrant children  
24 and youth shall operate because of an underestimate  
25 or overestimate to deprive any State educational

1       agency of the allocation under this section that such  
2       State would otherwise have received had such deter-  
3       mination been made on the basis of accurate data.

4       “(d) REALLOCATION.—Whenever the Secretary de-  
5       termines that any amount of a payment made to a State  
6       under this part for a fiscal year will not be used by such  
7       State for carrying out the purpose for which the payment  
8       was made, the Secretary shall make such amount available  
9       for carrying out such purpose to 1 or more other States  
10      to the extent the Secretary determines that such other  
11      States will be able to use such additional amount for car-  
12      rying out such purpose. Any amount made available to a  
13      State from any appropriation for a fiscal year in accord-  
14      ance with the preceding sentence shall, for purposes of this  
15      part, be regarded as part of such State’s payment (as de-  
16      termined under subsection (b)) for such year, but shall  
17      remain available until the end of the succeeding fiscal  
18      year.

19      “(e) RESERVATION OF FUNDS.—

20              “(1) IN GENERAL.—Notwithstanding any other  
21      provision of this part, if the amount appropriated to  
22      carry out this part exceeds \$50,000,000 for a fiscal  
23      year, a State educational agency may reserve not  
24      more than 20 percent of such agency’s payment  
25      under this part for such year to award grants, on a

1 competitive basis, to local educational agencies with-  
2 in the State as follows:

3 “(A) AGENCIES WITH IMMIGRANT CHIL-  
4 DREN AND YOUTH.—At least  $\frac{1}{2}$  of such grants  
5 shall be made available to eligible local edu-  
6 cational agencies (as described in subsection  
7 (b)(2)) within the State with the highest num-  
8 bers and percentages of immigrant children and  
9 youth.

10 “(B) AGENCIES WITH A SUDDEN INFLUX  
11 OF CHILDREN AND YOUTH.—Funds reserved  
12 under this paragraph and not made available  
13 under subparagraph (A) may be distributed to  
14 local educational agencies within the State ex-  
15 periencing a sudden influx of immigrant chil-  
16 dren and youth which are otherwise not eligible  
17 for assistance under this part.

18 “(2) USE OF GRANT FUNDS.—Each local edu-  
19 cational agency receiving a grant under paragraph  
20 (1) shall use such grant funds to carry out the ac-  
21 tivities described in section 3307.

22 “(3) INFORMATION.—Local educational agen-  
23 cies with the highest number of immigrant children  
24 and youth receiving funds under paragraph (1) may  
25 make information available on serving immigrant



1 children and youth to local educational agencies in  
2 the State with sparse numbers of such children.

3 **“SEC. 3305. STATE APPLICATIONS.**

4 “(a) SUBMISSION.—No State educational agency  
5 shall receive any payment under this part for any fiscal  
6 year unless such agency submits an application to the Sec-  
7 retary at such time, in such manner, and containing or  
8 accompanied by such information, as the Secretary may  
9 reasonably require. Each such application shall—

10 “(1) provide that the educational programs,  
11 services, and activities for which payments under  
12 this part are made will be administered by or under  
13 the supervision of the agency;

14 “(2) provide assurances that payments under  
15 this part will be used for purposes set forth in sec-  
16 tions 3301 and 3307, including a description of how  
17 local educational agencies receiving funds under this  
18 part will use such funds to meet such purposes and  
19 will coordinate with other programs assisted under  
20 this Act, and other Acts as appropriate;

21 “(3) provide an assurance that local educational  
22 agencies receiving funds under this part will coordi-  
23 nate the use of such funds with programs assisted  
24 under part A or title I;

1           “(4) provide assurances that such payments,  
2           with the exception of payments reserved under sec-  
3           tion 3304(e), will be distributed among local edu-  
4           cational agencies within that State on the basis of  
5           the number of immigrant children and youth count-  
6           ed with respect to each such local educational agency  
7           under section 3304(b)(1);

8           “(5) provide assurances that the State edu-  
9           cational agency will not finally disapprove in whole  
10          or in part any application for funds received under  
11          this part without first affording the local educational  
12          agency submitting an application for such funds rea-  
13          sonable notice and opportunity for a hearing;

14          “(6) provide for making such reports as the  
15          Secretary may reasonably require to perform the  
16          Secretary’s functions under this part;

17          “(7) provide assurances—

18                 “(A) that to the extent consistent with the  
19                 number of immigrant children and youth en-  
20                 rolled in the nonpublic elementary schools or  
21                 secondary schools within the district served by  
22                 a local educational agency, such agency, after  
23                 consultation with appropriate officials of such  
24                 schools, shall provide for the benefit of such  
25                 children and youth secular, neutral, and non-

1 ideological services, materials, and equipment  
2 necessary for the education of such children  
3 and youth;

4 “(B) that the control of funds provided  
5 under this part to any materials, equipment,  
6 and property repaired, remodeled, or con-  
7 structed with those funds shall be in a public  
8 agency for the uses and purpose provided in  
9 this part, and a public agency shall administer  
10 such funds and property; and

11 “(C) that the provision of services pursu-  
12 ant to this paragraph shall be provided by em-  
13 ployees of a public agency or through contract  
14 by such public agency with a person, associa-  
15 tion, agency, or corporation who or which, in  
16 the provision of such services, is independent of  
17 such nonpublic elementary school or secondary  
18 school and of any religious organization, and  
19 such employment or contract shall be under the  
20 control and supervision of such public agency,  
21 and the funds provided under this paragraph  
22 shall not be commingled with State or local  
23 funds;

1           “(8) provide that funds reserved under section  
2           3304(e) be awarded on a competitive basis based on  
3           merit and need in accordance with such section; and

4           “(9) provide an assurance that State edu-  
5           cational agencies and local educational agencies re-  
6           ceiving funds under this part will comply with the  
7           requirements of section 1120(b).

8           “(b) APPLICATION REVIEW.—

9           “(1) IN GENERAL.—The Secretary shall review  
10          all applications submitted pursuant to this section  
11          by State educational agencies.

12          “(2) APPROVAL.—The Secretary shall approve  
13          any application submitted by a State educational  
14          agency that meets the requirements of this section.

15          “(3) DISAPPROVAL.—The Secretary shall dis-  
16          approve any application submitted by a State edu-  
17          cational agency which does not meet the require-  
18          ments of this section, but shall not finally disapprove  
19          an application except after providing reasonable no-  
20          tice, technical assistance, and an opportunity for a  
21          hearing to the State.

22        **“SEC. 3306. ADMINISTRATIVE PROVISIONS.**

23          “(a) NOTIFICATION OF AMOUNT.—The Secretary,  
24          not later than June 1 of each year, shall notify each State  
25          educational agency that has an application approved under

1 section 3305 of the amount of such agency's allocation  
2 under section 3304 for the succeeding year.

3       “(b) SERVICES TO CHILDREN ENROLLED IN NON-  
4 PUBLIC SCHOOLS.—If by reason of any provision of law  
5 a local educational agency is prohibited from providing  
6 educational services for children enrolled in nonpublic ele-  
7 mentary schools and secondary schools, as required by sec-  
8 tion 3305(a)(7), or if the Secretary determines that a local  
9 educational agency has substantially failed or is unwilling  
10 to provide for the participation on an equitable basis of  
11 children enrolled in such schools, the Secretary may waive  
12 such requirement and shall arrange for the provision of  
13 services, subject to the requirements of this part, to such  
14 children. Such waivers shall be subject to consultation,  
15 withholding, notice, and judicial review requirements in  
16 accordance with the provisions of title I.

17 **“SEC. 3307. USES OF FUNDS.**

18       “(a) USE OF FUNDS.—Funds awarded under this  
19 part shall be used to pay for enhanced instructional oppor-  
20 tunities for immigrant children and youth, which may  
21 include—

22               “(1) family literacy, parent outreach, and train-  
23               ing activities designed to assist parents to become  
24               active participants in the education of their children;

1           “(2) salaries of personnel, including teacher  
2 aides who have been specifically trained, or are being  
3 trained, to provide services to immigrant children  
4 and youth;

5           “(3) tutorials, mentoring, and academic or ca-  
6 reer counseling for immigrant children and youth;

7           “(4) identification and acquisition of curricular  
8 materials, educational software, and technologies to  
9 be used in the program;

10          “(5) basic instructional services which are di-  
11 rectly attributable to the presence in the school dis-  
12 trict of immigrant children, including the costs of  
13 providing additional classroom supplies, overhead  
14 costs, costs of construction, acquisition or rental of  
15 space, costs of transportation, or such other costs as  
16 are directly attributable to such additional basic in-  
17 structional services; and

18          “(6) such other activities, related to the pur-  
19 pose of this part, as the Secretary may authorize.

20          “(b) CONSORTIA.—A local educational agency that  
21 receives a grant under this part may collaborate or form  
22 a consortium with 1 or more local educational agencies,  
23 institutions of higher education, and nonprofit organiza-  
24 tions to carry out the program described in an application  
25 approved under this part.

1       “(c) SUBGRANTS.—A local educational agency that  
2 receives a grant under this part may, with the approval  
3 of the Secretary, make a subgrant to, or enter into a con-  
4 tract with, an institution of higher education, a nonprofit  
5 organization, or a consortium of such entities to carry out  
6 a program described in an application approved under this  
7 part, including a program to serve out-of-school youth.

8       “(d) CONSTRUCTION.—Nothing in this part shall be  
9 construed to prohibit a local educational agency from serv-  
10 ing immigrant children simultaneously with students with  
11 similar educational needs, in the same educational settings  
12 where appropriate.

13 **“SEC. 3308. REPORTS.**

14       “(a) BIENNIAL REPORT.—Each State educational  
15 agency receiving funds under this part shall submit, once  
16 every 2 years, a report to the Secretary concerning the  
17 expenditure of funds by local educational agencies under  
18 this part. Each local educational agency receiving funds  
19 under this part shall submit to the State educational agen-  
20 cy such information as may be necessary for such report.

21       “(b) REPORT TO CONGRESS.—The Secretary shall  
22 submit, once every 2 years, a report to the appropriate  
23 committees of the Congress concerning programs assisted  
24 under this part.

1 **“SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.**

2 “For the purpose of carrying out this part, there are  
3 authorized to be appropriated \$200,000,000 for fiscal year  
4 2002 and such sums as may be necessary for each of the  
5 6 succeeding fiscal years.

6 **“PART D—ADMINISTRATION**

7 **“SEC. 3401. RELEASE TIME.**

8 “The Secretary shall allow entities carrying out pro-  
9 fessional development programs funded under part A to  
10 use funds provided under part A for professional release  
11 time to enable individuals to participate in programs as-  
12 sisted under part A.

13 **“SEC. 3402. EDUCATION TECHNOLOGY.**

14 “Funds made available under part A may be used  
15 to provide for the acquisition or development of education  
16 technology or instructional materials, including authentic  
17 materials in languages other than English, access to and  
18 participation in electronic networks for materials, training  
19 and communications, and incorporation of such resources  
20 in curricula and programs such as those funded under this  
21 title.

22 **“SEC. 3403. NOTIFICATION.**

23 “The State educational agency, and when applicable,  
24 the State board for postsecondary education, shall be noti-  
25 fied within 3 working days of the date an award under  
26 part A is made to an eligible entity within the State.



1 **“SEC. 3404. CONTINUED ELIGIBILITY.**

2 “Entities receiving grants under this title shall re-  
3 main eligible for grants for subsequent activities which ex-  
4 tend or expand and do not duplicate those activities sup-  
5 ported by a previous grant under this title. In considering  
6 applications for grants under this title, the Secretary shall  
7 take into consideration the applicant’s record of accom-  
8 plishments under previous grants under this title.

9 **“SEC. 3405. COORDINATION AND REPORTING REQUIRE-**  
10 **MENTS.**

11 “(a) COORDINATION WITH RELATED PROGRAMS.—  
12 In order to maximize Federal efforts aimed at serving the  
13 educational needs of children and youth of limited English  
14 proficiency, the Secretary shall coordinate and ensure  
15 close cooperation with other programs serving language-  
16 minority and limited English proficient students that are  
17 administered by the Department and other agencies. The  
18 Secretary shall consult with the Secretary of Labor, the  
19 Secretary of Health and Human Services, the Secretary  
20 of Agriculture, the Attorney General and the heads of  
21 other relevant agencies to identify and eliminate barriers  
22 to appropriate coordination of programs that affect lan-  
23 guage-minority and limited English proficient students  
24 and their families. The Secretary shall provide for con-  
25 tinuing consultation and collaboration, between the Office  
26 and relevant programs operated by the Department, in-

1 cluding programs under this title and other programs  
2 under this Act, in planning, contracts, providing joint  
3 technical assistance, providing joint field monitoring ac-  
4 tivities and in other relevant activities to ensure effective  
5 program coordination to provide high quality education  
6 opportunities to all language-minority and limited English  
7 proficient students.

8       “(b) DATA.—The Secretary shall, to the extent fea-  
9 sible, ensure that all data collected by the Department  
10 shall include the collection and reporting of data on lim-  
11 ited English proficient students.

12       “(c) PUBLICATION OF PROPOSALS.—The Secretary  
13 shall publish and disseminate all requests for proposals for  
14 programs funded under part A.

15       “(d) REPORT.—The Director shall prepare and, not  
16 later than February 1 of every other year, shall submit  
17 to the Secretary and to the Committee on Health, Edu-  
18 cation, Labor, and Pensions of the Senate and to the Com-  
19 mittee on Education and the Workforce of the House of  
20 Representatives a report on—

21               “(1) the activities carried out under this title  
22               and the effectiveness of such activities in improving  
23               the education provided to limited English proficient  
24               children and youth;

1           “(2) a critical synthesis of data reported by the  
2 States pursuant to section 3124;

3           “(3) an estimate of the number of certified bi-  
4 lingual education personnel in the field and an esti-  
5 mate of the number of bilingual education teachers  
6 which will be needed for the succeeding 5 fiscal  
7 years;

8           “(4) the major findings of research carried out  
9 under this title; and

10           “(5) recommendations for further developing  
11 the capacity of our Nation’s schools to educate effec-  
12 tively limited English proficient students.

13           **“PART E—GENERAL PROVISIONS**

14           **“SEC. 3501. DEFINITIONS.**

15           “Except as otherwise provided, in this title:

16           “(1) BILINGUAL EDUCATION PROGRAM.—The  
17 term ‘bilingual education program’ means an edu-  
18 cational program for limited English proficient stu-  
19 dents that—

20           “(A) makes instructional use of both  
21 English and a student’s native language;

22           “(B) enables limited English proficient  
23 students to achieve English proficiency and aca-  
24 demic mastery of subject matter content and  
25 higher order skills, including critical thinking,

1 so as to meet age-appropriate grade-promotion  
2 and graduation standards;

3 “(C) may also develop the native language  
4 skills of limited English proficient students, or  
5 ancestral language skills of American Indians  
6 (within the meaning of part A of title VII),  
7 Alaska Natives (as defined in section 7306),  
8 Native Hawaiians (as defined in section 7207),  
9 and native residents of the outlying areas; and

10 “(D) may include the participation of  
11 English proficient students if such program is  
12 designed to enable all enrolled students to be-  
13 come proficient in English and a second lan-  
14 guage.

15 “(2) CHILDREN AND YOUTH.—The term ‘chil-  
16 dren and youth’ means individuals aged 3 through  
17 21.

18 “(3) COMMUNITY-BASED ORGANIZATION.—The  
19 term ‘community-based organization’ means a pri-  
20 vate nonprofit organization of demonstrated effec-  
21 tiveness or Indian tribe or tribally sanctioned edu-  
22 cational authority (as such terms are defined in sec-  
23 tion 3004) that is representative of a community or  
24 significant segments of a community and that pro-  
25 vides educational or related services to individuals in

1 the community. Such term includes Native Hawaiian  
2 organizations including Native Hawaiian Edu-  
3 cational Organizations as such term is defined in  
4 section 4009 of the Augustus F. Hawkins-Robert T.  
5 Stafford Elementary and Secondary School Improve-  
6 ment Amendments of 1988, as such section was in  
7 effect on the day preceding the date of enactment of  
8 the Improving America's Schools Act of 1994.

9 “(4) COMMUNITY COLLEGE.—The term ‘com-  
10 munity college’ means an institution of higher edu-  
11 cation as defined in section 101 of the Higher Edu-  
12 cation Act of 1965 that provides not less than a 2-  
13 year program that is acceptable for full credit to-  
14 ward a bachelor's degree, including institutions re-  
15 ceiving assistance under the Tribally Controlled Col-  
16 lege or University Assistance Act of 1978.

17 “(5) DIRECTOR.—The term ‘Director’ means  
18 the Director of the Office of Bilingual Education  
19 and Minority Languages Affairs established under  
20 section 209 of the Department of Education Organi-  
21 zation Act.

22 “(6) FAMILY EDUCATION PROGRAM.—

23 “(A) IN GENERAL.—The term ‘family edu-  
24 cation program’ means a bilingual education or  
25 special alternative instructional program that—

1 “(i) is designed—

2 “(I) to help limited English pro-  
3 ficient adults and out-of-school youths  
4 achieve proficiency in the English lan-  
5 guage; and

6 “(II) to provide instruction on  
7 how parents and family members can  
8 facilitate the educational achievement  
9 of their children;

10 “(ii) when feasible, uses instructional  
11 programs such as the models developed  
12 under the Even Start Family Literacy Pro-  
13 grams, which promote adult literacy and  
14 train parents to support the educational  
15 growth of their children, the Parents as  
16 Teachers Program, and the Home Instruc-  
17 tion Program for Preschool Youngsters;  
18 and

19 “(iii) gives preference to participation  
20 by parents and immediate family members  
21 of children attending school.

22 “(B) INSTRUCTION FOR HIGHER EDU-  
23 CATION AND EMPLOYMENT.—Such term may  
24 include programs that provide instruction to fa-

1 facilitate higher education and employment out-  
2 comes.

3 “(7) IMMIGRANT CHILDREN AND YOUTH.—The  
4 term ‘immigrant children and youth’ means individ-  
5 uals who—

6 “(A) are aged 3 through 21;

7 “(B) were not born in any State; and

8 “(C) have not been attending 1 or more  
9 schools in any 1 or more States for more than  
10 3 full academic years.

11 “(8) LIMITED ENGLISH PROFICIENCY AND LIM-  
12 ITED ENGLISH PROFICIENT.—The terms ‘limited  
13 English proficiency’ and ‘limited English proficient’,  
14 when used with reference to an individual, mean an  
15 individual—

16 “(A)(i) who was not born in the United  
17 States, or whose native language is a language  
18 other than English, and who comes from an en-  
19 vironment where a language other than English  
20 is dominant;

21 “(ii) who is a Native American or Alaska  
22 Native, or is a native resident of the outlying  
23 areas, and comes from an environment where a  
24 language other than English has had a signifi-

1           cant impact on such individual's level of  
2           English language proficiency; or

3           “(iii) who is migratory, whose native lan-  
4           guage is a language other than English, and  
5           who comes from an environment where a lan-  
6           guage other than English is dominant; and

7           “(B) who has sufficient difficulty speaking,  
8           reading, writing, or understanding the English  
9           language and whose difficulties may deny such  
10          individual the opportunity to learn successfully  
11          in classrooms where the language of instruction  
12          is English or to participate fully in society.

13          “(9) NATIVE AMERICAN AND NATIVE AMERICAN  
14          LANGUAGE.—The terms ‘Native American’ and ‘Na-  
15          tive American language’ shall have the meanings  
16          given such terms in section 103 of the Native Amer-  
17          ican Languages Act.

18          “(10) NATIVE HAWAIIAN OR NATIVE AMERICAN  
19          PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL  
20          ORGANIZATION.—The term ‘Native Hawaiian or Na-  
21          tive American Pacific Islander native language edu-  
22          cational organization’ means a nonprofit organiza-  
23          tion with a majority of its governing board and em-  
24          ployees consisting of fluent speakers of the tradi-  
25          tional Native American languages used in the orga-



1 nization's educational programs and with not less  
2 than 5 years successful experience in providing edu-  
3 cational services in traditional Native American lan-  
4 guages.

5 “(11) NATIVE LANGUAGE.—The term ‘native  
6 language’, when used with reference to an individual  
7 of limited English proficiency, means the language  
8 normally used by such individual, or in the case of  
9 a child or youth, the language normally used by the  
10 parents of the child or youth.

11 “(12) OFFICE.—The term ‘Office’ means the  
12 Office of Bilingual Education and Minority Lan-  
13 guages Affairs.

14 “(13) OTHER PROGRAMS FOR PERSONS OF LIM-  
15 ITED ENGLISH PROFICIENCY.—The term ‘other pro-  
16 grams for persons of limited English proficiency’  
17 means any other programs administered by the Sec-  
18 retary that serve persons of limited English pro-  
19 ficiency.

20 “(14) PARAPROFESSIONAL.—The term ‘para-  
21 professional’ means an individual who is employed in  
22 a preschool, elementary school, or secondary school  
23 under the supervision of a certified or licensed teach-  
24 er, including individuals employed in bilingual edu-  
25 cation, special education and migrant education.

1           “(15) SPECIAL ALTERNATIVE INSTRUCTIONAL  
2 PROGRAM.—The term ‘special alternative instruc-  
3 tional program’ means an educational program for  
4 limited English proficient students that—

5           “(A) utilizes specially designed English  
6 language curricula and services but does not  
7 use the student’s native language for instruc-  
8 tional purposes;

9           “(B) enables limited English proficient  
10 students to achieve English proficiency and aca-  
11 demic mastery of subject matter content and  
12 higher order skills, including critical thinking,  
13 so as to meet age-appropriate grade-promotion  
14 and graduation standards; and

15           “(C) is particularly appropriate for schools  
16 where the diversity of the limited English pro-  
17 ficient students’ native languages and the small  
18 number of students speaking each respective  
19 language makes bilingual education impractical  
20 and where there is a critical shortage of bilin-  
21 gual education teachers.

22 **“SEC. 3502. REGULATIONS AND NOTIFICATION.**

23           “(a) REGULATION RULE.—In developing regulations  
24 under this title, the Secretary shall consult with State edu-  
25 cational agencies and local educational agencies, organiza-

1 tions representing limited English proficient individuals,  
2 and organizations representing teachers and other per-  
3 sonnel involved in bilingual education.

4 “(b) PARENTAL NOTIFICATION.—

5 “(1) IN GENERAL.—Parents of children and  
6 youth participating in programs assisted under part  
7 A shall be informed of—

8 “(A) a student’s level of English pro-  
9 ficiency, how such level was assessed, the status  
10 of a student’s academic achievement, and the  
11 implications of a student’s educational  
12 strengths and needs for age and grade appro-  
13 priate academic attainment, promotion, and  
14 graduation;

15 “(B) what programs are available to meet  
16 the student’s educational strengths and needs  
17 and how the programs differ in content and in-  
18 structional goals, and in the case of a student  
19 with a disability, how the program meets the  
20 objectives of a student’s individualized edu-  
21 cation program; and

22 “(C) the instructional goals of the bilingual  
23 education or special alternative instructional  
24 program, and how the program will specifically  
25 help the limited English proficient student ac-

1           quire English and meet age-appropriate stand-  
2           ards for grade promotion and graduation,  
3           including—

4                   “(i) the benefits, nature, and past  
5                   academic results of the bilingual edu-  
6                   cational program and of the instructional  
7                   alternatives; and

8                   “(ii) the reasons for the selection of  
9                   their child as being in need of bilingual  
10                  education.

11          “(2) OPTION TO DECLINE.—

12                   “(A) IN GENERAL.—Such parents shall  
13                   also be informed that such parents have the op-  
14                   tion of declining enrollment of their children  
15                   and youth in such programs and shall be given  
16                   an opportunity to so decline if such parents so  
17                   choose.

18                   “(B) CIVIL RIGHTS OBLIGATIONS.—A local  
19                   educational agency shall not be relieved of any  
20                   of its obligations under title VI of the Civil  
21                   Rights Act of 1964 because parents choose not  
22                   to enroll their children in programs carried out  
23                   under part A.

24          “(3) RECEIPT OF INFORMATION.—Such parents  
25          shall receive, in a manner and form understandable

1 to such parents, including, if necessary and to the  
 2 extent feasible, in the native language of such par-  
 3 ents, the information required by this subsection. At  
 4 a minimum, such parents shall receive—

5 “(A) timely information about projects  
 6 funded under part A; and

7 “(B) if the parents of participating chil-  
 8 dren so desire, notice of opportunities for reg-  
 9 ular meetings for the purpose of formulating  
 10 and responding to recommendations from such  
 11 parents.

12 “(4) SPECIAL RULE.—Students shall not be ad-  
 13 mitted to or excluded from any federally assisted  
 14 education program merely on the basis of a surname  
 15 or language-minority status.”.

16 **TITLE IV—SAFE AND DRUG-FREE**  
 17 **SCHOOLS AND COMMUNITIES**

18 **SEC. 401. AMENDMENT TO THE ELEMENTARY AND SEC-**  
 19 **ONDARY EDUCATION ACT OF 1965.**

20 Title IV (20 U.S.C. 7101 et seq.) is amended to read  
 21 as follows:

1 **“TITLE IV—SAFE AND DRUG-**  
2 **FREE SCHOOLS AND COMMU-**  
3 **NITIES**

4 **“PART A—STATE GRANTS**

5 **“SEC. 4001. SHORT TITLE.**

6 “This part may be cited as the ‘Safe and Drug-Free  
7 Schools and Communities Act of 1994’.

8 **“SEC. 4002. FINDINGS.**

9 “Congress makes the following findings:

10 “(1) Every student should attend a school in a  
11 drug- and violence-free learning environment.

12 “(2) The widespread illegal use of alcohol and  
13 drugs among the Nation’s secondary school stu-  
14 dents, and increasingly by students in elementary  
15 schools as well, constitutes a grave threat to such  
16 students’ physical and mental well-being, and signifi-  
17 cantly impedes the learning process. For example,  
18 data show that students who drink tend to receive  
19 lower grades and are more likely to miss school be-  
20 cause of illness than students who do not drink.

21 “(3) Drug and violence prevention programs  
22 are essential components of a comprehensive strat-  
23 egy to promote school safety, youth development,  
24 positive school outcomes, and to reduce the demand  
25 for and illegal use of alcohol, tobacco and drugs

1 throughout the Nation. Schools, local organizations,  
2 parents, students, and communities throughout the  
3 Nation have a special responsibility to work together  
4 to combat the continuing epidemic of violence and il-  
5 legal drug use and should measure the success of  
6 their programs against clearly defined goals and ob-  
7 jectives.

8 “(4) Drug and violence prevention programs  
9 are most effective when implemented within a sci-  
10 entifically based research, drug and violence preven-  
11 tion framework of proven effectiveness.

12 “(5) Research clearly shows that community  
13 contexts contribute to substance abuse and violence.

14 “(6) Substance abuse and violence are intri-  
15 cately related and must be dealt with in a holistic  
16 manner.

17 “(7) Research has documented that parental  
18 behavior and environment directly influence a child’s  
19 inclination to use alcohol, tobacco or drugs.

20 **“SEC. 4003. PURPOSE.**

21 “The purpose of this part is to support programs that  
22 prevent violence in and around schools and prevent the  
23 illegal use of alcohol, tobacco, and drugs, involve parents,  
24 and are coordinated with related Federal, State, school,

1 and community efforts and resources, through the provi-  
2 sion of Federal assistance to—

3           “(1) States for grants to local educational agen-  
4 cies and educational service agencies and consortia  
5 of such agencies to establish, operate, and improve  
6 local programs of school drug and violence preven-  
7 tion, early intervention, rehabilitation referral, and  
8 education in elementary and secondary schools for  
9 the development and implementation of policies that  
10 set clear and appropriate standards regarding the il-  
11 legal use of alcohol, tobacco and drugs, and for vio-  
12 lent behavior (including intermediate and junior high  
13 schools);

14           “(2) States for grants to, and contracts with,  
15 community-based organizations and other public and  
16 private nonprofit agencies and organizations for pro-  
17 grams of drug and violence prevention including  
18 community mobilization, early intervention, rehabili-  
19 tation referral, and education;

20           “(3) States for development, training, technical  
21 assistance, and coordination activities; and

22           “(4) public and private nonprofit organizations  
23 to provide technical assistance, conduct training,  
24 demonstrations, and evaluation, and to provide sup-  
25plementary services and community mobilization ac-



1       activities for the prevention of drug use and violence  
2       among students and youth.

3       **“SEC. 4004. FUNDING.**

4       “There are authorized to be appropriated—

5               “(1) \$700,000,000 for fiscal year 2002, and  
6       such sums as may be necessary for each of the 6  
7       succeeding fiscal years, for State grants under sub-  
8       part 1;

9               “(2) \$150,000,000 for fiscal year 2002, and  
10       such sums as may be necessary for each of the 6  
11       succeeding fiscal years, for national programs under  
12       subpart 2;

13              “(3) \$75,000,000 for fiscal year 2002, and such  
14       sums as may be necessary for each of the 6 suc-  
15       ceeding fiscal years, for the National Coordinator  
16       Initiative under section 4122; and

17              “(4) \$5,000,000 for each of fiscal years 2002  
18       through 2004 to carry out section 4125.

19       **“Subpart 1—STATE GRANTS FOR DRUG AND**  
20       **VIOLENCE PREVENTION PROGRAMS**

21       **“SEC. 4111. RESERVATIONS AND ALLOTMENTS.**

22       “(a) RESERVATIONS.—From the amount made avail-  
23       able under section 4004(1) to carry out this subpart for  
24       each fiscal year, the Secretary—

1           “(1) shall reserve 1 percent of such amount for  
2 grants under this subpart to Guam, American  
3 Samoa, the Virgin Islands, and the Commonwealth  
4 of the Northern Mariana Islands, to be allotted in  
5 accordance with the Secretary’s determination of  
6 their respective needs;

7           “(2) shall reserve 1 percent of such amount for  
8 the Secretary of the Interior to carry out programs  
9 under this part for Indian youth;

10           “(3) may reserve not more than \$2,000,000 for  
11 the national impact evaluation required by section  
12 4117(a); and

13           “(4) shall reserve 0.2 percent of such amount  
14 for programs for Native Hawaiians under section  
15 4118.

16           “(b) STATE ALLOTMENTS.—

17           “(1) IN GENERAL.—Except as provided in para-  
18 graph (2), the Secretary shall, for each fiscal year,  
19 allocate among the States—

20           “(A) one-half of the remainder not re-  
21 served under subsection (a) according to the  
22 ratio between the school-aged population of  
23 each State and the school-aged population of all  
24 the States; and

1           “(B) one-half of such remainder according  
2           to the ratio between the amount each State re-  
3           ceived under section 1124A for the preceding  
4           year and the sum of such amounts received by  
5           all the States.

6           “(2) MINIMUM.—For any fiscal year, no State  
7           shall be allotted under this subsection an amount  
8           that is less than one-half of 1 percent of the total  
9           amount allotted to all the States under this sub-  
10          section.

11          “(3) REALLOTMENT.—The Secretary may  
12          reallot any amount of any allotment to a State if the  
13          Secretary determines that the State will be unable to  
14          use such amount within 2 years of such allotment.  
15          Such reallotments shall be made on the same basis  
16          as allotments are made under paragraph (1).

17          “(4) DEFINITIONS.—In this subsection:

18                 “(A) STATE.—The term ‘State’ means  
19                 each of the 50 States, the District of Columbia,  
20                 and the Commonwealth of Puerto Rico.

21                 “(B) LOCAL EDUCATIONAL AGENCY.—The  
22                 term ‘local educational agency’ includes edu-  
23                 cational service agencies and consortia of such  
24                 agencies.

1       “(c) LIMITATION.—Amounts appropriated under sec-  
2 tion 4004(2) for a fiscal year may not be increased above  
3 the amounts appropriated under such section for the pre-  
4 vious fiscal year unless the amounts appropriated under  
5 section 4004(1) for the fiscal year involved are at least  
6 10 percent greater than the amounts appropriated under  
7 such section 4004(1) for the previous fiscal year.

8 **“SEC. 4112. STATE APPLICATIONS.**

9       “(a) IN GENERAL.—In order to receive an allotment  
10 under section 4111 for any fiscal year, a State shall sub-  
11 mit to the Secretary, at such time as the Secretary may  
12 require, an application that—

13               “(1) contains a comprehensive plan for the use  
14 of funds by the State educational agency and the  
15 chief executive officer to provide safe, orderly, and  
16 drug-free schools and communities;

17               “(2) contains the results of the State’s needs  
18 assessment for drug and violence prevention pro-  
19 grams, which shall be based on the results of on-  
20 going State evaluation activities, including data on  
21 the incidence and prevalence, age of onset, percep-  
22 tion of health risk, and perception of social dis-  
23 approval of drug use and violence by youth in  
24 schools and communities and the prevalence of risk  
25 or protective factors, buffers or assets or other sci-

1       entifically based research variables in the school and  
2       community;

3           “(3) contains assurances that the sections of  
4       the application concerning the funds provided to the  
5       chief executive officer and the State educational  
6       agency were developed together, with each such offi-  
7       cer or State representative, in consultation and co-  
8       ordination with appropriate State officials and oth-  
9       ers, including the chief State school officer, the chief  
10      executive officer, the head of the State alcohol and  
11      drug abuse agency, the heads of the State health  
12      and mental health agencies, the head of the State  
13      criminal justice planning agency, the head of the  
14      State child welfare agency, the head of the State  
15      board of education, or their designees, and rep-  
16      resentatives of parents, students, and community-  
17      based organizations;

18           “(4) contains an assurance that the State will  
19      cooperate with, and assist, the Secretary in con-  
20      ducting a national impact evaluation of programs re-  
21      quired by section 4117(a);

22           “(5) contains assurances that the State edu-  
23      cation agency and the Governor will develop their re-  
24      spective applications in consultation with an advisory  
25      council that includes, to the extent practicable, rep-

1 representatives from school districts, businesses, par-  
2 ents, youth, teachers, administrators, pupil services  
3 personnel, private schools, appropriate State agen-  
4 cies, community-based organizations, the medical  
5 profession, law enforcement, the faith-based commu-  
6 nity and other groups with interest and expertise in  
7 alcohol, tobacco, drug, and violence prevention;

8 “(6) contains assurances that the State edu-  
9 cation agency and the Governor involve the rep-  
10 resentatives described in paragraph (5), on an ongo-  
11 ing basis, to review program evaluations and other  
12 relevant material and make recommendations to the  
13 State education agency and the Governor on how to  
14 improve their respective alcohol, tobacco, drug, and  
15 violence prevention programs;

16 “(7) contains a list of the State’s results-based  
17 performance measures for drug and violence preven-  
18 tion, that shall—

19 “(A) be focused on student behavior and  
20 attitudes and be derived from the needs assess-  
21 ment;

22 “(B) include targets and due dates for the  
23 attainment of such performance measures; and

24 “(C) include a description of the proce-  
25 dures that the State will use to inform local

1 educational agencies of such performance meas-  
2 ures for assessing and publicly reporting  
3 progress toward meeting such measures or re-  
4 vising them as needed; and

5 “(8) includes any other information the Sec-  
6 retary may require.

7 “(b) STATE EDUCATIONAL AGENCY FUNDS.—A  
8 State’s application under this section shall also contain a  
9 comprehensive plan for the use of funds under section  
10 4113(a) by the State educational agency that includes—

11 “(1) a plan for monitoring the implementation  
12 of, and providing technical assistance regarding, the  
13 drug and violence prevention programs conducted by  
14 local educational agencies in accordance with section  
15 4116;

16 “(2) a description of how the State educational  
17 agency will use funds under section 4113(b), includ-  
18 ing how the agency will receive input from parents  
19 regarding the use of such funds;

20 “(3) a description of how the State educational  
21 agency will coordinate such agency’s activities under  
22 this subpart with the chief executive officer’s drug  
23 and violence prevention programs under this subpart  
24 and with the prevention efforts of other State agen-  
25 cies; and

1           “(4) a description of the procedures the State  
2           educational agency will use to review applications  
3           from and allocate funding to local educational agen-  
4           cies under section 4115 and how such review will re-  
5           ceive input from parents.

6           “(c) GOVERNOR’S FUNDS.—A State’s application  
7           under this section shall also contain a comprehensive plan  
8           for the use of funds under section 4114(a) by the chief  
9           executive officer that includes, with respect to each activity  
10          to be carried out by the State—

11           “(1) a description of how the chief executive of-  
12          ficer will coordinate such officer’s activities under  
13          this part with the State educational agency and  
14          other State agencies and organizations involved with  
15          drug and violence prevention efforts;

16           “(2) a description of how funds reserved under  
17          section 4114(a) will be used so as not to duplicate  
18          the efforts of the State educational agency and local  
19          educational agencies with regard to the provision of  
20          school-based prevention efforts and services and how  
21          those funds will be used to serve populations not  
22          normally served by the State educational agency,  
23          such as school dropouts and youth in detention cen-  
24          ters;



1           “(3) a description of how the chief executive of-  
2           ficer will award funds under section 4114(a) and a  
3           plan for monitoring the performance of, and pro-  
4           viding technical assistance to, recipients of such  
5           funds;

6           “(4) a description of the special outreach activi-  
7           ties that will be carried out to maximize the partici-  
8           pation of community-based nonprofit organizations  
9           of demonstrated effectiveness which provide services  
10          in low-income communities;

11          “(5) a description of how funds will be used to  
12          support community-wide comprehensive drug and vi-  
13          olence prevention planning and community mobiliza-  
14          tion activities; and

15          “(6) a specific description of how input from  
16          parents will be sought regarding the use of funds  
17          under section 4114(a).

18          “(d) PEER REVIEW.—The Secretary shall use a peer  
19          review process in reviewing State applications under this  
20          section.

21          “(e) INTERIM APPLICATION.—Notwithstanding any  
22          other provisions of this section, a State may submit for  
23          fiscal year 2002 a 1-year interim application and plan for  
24          the use of funds under this subpart that are consistent  
25          with the requirements of this section and contain such in-

1 formation as the Secretary may specify in regulations. The  
 2 purpose of such interim application and plan shall be to  
 3 afford the State the opportunity to fully develop and re-  
 4 view such State's application and comprehensive plan oth-  
 5 erwise required by this section. A State may not receive  
 6 a grant under this subpart for a fiscal year subsequent  
 7 to fiscal year 2002 unless the Secretary has approved such  
 8 State's application and comprehensive plan in accordance  
 9 with this subpart.

10 **“SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PRO-**  
 11 **GRAMS.**

12       “(a) USE OF FUNDS.—An amount equal to 80 per-  
 13 cent of the total amount allocated to a State under section  
 14 4111 for each fiscal year shall be used by the State edu-  
 15 cational agency and its local educational agencies for drug  
 16 and violence prevention activities in accordance with this  
 17 section.

18       “(b) STATE LEVEL PROGRAMS.—

19               “(1) IN GENERAL.—A State educational agency  
 20 shall use not more than 5 percent of the amount  
 21 available under subsection (a) for activities such  
 22 as—

23                       “(A) voluntary training and technical as-  
 24 sistance concerning drug and violence preven-  
 25 tion for local educational agencies and edu-

1           cational service agencies, including teachers, ad-  
2           ministrators, coaches and athletic directors,  
3           other staff, parents, students, community lead-  
4           ers, health service providers, local law enforce-  
5           ment officials, and judicial officials;

6           “(B) the development, identification, dis-  
7           semination, and evaluation of the most readily  
8           available, accurate, and up-to-date drug and vi-  
9           olence prevention curriculum materials (includ-  
10          ing videotapes, software, and other technology-  
11          based learning resources), for consideration by  
12          local educational agencies;

13          “(C) making available to local educational  
14          agencies cost effective scientifically based re-  
15          search programs for youth violence and drug  
16          abuse prevention;

17          “(D) demonstration projects in drug and  
18          violence prevention, including service-learning  
19          projects;

20          “(E) training, technical assistance, and  
21          demonstration projects to address violence asso-  
22          ciated with prejudice and intolerance;

23          “(F) training, technical assistance and  
24          demonstration projects to address the impact of

1 family violence on school violence and substance  
2 abuse;

3 “(G) financial assistance to enhance re-  
4 sources available for drug and violence preven-  
5 tion in areas serving large numbers of economi-  
6 cally disadvantaged children or sparsely popu-  
7 lated areas, or to meet other special needs con-  
8 sistent with the purposes of this subpart; and

9 “(H) the evaluation of activities carried  
10 out within the State under this part.

11 “(2) SPECIAL RULE.—A State educational  
12 agency may carry out activities under this subsection  
13 directly, or through grants or contracts.

14 “(c) STATE ADMINISTRATION.—

15 “(1) IN GENERAL.—A State educational agency  
16 may use not more than 5 percent of the amount re-  
17 served under subsection (a) for the administrative  
18 costs of carrying out its responsibilities under this  
19 part.

20 “(2) UNIFORM MANAGEMENT INFORMATION  
21 AND REPORTING SYSTEM.—In carrying out its re-  
22 sponsibilities under this part, a State shall imple-  
23 ment a uniform management information and re-  
24 porting system that includes information on the  
25 types of curricula, programs and services provided

1 by the State, Governor, local education agencies, and  
2 other recipients of funds under this title.

3 “(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

4 “(1) IN GENERAL.—A State educational agency  
5 shall distribute not less than 91 percent of the  
6 amount made available under subsection (a) for each  
7 fiscal year to local educational agencies in accord-  
8 ance with this subsection.

9 “(2) DISTRIBUTION.—A State educational  
10 agency shall distribute amounts under paragraph (1)  
11 in accordance with any one of the following subpara-  
12 graphs:

13 “(A) ENROLLMENT AND COMBINATION AP-  
14 PROACH.—Of the amount distributed under  
15 paragraph (1), a State educational agency shall  
16 distribute—

17 “(i) at least 70 percent of such  
18 amount to local educational agencies,  
19 based on the relative enrollments in public  
20 and private nonprofit elementary and sec-  
21 ondary schools within the boundaries of  
22 such agencies; and

23 “(ii) not to exceed 30 percent of any  
24 amounts remaining after amounts are dis-  
25 tributed under clause (i)—

1           “(I) to each local educational  
2           agency in an amount determined ap-  
3           propriate by the State educational  
4           agency; or

5           “(II) to local educational agen-  
6           cies that the State education agency  
7           determines have the greatest need for  
8           additional funds to carry out drug  
9           and violence prevention programs au-  
10          thorized by this subpart.

11           “(B) COMPETITIVE AND NEED AP-  
12          PROACH.—Of the amount distributed under  
13          paragraph (1), a State educational agency shall  
14          distribute—

15           “(i) not to exceed 70 percent of such  
16           amount to local educational agencies that  
17           the State agency determines, through a  
18           competitive process, have the greatest need  
19           for funds to carry out drug and violence  
20           prevention programs based on criteria es-  
21           tablished by the State agency and author-  
22           ized under this subpart; and

23           “(ii) at least 30 percent of any  
24           amounts remaining after amounts are dis-  
25           tributed under clause (i) to local edu-

1           cational agencies that the State agency de-  
2           termines have a need for additional funds  
3           to carry out the program authorized under  
4           this subpart.

5           “(3) CONSIDERATION OF OBJECTIVE DATA.—  
6           For purposes of paragraph (2), in determining which  
7           local educational agencies have the greatest need for  
8           funds, the State educational agency shall consider  
9           objective data which may include—

10           “(A) high or increasing rates of alcohol or  
11           drug use among youth;

12           “(B) high or increasing rates of victimiza-  
13           tion of youth by violence and crime;

14           “(C) high or increasing rates of arrests  
15           and convictions of youth for violent or drug- or  
16           alcohol-related crime;

17           “(D) the extent of illegal gang activity;

18           “(E) high or increasing incidence of vio-  
19           lence associated with prejudice and intolerance;

20           “(F) high or increasing rates of referrals  
21           of youths to drug and alcohol abuse treatment  
22           and rehabilitation programs;

23           “(G) high or increasing rates of referrals  
24           of youths to juvenile court;

1           “(H) high or increasing rates of expulsions  
2           and suspensions of students from schools;

3           “(I) high or increasing rates of reported  
4           cases of child abuse and domestic violence; and

5           “(J) high or increasing rates of drug re-  
6           lated emergencies or deaths.

7           “(e) REALLOCATION OF FUNDS.—If a local edu-  
8           cational agency chooses not to apply to receive the amount  
9           allocated to such agency under subsection (d), or if such  
10          agency’s application under section 4115 is disapproved by  
11          the State educational agency, the State educational agency  
12          shall reallocate such amount to one or more of its other  
13          local educational agencies.

14          “(f) RETURN OF FUNDS TO STATE EDUCATIONAL  
15          AGENCY; REALLOCATION.—

16                 “(1) RETURN.—Except as provided in para-  
17                 graph (2), upon the expiration of the 1-year period  
18                 beginning on the date that a local educational agen-  
19                 cy or educational service agency under this title re-  
20                 ceives its allocation under this title—

21                         “(A) such agency shall return to the State  
22                         educational agency any funds from such alloca-  
23                         tion that remain unobligated; and

24                         “(B) the State educational agency shall re-  
25                         allocate any such amount to local educational



1 agencies or educational service agencies that  
2 have plans for using such amount for programs  
3 or activities on a timely basis.

4 “(2) REALLOCATION.—In any fiscal year, a  
5 local educational agency, may retain for obligation in  
6 the succeeding fiscal year—

7 “(A) an amount equal to not more than 25  
8 percent of the allocation it receives under this  
9 title for such fiscal year; or

10 “(B) upon a demonstration of good cause  
11 by such agency or consortium, a greater  
12 amount approved by the State educational  
13 agency.

14 **“SEC. 4114. GOVERNOR’S PROGRAMS.**

15 “(a) USE OF FUNDS.—

16 “(1) IN GENERAL.—An amount equal to 20  
17 percent of the total amount allocated to a State  
18 under section 4111(b)(1) for each fiscal year shall  
19 be used by the chief executive officer of such State  
20 for drug and violence prevention programs and ac-  
21 tivities in accordance with this section.

22 “(2) ADMINISTRATIVE COSTS.—A chief execu-  
23 tive officer may use not more than 5 percent of the  
24 20 percent described in paragraph (1) for the ad-  
25 ministrative costs incurred in carrying out the duties

1 of such officer under this section. The chief execu-  
2 tive officer of a State may use amounts under this  
3 paragraph to award grants to State, county, or local  
4 law enforcement agencies, including district attor-  
5 neys, in consultation with local education agencies or  
6 community-based agencies, for the purposes of car-  
7 rying out drug abuse and violence prevention activi-  
8 ties.

9 “(b) STATE PLAN.—Amounts shall be used under  
10 this section in accordance with a State plan submitted by  
11 the chief executive office of the State. Such State plan  
12 shall contain—

13 “(1) an objective analysis of the current use  
14 (and consequences of such use) of alcohol, tobacco,  
15 and controlled, illegal, addictive or harmful sub-  
16 stances as well as the violence, safety, and discipline  
17 problems among students who attend schools in the  
18 State (including private school students who partici-  
19 pate in the States’s drug and violence prevention  
20 programs) that is based on ongoing local assessment  
21 or evaluation activities;

22 “(2) an analysis, based on data reasonably  
23 available at the time, of the prevalence of risk fac-  
24 tors, including high or increasing rates of reported  
25 cases of child abuse and domestic violence, or protec-

1       tive factors, buffers or assets or other scientifically  
2       based research variables in schools and communities  
3       in the State;

4               “(3) a description of the scientifically based re-  
5       search strategies and programs, which shall be used  
6       to prevent or reduce drug use, violence, or disruptive  
7       behavior, which shall include—

8                       “(A) a specification of the objectively  
9       measurable goals, objectives, and activities for  
10      the program;

11                      “(B) a specification for how risk factors, if  
12      any, which have been identified will be targeted  
13      through scientifically based research programs;  
14      and

15                      “(C) a specification for how protective fac-  
16      tors, buffers, or assets, if any, will be targeted  
17      through scientifically based research programs;

18               “(4) a specification for the method or methods  
19      by which measurements of program goals will be  
20      achieved; and

21               “(5) a specification for how the evaluation of  
22      the effectiveness of the prevention program will be  
23      assessed and how the results will be used to refine,  
24      improve, and strengthen the program.

25               “(c) PROGRAMS AUTHORIZED.—

1           “(1) IN GENERAL.—A chief executive officer  
2 shall use funds made available under subsection  
3 (a)(1) directly for grants to or contracts with parent  
4 groups, schools, community action and job training  
5 agencies, community-based organizations, commu-  
6 nity anti-drug coalitions, law enforcement education  
7 partnerships, and other public entities and private  
8 nonprofit organizations and consortia thereof. In  
9 making such grants and contracts, a chief executive  
10 officer shall give priority to programs and activities  
11 described in subsection (d) for—

12                   “(A) children and youth who are not nor-  
13 mally served by State or local educational agen-  
14 cies; or

15                   “(B) populations that need special services  
16 or additional resources (such as preschoolers,  
17 youth in juvenile detention facilities, runaway  
18 or homeless children and youth, pregnant and  
19 parenting teenagers, and school dropouts).

20           “(2) PEER REVIEW.—Grants or contracts  
21 awarded under this subsection shall be subject to a  
22 peer review process.

23           “(d) AUTHORIZED ACTIVITIES.—Grants and con-  
24 tracts under subsection (c) shall be used to carry out the

1 comprehensive State plan as required under section  
2 4112(a)(1) through programs and activities such as—

3           “(1) disseminating information about drug and  
4 violence prevention;

5           “(2) the voluntary training of parents, law en-  
6 forcement officials, judicial officials, social service  
7 providers, health service providers and community  
8 leaders about drug and violence prevention, health  
9 education (as it relates to drug and violence preven-  
10 tion), domestic violence and child abuse education  
11 (as it relates to drug and violence prevention), early  
12 intervention, pupil services, or rehabilitation referral;

13           “(3) developing and implementing comprehen-  
14 sive, community-based drug and violence prevention  
15 programs that link community resources with  
16 schools and integrate services involving education,  
17 vocational and job skills training and placement, law  
18 enforcement, health, mental health, family violence  
19 prevention, community service, service-learning,  
20 mentoring, and other appropriate services;

21           “(4) planning and implementing drug and vio-  
22 lence prevention activities that coordinate the efforts  
23 of State agencies with efforts of the State edu-  
24 cational agency and its local educational agencies;

1           “(5) activities to protect students traveling to  
2           and from school;

3           “(6) before-and-after school recreational, in-  
4           structional, cultural, and artistic programs that en-  
5           courage drug- and violence-free lifestyles;

6           “(7) activities that promote the awareness of  
7           and sensitivity to alternatives to violence through  
8           courses of study that include related issues of intol-  
9           erance and hatred in history;

10          “(8) developing and implementing activities to  
11          prevent and reduce violence associated with preju-  
12          dice and intolerance;

13          “(9) developing and implementing activities to  
14          prevent and reduce dating violence;

15          “(10) developing and implementing strategies to  
16          prevent illegal gang activity;

17          “(11) coordinating and conducting school and  
18          community-wide violence and safety and drug abuse  
19          assessments and surveys;

20          “(12) service-learning projects that encourage  
21          drug- and violence-free lifestyles;

22          “(13) evaluating programs and activities as-  
23          sisted under this section;

24          “(14) developing and implementing community  
25          mobilization activities to undertake environmental

1 change strategies related to substance abuse and vio-  
2 lence; and

3 “(15) partnerships between local law enforce-  
4 ment agencies, including district attorneys, and local  
5 education agencies or community-based agencies.

6 **“SEC. 4115. LOCAL APPLICATIONS.**

7 “(a) APPLICATION REQUIRED.—

8 “(1) IN GENERAL.—In order to be eligible to  
9 receive a distribution under section 4113(d) for any  
10 fiscal year, a local educational agency shall submit,  
11 at such time as the State educational agency re-  
12 quires, an application to the State educational agen-  
13 cy for approval. Such an application shall be amend-  
14 ed, as necessary, to reflect changes in the local edu-  
15 cational agency’s program.

16 “(2) DEVELOPMENT.—

17 “(A) CONSULTATION.—A local educational  
18 agency shall develop its application under sub-  
19 section (a)(1) in consultation with a local or  
20 substate regional advisory council that includes,  
21 to the extent possible, representatives of local  
22 government, business, parents, students, teach-  
23 ers, pupil services personnel, appropriate State  
24 agencies, private schools, the medical profes-  
25 sion, law enforcement, community-based organi-

1 zations, and other groups with interest and ex-  
2 pertise in drug and violence prevention.

3 “(B) DUTIES OF ADVISORY COUNCIL.—In  
4 addition to assisting the local educational agen-  
5 cy to develop an application under this section,  
6 the advisory council established or designated  
7 under subparagraph (A) shall, on an ongoing  
8 basis—

9 “(i) disseminate information about  
10 scientifically based research drug and vio-  
11 lence prevention programs, projects, and  
12 activities conducted within the boundaries  
13 of the 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 ac-  
18 tivities;

19 “(iii) ensure that a mechanism is in  
20 place to enable local educational agencies  
21 to have access to up-to-date information  
22 concerning the agencies that administer re-  
23 lated programs, projects, and activities and  
24 any changes in the law that alter the du-  
25 ties of the local educational agencies with



1           respect to activities conducted under this  
2           subpart; 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  
7           how to improve such agency’s drug and vi-  
8           olence prevention programs.

9           “(b) CONTENTS OF APPLICATIONS.—An application  
10          under this section shall contain—

11                   “(1) an objective analysis of the current use  
12          (and consequences of such use) of alcohol, tobacco,  
13          and controlled, illegal, addictive or harmful sub-  
14          stances as well as the violence, safety, and discipline  
15          problems among students who attend the schools of  
16          the applicant (including private school students who  
17          participate in the applicant’s drug and violence pre-  
18          vention program) that is based on ongoing local as-  
19          sessment or evaluation activities;

20                   “(2) an analysis, based on data reasonably  
21          available at the time, of the prevalence of risk fac-  
22          tors, including high or increasing rates of reported  
23          cases of child abuse and domestic violence, or protec-  
24          tive factors, buffers or assets or other scientifically

1 based research variables in the school and commu-  
2 nity;

3 “(3) a description of the scientifically based re-  
4 search strategies and programs, which shall be used  
5 to prevent or reduce drug use, violence, or disruptive  
6 behavior, which shall include—

7 “(A) a specification of the objectively  
8 measurable goals, objectives, and activities for  
9 the program, which shall include—

10 “(i) reductions in the use of alcohol,  
11 tobacco, and illicit drugs and violence by  
12 youth;

13 “(ii) specific reductions in the preva-  
14 lence of identified risk factors;

15 “(iii) specific increases in the preva-  
16 lence of protective factors, buffers, or as-  
17 sets if any have been identified; or

18 “(iv) other scientifically based re-  
19 search goals, objectives, and activities that  
20 are identified as part of the application  
21 that are not otherwise covered under  
22 clauses (i) through (iii);

23 “(B) a specification for how risk factors, if  
24 any, which have been identified will be targeted

1 through scientifically based research programs;  
2 and

3 “(C) a specification for how protective fac-  
4 tors, buffers, or assets, if any, will be targeted  
5 through scientifically based research programs;

6 “(4) a specification for the method or methods  
7 by which measurements of program goals will be  
8 achieved;

9 “(5) a specification for how the evaluation of  
10 the effectiveness of the prevention program will be  
11 assessed and how the results will be used to refine,  
12 improve, and strengthen the program;

13 “(6) an assurance that the applicant has, or the  
14 schools to be served have, a plan for keeping schools  
15 safe and drug-free that includes—

16 “(A) appropriate and effective discipline  
17 policies that prohibit disorderly conduct, the  
18 possession of firearms and other weapons, and  
19 the illegal use, possession, distribution, and sale  
20 of tobacco, alcohol, and other drugs by stu-  
21 dents;

22 “(B) security procedures at school and  
23 while students are on the way to and from  
24 school;

1           “(C) prevention activities that are designed  
2           to create and maintain safe, disciplined, and  
3           drug-free environments; and

4           “(D) a crisis management plan for re-  
5           sponding to violent or traumatic incidents on  
6           school grounds; and

7           “(7) such other information and assurances as  
8           the State educational agency may reasonably re-  
9           quire.

10          “(c) REVIEW OF APPLICATION.—

11           “(1) IN GENERAL.—In reviewing local applica-  
12           tions under this section, a State educational agency  
13           shall use a peer review process or other methods of  
14           assuring the quality of such applications.

15          “(2) CONSIDERATIONS.—

16           “(A) IN GENERAL.—In determining wheth-  
17           er to approve the application of a local edu-  
18           cational agency under this section, a State edu-  
19           cational agency shall consider the quality of the  
20           local educational agency’s comprehensive plan  
21           under subsection (b)(6) and the extent to which  
22           the proposed plan provides a thorough assess-  
23           ment of the substance abuse and violence prob-  
24           lem, uses objective data and the knowledge of  
25           a wide range of community members, develops

1 measurable goals and objectives, and imple-  
2 ments scientifically based research programs  
3 that have been shown to be effective and meet  
4 identified needs.

5 “(B) DISAPPROVAL.—A State educational  
6 agency may disapprove a local educational  
7 agency application under this section in whole  
8 or in part and may withhold, limit, or place re-  
9 strictions on the use of funds allotted to such  
10 a local educational agency in a manner the  
11 State educational agency determines will best  
12 promote the purposes of this part, except that  
13 a local educational agency shall be afforded an  
14 opportunity to appeal any such disapproval.

15 **“SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PRO-**  
16 **GRAMS.**

17 “(a) PROGRAM REQUIREMENTS.—A local educational  
18 agency shall use funds received under this subpart to  
19 adopt and carry out a comprehensive drug and violence  
20 prevention program which shall—

21 “(1) be designed, for all students and school  
22 employees, to—

23 “(A) prevent the use, possession, and dis-  
24 tribution of tobacco, alcohol, and illegal drugs  
25 by students and to prevent the illegal use, pos-

1 session, and distribution of such substances by  
2 school employees;

3 “(B) prevent violence and promote school  
4 safety; and

5 “(C) create a disciplined environment con-  
6 ducive to learning;

7 “(2) include activities to promote the involve-  
8 ment of parents and coordination with community  
9 groups and agencies, including the distribution of in-  
10 formation about the local educational agency’s  
11 needs, goals, and programs under this subpart;

12 “(3) implement activities which shall include—

13 “(A) a thorough assessment of the sub-  
14 stance abuse violence problem, using objective  
15 data and the knowledge of a wide range of com-  
16 munity members;

17 “(B) the development of measurable goals  
18 and objectives;

19 “(C) the implementation of scientifically  
20 based research programs that have been shown  
21 to be effective and meet identified goals; and

22 “(D) an evaluation of program activities;  
23 and

1           “(4) implement prevention programming activi-  
2           ties within the context of a scientifically based re-  
3           search prevention framework.

4           “(b) USE OF FUNDS.—A comprehensive, age-appro-  
5           priate, developmentally-, and scientifically based research  
6           drug and violence prevention program carried out under  
7           this subpart may include—

8           “(1) drug or violence prevention and education  
9           programs for all students, from the preschool level  
10          through grade 12, that address the legal, social, per-  
11          sonal and health consequences of the use of illegal  
12          drugs or violence, promote a sense of individual re-  
13          sponsibility, and provide information about effective  
14          techniques for resisting peer pressure to use illegal  
15          drugs;

16          “(2) programs of drug or violence prevention,  
17          health education (as it relates to drug and violence  
18          prevention), domestic violence and child abuse edu-  
19          cation (as it relates to drug and violence prevention),  
20          early intervention, pupil services, mentoring, or reha-  
21          bilitation referral, which emphasize students’ sense  
22          of individual responsibility and which may include—

23                  “(A) the dissemination of information  
24                  about drug or violence prevention;

1           “(B) the professional development or vol-  
2           untary training of school personnel, parents,  
3           students, law enforcement officials, judicial offi-  
4           cials, health service providers and community  
5           leaders in prevention, education, early interven-  
6           tion, pupil services or rehabilitation referral;  
7           and

8           “(C) the implementation of strategies, in-  
9           cluding strategies to integrate the delivery of  
10          services from a variety of providers, to combat  
11          illegal alcohol, tobacco and drug use, such as—

12                   “(i) family counseling; and

13                   “(ii) activities, such as community  
14                   service and service-learning projects, that  
15                   are designed to increase students’ sense of  
16                   community;

17          “(3) age-appropriate, developmentally based vi-  
18          olence prevention and education programs for all  
19          students, from the preschool level through grade 12,  
20          that address the legal, health, personal, and social  
21          consequences of violent and disruptive behavior, in-  
22          cluding sexual harassment and abuse, domestic vio-  
23          lence and child abuse, and victimization associated  
24          with prejudice and intolerance, and that include ac-  
25          tivities designed to help students develop a sense of



1 individual responsibility and respect for the rights of  
2 others, and to resolve conflicts without violence, or  
3 otherwise decrease the prevalence of risk factors or  
4 increase the prevalence of protective factors, buffers,  
5 or assets in the community;

6 “(4) violence prevention programs for school-  
7 aged youth, which emphasize students’ sense of indi-  
8 vidual responsibility and may include—

9 “(A) the dissemination of information  
10 about school safety and discipline;

11 “(B) the professional development or vol-  
12 untary training of school personnel, parents,  
13 students, law enforcement officials, judicial offi-  
14 cials, and community leaders in designing and  
15 implementing strategies to prevent school vio-  
16 lence;

17 “(C) the implementation of strategies, such  
18 as conflict resolution and peer mediation, stu-  
19 dent outreach efforts against violence, anti-  
20 crime youth councils (which work with school  
21 and community-based organizations to discuss  
22 and develop crime prevention strategies), and  
23 the use of mentoring programs, to combat  
24 school violence and other forms of disruptive

1 behavior, such as sexual harassment and abuse;  
2 and

3 “(D) the development and implementation  
4 of character education programs, as a compo-  
5 nent of a comprehensive drug or violence pre-  
6 vention program, that are tailored by commu-  
7 nities, parents and schools; and

8 “(E) comprehensive, community-wide  
9 strategies to prevent or reduce illegal gang ac-  
10 tivities and drug use;

11 “(5) supporting ‘safe zones of passage’ for stu-  
12 dents between home and school through such meas-  
13 ures as Drug- and Weapon-Free School Zones, en-  
14 hanced law enforcement, and neighborhood patrols;

15 “(6) the acquisition or hiring of school security  
16 equipment, technologies, personnel, or services such  
17 as—

18 “(A) metal detectors;

19 “(B) electronic locks;

20 “(C) surveillance cameras; and

21 “(D) other drug and violence prevention-  
22 related equipment and technologies;

23 “(7) professional development for teachers and  
24 other staff and curricula that promote the awareness  
25 of and sensitivity to alternatives to violence through

1 courses of study that include related issues of intolerance and hatred in history;

2 “(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

3 “(9) other scientifically based research prevention programming that is—

4 “(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

5 “(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

6 “(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

7 “(10) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

8 “(11) community involvement activities including community mobilization;

9 “(12) voluntary parental involvement and training;

1           “(13) the evaluation of any of the activities au-  
2           thorized under this subsection;

3           “(14) the provision of mental health counseling  
4           (by qualified counselors) to students for drug or vio-  
5           lence related problems;

6           “(15) consistent with the fourth amendment to  
7           the Constitution of the United States, the testing of  
8           a student for illegal drug use or inspecting a stu-  
9           dent’s locker for guns, explosives, other weapons, or  
10          illegal drugs, including at the request of or with the  
11          consent of a parent or legal guardian of the student,  
12          if the local educational agency elects to so test or in-  
13          spect; and

14          “(16) the conduct of a nationwide background  
15          check of each local educational agency employee (re-  
16          gardless of when hired) and prospective employees  
17          for the purpose of determining whether the employee  
18          or prospective employee has been convicted of a  
19          crime that bears upon the employee’s or prospective  
20          employee’s fitness—

21                 “(A) to have responsibility for the safety or  
22                 well-being of children;

23                 “(B) to serve in the particular capacity in  
24                 which the employee or prospective employee is  
25                 or will be employed; or

1           “(C) to otherwise be employed at all by the  
2           local educational agency.

3           “(c) LIMITATIONS.—

4           “(1) IN GENERAL.—Not more than 20 percent  
5           of the funds made available to a local educational  
6           agency under this subpart may be used to carry out  
7           the activities described in paragraphs (5) and (6) of  
8           subsection (b).

9           “(2) SPECIAL RULE.—A local educational agen-  
10          cy shall only use funds received under this subpart  
11          for activities described in paragraphs (5) and (6) of  
12          subsection (b) if funding for such activities is not re-  
13          ceived from other Federal agencies.

14          “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
15          tion shall be construed to prohibit the use of funds under  
16          this part by any local educational agency or school for the  
17          establishment or implementation of a school uniform pol-  
18          icy so long as such policy is part of the overall comprehen-  
19          sive drug and violence prevention plan of the State in-  
20          volved and is supported by the State’s needs assessment  
21          and other scientifically based research information.

22          **“SEC. 4117. EVALUATION AND REPORTING.**

23          “(a) IMPACT EVALUATION.—

24                 “(1) BIENNIAL EVALUATION.—The Secretary,  
25                 in consultation with the National Advisory Com-

1       mittee, shall conduct an independent biennial evalua-  
2       tion of the impact of programs assisted under this  
3       subpart and of other recent and new initiatives to  
4       combat violence in schools. The evaluation shall re-  
5       port on—

6               “(A) whether funded community and local  
7       education agency programs—

8                   “(i) provided a thorough assessment  
9                   of the substance abuse and violence prob-  
10                  lem;

11                  “(ii) used objective data and the  
12                  knowledge of a wide range of community  
13                  members;

14                  “(iii) developed measurable goals and  
15                  objectives;

16                  “(iv) implemented scientifically based  
17                  research programs that have been shown  
18                  to be effective and meet identified needs;  
19                  and

20                  “(v) conducted periodic program eval-  
21                  uations to assess progress made towards  
22                  achieving program goals and objectives and  
23                  whether they used evaluations to improve  
24                  program goals, objectives and activities;

1           “(B) whether funded community and local  
2 education agency programs have been designed  
3 and implemented in a manner that specifically  
4 targets, if relevant to the program—

5                   “(i) scientifically based research vari-  
6 ables that are predictive of drug use or vio-  
7 lence;

8                   “(ii) risk factors that are predictive of  
9 an increased likelihood that young people  
10 will use drugs, alcohol or tobacco or en-  
11 gage in violence or drop out of school; or

12                   “(iii) protective factors, buffers, or as-  
13 sets that are known to protect children and  
14 youth from exposure to risk, either by re-  
15 ducing the exposure to risk factors or by  
16 changing the way the young person re-  
17 sponds to risk, and to increase the likeli-  
18 hood of positive youth development;

19           “(C) whether funded community and local  
20 education agency programs have appreciably re-  
21 duced the level of drug, alcohol and tobacco use  
22 and school violence and the presence of firearms  
23 at schools; and

24           “(D) whether funded community and local  
25 educational agency programs have conducted ef-

1           fective parent involvement and voluntary train-  
2           ing programs.

3           “(2) DATA COLLECTION.—The National Center  
4           for Education Statistics shall collect data to deter-  
5           mine the incidence and prevalence of social dis-  
6           approval of drug use and violence in elementary and  
7           secondary schools in the States.

8           “(3) BIENNIAL REPORT.—Not later than Janu-  
9           ary 1, 2003, and every 2 years thereafter, the Sec-  
10          retary shall submit to the President and Congress a  
11          report on the findings of the evaluation conducted  
12          under paragraph (1) together with the data collected  
13          under paragraph (2) and data available from other  
14          sources on the incidence and prevalence, age of  
15          onset, perception of health risk, and perception of  
16          social disapproval of drug use in elementary and sec-  
17          ondary schools in the States. The Secretary shall in-  
18          clude data submitted by the States pursuant to sub-  
19          section (b)(2)(B).

20          “(b) STATE REPORT.—

21                 “(1) IN GENERAL.—By December 1, 2002, and  
22                 every 2 years thereafter, the chief executive officer  
23                 of the State, in cooperation with the State edu-  
24                 cational agency, shall submit to the Secretary a  
25                 report—



1           “(A) on the implementation and outcomes  
2 of State programs under section 4114 and sec-  
3 tion 4113(b) and local educational agency pro-  
4 grams under section 4113(d), as well as an as-  
5 sessment of their effectiveness;

6           “(B) on the State’s progress toward at-  
7 taining its goals for drug and violence preven-  
8 tion under subsections (b)(1) and (c)(1) of sec-  
9 tion 4112; and

10           “(C) on the State’s efforts to inform par-  
11 ents of, and include parents in, violence and  
12 drug prevention efforts.

13           “(2) SPECIAL RULE.—The report required by  
14 this subsection shall be—

15           “(A) in the form specified by the Sec-  
16 retary;

17           “(B) based on the State’s ongoing evalua-  
18 tion activities, and shall include data on the in-  
19 cidence and prevalence, age of onset, perception  
20 of health risk, and perception of social dis-  
21 approval of drug use and violence by youth in  
22 schools and communities; and

23           “(C) made readily available to the public.

24           “(c) LOCAL EDUCATIONAL AGENCY REPORT.—

1           “(1) IN GENERAL.—Each local educational  
2 agency receiving funds under this subpart shall sub-  
3 mit to the State educational agency such informa-  
4 tion that the State requires to complete the State re-  
5 port required by subsection (b), including a descrip-  
6 tion of how parents were informed of, and partici-  
7 pated in, violence and drug prevention efforts.

8           “(2) AVAILABILITY.—Information under para-  
9 graph (1) shall be made readily available to the pub-  
10 lic.

11           “(3) PROVISION OF DOCUMENTATION.—Not  
12 later than January 1 of each year that a State is re-  
13 quired to report under subsection (b), the Secretary  
14 shall provide to the State education agency all of the  
15 necessary documentation required for compliance  
16 with this section.

17 **“SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.**

18           “(a) GENERAL AUTHORITY.—From the funds made  
19 available pursuant to section 4111(a)(4) to carry out this  
20 section, the Secretary shall make grants to or enter into  
21 cooperative agreements or contracts with organizations  
22 primarily serving and representing Native Hawaiians  
23 which are recognized by the Governor of the State of Ha-  
24 waii to plan, conduct, and administer programs, or por-  
25 tions thereof, which are authorized by and consistent with

1 the provisions of this title for the benefit of Native Hawai-  
2 ians.

3 “(b) DEFINITION OF NATIVE HAWAIIAN.—For the  
4 purposes of this section, the term ‘Native Hawaiian’  
5 means any individual any of whose ancestors were natives,  
6 prior to 1778, of the area which now comprises the State  
7 of Hawaii.

8 **“Subpart 2—National Programs**

9 **“SEC. 4121. FEDERAL ACTIVITIES.**

10 “(a) PROGRAM AUTHORIZED.—From funds made  
11 available to carry out this subpart under section 4004(2),  
12 the Secretary, in consultation with the Secretary of Health  
13 and Human Services, the Director of the Office of Na-  
14 tional Drug Control Policy, and the Attorney General,  
15 shall carry out programs to prevent the illegal use of drugs  
16 and violence among, and promote safety and discipline for,  
17 students at all educational levels from preschool through  
18 the post-secondary level. The Secretary shall carry out  
19 such programs directly, or through grants, contracts, or  
20 cooperative agreements with public and private nonprofit  
21 organizations and individuals, or through agreements with  
22 other Federal agencies, and shall coordinate such pro-  
23 grams with other appropriate Federal activities. Such pro-  
24 grams may include—

1           “(1) the development and demonstration of in-  
2           novative strategies for the voluntary training of  
3           school personnel, parents, and members of the com-  
4           munity, including the demonstration of model  
5           preservice training programs for prospective school  
6           personnel;

7           “(2) demonstrations and rigorous evaluations of  
8           innovative approaches to drug and violence preven-  
9           tion;

10           “(3) the provision of information on drug abuse  
11           education and prevention to the Secretary of Health  
12           and Human Services for dissemination by the clear-  
13           inghouse for alcohol and drug abuse information es-  
14           tablished under section 501(d)(16) of the Public  
15           Health Service Act;

16           “(4) the development of curricula related to  
17           child abuse prevention and education and the train-  
18           ing of personnel to teach child abuse education and  
19           prevention to elementary and secondary school-  
20           children;

21           “(5) program evaluations that address issues  
22           not addressed under section 4117(a);

23           “(6) direct services to schools and school sys-  
24           tems afflicted with especially severe drug and vio-

1 lence problems or to support crisis situations and  
2 appropriate response efforts;

3 “(7) activities in communities designated as  
4 empowerment zones or enterprise communities that  
5 will connect schools to community-wide efforts to re-  
6 duce drug and violence problems;

7 “(8) developing and disseminating drug and vi-  
8 olence prevention materials, including video-based  
9 projects and model curricula;

10 “(9) developing and implementing a comprehen-  
11 sive violence prevention strategy for schools and  
12 communities, that may include conflict resolution,  
13 peer mediation, the teaching of law and legal con-  
14 cepts, and other activities designed to stop violence;

15 “(10) the implementation of innovative activi-  
16 ties, such as community service and service-learning  
17 projects, designed to rebuild safe and healthy neigh-  
18 borhoods and increase students’ sense of individual  
19 responsibility;

20 “(11) grants to noncommercial telecommuni-  
21 cations entities for the production and distribution  
22 of national video-based projects that provide young  
23 people with models for conflict resolution and re-  
24 sponsible decisionmaking;

1           “(12) the development of education and train-  
2           ing programs, curricula, instructional materials, and  
3           professional training and development for preventing  
4           and reducing the incidence of crimes and conflicts  
5           motivated by hate in localities most directly affected  
6           by hate crimes; and

7           “(13) other activities that meet unmet national  
8           needs related to the purposes of this title.

9           “(b) PEER REVIEW.—The Secretary shall use a peer  
10          review process in reviewing applications for funds under  
11          this section.

12       **“SEC. 4122. NATIONAL COORDINATOR PROGRAM.**

13          “(a) IN GENERAL.—From amounts available to carry  
14          out this section under section 4004(3), the Secretary shall  
15          provide for the establishment of a National Coordinator  
16          Program under which the Secretary shall award grants to  
17          local educational agencies for the hiring of drug prevention  
18          and school safety program coordinators.

19          “(b) USE OF FUNDS.—Amounts received under a  
20          grant under subsection (a) shall be used by local edu-  
21          cational agencies to recruit, hire, and train individuals to  
22          serve as drug prevention and school safety program coor-  
23          dinators in schools with significant drug and school safety  
24          problems. Such coordinators shall be responsible for devel-  
25          oping, conducting, and analyzing assessments of drug and

1 crime problems at their schools, and administering the  
2 safe and drug free grant program at such schools.

3 **“SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMU-**  
4 **NITIES ADVISORY COMMITTEE.**

5 “(a) ESTABLISHMENT.—

6 “(1) IN GENERAL.—There is hereby established  
7 an advisory committee to be known as the ‘Safe and  
8 Drug Free Schools and Communities Advisory Com-  
9 mittee’ (referred to in this section as the ‘Advisory  
10 Committee’) to—

11 “(A) consult with the Secretary under sub-  
12 section (b);

13 “(B) coordinate Federal school- and com-  
14 munity-based substance abuse and violence pre-  
15 vention programs and reduce duplicative re-  
16 search or services;

17 “(C) develop core data sets and evaluation  
18 protocols for safe and drug free school- and  
19 community-based programs;

20 “(D) provide technical assistance and  
21 training for safe and drug free school- and com-  
22 munity-based programs;

23 “(E) provide for the diffusion of scientif-  
24 ically based research safe and drug free school-  
25 and community-based programs; and

1           “(F) review other regulations and stand-  
2           ards developed under this title.

3           “(2) COMPOSITION.—The Advisory Committee  
4           shall be composed of representatives from—

5           “(A) the Department of Education;

6           “(B) the Centers for Disease Control and  
7           Prevention;

8           “(C) the National Institute on Drug  
9           Abuse;

10          “(D) the National Institute on Alcoholism  
11          and Alcohol Abuse;

12          “(E) the Center for Substance Abuse Pre-  
13          vention;

14          “(F) the Center for Mental Health Serv-  
15          ices;

16          “(G) the Office of Juvenile Justice and  
17          Delinquency Prevention;

18          “(H) the Office of National Drug Control  
19          Policy; and

20          “(I) State and local governments, including  
21          education agencies.

22          “(3) CONSULTATION.—In carrying out its du-  
23          ties under this section, the Advisory Committee shall  
24          annually consult with interested State and local co-  
25          ordinators of school- and community-based sub-



1 stance abuse and violence prevention programs and  
2 other interested groups.

3 “(b) PROGRAMS.—

4 “(1) IN GENERAL.—From amounts made avail-  
5 able under section 4004(2) to carry out this subpart,  
6 the Secretary, in consultation with the Advisory  
7 Committee, shall carry out scientifically based re-  
8 search programs to strengthen the accountability  
9 and effectiveness of the State, Governor’s, and na-  
10 tional programs under this title.

11 “(2) GRANTS, CONTRACTS OR COOPERATIVE  
12 AGREEMENTS.—The Secretary shall carry out para-  
13 graph (1) directly or through grants, contracts, or  
14 cooperative agreements with public and nonprofit  
15 private organizations and individuals or through  
16 agreements with other Federal agencies.

17 “(3) COORDINATION.—The Secretary shall co-  
18 ordinate programs under this section with other ap-  
19 propriate Federal activities.

20 “(4) ACTIVITIES.—Activities that may be car-  
21 ried out under programs funded under this section  
22 may include—

23 “(A) the provision of technical assistance  
24 and training, in collaboration with other Fed-  
25 eral agencies utilizing their expertise and na-

1           tional and regional training systems, for Gov-  
2           ernors, State educational agencies and local  
3           educational agencies to support high quality, ef-  
4           fective programs that—

5                   “(i) provide a thorough assessment of  
6                   the substance abuse and violence problem;

7                   “(ii) utilize objective data and the  
8                   knowledge of a wide range of community  
9                   members;

10                  “(iii) develop measurable goals and  
11                  objectives; and

12                  “(iv) implement scientifically based re-  
13                  search activities that have been shown to  
14                  be effective and that meet identified needs;

15                  “(B) the provision of technical assistance  
16                  and training to foster program accountability;

17                  “(C) the diffusion and dissemination of  
18                  best practices and programs;

19                  “(D) the development of core data sets and  
20                  evaluation tools;

21                  “(E) program evaluations;

22                  “(F) the provision of information on drug  
23                  abuse education and prevention to the Secretary  
24                  of Health and Human Services for dissemina-  
25                  tion by the clearinghouse for alcohol and drug

1 abuse information established under section  
2 501(d)(16) of the Public Health Service Act;  
3 and

4 “(G) other activities that meet unmet  
5 needs related to the purposes of this title and  
6 that are undertaken in consultation with the  
7 Advisory Committee.

8 **“SEC. 4124. HATE CRIME PREVENTION.**

9 “(a) GRANT AUTHORIZATION.—From funds made  
10 available to carry out this subpart under section 4004(2)  
11 the Secretary may make grants to local educational agen-  
12 cies and community-based organizations for the purpose  
13 of providing assistance to localities most directly affected  
14 by hate crimes.

15 “(b) USE OF FUNDS.—

16 “(1) PROGRAM DEVELOPMENT.—Grants under  
17 this section may be used to improve elementary and  
18 secondary educational efforts, including—

19 “(A) development of education and train-  
20 ing programs designed to prevent and to reduce  
21 the incidence of crimes and conflicts motivated  
22 by hate;

23 “(B) development of curricula for the pur-  
24 pose of improving conflict or dispute resolution  
25 skills of students, teachers, and administrators;

1           “(C) development and acquisition of equip-  
2           ment and instructional materials to meet the  
3           needs of, or otherwise be part of, hate crime or  
4           conflict programs; and

5           “(D) professional training and develop-  
6           ment for teachers and administrators on the  
7           causes, effects, and resolutions of hate crimes  
8           or hate-based conflicts.

9           “(2) IN GENERAL.—In order to be eligible to  
10          receive a grant under this section for any fiscal year,  
11          a local educational agency, or a local educational  
12          agency in conjunction with a community-based orga-  
13          nization, shall submit an application to the Secretary  
14          in such form and containing such information as the  
15          Secretary may reasonably require.

16          “(3) REQUIREMENTS.—Each application under  
17          paragraph (2) shall include—

18                 “(A) a request for funds for the purposes  
19                 described in this section;

20                 “(B) a description of the schools and com-  
21                 munities to be served by the grants; and

22                 “(C) assurances that Federal funds re-  
23                 ceived under this section shall be used to sup-  
24                 plement, not supplant, non-Federal funds.

1           “(4) COMPREHENSIVE PLAN.—Each application  
2 shall include a comprehensive plan that contains—

3           “(A) a description of the hate crime or  
4 conflict problems within the schools or the com-  
5 munity targeted for assistance;

6           “(B) a description of the program to be  
7 developed or augmented by such Federal and  
8 matching funds;

9           “(C) assurances that such program or ac-  
10 tivity shall be administered by or under the su-  
11 pervision of the applicant;

12           “(D) procedures for the proper and effi-  
13 cient administration of such program; and

14           “(E) fiscal control and fund accounting  
15 procedures as may be necessary to ensure pru-  
16 dent use, proper disbursement, and accurate ac-  
17 counting of funds received under this section.

18           “(c) AWARD OF GRANTS.—

19           “(1) SELECTION OF RECIPIENTS.—The Sec-  
20 retary shall consider the incidence of crimes and  
21 conflicts motivated by bias in the targeted schools  
22 and communities in awarding grants under this sec-  
23 tion.

24           “(2) GEOGRAPHIC DISTRIBUTION.—The Sec-  
25 retary shall attempt, to the extent practicable, to

1       achieve an equitable geographic distribution of grant  
2       awards.

3               “(3) DISSEMINATION OF INFORMATION.—The  
4       Secretary shall attempt, to the extent practicable, to  
5       make available information regarding successful hate  
6       crime prevention programs, including programs es-  
7       tablished or expanded with grants under this section.

8               “(d) REPORTS.—The Secretary shall submit to the  
9       Congress a report every two years which shall contain a  
10      detailed statement regarding grants and awards, activities  
11      of grant recipients, and an evaluation of programs estab-  
12      lished under this section.

13      **“SEC. 4125. GRANTS TO COMBAT THE IMPACT OF EXPERI-**  
14                      **ENCING OR WITNESSING DOMESTIC VIO-**  
15                      **LENCE ON ELEMENTARY AND SECONDARY**  
16                      **SCHOOL CHILDREN.**

17               “(a) GRANTS AUTHORIZED.—

18                      “(1) AUTHORITY.—The Secretary is authorized  
19      to award grants and contracts to elementary schools  
20      and secondary schools that work with experts to en-  
21      able the elementary schools and secondary schools—

22                              “(A) to provide training to school adminis-  
23                      trators, faculty, and staff, with respect to issues  
24                      concerning children experiencing domestic vio-  
25                      lence in dating relationships and witnessing do-

1           mestic violence, and the impact of the violence  
2           described in this subparagraph on children;

3           “(B) to provide educational programming  
4           to students regarding domestic violence and the  
5           impact of experiencing or witnessing domestic  
6           violence on children;

7           “(C) to provide support services for stu-  
8           dents and school personnel for the purpose of  
9           developing and strengthening effective preven-  
10          tion and intervention strategies with respect to  
11          issues concerning children experiencing domes-  
12          tic violence in dating relationships and wit-  
13          nessing domestic violence, and the impact of the  
14          violence described in this subparagraph on chil-  
15          dren; and

16          “(D) to develop and implement school sys-  
17          tem policies regarding appropriate, safe re-  
18          sponses identification and referral procedures  
19          for students who are experiencing or witnessing  
20          domestic violence.

21          “(2) AWARD BASIS.—The Secretary shall award  
22          grants and contracts under this section—

23                  “(A) on a competitive basis; and

24                  “(B) in a manner that ensures that such  
25          grants and contracts are equitably distributed

1           throughout a State among elementary schools  
2           and secondary schools located in rural, urban,  
3           and suburban areas in the State.

4           “(3) POLICY DISSEMINATION.—The Secretary  
5           shall disseminate to elementary schools and sec-  
6           ondary schools any Department of Education policy  
7           guidance regarding the prevention of domestic vio-  
8           lence and the impact of experiencing or witnessing  
9           domestic violence on children.

10          “(b) USES OF FUNDS.—Funds provided under this  
11 section may be used for the following purposes:

12           “(1) To provide training for elementary school  
13           and secondary school administrators, faculty, and  
14           staff that addresses issues concerning elementary  
15           school and secondary school students who experience  
16           domestic violence in dating relationships or witness  
17           or experience family violence, and the impact of such  
18           violence on the students.

19           “(2) To provide education programs for elemen-  
20           tary school and secondary school students that are  
21           developmentally appropriate for the students’ grade  
22           levels and are designed to meet any unique cultural  
23           and language needs of the particular student popu-  
24           lations.



1           “(3) To develop and implement elementary  
2 school and secondary school system policies regard-  
3 ing appropriate, safe responses, identification and  
4 referral procedures for students who are experi-  
5 encing or witnessing domestic violence and to de-  
6 velop and implement policies on reporting and refer-  
7 ral procedures for these students.

8           “(4) To provide the necessary human resources  
9 to respond to the needs of elementary school and  
10 secondary school students and personnel who are  
11 faced with the issue of domestic violence, such as a  
12 resource person who is either on-site or on-call, and  
13 who is an expert.

14           “(5) To provide media center materials and  
15 educational materials to elementary schools and sec-  
16 ondary schools that address issues concerning chil-  
17 dren who experience domestic violence in dating rela-  
18 tionships and witness domestic violence, and the im-  
19 pact of the violence described in this paragraph on  
20 the children.

21           “(6) To conduct evaluations to assess the im-  
22 pact of programs and policies assisted under this  
23 section in order to enhance the development of the  
24 programs.

1       “(c) CONFIDENTIALITY.—Policies, programs, train-  
2 ing materials, and evaluations developed and implemented  
3 under subsection (b) shall address issues of safety and  
4 confidentiality for the victim and the victim’s family in a  
5 manner consistent with applicable Federal and State laws.

6       “(d) APPLICATION.—

7           “(1) IN GENERAL.—To be eligible to be award-  
8 ed a grant or contract under this section for any fis-  
9 cal year, an elementary school or secondary school,  
10 in consultation with an expert, shall submit an appli-  
11 cation to the Secretary at such time and in such  
12 manner as the Secretary shall prescribe.

13           “(2) CONTENTS.—Each application submitted  
14 under paragraph (1) shall—

15           “(A) describe the need for funds provided  
16 under the grant or contract and the plan for  
17 implementation of any of the activities de-  
18 scribed in subsection (b);

19           “(B) describe how the experts shall work  
20 in consultation and collaboration with the ele-  
21 mentary school or secondary school;

22           “(C) provide measurable goals for and ex-  
23 pected results from the use of the funds pro-  
24 vided under the grant or contract; and

1                   “(D) incorporate appropriate remuneration  
2                   for collaborating partners.

3           “(e) APPLICABILITY.—The provisions of this part  
4 (other than this section) shall not apply to this section.

5           “(f) DEFINITIONS.—In this section:

6                   “(1) DOMESTIC VIOLENCE.—The term ‘domes-  
7                   tic violence’ has the meaning given that term in sec-  
8                   tion 2003 of title I of the Omnibus Crime Control  
9                   and Safe Streets Act of 1968 (42 U.S.C. 3796gg-  
10                   2)).

11                   “(2) EXPERTS.—The term ‘experts’ means—

12                           “(A) experts on domestic violence, sexual  
13                           assault, and child abuse from the educational,  
14                           legal, youth, mental health, substance abuse,  
15                           and victim advocaey fields; and

16                           “(B) State and local domestic violence coa-  
17                           litions and community-based youth organiza-  
18                           tions.

19                   “(3) WITNESS DOMESTIC VIOLENCE.—

20                           “(A) IN GENERAL.—The term ‘witness do-  
21                           mestic violence’ means to witness—

22                                   “(i) an act of domestic violence that  
23                                   constitutes actual or attempted physical  
24                                   assault; or

1                   “(ii) a threat or other action that  
2                   places the victim in fear of domestic vio-  
3                   lence.

4                   “(B) WITNESS.—In subparagraph (A), the  
5                   term ‘witness’ means to—

6                   “(i) directly observe an act, threat, or  
7                   action described in subparagraph (A), or  
8                   the aftermath of that act, threat, or action;  
9                   or

10                   “(ii) be within earshot of an act,  
11                   threat, or action described in subparagraph  
12                   (A), or the aftermath of that act, threat,  
13                   or action.

14                   **“Subpart 3—General Provisions**

15                   **“SEC. 4131. DEFINITIONS.**

16                   “‘In this part:

17                   “(1) COMMUNITY-BASED ORGANIZATION.—The  
18                   term ‘community-based organization’ means a pri-  
19                   vate nonprofit organization which is representative  
20                   of a community or significant segments of a commu-  
21                   nity and which provides educational or related serv-  
22                   ices to individuals in the community.

23                   “(2) DRUG AND VIOLENCE PREVENTION.—The  
24                   term ‘drug and violence prevention’ means—

1           “(A) with respect to drugs, prevention,  
2           early intervention, rehabilitation referral, or  
3           education related to the illegal use of alcohol  
4           and the use of controlled, illegal, addictive, or  
5           harmful substances, including inhalants and an-  
6           abolic steroids;

7           “(B) prevention, early intervention, smok-  
8           ing cessation activities, or education, related to  
9           the use of tobacco by children and youth eligible  
10          for services under this title; and

11          “(C) with respect to violence, the pro-  
12          motion of school safety, such that students and  
13          school personnel are free from violent and dis-  
14          ruptive acts, including sexual harassment and  
15          abuse, and victimization associated with preju-  
16          dice and intolerance, on school premises, going  
17          to and from school, and at school-sponsored ac-  
18          tivities, through the creation and maintenance  
19          of a school environment that is free of weapons  
20          and fosters individual responsibility and respect  
21          for the rights of others.

22          “(3) HATE CRIME.—The term ‘hate crime’  
23          means a crime as described in section 1(b) of the  
24          Hate Crime Statistics Act of 1990.

1           “(4) NONPROFIT.—The term ‘nonprofit’, as ap-  
2           plied to a school, agency, organization, or institution  
3           means a school, agency, organization, or institution  
4           owned and operated by one or more nonprofit cor-  
5           porations or associations, no part of the net earnings  
6           of which inures, or may lawfully inure, to the benefit  
7           of any private shareholder or individual.

8           “(5) OBJECTIVELY MEASURABLE GOALS.—The  
9           term ‘objectively measurable goals’ means prevention  
10          programming goals defined through use of quan-  
11          titative epidemiological data measuring the preva-  
12          lence of alcohol, tobacco, and other drug use, vio-  
13          lence, and the prevalence of risk and protective fac-  
14          tors predictive of these behaviors, collected through  
15          a variety of methods and sources known to provide  
16          high quality data.

17          “(6) PROTECTIVE FACTOR, BUFFER, OR  
18          ASSET.—The terms ‘protective factor’, ‘buffer’, and  
19          ‘asset’ mean any one of a number of the community,  
20          school, family, or peer-individual domains that are  
21          known, through prospective, longitudinal research ef-  
22          forts, or which are grounded in a well-established  
23          theoretical model of prevention, and have been  
24          shown to prevent alcohol, tobacco, or illicit drug use,

1 as well as violent behavior, by youth in the commu-  
2 nity, and which promote positive youth development.

3 “(7) RISK FACTOR.—The term ‘risk factor’  
4 means any one of a number of characteristics of the  
5 community, school, family, or peer-individual do-  
6 mains that are known, through prospective, longitu-  
7 dinal research efforts, to be predictive of alcohol, to-  
8 bacco, and illicit drug use, as well as violent behav-  
9 ior, by youth in the school and community.

10 “(8) SCHOOL-AGED POPULATION.—The term  
11 ‘school-aged population’ means the population aged  
12 five through 17, as determined by the Secretary on  
13 the basis of the most recent satisfactory data avail-  
14 able from the Department of Commerce.

15 “(9) SCHOOL PERSONNEL.—The term ‘school  
16 personnel’ includes teachers, administrators, coun-  
17 selors, social workers, psychologists, nurses, librar-  
18 ians, and other support staff who are employed by  
19 a school or who perform services for the school on  
20 a contractual basis.

21 **“SEC. 4132. MATERIALS.**

22 “(a) ‘ILLEGAL AND HARMFUL’ MESSAGE.—Drug  
23 prevention programs supported under this part shall con-  
24 vey a clear and consistent message that the illegal use of  
25 alcohol and other drugs is illegal and harmful.

1       “(b) CURRICULUM.—The Secretary shall not pre-  
2 scribe the use of specific curricula for programs supported  
3 under this part, but may evaluate the effectiveness of such  
4 curricula and other strategies in drug and violence preven-  
5 tion.

6 **“SEC. 4133. PROHIBITED USES OF FUNDS.**

7       “No funds under this part may be used for—

8           “(1) construction (except for minor remodeling  
9 needed to accomplish the purposes of this part); and

10          “(2) medical services, drug treatment or reha-  
11 bilitation, except for pupil services or referral to  
12 treatment for students who are victims of or wit-  
13 nesses to crime or who use alcohol, tobacco, or  
14 drugs.

15 **“SEC. 4134. QUALITY RATING.**

16       “(a) IN GENERAL.—The chief executive officer of  
17 each State, or in the case of a State in which the constitu-  
18 tion or law of such State designates another individual,  
19 entity, or agency in the State to be responsible for edu-  
20 cation activities, such individual, entity, or agency, is au-  
21 thorized and 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  
2 (b); 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  
11 the school for a period of time to be determined by  
12 the chief executive officer of the State;

13 “(2) the rate of suspensions or expulsions of  
14 students enrolled in the school for drug, alcohol, or  
15 tobacco-related offenses;

16 “(3) the effectiveness of the drug, alcohol, or  
17 tobacco 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 be-  
23 fore implementation of the public school program.

24 “(c) REQUEST FOR QUALITY PROGRAM SCHOOL  
25 DESIGNATION.—A school that wishes to receive a quality

1 program school designation shall submit a request and  
 2 documentation of compliance with this section to the chief  
 3 executive officer of the State or the individual, entity, or  
 4 agency 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  
 8 the case may be, shall make available to the public a list  
 9 of the names of each public school in the State that has  
 10 received a quality program school designation in accord-  
 11 ance with this section.”.

12 **SEC. 402. GUN-FREE REQUIREMENTS.**

13 Title IV (20 U.S.C. 7101 et seq.) is amended by add-  
 14 ing at the end the following:

15 **“PART B—GUN POSSESSION**

16 **“SEC. 4201. GUN-FREE REQUIREMENTS.**

17 “(a) SHORT TITLE.—This part may be cited as the  
 18 “Gun-Free Schools Act of 1994”.

19 “(b) REQUIREMENTS.—

20 “(1) IN GENERAL.—Each State receiving Fed-  
 21 eral funds under this Act shall have in effect a State  
 22 law requiring local educational agencies to expel  
 23 from school for a period of not less than one year  
 24 a student who is determined to have brought a  
 25 weapon to a school under the jurisdiction of local

1 educational agencies in that State, except that such  
2 State law shall allow the chief administering officer  
3 of a local educational agency to modify such expul-  
4 sion requirement for a student on a case-by-case  
5 basis.

6 “(2) CONSTRUCTION.—Nothing in this part  
7 shall be construed to prevent a State from allowing  
8 a local educational agency that has expelled a stu-  
9 dent from such a student’s regular school setting  
10 from providing educational services to such student  
11 in an alternative setting.

12 “(3) DEFINITION.—For the purpose of this sec-  
13 tion, the term ‘weapon’ means a firearm as such  
14 term is defined in section 921(a) of title 18, United  
15 States Code.

16 “(c) SPECIAL RULE.—The provisions of this section  
17 shall be construed in a manner consistent with the Individ-  
18 uals with Disabilities Education Act.

19 “(d) REPORT TO STATE.—Each local educational  
20 agency requesting assistance from the State educational  
21 agency that is to be provided from funds made available  
22 to the State under this Act shall provide to the State, in  
23 the application requesting such assistance—

1           “(1) an assurance that such local educational  
2           agency is in compliance with the State law required  
3           by subsection (b); and

4           “(2) a description of the circumstances sur-  
5           rounding any expulsions imposed under the State  
6           law required by subsection (b), including—

7                   “(A) the name of the school concerned;

8                   “(B) the number of students expelled from  
9                   such school; and

10                   “(C) the type of weapons concerned.

11           “(e) REPORTING.—Each State shall report the infor-  
12           mation described in subsection (d) to the Secretary on an  
13           annual basis.

14           **“SEC. 4202. POLICY REGARDING CRIMINAL JUSTICE SYS-**  
15                   **TEM REFERRAL.**

16           “(a) IN GENERAL.—No funds shall be made available  
17           under this Act to any local educational agency unless such  
18           agency has a policy requiring referral to the criminal jus-  
19           tice or juvenile delinquency system of any student who  
20           brings a firearm or weapon to a school served by such  
21           agency.

22           “(b) DEFINITIONS.—For the purpose of this section,  
23           the terms ‘firearm’ and ‘school’ have the meanings given  
24           the terms in section 921(a) of title 18, United States  
25           Code.”.

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  
3 purchase of school security equipment and tech-  
4 nologies 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 uni-  
16 form 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,  
4 or school from establishing a school uniform policy.

5 “(b) FUNDING.—Subject to this title and subpart 4  
6 of part B of title V, funds provided under this title and  
7 such subpart may be used for establishing a uniform pol-  
8 icy.

9 **“SEC. 4303. TRANSFER OF SCHOOL DISCIPLINARY**  
10 **RECORDS.**

11 “(a) NONAPPLICATION OF PROVISIONS.—This sec-  
12 tion shall not apply to any disciplinary records with re-  
13 spect to a suspension or expulsion that are transferred  
14 from a private, parochial or other nonpublic school, per-  
15 son, institution, or other entity, that provides education  
16 below the college level.

17 “(b) DISCIPLINARY RECORDS.—In accordance with  
18 the Family Educational Rights and Privacy Act of 1974  
19 (20 U.S.C. 1232g), not later than 2 years after the date  
20 of enactment of this part, each State receiving Federal  
21 funds under this Act shall provide an assurance to the  
22 Secretary that the State has a procedure in place to facili-  
23 tate the transfer of disciplinary records, with respect to  
24 a suspension or expulsion, by local educational agencies  
25 to any private or public elementary school or secondary  
26 school for any student who is enrolled or seeks, intends,

1 or is instructed to enroll, on a full- or part-time basis,  
2 in the school.”.

3 (b) **BACKGROUND CHECKS.**—Section 5(9) of the Na-  
4 tional Child Protection Act of 1993 (42 U.S.C. 5119c(9))  
5 is amended—

6 (1) in subparagraph (A)(i), by inserting “(in-  
7 cluding an individual who is employed by a school in  
8 any capacity, including as a child care provider, a  
9 teacher, or another member of school personnel)”  
10 before the semicolon; and

11 (2) in subparagraph (B)(i), by inserting “(in-  
12 cluding an individual who seeks to be employed by  
13 a school in any capacity, including as a child care  
14 provider, a teacher, or another member of school  
15 personnel)” before the semicolon.

16 **SEC. 404. ENVIRONMENTAL TOBACCO SMOKE.**

17 Title IV (20 U.S.C. 7101 et seq.) is further amended  
18 by adding at the end the following:

19 **“PART D—ENVIRONMENTAL TOBACCO SMOKE**

20 **“SEC. 4401. SHORT TITLE.**

21 “This part may be cited as the ‘Pro-Children Act of  
22 2001’.

23 **“SEC. 4402. DEFINITIONS.**

24 “As used in this part:



1           “(1) CHILDREN.—The term ‘children’ means  
2 individuals who have not attained the age of 18.

3           “(2) CHILDREN’S SERVICES.—The term ‘chil-  
4 dren’s services’ means the provision on a routine or  
5 regular basis of health, day care, education, or li-  
6 brary services—

7           “(A) that are funded, after the date of en-  
8 actment of the Better Education for Students  
9 and Teachers Act, directly by the Federal Gov-  
10 ernment or through State or local governments,  
11 by Federal grant, loan, loan guarantee, or con-  
12 tract programs—

13           “(i) administered by either the Sec-  
14 retary of Health and Human Services or  
15 the Secretary of Education (other than  
16 services provided and funded solely under  
17 titles XVIII and XIX of the Social Secu-  
18 rity Act); or

19           “(ii) administered by the Secretary of  
20 Agriculture in the case of a clinic (as de-  
21 fined in part 246.2 of title 7, Code of Fed-  
22 eral Regulations (or any corresponding  
23 similar regulation or ruling)) under section  
24 17(b)(6) of the Child Nutrition Act of  
25 1966; or

1           “(B) that are provided in indoor facilities  
2           that are constructed, operated, or maintained  
3           with such Federal funds, as determined by the  
4           appropriate head of a Federal agency in any en-  
5           forcement action carried out under this part,  
6           except that nothing in clause (ii) of subparagraph  
7           (A) is intended to include facilities (other than clin-  
8           ics) where coupons are redeemed under the Child  
9           Nutrition Act of 1966.

10           “(3) INDOOR FACILITY.—The term ‘indoor fa-  
11           cility’ means a building that is enclosed.

12           “(4) PERSON.—The term ‘person’ means any  
13           State or local subdivision of a State, agency of such  
14           State or subdivision, corporation, or partnership that  
15           owns or operates or otherwise controls and provides  
16           children’s services or any individual who owns or op-  
17           erates or otherwise controls and provides such serv-  
18           ices.

19           “(5) SECRETARY.—The term ‘Secretary’ means  
20           the Secretary of Health and Human Services.

21   **“SEC. 4403. NONSMOKING POLICY FOR CHILDREN’S SERV-**  
22   **ICES.**

23           “(a) PROHIBITION.—After the date of enactment of  
24           the Better Education for Students and Teachers Act, no  
25           person shall permit smoking within any indoor facility

1 owned or leased or contracted for, and utilized, by such  
2 person for provision of routine or regular kindergarten,  
3 elementary, or secondary education or library services to  
4 children.

5 “(b) ADDITIONAL PROHIBITION.—

6 “(1) IN GENERAL.—After the date of enact-  
7 ment of the Better Education for Students and  
8 Teachers Act, no person shall permit smoking within  
9 any indoor facility (or portion of such a facility)  
10 owned or leased or contracted for, and utilized by,  
11 such person for the provision of regular or routine  
12 health care or day care or early childhood develop-  
13 ment (Head Start) services.

14 “(2) EXCEPTION.—Paragraph (1) shall not  
15 apply to—

16 “(A) any portion of such facility that is  
17 used for inpatient hospital treatment of individ-  
18 uals dependent on, or addicted to, drugs or al-  
19 cohol; and

20 “(B) any private residence.

21 “(c) FEDERAL AGENCIES.—

22 “(1) KINDERGARTEN, ELEMENTARY, OR SEC-  
23 ONDARY EDUCATION OR LIBRARY SERVICES.—After  
24 the date of enactment of the Better Education for  
25 Students and Teachers Act, no Federal agency shall

1 permit smoking within any indoor facility in the  
2 United States operated by such agency, directly or  
3 by contract, to provide routine or regular kinder-  
4 garten, elementary, or secondary education or li-  
5 brary services to children.

6 “(2) HEALTH OR DAY CARE OR EARLY CHILD-  
7 HOOD DEVELOPMENT SERVICES.—

8 “(A) IN GENERAL.—After the date of en-  
9 actment of the Better Education for Students  
10 and Teachers Act, no Federal agency shall per-  
11 mit smoking within any indoor facility (or por-  
12 tion of such facility) operated by such agency,  
13 directly or by contract, to provide routine or  
14 regular health or day care or early childhood  
15 development (Head Start) services to children.

16 “(B) EXCEPTION.—Subparagraph (A)  
17 shall not apply to—

18 “(i) any portion of such facility that is  
19 used for inpatient hospital treatment of in-  
20 dividuals dependent on, or addicted to,  
21 drugs or alcohol; and

22 “(ii) any private residence.

23 “(3) APPLICATION OF PROVISIONS.—The provi-  
24 sions of paragraph (2) shall also apply to the provi-  
25 sion of such routine or regular kindergarten, elemen-

1 tary or secondary education or library services in the  
2 facilities described in paragraph (2) not subject to  
3 paragraph (1).

4 “(d) NOTICE.—The prohibitions in subsections (a)  
5 through (c) shall be published in a notice in the Federal  
6 Register by the Secretary (in consultation with the heads  
7 of other affected agencies) and by such agency heads in  
8 funding arrangements involving the provision of children’s  
9 services administered by such heads. Such prohibitions  
10 shall be effective 90 days after such notice is published,  
11 or 270 days after the date of enactment of the Better Edu-  
12 cation for Students and Teachers Act, whichever occurs  
13 first.

14 “(e) CIVIL PENALTIES.—

15 “(1) IN GENERAL.—Any failure to comply with  
16 a prohibition in this section shall be considered to be  
17 a violation of this section and any person subject to  
18 such prohibition who commits such violation may be  
19 liable to the United States for a civil penalty in an  
20 amount not to exceed \$1,000 for each violation, or  
21 may be subject to an administrative compliance  
22 order, or both, as determined by the Secretary. Each  
23 day a violation continues shall constitute a separate  
24 violation. In the case of any civil penalty assessed  
25 under this section, the total amount shall not exceed

1 the amount of Federal funds received by such person  
2 for the fiscal year in which the continuing violation  
3 occurred. For the purpose of the prohibition in sub-  
4 section (c), the term ‘person’, as used in this para-  
5 graph, shall mean the head of the applicable Federal  
6 agency or the contractor of such agency providing  
7 the services to children.

8 “(2) ADMINISTRATIVE PROCEEDING.—A civil  
9 penalty may be assessed in a written notice, or an  
10 administrative compliance order may be issued  
11 under paragraph (1), by the Secretary only after an  
12 opportunity for a hearing in accordance with section  
13 554 of title 5, United States Code. Before making  
14 such assessment or issuing such order, or both, the  
15 Secretary shall give written notice of the assessment  
16 or order to such person by certified mail with return  
17 receipt and provide information in the notice of an  
18 opportunity to request in writing, not later than 30  
19 days after the date of receipt of such notice, such  
20 hearing. The notice shall reasonably describe the vio-  
21 lation and be accompanied with the procedures for  
22 such hearing and a simple form that may be used  
23 to request such hearing if such person desires to use  
24 such form. If a hearing is requested, the Secretary  
25 shall establish by such certified notice the time and

1 place for such hearing, which shall be located, to the  
2 greatest extent possible, at a location convenient to  
3 such person. The Secretary (or the Secretary's des-  
4 ignee) and such person may consult to arrange a  
5 suitable date and location where appropriate.

6 “(3) CIRCUMSTANCES AFFECTING PENALTY OR  
7 ORDER.—In determining the amount of the civil  
8 penalty or the nature of the administrative compli-  
9 ance order, the Secretary shall take into account, as  
10 appropriate—

11 “(A) the nature, circumstances, extent,  
12 and gravity of the violation;

13 “(B) with respect to the violator, any good  
14 faith efforts to comply, the importance of  
15 achieving early and permanent compliance, the  
16 ability to pay or comply, the effect of the pen-  
17 alty or order on the ability to continue oper-  
18 ation, any prior history of the same kind of vio-  
19 lation, the degree of culpability, and any dem-  
20 onstration of willingness to comply with the  
21 prohibitions of this section in a timely manner;  
22 and

23 “(C) such other matters as justice may re-  
24 quire.

1           “(4) MODIFICATION.—The Secretary may, as  
2           appropriate, compromise, modify, or remit, with or  
3           without conditions, any civil penalty or administra-  
4           tive compliance order. In the case of a civil penalty,  
5           the amount, as finally determined by the Secretary  
6           or agreed upon in compromise, may be deducted  
7           from any sums that the United States or the agen-  
8           cies or instrumentalities of the United States owe to  
9           the person against whom the penalty is assessed.

10           “(5) PETITION FOR REVIEW.—Any person ag-  
11           grieved by a penalty assessed or an order issued, or  
12           both, by the Secretary under this section may file a  
13           petition for judicial review of the order with the  
14           United States Court of Appeals for the District of  
15           Columbia Circuit or for any other circuit in which  
16           the person resides or transacts business. Such per-  
17           son shall provide a copy of the petition to the Sec-  
18           retary or the Secretary’s designee. The petition shall  
19           be filed within 30 days after the Secretary’s assess-  
20           ment or order, or both, are final and have been pro-  
21           vided to such person by certified mail. The Secretary  
22           shall promptly provide to the court a certified copy  
23           of the transcript of any hearing held under this sec-  
24           tion and a copy of the notice or order.



1           “(6) FAILURE TO COMPLY.—If a person fails to  
2           pay an assessment of a civil penalty or comply with  
3           an order, after the assessment or order, or both, are  
4           final under this section, or after a court has entered  
5           a final judgment under paragraph (5) in favor of the  
6           Secretary, the Attorney General, at the request of  
7           the Secretary, shall recover the amount of the civil  
8           penalty (plus interest at prevailing rates from the  
9           day the assessment or order, or both, are final) or  
10          enforce the order in an action brought in the appro-  
11          priate district court of the United States. In such  
12          action, the validity and appropriateness of the pen-  
13          alty or order or the amount of the penalty shall not  
14          be subject to review.

15 **“SEC. 4404. PREEMPTION.**

16          “Nothing in this part is intended to preempt any pro-  
17          vision of law of a State or political subdivision of a State  
18          that is more restrictive than a provision of this part.”.

19                   **TITLE V—PUBLIC SCHOOL**  
20                   **CHOICE AND FLEXIBILITY**

21 **SEC. 501. PUBLIC SCHOOL CHOICE AND FLEXIBILITY.**

22          Title V (20 U.S.C. 7301 et seq.) is amended to read  
23          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, in-  
12 cluding the effects on students, student achievement,  
13 staff, and parents; and

14           “(3) expanding the number of high-quality  
15 charter schools available to students across the Na-  
16 tion.

17   **“SEC. 5112. PROGRAM AUTHORIZED.**

18           “(a) IN GENERAL.—The Secretary may award grants  
19 to State educational agencies having applications approved  
20 pursuant to section 5113 to enable such agencies to con-  
21 duct a charter school grant program in accordance with  
22 this subpart.

23           “(b) SPECIAL RULE.—If a State educational agency  
24 elects not to participate in the program authorized by this  
25 subpart or does not have an application approved under

1 section 5113, the Secretary may award a grant to an eligi-  
2 ble applicant that serves such State and has an application  
3 approved pursuant to section 5113(c).

4 “(c) PROGRAM PERIODS.—

5 “(1) GRANTS TO STATES.—Grants awarded to  
6 State educational agencies under this subpart shall  
7 be awarded for a period of not more than 3 years.

8 “(2) GRANTS TO ELIGIBLE APPLICANTS.—  
9 Grants awarded by the Secretary to eligible appli-  
10 cants or subgrants awarded by State educational  
11 agencies to eligible applicants under this subpart  
12 shall be awarded for a period of not more than 3  
13 years, of which the eligible applicant may use—

14 “(A) not more than 18 months for plan-  
15 ning and program design;

16 “(B) not more than 2 years for the initial  
17 implementation of a charter school; and

18 “(C) not more than 2 years to carry out  
19 dissemination activities described in section  
20 5114(f)(6)(B).

21 “(d) LIMITATION.—A charter school may not  
22 receive—

23 “(1) more than one grant for activities de-  
24 scribed in subparagraphs (A) and (B) of subsection  
25 (c)(2); or

1           “(2) more than one grant for activities under  
2           subparagraph (C) of subsection (c)(2).

3           “(e) PRIORITY TREATMENT.—

4           “(1) IN GENERAL.—In awarding grants under  
5           this subpart for fiscal year 2002 or any succeeding  
6           fiscal year from any funds appropriated under sec-  
7           tion 5121, the Secretary shall give priority to States  
8           to the extent that the States meet the criteria de-  
9           scribed in paragraph (2) and one or more of the cri-  
10          teria described in subparagraph (A), (B), or (C) of  
11          paragraph (3).

12          “(2) REVIEW AND EVALUATION PRIORITY CRI-  
13          TERIA.—The criteria referred to in paragraph (1) is  
14          that the State provides for periodic review and eval-  
15          uation by the authorized public chartering agency of  
16          each charter school, at least once every 5 years un-  
17          less required more frequently by State law, to deter-  
18          mine whether the charter school is meeting the  
19          terms of the school’s charter, and is meeting or ex-  
20          ceeding the academic performance requirements and  
21          goals for charter schools as set forth under State  
22          law or the school’s charter.

23          “(3) PRIORITY CRITERIA.—The criteria referred  
24          to in paragraph (1) are the following:

1           “(A) The State has demonstrated progress,  
2           in increasing the number of high quality charter  
3           schools that are held accountable in the terms  
4           of the schools’ charters for meeting clear and  
5           measurable objectives for the educational  
6           progress of the students attending the schools,  
7           in the period prior to the period for which a  
8           State educational agency or eligible applicant  
9           applies for a grant under this subpart.

10           “(B) The State—

11                   “(i) provides for one authorized public  
12                   chartering agency that is not a local edu-  
13                   cational agency, such as a State chartering  
14                   board, for each individual or entity seeking  
15                   to operate a charter school pursuant to  
16                   such State law; or

17                   “(ii) in the case of a State in which  
18                   local educational agencies are the only au-  
19                   thorized public chartering agencies, allows  
20                   for an appeals process for the denial of an  
21                   application for a charter school.

22           “(C) The State ensures that each charter  
23           school has a high degree of autonomy over the  
24           charter school’s budgets and expenditures.

1       “(f) AMOUNT CRITERIA.—In determining the amount  
2 of a grant to be awarded under this subpart to a State  
3 educational agency, the Secretary shall take into consider-  
4 ation the number of charter schools that are operating,  
5 or are approved to open, in the State.

6 **“SEC. 5113. APPLICATIONS.**

7       “(a) APPLICATIONS FROM STATE AGENCIES.—Each  
8 State educational agency desiring a grant from the Sec-  
9 retary under this subpart shall submit to the Secretary  
10 an application at such time, in such manner, and con-  
11 taining or accompanied by such information as the Sec-  
12 retary may require.

13       “(b) CONTENTS OF A STATE EDUCATIONAL AGENCY  
14 APPLICATION.—Each application submitted pursuant to  
15 subsection (a) shall—

16           “(1) describe the objectives of the State edu-  
17 cational agency’s charter school grant program and  
18 a description of how such objectives will be fulfilled,  
19 including steps taken by the State educational agen-  
20 cy to inform teachers, parents, and communities of  
21 the State educational agency’s charter school grant  
22 program; and

23           “(2) describe how the State educational  
24 agency—

1           “(A) will inform each charter school in the  
2 State regarding—

3           “(i) Federal funds that the charter  
4 school is eligible to receive; and

5           “(ii) Federal programs in which the  
6 charter school may participate;

7           “(B) will ensure that each charter school  
8 in the State receives the charter school’s com-  
9 mensurate share of Federal education funds  
10 that are allocated by formula each year, includ-  
11 ing during the first year of operation of the  
12 charter school; and

13           “(C) will disseminate best or promising  
14 practices of charter schools to each local edu-  
15 cational agency in the State; and

16           “(3) contain assurances that the State edu-  
17 cational agency will require each eligible applicant  
18 desiring to receive a subgrant to submit an applica-  
19 tion to the State educational agency containing—

20           “(A) a description of the educational pro-  
21 gram to be implemented by the proposed char-  
22 ter school, including—

23           “(i) how the program will enable all  
24 students to meet challenging State student  
25 performance standards;

1                   “(ii) the grade levels or ages of chil-  
2                   dren to be served; and

3                   “(iii) the curriculum and instructional  
4                   practices to be used;

5                   “(B) a description of how the charter  
6                   school will be managed;

7                   “(C) a description of—

8                   “(i) the objectives of the charter  
9                   school; and

10                  “(ii) the methods by which the charter  
11                  school will determine its progress toward  
12                  achieving those objectives;

13                  “(D) a description of the administrative re-  
14                  lationship between the charter school and the  
15                  authorized public chartering agency;

16                  “(E) a description of how parents and  
17                  other members of the community will be in-  
18                  volved in the planning, program design and im-  
19                  plementation of the charter school;

20                  “(F) a description of how the authorized  
21                  public chartering agency will provide for contin-  
22                  ued operation of the school once the Federal  
23                  grant has expired, if such agency determines  
24                  that the school has met the objectives described  
25                  in subparagraph (C)(i);



1           “(G) a request and justification for waivers  
2 of any Federal statutory or regulatory provi-  
3 sions that the applicant believes are necessary  
4 for the successful operation of the charter  
5 school, and a description of any State or local  
6 rules, generally applicable to public schools,  
7 that will be waived for, or otherwise not apply  
8 to, the school;

9           “(H) a description of how the subgrant  
10 funds or grant funds, as appropriate, will be  
11 used, including a description of how such funds  
12 will be used in conjunction with other Federal  
13 programs administered by the Secretary;

14           “(I) a description of how students in the  
15 community will be—

16               “(i) informed about the charter  
17 school; and

18               “(ii) given an equal opportunity to at-  
19 tend the charter school;

20           “(J) an assurance that the eligible appli-  
21 cant will annually provide the Secretary and the  
22 State educational agency such information as  
23 may be required to determine if the charter  
24 school is making satisfactory progress toward

1 achieving the objectives described in subpara-  
2 graph (C)(i);

3 “(K) an assurance that the applicant will  
4 cooperate with the Secretary and the State edu-  
5 cational agency in evaluating the program as-  
6 sisted under this subpart;

7 “(L) a description of how a charter school  
8 that is considered a local educational agency  
9 under State law, or a local educational agency  
10 in which a charter school is located, will comply  
11 with sections 613(a)(5) and 613(e)(1)(B) of the  
12 Individuals with Disabilities Education Act;

13 “(M) if the eligible applicant desires to use  
14 subgrant funds for dissemination activities  
15 under section 5112(c)(2)(C), a description of  
16 those activities and how those activities will in-  
17 volve charter schools and other public schools,  
18 local educational agencies, developers, and po-  
19 tential developers; and

20 “(N) such other information and assur-  
21 ances as the Secretary and the State edu-  
22 cational agency may require.

23 “(c) CONTENTS OF ELIGIBLE APPLICANT APPLICA-  
24 TION.—Each eligible applicant desiring a grant pursuant  
25 to section 5112(b) shall submit an application to the State

1 educational agency or Secretary, respectively, at such  
2 time, in such manner, and accompanied by such informa-  
3 tion as the State educational agency or Secretary, respec-  
4 tively, may reasonably require.

5 “(d) CONTENTS OF APPLICATION.—Each application  
6 submitted pursuant to subsection (c) shall contain—

7 “(1) the information and assurances described  
8 in subparagraphs (A) through (N) of subsection  
9 (b)(3), except that for purposes of this subsection  
10 subparagraphs (J), (K), and (N) of such subsection  
11 shall be applied by striking ‘and the State edu-  
12 cational agency’ each place such term appears; and

13 “(2) assurances that the State educational  
14 agency—

15 “(A) will grant, or will obtain, waivers of  
16 State statutory or regulatory requirements; and

17 “(B) will assist each subgrantee in the  
18 State in receiving a waiver under section  
19 5114(e).

20 **“SEC. 5114. ADMINISTRATION.**

21 “(a) SELECTION CRITERIA FOR STATE EDU-  
22 CATIONAL AGENCIES.—The Secretary shall award grants  
23 to State educational agencies under this subpart on the  
24 basis of the quality of the applications submitted under

1 section 5113(b), after taking into consideration such fac-  
2 tors as—

3 “(1) the contribution that the charter schools  
4 grant program will make to assisting educationally  
5 disadvantaged and other students to achieving State  
6 content standards and State student performance  
7 standards and, in general, a State’s education im-  
8 provement plan;

9 “(2) the degree of flexibility afforded by the  
10 State educational agency to charter schools under  
11 the State’s charter schools law;

12 “(3) the ambitiousness of the objectives for the  
13 State charter school grant program;

14 “(4) the quality of the strategy for assessing  
15 achievement of those objectives;

16 “(5) the likelihood that the charter school grant  
17 program will meet those objectives and improve edu-  
18 cational results for students;

19 “(6) the number of high quality charter schools  
20 created under this subpart in the State; and

21 “(7) in the case of State educational agencies  
22 that propose to use grant funds to support dissemi-  
23 nation activities under section 5112(c)(2)(C), the  
24 quality of those activities and the likelihood that  
25 those activities will improve student achievement.

1       “(b) SELECTION CRITERIA FOR ELIGIBLE APPLI-  
2 CANTS.—The Secretary shall award grants to eligible ap-  
3 plicants under this subpart on the basis of the quality of  
4 the applications submitted under section 5113(c), after  
5 taking into consideration such factors as—

6           “(1) the quality of the proposed curriculum and  
7 instructional practices;

8           “(2) the degree of flexibility afforded by the  
9 State educational agency and, if applicable, the local  
10 educational agency to the charter school;

11          “(3) the extent of community support for the  
12 application;

13          “(4) the ambitiousness of the objectives for the  
14 charter school;

15          “(5) the quality of the strategy for assessing  
16 achievement of those objectives;

17          “(6) the likelihood that the charter school will  
18 meet those objectives and improve educational re-  
19 sults for students; and

20          “(7) in the case of an eligible applicant that  
21 proposes to use grant funds to support dissemina-  
22 tion activities under section 5112(c)(2)(C), the qual-  
23 ity of those activities and the likelihood that those  
24 activities will improve student achievement.

1           “(c) PEER REVIEW.—The Secretary, and each State  
2 educational agency receiving a grant under this subpart,  
3 shall use a peer review process to review applications for  
4 assistance under this subpart.

5           “(d) DIVERSITY OF PROJECTS.—The Secretary and  
6 each State educational agency receiving a grant under this  
7 subpart, shall award subgrants under this subpart in a  
8 manner that, to the extent possible, ensures that such  
9 grants and subgrants—

10           “(1) are distributed throughout different areas  
11 of the Nation and each State, including urban and  
12 rural areas; and

13           “(2) will assist charter schools representing a  
14 variety of educational approaches, such as ap-  
15 proaches designed to reduce school size.

16           “(e) WAIVERS.—The Secretary may waive any statu-  
17 tory or regulatory requirement over which the Secretary  
18 exercises administrative authority except any such require-  
19 ment relating to the elements of a charter school described  
20 in section 5120(1), if—

21           “(1) the waiver is requested in an approved ap-  
22 plication under this subpart; and

23           “(2) the Secretary determines that granting  
24 such a waiver will promote the purpose of this sub-  
25 part.

1 “(f) USE OF FUNDS.—

2 “(1) STATE EDUCATIONAL AGENCIES.—Each  
3 State educational agency receiving a grant under  
4 this subpart shall use such grant funds to award  
5 subgrants to one or more eligible applicants in the  
6 State to enable such applicant to plan and imple-  
7 ment a charter school in accordance with this sub-  
8 part, except that the State educational agency may  
9 reserve not more than 10 percent of the grant funds  
10 to support dissemination activities described in para-  
11 graph (6).

12 “(2) ELIGIBLE APPLICANTS.—Each eligible ap-  
13 plicant receiving funds from the Secretary or a State  
14 educational agency shall use such funds to plan and  
15 implement a charter school, or to disseminate infor-  
16 mation about the charter school and successful prac-  
17 tices in the charter school, in accordance with this  
18 subpart.

19 “(3) ALLOWABLE ACTIVITIES.—An eligible ap-  
20 plicant receiving a grant or subgrant under this sub-  
21 part may use the grant or subgrant funds only for—

22 (A) post-award planning and design of the  
23 educational program, which may include—

24 “(i) refinement of the desired edu-  
25 cational results and of the methods for

1 measuring progress toward achieving those  
2 results; and

3 “(ii) professional development of  
4 teachers and other staff who will work in  
5 the charter school; and

6 “(B) initial implementation of the charter  
7 school, which may include—

8 “(i) informing the community about  
9 the school;

10 “(ii) acquiring necessary equipment  
11 and educational materials and supplies;

12 “(iii) acquiring or developing cur-  
13 riculum materials; and

14 “(iv) other initial operational costs  
15 that cannot be met from State or local  
16 sources.

17 “(4) ADMINISTRATIVE EXPENSES.—Each State  
18 educational agency receiving a grant pursuant to  
19 this subpart may reserve not more than 5 percent of  
20 such grant funds for administrative expenses associ-  
21 ated with the charter school grant program assisted  
22 under this subpart.

23 “(5) REVOLVING LOAN FUNDS.—Each State  
24 educational agency receiving a grant pursuant to  
25 this subpart may reserve not more than 10 percent



1 of the grant amount for the establishment of a re-  
2 volving loan fund. Such fund may be used to make  
3 loans to eligible applicants that have received a  
4 subgrant under this subpart, under such terms as  
5 may be determined by the State educational agency,  
6 for the initial operation of the charter school grant  
7 program of such recipient until such time as the re-  
8 cipient begins receiving ongoing operational support  
9 from State or local financing sources.

10 “(6) DISSEMINATION.—

11 “(A) IN GENERAL.—A charter school may  
12 apply for funds under this subpart, whether or  
13 not the charter school has applied for or re-  
14 ceived funds under this subpart for planning,  
15 program design, or implementation, to carry  
16 out the activities described in subparagraph (B)  
17 if the charter school has been in operation for  
18 at least 3 consecutive years and has dem-  
19 onstrated overall success, including—

20 “(i) substantial progress in improving  
21 student achievement;

22 “(ii) high levels of parent satisfaction;  
23 and

24 “(iii) the management and leadership  
25 necessary to overcome initial start-up prob-

1           lems and establish a thriving, financially  
2           viable charter school.

3           “(B) ACTIVITIES.—A charter school de-  
4           scribed in subparagraph (A) may use funds re-  
5           served under paragraph (1) to assist other  
6           schools in adapting the charter school’s pro-  
7           gram (or certain aspects of the charter school’s  
8           program), or to disseminate information about  
9           the charter school, through such activities as—

10                   “(i) assisting other individuals with  
11                   the planning and start-up of one or more  
12                   new public schools, including charter  
13                   schools, that are independent of the assist-  
14                   ing charter school and the assisting charter  
15                   school’s developers, and that agree to be  
16                   held to at least as high a level of account-  
17                   ability as the assisting charter school;

18                   “(ii) developing partnerships with  
19                   other public schools, including charter  
20                   schools, designed to improve student per-  
21                   formance in each of the schools partici-  
22                   pating in the partnership;

23                   “(iii) developing curriculum materials,  
24                   assessments, and other materials that pro-  
25                   mote increased student achievement and

1           are based on successful practices within  
2           the assisting charter school; and

3                   “(iv) conducting evaluations and de-  
4           veloping materials that document the suc-  
5           cessful practices of the assisting charter  
6           school and that are designed to improve  
7           student performance in other schools.

8           “(g) TRIBALLY CONTROLLED SCHOOLS.—Each State  
9           that receives a grant under this subpart and designates  
10          a tribally controlled school as a charter school shall not  
11          consider payments to a school under the Tribally Con-  
12          trolled Schools Act of 1988 (25 U.S.C. 2507) in  
13          determining—

14                   “(1) the eligibility of the school to receive any  
15          other Federal, State, or local aid; or

16                   “(2) the amount of such aid.

17          **“SEC. 5115. NATIONAL ACTIVITIES.**

18           “(a) IN GENERAL.—The Secretary shall reserve for  
19          each fiscal year the greater of 5 percent or \$5,000,000  
20          of the amount appropriated to carry out this subpart, ex-  
21          cept that in no fiscal year shall the total amount so re-  
22          served exceed \$8,000,000, to carry out the following ac-  
23          tivities:

24                   “(1) To provide charter schools, either directly  
25          or through State educational agencies, with—

1 “(A) information regarding—

2 “(i) Federal funds that charter  
3 schools are eligible to receive; and

4 “(ii) other Federal programs in which  
5 charter schools may participate; and

6 “(B) assistance in applying for Federal  
7 education funds that are allocated by formula,  
8 including assistance with filing deadlines and  
9 submission of applications.

10 “(2) To provide for the completion of the 4-year  
11 national study (which began in 1995) of charter  
12 schools.

13 “(3) To provide for other evaluations or studies  
14 that include the evaluation of the impact of charter  
15 schools on student achievement, including informa-  
16 tion regarding—

17 “(A) students attending charter schools re-  
18 ported on the basis of race, age, disability, gen-  
19 der, limited English proficiency, and previous  
20 enrollment in public school; and

21 “(B) the professional qualifications of  
22 teachers within a charter school and the turn-  
23 over of the teaching force.

24 “(4) To provide—

1           “(A) information to applicants for assist-  
2           ance under this subpart;

3           “(B) assistance to applicants for assistance  
4           under this subpart with the preparation of ap-  
5           plications under section 5113;

6           “(C) assistance in the planning and start-  
7           up of charter schools;

8           “(D) training and technical assistance to  
9           existing charter schools; and

10          “(E) for the dissemination to other public  
11          schools of best or promising practices in charter  
12          schools.

13          “(5) To provide (including through the use of  
14          one or more contracts that use a competitive bidding  
15          process) for the collection of information regarding  
16          the financial resources available to charter schools,  
17          including access to private capital, and to widely dis-  
18          seminate to charter schools any such relevant infor-  
19          mation and model descriptions of successful pro-  
20          grams.

21          “(b) CONSTRUCTION.—Nothing in this section shall  
22          be construed to require charter schools to collect any data  
23          described in subsection (a).

1 **“SEC. 5116. FEDERAL FORMULA ALLOCATION DURING**  
2 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**  
3 **MENT EXPANSIONS.**

4 “(a) IN GENERAL.—For purposes of the allocation  
5 to schools by the States or their agencies of funds under  
6 part A of title I, and any other Federal funds which the  
7 Secretary allocates to States on a formula basis, the Sec-  
8 retary and each State educational agency shall take such  
9 measures not later than 6 months after the date of the  
10 enactment of the Charter School Expansion Act of 1998  
11 as are necessary to ensure that every charter school re-  
12 ceives the Federal funding for which the charter school  
13 is eligible not later than 5 months after the charter school  
14 first opens, notwithstanding the fact that the identity and  
15 characteristics of the students enrolling in that charter  
16 school are not fully and completely determined until that  
17 charter school actually opens. The measures similarly shall  
18 ensure that every charter school expanding its enrollment  
19 in any subsequent year of operation receives the Federal  
20 funding for which the charter school is eligible not later  
21 than 5 months after such expansion.

22 “(b) ADJUSTMENT AND LATE OPENINGS.—

23 “(1) IN GENERAL.—The measures described in  
24 subsection (a) shall include provision for appropriate  
25 adjustments, through recovery of funds or reduction  
26 of payments for the succeeding year, in cases where

1 payments made to a charter school on the basis of  
2 estimated or projected enrollment data exceed the  
3 amounts that the school is eligible to receive on the  
4 basis of actual or final enrollment data.

5 “(2) RULE.—For charter schools that first  
6 open after November 1 of any academic year, the  
7 State, in accordance with guidance provided by the  
8 Secretary and applicable Federal statutes and regu-  
9 lations, shall ensure that such charter schools that  
10 are eligible for the funds described in subsection (a)  
11 for such academic year have a full and fair oppor-  
12 tunity to receive those funds during the charter  
13 schools’ first year of operation.

14 **“SEC. 5117. SOLICITATION OF INPUT FROM CHARTER**  
15 **SCHOOL OPERATORS.**

16 “To the extent practicable, the Secretary shall ensure  
17 that administrators, teachers, and other individuals di-  
18 rectly involved in the operation of charter schools are con-  
19 sulted in the development of any rules or regulations re-  
20 quired to implement this subpart, as well as in the devel-  
21 opment of any rules or regulations relevant to charter  
22 schools that are required to implement part A of title I,  
23 the Individuals with Disabilities Education Act (20 U.S.C.  
24 1400 et seq.), or any other program administered by the

1 Secretary that provides education funds to charter schools  
2 or regulates the activities of charter schools.

3 **“SEC. 5118. RECORDS TRANSFER.**

4 “State educational agencies and local educational  
5 agencies, to the extent practicable, shall ensure that a stu-  
6 dent’s records and, if applicable, a student’s individualized  
7 education program as defined in section 602(11) of the  
8 Individuals with Disabilities Education Act, are trans-  
9 ferred to a charter school upon the transfer of the student  
10 to the charter school, and to another public school upon  
11 the transfer of the student from a charter school to an-  
12 other public school, in accordance with applicable State  
13 law.

14 **“SEC. 5119. PAPERWORK REDUCTION.**

15 “To the extent practicable, the Secretary and each  
16 authorized public chartering agency shall ensure that im-  
17 plementation of this subpart results in a minimum of pa-  
18 perwork for any eligible applicant or charter school.

19 **“SEC. 5120. DEFINITIONS.**

20 “In this subpart:

21 “(1) CHARTER SCHOOL.—The term ‘charter  
22 school’ means a public school that—

23 “(A) in accordance with a specific State  
24 statute authorizing the granting of charters to  
25 schools, is exempted from significant State or



1 local rules that inhibit the flexible operation  
2 and management of public schools, but not  
3 from any rules relating to the other require-  
4 ments of this paragraph;

5 “(B) is created by a developer as a public  
6 school, or is adapted by a developer from an ex-  
7 isting public school, and is operated under pub-  
8 lic supervision and direction;

9 “(C) operates in pursuit of a specific set of  
10 educational objectives determined by the  
11 school’s developer and agreed to by the author-  
12 ized public chartering agency;

13 “(D) provides a program of elementary or  
14 secondary education, or both;

15 “(E) is nonsectarian in its programs, ad-  
16 missions policies, employment practices, and all  
17 other operations, and is not affiliated with a  
18 sectarian school or religious institution;

19 “(F) does not charge tuition;

20 “(G) complies with the Age Discrimination  
21 Act of 1975, title VI of the Civil Rights Act of  
22 1964, title IX of the Education Amendments of  
23 1972, section 504 of the Rehabilitation Act of  
24 1973, and part B of the Individuals with Dis-  
25 abilities Education Act;

1           “(H) is a school to which parents choose to  
2           send their children, and that admits students  
3           on the basis of a lottery, if more students apply  
4           for admission than can be accommodated;

5           “(I) agrees to comply with the same Fed-  
6           eral and State audit requirements as do other  
7           elementary schools and secondary schools in the  
8           State, unless such requirements are specifically  
9           waived for the purpose of this program;

10          “(J) meets all applicable Federal, State,  
11          and local health and safety requirements;

12          “(K) operates in accordance with State  
13          law; and

14          “(L) has a written performance contract  
15          with the authorized public chartering agency in  
16          the State that includes a description of how  
17          student performance will be measured in char-  
18          ter schools pursuant to State assessments that  
19          are required of other schools and pursuant to  
20          any other assessments mutually agreeable to  
21          the authorized public chartering agency and the  
22          charter school.

23          “(2) DEVELOPER.—The term ‘developer’ means  
24          an individual or group of individuals (including a  
25          public or private nonprofit organization), which may

1 include teachers, administrators and other school  
 2 staff, parents, or other members of the local commu-  
 3 nity in which a charter school project will be carried  
 4 out.

5 “(3) ELIGIBLE APPLICANT.—The term ‘eligible  
 6 applicant’ means an authorized public chartering  
 7 agency participating in a partnership with a devel-  
 8 oper to establish a charter school in accordance with  
 9 this subpart.

10 “(4) AUTHORIZED PUBLIC CHARTERING AGEN-  
 11 CY.—The term ‘authorized public chartering agency’  
 12 means a State educational agency, local educational  
 13 agency, or other public entity that has the authority  
 14 pursuant to State law and approved by the Sec-  
 15 retary to authorize or approve a charter school.

16 **“SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.**

17 “For the purpose of carrying out this subpart, there  
 18 are authorized to be appropriated \$190,000,000 for fiscal  
 19 year 2002 and such sums as may be necessary for each  
 20 of the 6 succeeding fiscal years.

21 **“Subpart 2—Magnet Schools Assistance**

22 **“SEC. 5131. FINDINGS AND STATEMENT OF PURPOSE.**

23 “(a) FINDINGS.—Congress makes the following find-  
 24 ings:

1           “(1) Magnet schools are a significant part of  
2           our Nation’s effort to achieve voluntary desegrega-  
3           tion of our Nation’s schools.

4           “(2) It is in the national interest to continue  
5           the Federal Government’s support of school districts  
6           that are implementing court-ordered desegregation  
7           plans and school districts that are voluntarily seek-  
8           ing to foster meaningful interaction among students  
9           of different racial and ethnic backgrounds.

10           “(3) Desegregation can help ensure that all stu-  
11           dents have equitable access to high-quality education  
12           that will prepare them to function well in a techno-  
13           logically oriented and highly competitive society com-  
14           prised of people from many different racial and eth-  
15           nic backgrounds.

16           “(4) It is in the national interest to desegregate  
17           and diversify those schools in our Nation that are  
18           racially, economically, linguistically, or ethnically  
19           segregated. Such segregation exists between minority  
20           and non-minority students as well as among stu-  
21           dents of different minority groups.

22           “(b) STATEMENT OF PURPOSE.—The purpose of this  
23           subpart is to assist in the desegregation of schools served  
24           by local educational agencies by providing financial assist-  
25           ance to eligible local educational agencies for—

1           “(1) the elimination, reduction, or prevention of  
2           minority group isolation in elementary schools and  
3           secondary schools with substantial proportions of mi-  
4           nority students which shall assist in the efforts of  
5           the United States to achieve voluntary desegregation  
6           in public schools;

7           “(2) the development and implementation of  
8           magnet school projects that will assist local edu-  
9           cational agencies in achieving systemic reforms and  
10          providing all students the opportunity to meet chal-  
11          lenging State and local content standards and chal-  
12          lenging State and local student performance stand-  
13          ards;

14          “(3) the development and design of innovative  
15          educational methods and practices;

16          “(4) courses of instruction within magnet  
17          schools that will substantially strengthen the knowl-  
18          edge of academic subjects and the grasp of tangible  
19          and marketable vocational, technological and career  
20          skills of students attending such schools;

21          “(5) improving the capacity of local educational  
22          agencies, including through professional develop-  
23          ment, to continue operating magnet schools at a  
24          high performance level after Federal funding is ter-  
25          minated; and

1           “(6) ensuring that all students enrolled in the  
2           magnet school program have equitable access to high  
3           quality education that will enable the students to  
4           succeed academically and continue with post sec-  
5           ondary education or productive employment.

6   **“SEC. 5132. PROGRAM AUTHORIZED.**

7           “The Secretary, in accordance with this subpart, is  
8           authorized to make grants to eligible local educational  
9           agencies, and consortia of such agencies where appro-  
10          priate, to carry out the purpose of this subpart for magnet  
11          schools that are—

12                 “(1) part of an approved desegregation plan;

13                 and

14                 “(2) designed to bring students from different  
15                 social, economic, ethnic, and racial backgrounds to-  
16                 gether.

17   **“SEC. 5133. DEFINITION.**

18           “For the purpose of this subpart, the term ‘magnet  
19           school’ means a public elementary school or secondary  
20           school or a public elementary or secondary education cen-  
21           ter that offers a special curriculum capable of attracting  
22           substantial numbers of students of different racial back-  
23           grounds.

1 **“SEC. 5134. ELIGIBILITY.**

2 “A local educational agency, or consortium of such  
3 agencies where appropriate, is eligible to receive assistance  
4 under this subpart to carry out the purposes of this sub-  
5 part if such agency or consortium—

6 “(1) is implementing a plan undertaken pursu-  
7 ant to a final order issued by a court of the United  
8 States, or a court of any State, or any other State  
9 agency or official of competent jurisdiction, that re-  
10 quires the desegregation of minority-group-seg-  
11 regated children or faculty in the elementary schools  
12 and secondary schools of such agency; or

13 “(2) without having been required to do so, has  
14 adopted and is implementing, or will, if assistance is  
15 made available to such local educational agency or  
16 consortium of such agencies under this subpart,  
17 adopt and implement a plan that has been approved  
18 by the Secretary as adequate under title VI of the  
19 Civil Rights Act of 1964 for the desegregation of mi-  
20 nority-group-segregated children or faculty in such  
21 schools.

22 **“SEC. 5135. APPLICATIONS AND REQUIREMENTS.**

23 “(a) APPLICATIONS.—An eligible local educational  
24 agency or consortium of such agencies desiring to receive  
25 assistance under this subpart shall submit an application  
26 to the Secretary at such time, in such manner, and con-

1 taining such information and assurances as the Secretary  
2 may reasonably require.

3 “(b) INFORMATION AND ASSURANCES.—Each such  
4 application shall include—

5 “(1) a description of—

6 “(A) how assistance made available under  
7 this subpart will be used to promote desegrega-  
8 tion, including how the proposed magnet school  
9 project will increase interaction among students  
10 of different social, economic, ethnic, and racial  
11 backgrounds;

12 “(B) the manner and extent to which the  
13 magnet school project will increase student  
14 achievement in the instructional area or areas  
15 offered by the school;

16 “(C) how an applicant will continue the  
17 magnet school project after assistance under  
18 this subpart is no longer available, including, if  
19 applicable, an explanation of why magnet  
20 schools established or supported by the appli-  
21 cant with funds under this subpart cannot be  
22 continued without the use of funds under this  
23 subpart;

24 “(D) how funds under this subpart will be  
25 used to implement services and activities that



1 are consistent with other programs under this  
2 Act, and other Acts, as appropriate, in accord-  
3 ance with the provisions of section 5506; and

4 “(E) the criteria to be used in selecting  
5 students to attend the proposed magnet school  
6 project; and

7 “(2) assurances that the applicant will—

8 “(A) use funds under this subpart for the  
9 purposes specified in section 5131(b);

10 “(B) employ State certified or licensed  
11 teachers in the courses of instruction assisted  
12 under this subpart to teach or supervise others  
13 who are teaching the subject matter of the  
14 courses of instruction;

15 “(C) not engage in discrimination based on  
16 race, religion, color, national origin, sex, or dis-  
17 ability in—

18 “(i) the hiring, promotion, or assign-  
19 ment of employees of the agency or other  
20 personnel for whom the agency has any ad-  
21 ministrative responsibility;

22 “(ii) the assignment of students to  
23 schools, or to courses of instruction within  
24 the school, of such agency, except to carry  
25 out the approved plan; and

1                   “(iii) designing or operating extra-  
2                   curricular activities for students;

3                   “(D) carry out a high-quality education  
4                   program that will encourage greater parental  
5                   decisionmaking and involvement; and

6                   “(E) give students residing in the local at-  
7                   tendance area of the proposed magnet school  
8                   project equitable consideration for placement in  
9                   the project, consistent with desegregation guide-  
10                  lines and the capacity of the project to accom-  
11                  modate these students.

12                  “(c) SPECIAL RULE.—No application may be ap-  
13                  proved under this section unless the Assistant Secretary  
14                  of Education for Civil Rights determines that the assur-  
15                  ances described in subsection (b)(2)(C) will be met.

16                  **“SEC. 5136. PRIORITY.**

17                  “‘In approving applications under this subpart, the  
18                  Secretary shall give priority to applicants that—

19                         “(1) demonstrate the greatest need for assist-  
20                         ance, based on the expense or difficulty of effectively  
21                         carrying out an approved desegregation plan and the  
22                         projects for which assistance is sought;

23                         “(2) propose to carry out new magnet school  
24                         projects, or significantly revise existing magnet  
25                         school projects;

1           “(3) propose to select students to attend mag-  
2 net school projects by methods such as lottery, rath-  
3 er than through academic examination;

4           “(4) propose to implement innovative edu-  
5 cational approaches that are consistent with the  
6 State and local content and student performance  
7 standards; and

8           “(5) propose activities, which may include pro-  
9 fessional development, that will build local capacity  
10 to operate the magnet school program once Federal  
11 assistance has terminated.

12 **“SEC. 5137. USE OF FUNDS.**

13           “(a) IN GENERAL.—Grant funds made available  
14 under this subpart may be used by an eligible local edu-  
15 cational agency or consortium of such agencies—

16           “(1) for planning and promotional activities di-  
17 rectly related to the development, expansion, con-  
18 tinuation, or enhancement of academic programs  
19 and services offered at magnet schools;

20           “(2) for the acquisition of books, materials, and  
21 equipment, including computers and the mainte-  
22 nance and operation thereof, necessary for the con-  
23 duct of programs in magnet schools;

24           “(3) for the payment, or subsidization of the  
25 compensation, of elementary school and secondary

1 school teachers who are certified or licensed by the  
2 State, and instructional staff where applicable, who  
3 are necessary for the conduct of programs in magnet  
4 schools;

5 “(4) with respect to a magnet school program  
6 offered to less than the entire student population of  
7 a school, for instructional activities that—

8 “(A) are designed to make available the  
9 special curriculum that is offered by the magnet  
10 school project to students who are enrolled in  
11 the school but who are not enrolled in the mag-  
12 net school program; and

13 “(B) further the purposes of this subpart;

14 “(5) to include professional development, which  
15 professional development shall build the agency’s or  
16 consortium’s capacity to operate the magnet school  
17 once Federal assistance has terminated;

18 “(6) to enable the local educational agency or  
19 consortium to have more flexibility in the adminis-  
20 tration of a magnet school program in order to serve  
21 students attending a school who are not enrolled in  
22 a magnet school program; and

23 “(7) to enable the local educational agency or  
24 consortium to have flexibility in designing magnet  
25 schools for students at all grades.

1       “(b) SPECIAL RULE.—Grant funds under this sub-  
2 part may be used in accordance with paragraphs (2) and  
3 (3) of subsection (a) only if the activities described in such  
4 paragraphs are directly related to improving the students’  
5 reading skills or knowledge of mathematics, science, his-  
6 tory, geography, English, foreign languages, art, or music,  
7 or to improving vocational, technological and career skills.

8 **“SEC. 5138. PROHIBITION.**

9       “Grants under this subpart may not be used for  
10 transportation or any activity that does not augment aca-  
11 demic improvement.

12 **“SEC. 5139. LIMITATIONS.**

13       “(a) DURATION OF AWARDS.—A grant under this  
14 subpart shall be awarded for a period that shall not exceed  
15 3 fiscal years.

16       “(b) LIMITATION ON PLANNING FUNDS.—A local  
17 educational agency may expend for planning (professional  
18 development shall not be considered as planning for pur-  
19 poses of this subsection) not more than 50 percent of the  
20 funds received under this subpart for the first year of the  
21 project, 25 percent of such funds for the second such year,  
22 and 15 percent of such funds for the third such year.

23       “(c) AMOUNT.—No local educational agency or con-  
24 sortium awarded a grant under this subpart shall receive

1 more than \$4,000,000 under this subpart in any 1 fiscal  
2 year.

3 “(d) TIMING.—To the extent practicable, the Sec-  
4 retary shall award grants for any fiscal year under this  
5 subpart not later than June 1 of the applicable fiscal year.

6 **“SEC. 5140. INNOVATIVE PROGRAMS.**

7 “(a) IN GENERAL.—From amounts reserved under  
8 subsection (d) for each fiscal year, the Secretary shall  
9 award grants to local educational agencies or consortia of  
10 such agencies described in section 5134 to enable such  
11 agencies or consortia to conduct innovative programs  
12 that—

13 “(1) involve innovative strategies other than  
14 magnet schools, such as neighborhood or community  
15 model schools, to support desegregation of schools  
16 and to reduce achievement gaps;

17 “(2) assist in achieving systemic reforms and  
18 providing all students the opportunity to meet chal-  
19 lenging State and local content standards and chal-  
20 lenging State and local student performance stand-  
21 ards; and

22 “(3) include innovative educational methods  
23 and practices that—

24 “(A) are organized around a special em-  
25 phasis, theme, or concept; and

1                   “(B) involve extensive parent and commu-  
2                   nity involvement.

3           “(b) APPLICABILITY.—Sections 5131(b), 5132,  
4 5135, 5136, and 5137, shall not apply to grants awarded  
5 under subsection (a).

6           “(c) APPLICATIONS.—Each local educational agency  
7 or consortia of such agencies desiring a grant under this  
8 section shall submit an application to the Secretary at  
9 such time, in such manner, and containing such informa-  
10 tion and assurances as the Secretary may reasonably re-  
11 quire.

12           “(d) INNOVATIVE PROGRAMS.—The Secretary shall  
13 reserve not more than 5 percent of the funds appropriated  
14 under section 5142(a) for each fiscal year to award grants  
15 under this section.

16 **“SEC. 5141. EVALUATIONS.**

17           “(a) RESERVATION.—The Secretary may reserve not  
18 more than 2 percent of the funds appropriated under sec-  
19 tion 5142(a) for any fiscal year to carry out evaluations  
20 of projects assisted under this subpart and to provide tech-  
21 nical assistance for grant recipients under this subpart.

22           “(b) CONTENTS.—Each evaluation described in sub-  
23 section (a), at a minimum, shall address—

1           “(1) how and the extent to which magnet school  
2 programs lead to educational quality and improve-  
3 ment;

4           “(2) the extent to which magnet school pro-  
5 grams enhance student access to quality education;

6           “(3) the extent to which magnet school pro-  
7 grams lead to the elimination, reduction, or preven-  
8 tion of minority group isolation in elementary  
9 schools and secondary schools with substantial pro-  
10 portions of minority students;

11           “(4) the extent to which magnet school pro-  
12 grams differ from other school programs in terms of  
13 the organizational characteristics and resource allo-  
14 cations of such magnet school programs; and

15           “(5) the extent to which magnet school pro-  
16 grams continue once grant assistance under this  
17 subpart is terminated.

18           “(c) DISSEMINATION.—The Secretary shall collect  
19 and disseminate to the general public information on suc-  
20 cessful magnet school programs.

21 **“SEC. 5142. AUTHORIZATION OF APPROPRIATIONS; RES-**  
22 **ERVATION.**

23           “(a) AUTHORIZATION.—For the purpose of carrying  
24 out this subpart, there are authorized to be appropriated



1 \$125,000,000 for fiscal year 2002 and such sums as may  
2 be necessary for each of the 6 succeeding fiscal years.

3 “(b) AVAILABILITY OF FUNDS FOR GRANTS TO  
4 AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal  
5 year for which the amount appropriated pursuant to sub-  
6 section (a) exceeds \$75,000,000, the Secretary shall give  
7 priority to using such amounts in excess of \$75,000,000  
8 to award grants to local educational agencies or consortia  
9 of such agencies that did not receive a grant under this  
10 subpart in the preceding fiscal year.

11 **“Subpart 3—Public School Choice**

12 **“SEC. 5151. PUBLIC SCHOOL CHOICE.**

13 “(a) ALLOTMENT TO STATE.—From the amount ap-  
14 propriated under subsection (e) for a fiscal year, the Sec-  
15 retary shall allot to each State an amount that bears the  
16 same relation to the amount as the amount the State re-  
17 ceived under section 1122 for the preceding year bears to  
18 the amount received by all States under section 1122 for  
19 the preceding year.

20 “(b) STATE USE OF FUNDS.—Each State receiving  
21 an allotment under subsection (a) shall use 100 percent  
22 of the allotted funds for allocations to local educational  
23 agencies to enable the local educational agencies to carry  
24 out school improvement under section 1116(c).

1       “(c) PUBLIC SCHOOL CHOICE.—Subject to sub-  
2 section (d), each local educational agency receiving an allo-  
3 cation under subsection (b), and each local educational  
4 agency that is within a State that receives funds under  
5 part A of title I (other than a local educational agency  
6 within a State that receives a minimum grant under sec-  
7 tion 1124(d) or 1124A(a)(1)(B) of such Act), shall pro-  
8 vide all students enrolled in a school identified under sec-  
9 tion 1116(c) and served by the local educational agency  
10 with the option to transfer to another public school within  
11 the school district served by the local educational agency,  
12 including a public charter school, that has not been identi-  
13 fied for school improvement under section 1116(c), unless  
14 such option to transfer is prohibited by State law or local  
15 law (which includes school board-approved local edu-  
16 cational agency policy).

17       “(d) SPECIAL RULE.—If a local educational agency  
18 demonstrates to the satisfaction of the State educational  
19 agency that the local educational agency lacks the capacity  
20 to provide all students with the option to transfer to an-  
21 other public school within the school district served by the  
22 local educational agency in accordance with subsection (c),  
23 and gives notice (consistent with State and local law) to  
24 the parents of children affected that it is not possible to  
25 accommodate the transfer request of every student, then

1 the local educational agency shall permit as many students  
 2 as possible (who shall be selected by the local educational  
 3 agency on an equitable basis) to transfer to a public school  
 4 within such school district that has not been identified for  
 5 school improvement under section 1116(c).

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 are authorized to be appropriated to carry out this section  
 8 \$225,000,000 for fiscal year 2002 and each of the 6 suc-  
 9 ceeding fiscal years.”.

10 **“PART B—FLEXIBILITY**

11 **“Subpart 1—Education Flexibility Partnerships**

12 **“SEC. 5201. SHORT TITLE.**

13 “This subpart may be cited as the ‘Education Flexi-  
 14 bility Partnership Act of 2001’.

15 **“SEC. 5202. DEFINITIONS.**

16 “In this subpart:

17 “(1) ELIGIBLE SCHOOL ATTENDANCE AREA;  
 18 SCHOOL ATTENDANCE AREA.—The terms ‘eligible  
 19 school attendance area’ and ‘school attendance area’  
 20 have the meanings given the terms in section  
 21 1113(a)(2).

22 “(2) STATE.—The term ‘State’ means each of  
 23 the several States of the United States, the District  
 24 of Columbia, the Commonwealth of Puerto Rico, and  
 25 each outlying area.

1 **“SEC. 5203. EDUCATION FLEXIBILITY PARTNERSHIP.**

2 “(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

3 “(1) PROGRAM AUTHORIZED.—

4 “(A) IN GENERAL.—The Secretary may  
5 carry out an educational flexibility program  
6 under which the Secretary authorizes a State  
7 educational agency that serves an eligible State  
8 to waive statutory or regulatory requirements  
9 applicable to one or more programs described in  
10 subsection (b), other than requirements de-  
11 scribed in subsection (c), for any local edu-  
12 cational agency or school within the State.

13 “(B) DESIGNATION.—Each eligible State  
14 participating in the program described in sub-  
15 paragraph (A) shall be known as an ‘Ed-Flex  
16 Partnership State’.

17 “(2) ELIGIBLE STATE.—For the purpose of this  
18 section the term ‘eligible State’ means a State  
19 that—

20 “(A) has—

21 “(i) developed and implemented the  
22 challenging State content standards, chal-  
23 lenging State student performance stand-  
24 ards, and aligned assessments described in  
25 section 1111(b), and for which local edu-  
26 cational agencies in the State are pro-

1           ducing the individual school performance  
2           profiles required by section 1116(a)(3); or  
3           “(ii)(I) developed and implemented  
4           the content standards described in clause  
5           (i);  
6           “(II) developed and implemented in-  
7           terim assessments; and  
8           “(III) made substantial progress (as  
9           determined by the Secretary) toward devel-  
10          oping and implementing the performance  
11          standards and final aligned assessments  
12          described in clause (i), and toward having  
13          local educational agencies in the State  
14          produce the profiles described in clause (i);  
15          “(B) holds local educational agencies and  
16          schools accountable for meeting the educational  
17          goals described in the local applications sub-  
18          mitted under paragraph (4), and for engaging  
19          in technical assistance and corrective actions  
20          consistent with section 1116, for the local edu-  
21          cational agencies and schools that do not make  
22          adequate yearly progress as described in section  
23          1111(b)(2); and  
24          “(C) waives State statutory or regulatory  
25          requirements relating to education while holding

1 local educational agencies or schools within the  
2 State that are affected by such waivers account-  
3 able for the performance of the students who  
4 are affected by such waivers.

5 “(3) STATE APPLICATION.—

6 “(A) IN GENERAL.—Each State edu-  
7 cational agency desiring to participate in the  
8 educational flexibility program under this sec-  
9 tion shall submit an application to the Sec-  
10 retary at such time, in such manner, and con-  
11 taining such information as the Secretary may  
12 reasonably require. Each such application shall  
13 demonstrate that the eligible State has adopted  
14 an educational flexibility plan for the State that  
15 includes—

16 “(i) a description of the process the  
17 State educational agency will use to evalu-  
18 ate applications from local educational  
19 agencies or schools requesting waivers of—

20 “(I) Federal statutory or regu-  
21 latory requirements as described in  
22 paragraph (1)(A); and

23 “(II) State statutory or regu-  
24 latory requirements relating to edu-  
25 cation;

1           “(ii) a detailed description of the  
2 State statutory and regulatory require-  
3 ments relating to education that the State  
4 educational agency will waive;

5           “(iii) a description of clear edu-  
6 cational objectives the State intends to  
7 meet under the educational flexibility plan;

8           “(iv) a description of how the edu-  
9 cational flexibility plan is consistent with  
10 and will assist in implementing the State  
11 comprehensive reform plan or, if a State  
12 does not have a comprehensive reform  
13 plan, a description of how the educational  
14 flexibility plan is coordinated with activities  
15 described in section 1111(b);

16           “(v) a description of how the State  
17 educational agency will evaluate, consistent  
18 with the requirements of title I, the per-  
19 formance of students in the schools and  
20 local educational agencies affected by the  
21 waivers; and

22           “(vi) a description of how the State  
23 educational agency will meet the require-  
24 ments of paragraph (8).

1           “(B) APPROVAL AND CONSIDERATIONS.—

2           The Secretary may approve an application de-  
3           scribed in subparagraph (A) only if the Sec-  
4           retary determines that such application dem-  
5           onstrates substantial promise of assisting the  
6           State educational agency and affected local edu-  
7           cational agencies and schools within the State  
8           in carrying out comprehensive educational re-  
9           form, after considering—

10                   “(i) the eligibility of the State as de-  
11                   scribed in paragraph (2);

12                   “(ii) the comprehensiveness and qual-  
13                   ity of the educational flexibility plan de-  
14                   scribed in subparagraph (A);

15                   “(iii) the ability of the educational  
16                   flexibility plan to ensure accountability for  
17                   the activities and goals described in such  
18                   plan;

19                   “(iv) the degree to which the State’s  
20                   objectives described in subparagraph  
21                   (A)(iii)—

22                           “(I) are clear and have the abil-  
23                           ity to be assessed; and

24                           “(II) take into account the per-  
25                           formance of local educational agencies



1 or schools, and students, particularly  
2 those affected by waivers;

3 “(v) the significance of the State stat-  
4 utory or regulatory requirements relating  
5 to education that will be waived; and

6 “(vi) the quality of the State edu-  
7 cational agency’s process for approving ap-  
8 plications for waivers of Federal statutory  
9 or regulatory requirements as described in  
10 paragraph (1)(A) and for monitoring and  
11 evaluating the results of such waivers.

12 “(4) LOCAL APPLICATION.—

13 “(A) IN GENERAL.—Each local educational  
14 agency or school requesting a waiver of a Fed-  
15 eral statutory or regulatory requirement as de-  
16 scribed in paragraph (1)(A) and any relevant  
17 State statutory or regulatory requirement from  
18 a State educational agency shall submit an ap-  
19 plication to the State educational agency at  
20 such time, in such manner, and containing such  
21 information as the State educational agency  
22 may reasonably require. Each such application  
23 shall—

1           “(i) indicate each Federal program af-  
2           fected and each statutory or regulatory re-  
3           quirement that will be waived;

4           “(ii) describe the purposes and overall  
5           expected results of waiving each such re-  
6           quirement;

7           “(iii) describe, for each school year,  
8           specific, measurable, educational goals for  
9           each local educational agency or school af-  
10          fected by the proposed waiver, and for the  
11          students served by the local educational  
12          agency or school who are affected by the  
13          waiver;

14          “(iv) explain why the waiver will as-  
15          sist the local educational agency or school  
16          in reaching such goals; and

17          “(v) in the case of an application from  
18          a local educational agency, describe how  
19          the local educational agency will meet the  
20          requirements of paragraph (8).

21          “(B) EVALUATION OF APPLICATIONS.—A  
22          State educational agency shall evaluate an ap-  
23          plication submitted under subparagraph (A) in  
24          accordance with the State’s educational flexi-  
25          bility plan described in paragraph (3)(A).

1           “(C) APPROVAL.—A State educational  
2 agency shall not approve an application for a  
3 waiver under this paragraph unless—

4           “(i) the local educational agency or  
5 school requesting such waiver has devel-  
6 oped a local reform plan that is applicable  
7 to such agency or school, respectively;

8           “(ii) the waiver of Federal statutory  
9 or regulatory requirements as described in  
10 paragraph (1)(A) will assist the local edu-  
11 cational agency or school in reaching its  
12 educational goals, particularly goals with  
13 respect to school and student performance;  
14 and

15           “(iii) the State educational agency is  
16 satisfied that the underlying purposes of  
17 the statutory requirements of each pro-  
18 gram for which a waiver is granted will  
19 continue to be met.

20           “(D) TERMINATION.—The State edu-  
21 cational agency shall annually review the per-  
22 formance of any local educational agency or  
23 school granted a waiver of Federal statutory or  
24 regulatory requirements as described in para-  
25 graph (1)(A) in accordance with the evaluation

1 requirement described in paragraph (3)(A)(v),  
2 and shall terminate any waiver granted to the  
3 local educational agency or school if the State  
4 educational agency determines, after notice and  
5 an opportunity for a hearing, that the local edu-  
6 cational agency or school's performance with re-  
7 spect to meeting the accountability requirement  
8 described in paragraph (2)(C) and the goals de-  
9 scribed in paragraph (4)(A)(iii)—

10 “(i) has been inadequate to justify  
11 continuation of such waiver; or

12 “(ii) has decreased for two consecutive  
13 years, unless the State educational agency  
14 determines that the decrease in perform-  
15 ance was justified due to exceptional or un-  
16 controllable circumstances.

17 “(5) OVERSIGHT AND REPORTING.—

18 “(A) OVERSIGHT.—Each State educational  
19 agency participating in the educational flexi-  
20 bility program under this section shall annually  
21 monitor the activities of local educational agen-  
22 cies and schools receiving waivers under this  
23 section.

24 “(B) STATE REPORTS.—

1           “(i) ANNUAL REPORTS.—The State  
2 educational agency shall submit to the Sec-  
3 retary an annual report on the results of  
4 such oversight and the impact of the waiv-  
5 ers on school and student performance.

6           “(ii) PERFORMANCE DATA.—Not later  
7 than 2 years after the date a State is des-  
8 ignated an Ed-Flex Partnership State,  
9 each such State shall include, as part of  
10 the State’s annual report submitted under  
11 clause (i), data demonstrating the degree  
12 to which progress has been made toward  
13 meeting the State’s educational objectives.  
14 The data, when applicable, shall include—

15           “(I) information on the total  
16 number of waivers granted for Fed-  
17 eral and State statutory and regu-  
18 latory requirements under this sec-  
19 tion, including the number of waivers  
20 granted for each type of waiver;

21           “(II) information describing the  
22 effect of the waivers on the implemen-  
23 tation of State and local educational  
24 reforms pertaining to school and stu-  
25 dent performance;

1           “(III) information describing the  
2           relationship of the waivers to the per-  
3           formance of schools and students af-  
4           fected by the waivers; and

5           “(IV) an assurance from State  
6           program managers that the data re-  
7           ported under this section are reliable,  
8           complete, and accurate, as defined by  
9           the State, or a description of a plan  
10          for improving the reliability, complete-  
11          ness, and accuracy of such data as de-  
12          fined by the State.

13          “(C) SECRETARY’S REPORTS.—The Sec-  
14          retary, not later than 2 years after the date of  
15          enactment of the Education Flexibility Partner-  
16          ship Act of 1999 and annually thereafter,  
17          shall—

18                 “(i) make each State report submitted  
19                 under subparagraph (B) available to Con-  
20                 gress and the public; and

21                 “(ii) submit to Congress a report that  
22                 summarizes the State reports and de-  
23                 scribes the effects that the educational  
24                 flexibility program under this section had  
25                 on the implementation of State and local

1 educational reforms and on the perform-  
2 ance of students affected by the waivers.

3 “(6) DURATION OF FEDERAL WAIVERS.—

4 “(A) IN GENERAL.—The Secretary shall  
5 not approve the application of a State edu-  
6 cational agency under paragraph (3) for a pe-  
7 riod exceeding 5 years, except that the Sec-  
8 retary may extend such period if the Secretary  
9 determines that such agency’s authority to  
10 grant waivers—

11 “(i) has been effective in enabling  
12 such State or affected local educational  
13 agencies or schools to carry out their State  
14 or local reform plans and to continue to  
15 meet the accountability requirement de-  
16 scribed in paragraph (2)(C); and

17 “(ii) has improved student perform-  
18 ance.

19 “(B) PERFORMANCE REVIEW.—Three  
20 years after the date a State is designated an  
21 Ed-Flex Partnership State, the Secretary shall  
22 review the performance of the State educational  
23 agency in granting waivers of Federal statutory  
24 or regulatory requirements as described in  
25 paragraph (1)(A) and shall terminate such

1 agency’s authority to grant such waivers if the  
2 Secretary determines, after notice and an op-  
3 portunity for a hearing, that such agency’s per-  
4 formance (including performance with respect  
5 to meeting the objectives described in para-  
6 graph (3)(A)(iii)) has been inadequate to justify  
7 continuation of such authority.

8 “(C) RENEWAL.—In deciding whether to  
9 extend a request for a State educational agen-  
10 cy’s authority to issue waivers under this sec-  
11 tion, the Secretary shall review the progress of  
12 the State educational agency to determine if the  
13 State educational agency—

14 “(i) has made progress toward achiev-  
15 ing the objectives described in the applica-  
16 tion submitted pursuant to paragraph  
17 (3)(A)(iii); and

18 “(ii) demonstrates in the request that  
19 local educational agencies or schools af-  
20 fected by the waiver authority or waivers  
21 have made progress toward achieving the  
22 desired results described in the application  
23 submitted pursuant to paragraph  
24 (4)(A)(iii).



1           “(7) AUTHORITY TO ISSUE WAIVERS.—Notwith-  
2 standing any other provision of law, the Secretary is  
3 authorized to carry out the educational flexibility  
4 program under this section for each of the fiscal  
5 years 2002 through 2008.

6           “(8) PUBLIC NOTICE AND COMMENT.—Each  
7 State educational agency seeking waiver authority  
8 under this section and each local educational agency  
9 seeking a waiver under this section—

10           “(A) shall provide the public with adequate  
11 and efficient notice of the proposed waiver au-  
12 thority or waiver, consisting of a description of  
13 the agency’s application for the proposed waiver  
14 authority or waiver in a widely read or distrib-  
15 uted medium, including a description of any im-  
16 proved student performance that is expected to  
17 result from the waiver authority or waiver;

18           “(B) shall provide the opportunity for par-  
19 ents, educators, and all other interested mem-  
20 bers of the community to comment regarding  
21 the proposed waiver authority or waiver;

22           “(C) shall provide the opportunity de-  
23 scribed in subparagraph (B) in accordance with  
24 any applicable State law specifying how the  
25 comments may be received, and how the com-

1           ments may be reviewed by any member of the  
2           public; and

3           “(D) shall submit the comments received  
4           with the agency’s application to the Secretary  
5           or the State educational agency, as appropriate.

6           “(b) INCLUDED PROGRAMS.—The statutory or regu-  
7           latory requirements referred to in subsection (a)(1)(A) are  
8           any such requirements for programs carried out under the  
9           following provisions:

10           “(1) Title I (other than subsections (a) and (c)  
11           of section 1116, subpart 2 of part B, and part F).

12           “(2) Subparts 1, 2, and 3 of part A of title II.

13           “(3) Part C of title II.

14           “(4) Part C of title III.

15           “(5) Part A of title IV.

16           “(6) Subpart 4 of this part.

17           “(7) The Carl D. Perkins Vocational and Tech-  
18           nical Education Act of 1998.

19           “(c) WAIVERS NOT AUTHORIZED.—The Secretary  
20           and the State educational agency may not waive under  
21           subsection (a)(1)(A) any statutory or regulatory  
22           requirement—

23           “(1) relating to—

24           “(A) maintenance of effort;

25           “(B) comparability of services;

1           “(C) equitable participation of students  
2 and 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  
8 areas 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  
18 points below the lowest percentage of such chil-  
19 dren for any school attendance area or school of  
20 the local educational agency that meets the re-  
21 quirements 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 stat-  
2           utory requirements of the program for which a waiv-  
3           er is granted continue to be met to the satisfaction  
4           of the 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  
9           a State educational agency that has been granted  
10          waiver authority under the provisions of law de-  
11          scribed in paragraph (2) (as such provisions were in  
12          effect on the day before the date of enactment of the  
13          Better Education for Students and Teachers Act)  
14          for the duration 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:  
18                 Educate America Act (as such section was in  
19                 effect on the day before the date of enactment  
20                 of the Better Education for Students and  
21                 Teachers 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.  
2 1321–229).

3 “(3) SPECIAL RULE.—If a State educational  
4 agency granted waiver authority pursuant to the  
5 provisions of law described in subparagraph (A) or  
6 (B) of paragraph (2) applies to the Secretary for  
7 waiver authority under this section—

8 “(A) the Secretary shall review the  
9 progress of the State educational agency in  
10 achieving the objectives set forth in the applica-  
11 tion submitted pursuant to section 311(e) of  
12 the Goals 2000: Educate America Act (as such  
13 section was in effect on the day before the date  
14 of enactment of the Better Education for Stu-  
15 dents and Teachers Act); and

16 “(B) the Secretary shall administer the  
17 waiver authority granted under this section in  
18 accordance with the requirements of this sec-  
19 tion.

20 “(4) TECHNOLOGY.—In the case of a State  
21 educational agency granted waiver authority under  
22 the provisions of law described in subparagraph (A)  
23 or (B) of paragraph (2), the Secretary shall permit  
24 a State educational agency to expand, on or after  
25 the date of enactment of the Better Education for

1 Students and Teachers Act, the waiver authority to  
2 include 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 waiv-  
5 ers under this section, including a description of the ra-  
6 tionale the Secretary used to approve applications under  
7 subsection (a)(3)(B), shall be published in the Federal  
8 Register and the Secretary shall provide for the dissemina-  
9 tion of such notice to State educational agencies, inter-  
10 ested parties (including educators, parents, students, and  
11 advocacy and 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  
18 unique 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) \$300,000,000 for fiscal year 2002, of  
5 which \$150,000,000 shall be made available to carry  
6 out chapter 1; and

7 “(2) such sums as may be necessary for each  
8 of the 6 succeeding fiscal years.

9 **“Chapter 1—Small, Rural School Achievement**  
10 **Program**

11 **“SEC. 5231. FORMULA GRANT PROGRAM AUTHORIZED.**

12 “(a) ALTERNATIVE USES.—

13 “(1) IN GENERAL.—Notwithstanding any other  
14 provision of law, an eligible local educational agency  
15 may use the applicable funding, that the agency is  
16 eligible to receive from the State educational agency  
17 for a fiscal year, to carry out activities described in  
18 section 1114, 1115, 1116, 2123, or 4116.

19 “(2) NOTIFICATION.—An eligible local edu-  
20 cational agency shall notify the State educational  
21 agency of the local educational agency’s intention to  
22 use the applicable funding in accordance with para-  
23 graph (1) not later than a date that is established  
24 by the State educational agency for the notification.

1       “(b) ELIGIBILITY.—A local educational agency shall  
2 be eligible to use the applicable funding in accordance with  
3 subsection (a) if—

4           “(1) the total number of students in average  
5 daily attendance at all of the schools served by the  
6 local educational agency is less than 600; and

7           “(2) all of the schools served by the local edu-  
8 cational agency are designated with a School Locale  
9 Code of 7 or 8, as determined by the Secretary, ex-  
10 cept that the Secretary may waive the School Locale  
11 Code requirement of this paragraph if the Secretary  
12 determines, based on certification provided by the  
13 local educational agency or the State educational  
14 agency on behalf of the local educational agency,  
15 that the local educational agency is located in an  
16 area defined as rural by a governmental agency of  
17 the State.

18       “(c) APPLICABLE FUNDING.—In this section, the  
19 term ‘applicable funding’ means funds provided under  
20 each of titles II and IV, and subpart 4 of this part.

21       “(d) DISBURSAL.—Each State educational agency  
22 that receives applicable funding for a fiscal year shall dis-  
23 burse the applicable funding to local educational agencies  
24 for alternative uses under this section for the fiscal year  
25 at the same time that the State educational agency dis-



1 burses the applicable funding to local educational agencies  
2 that do not intend to use the applicable funding for such  
3 alternative uses for the fiscal year.

4 “(e) SUPPLEMENT NOT SUPPLANT.—Funds made  
5 available under this section shall be used to supplement  
6 and not supplant any other Federal, State, or local edu-  
7 cation funds.

8 “(f) SPECIAL RULE.—References in Federal law to  
9 funds for the provisions of law set forth in subsection (c)  
10 may be considered to be references to funds for this sec-  
11 tion.

12 “(g) CONSTRUCTION.—Nothing in this chapter shall  
13 be construed to prohibit a local educational agency that  
14 enters into cooperative arrangements with other local edu-  
15 cational agencies for the provision of special, compen-  
16 satory, or other education services pursuant to State law  
17 or a written agreement from entering into similar arrange-  
18 ments for the use or the coordination of the use of the  
19 funds made available under this section.

20 **“SEC. 5232. COMPETITIVE GRANT PROGRAM AUTHORIZED.**

21 “(a) IN GENERAL.—The Secretary is authorized to  
22 award grants to eligible local educational agencies to en-  
23 able the local educational agencies to carry out activities  
24 described in section 1114, 1115, 1116, 2123, 2213, 2306,  
25 or 4116.

1       “(b) ELIGIBILITY.—A local educational agency shall  
2 be eligible to receive a grant under this section if—

3           “(1) the total number of students in average  
4 daily attendance at all of the schools served by the  
5 local educational agency is less than 600; and

6           “(2) all of the schools served by the local edu-  
7 cational agency are designated with a School Locale  
8 Code of 7 or 8, as determined by the Secretary, ex-  
9 cept that the Secretary may waive the School Locale  
10 Code requirement of this paragraph if the Secretary  
11 determines, based on certification provided by the  
12 local educational agency or the State educational  
13 agency on behalf of the local educational agency,  
14 that the local educational agency is located in an  
15 area defined as rural by a governmental agency of  
16 the State.

17       “(c) AMOUNT.—

18           “(1) IN GENERAL.—The Secretary shall award  
19 a grant to a local educational agency under this sec-  
20 tion for a fiscal year in an amount equal to the  
21 amount determined under paragraph (2) for the fis-  
22 cal year minus the total amount received under the  
23 provisions of law described under section 5231(c) for  
24 the fiscal year.

1           “(2) DETERMINATION.—The amount referred  
2 to in paragraph (1) is equal to \$100 multiplied by  
3 the total number of students in excess of 50 stu-  
4 dents that are in average daily attendance at the  
5 schools served by the local educational agency, plus  
6 \$20,000, except that the amount may not exceed  
7 \$60,000.

8           “(3) CENSUS DETERMINATION.—

9           “(A) IN GENERAL.—Each local educational  
10 agency desiring a grant under this section shall  
11 conduct a census not later than December 1 of  
12 each year to determine the number of kinder-  
13 garten through grade 12 students in average  
14 daily attendance at the schools served by the  
15 local educational agency.

16           “(B) SUBMISSION.—Each local educational  
17 agency shall submit the number described in  
18 subparagraph (A) to the Secretary not later  
19 than March 1 of each year.

20           “(4) PENALTY.—If the Secretary determines  
21 that a local educational agency has knowingly sub-  
22 mitted false information under paragraph (3) for the  
23 purpose of gaining additional funds under this sec-  
24 tion, then the local educational agency shall be fined  
25 an amount equal to twice the difference between the

1 amount the local educational agency received under  
2 this section, and the correct amount the local edu-  
3 cational agency would have received under this sec-  
4 tion if the agency had submitted accurate informa-  
5 tion under paragraph (3).

6 “(d) DISBURSAL.—The Secretary shall disburse the  
7 funds awarded to a local educational agency under this  
8 section for a fiscal year not later than July 1 of that year.

9 “(e) SUPPLEMENT NOT SUPPLANT.—Funds made  
10 available under this section shall be used to supplement  
11 and not supplant any other Federal, State, or local edu-  
12 cation funds.

13 “(f) CONSTRUCTION.—Nothing in this chapter shall  
14 be construed to prohibit a local educational agency that  
15 enters into cooperative arrangements with other local edu-  
16 cational agencies for the provision of special, compen-  
17 satory, or other education services pursuant to State law  
18 or a written agreement from entering into similar arrange-  
19 ments for the use or the coordination of the use of the  
20 funds made available under this section.

21 **“SEC. 5233. ACCOUNTABILITY.**

22 “(a) ACADEMIC ACHIEVEMENT.—

23 “(1) IN GENERAL.—Each local educational  
24 agency that uses or receives funds under section  
25 5231 or 5232 for a fiscal year shall—

1           “(A) administer an assessment that is used  
2           statewide and is consistent with the assessment  
3           described in section 1111(b), to assess the aca-  
4           demic achievement of students in the schools  
5           served by the local educational agency; or

6           “(B) in the case of a local educational  
7           agency for which there is no statewide assess-  
8           ment described in subparagraph (A), administer  
9           a test, that is selected by the local educational  
10          agency, to assess the academic achievement of  
11          students in the schools served by the local edu-  
12          cational agency.

13          “(2) SPECIAL RULE.—Each local educational  
14          agency that uses or receives funds under section  
15          5231 or 5232 shall use the same assessment or test  
16          described in paragraph (1) for each year of partici-  
17          pation in the program carried out under such sec-  
18          tion.

19          “(b) STATE EDUCATIONAL AGENCY DETERMINATION  
20          REGARDING CONTINUING PARTICIPATION.—Each State  
21          educational agency that receives funding under the provi-  
22          sions of law described in section 5231(c) shall—

23                 “(1) after the 3rd year that a local educational  
24                 agency in the State participates in a program au-  
25                 thorized under section 5231 or 5232 and on the

1 basis of the results of the assessments or tests de-  
2 scribed in subsection (a), determine whether the stu-  
3 dents served by the local educational agency partici-  
4 pating in the program performed better on the as-  
5 sessments or tests after the 3rd year of the partici-  
6 pation than the students performed on the assess-  
7 ments or tests after the 1st year of the participation;

8 “(2) permit only the local educational agencies  
9 that participated in the program and served students  
10 that performed better on the assessments or tests,  
11 as described in paragraph (1), to continue to partici-  
12 pate in the program for an additional period of 3  
13 years; and

14 “(3) prohibit the local educational agencies that  
15 participated in the program and served students that  
16 did not perform better on the assessments or tests,  
17 as described in paragraph (1), from participating in  
18 the program, for a period of 3 years from the date  
19 of the determination.

20 **“SEC. 5234. RATABLE REDUCTIONS IN CASE OF INSUFFI-**  
21 **CIENT APPROPRIATIONS.**

22 “(a) IN GENERAL.—If the amount appropriated for  
23 any fiscal year and made available for grants under this  
24 chapter is insufficient to pay the full amount for which

1 all agencies are eligible under this chapter, the Secretary  
2 shall ratably reduce each such amount.

3 “(b) ADDITIONAL AMOUNTS.—If additional funds be-  
4 come available for making payments under paragraph (1)  
5 for such fiscal year, payments that were reduced under  
6 subsection (a) shall be increased on the same basis as such  
7 payments were reduced.

8 **“Chapter 2—Low-Income and Rural School Program**

9 **“SEC. 5241. DEFINITIONS.**

10 “In this chapter:

11 “(1) POVERTY LINE.—The term ‘poverty line’  
12 means the poverty line (as defined by the Office of  
13 Management and Budget, and revised annually in  
14 accordance with section 673(2) of the Community  
15 Services Block Grant Act (42 U.S.C. 9902(2))) ap-  
16 plicable to a family of the size involved.

17 “(2) SPECIALLY QUALIFIED AGENCY.—The  
18 term ‘specially qualified agency’ means an eligible  
19 local educational agency, located in a State that does  
20 not participate in a program carried out under this  
21 chapter for a fiscal year, which may apply directly  
22 to the Secretary for a grant for such year in accord-  
23 ance with section 5242(b).

24 **“SEC. 5242. PROGRAM AUTHORIZED.**

25 “(a) GRANTS TO STATES.—

1           “(1) IN GENERAL.—From the sum appro-  
2           priated under section 5223 for a fiscal year and  
3           made available to carry out this chapter, the Sec-  
4           retary shall award grants, from allotments made  
5           under paragraph (2), to State educational agencies  
6           that have applications approved under section 5244  
7           to enable the State educational agencies to award  
8           grants to eligible local educational agencies for inno-  
9           vative assistance activities described in section  
10          5331(b).

11          “(2) ALLOTMENT.—From the sum appropriated  
12          under section 5223 for a fiscal year and made avail-  
13          able to carry out this chapter, the Secretary shall  
14          allot to each State educational agency an amount  
15          that bears the same ratio to the sum as the number  
16          of students in average daily attendance at the  
17          schools served by eligible local educational agencies  
18          in the State for that fiscal year bears to the number  
19          of all such students at the schools served by eligible  
20          local educational agencies in all States for that fiscal  
21          year.

22          “(b) DIRECT GRANTS TO SPECIALLY QUALIFIED  
23          AGENCIES.—

24                 “(1) NONPARTICIPATING STATE.—If a State  
25                 educational agency elects not to participate in the



1 program carried out under this chapter or does not  
2 have an application approved under section 5244, a  
3 specially qualified agency in such State desiring a  
4 grant under this chapter shall apply directly to the  
5 Secretary under section 5244 to receive a grant  
6 under this chapter.

7 “(2) DIRECT AWARDS TO SPECIALLY QUALI-  
8 FIED AGENCIES.—The Secretary may award, on a  
9 competitive basis, the amount the State educational  
10 agency is eligible to receive under subsection (a)(2)  
11 directly to specially qualified agencies in the State.

12 “(c) ADMINISTRATIVE COSTS.—A State educational  
13 agency that receives a grant under this chapter may not  
14 use more than 5 percent of the amount of the grant for  
15 State administrative costs.

16 **“SEC. 5243. STATE DISTRIBUTION OF FUNDS.**

17 “(a) IN GENERAL.—A State educational agency that  
18 receives a grant under this chapter may use the funds  
19 made available through the grant to award grants to eligi-  
20 ble local educational agencies to enable the local edu-  
21 cational agencies to carry out innovative assistance activi-  
22 ties described in section 5331(b).

23 “(b) LOCAL AWARDS.—

1           “(1) ELIGIBILITY.—A local educational agency  
2 shall be eligible to receive a grant under this chapter  
3 if—

4           “(A) 20 percent or more of the children  
5 age 5 through 17 that are served by the local  
6 educational agency are from families with in-  
7 comes below the poverty line; and

8           “(B) all of the schools served by the agen-  
9 cy are located in a community with a Locale  
10 Code of 6, 7, or 8, as determined by the Sec-  
11 retary of Education.

12       “(c) AWARD BASIS.—The State educational agency  
13 shall award the grants to eligible local educational  
14 agencies—

15           “(1) on a competitive basis; or

16           “(2) according to a formula based on the num-  
17 ber of students in average daily attendance at  
18 schools served by the eligible local educational agen-  
19 cies.

20 **“SEC. 5244. APPLICATIONS.**

21       “(a) IN GENERAL.—Each State educational agency  
22 and specially qualified agency desiring to receive a grant  
23 under this chapter 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 require.

1       “(b) CONTENTS.—At a minimum, such application  
2 shall include information on specific measurable goals and  
3 objectives to be achieved through the activities carried out  
4 through the grant, which may include specific educational  
5 goals and objectives relating to—

6               “(1) increased student academic achievement;

7               “(2) decreased student dropout rates; or

8               “(3) such other factors as the State educational  
9 agency or specially qualified agency may choose to  
10 measure.

11 **“SEC. 5245. ACCOUNTABILITY.**

12       “(a) STATE REPORTS.—Each State educational  
13 agency that receives a grant under this chapter shall pre-  
14 pare and submit to the Secretary an annual report. The  
15 report shall describe—

16               “(1) the method the State educational agency  
17 used to award grants to eligible local educational  
18 agencies under this chapter;

19               “(2) how the local educational agencies used the  
20 funds provided under this chapter; and

21               “(3) the degree to which the State made  
22 progress toward meeting the goals and objectives de-  
23 scribed in the application submitted under section  
24 5244.

1       “(b) SPECIALLY QUALIFIED AGENCY REPORT.—

2 Each specially qualified agency that receives a grant under  
3 this chapter shall prepare and submit to the Secretary an  
4 annual report. The report shall describe—

5           “(1) how such agency used the funds provided  
6 under this chapter; and

7           “(2) the degree to which the agency made  
8 progress toward meeting the goals and objectives de-  
9 scribed in the application submitted under section  
10 5244.

11       “(c) ACADEMIC ACHIEVEMENT.—

12           “(1) IN GENERAL.—Each local educational  
13 agency that receives a grant under this chapter for  
14 a fiscal year shall—

15           “(A) administer an assessment that is used  
16 statewide and is consistent with the assessment  
17 described in section 1111(b), to assess the aca-  
18 demic achievement of students in the schools  
19 served by the local educational agency; or

20           “(B) in the case of a local educational  
21 agency for which there is no statewide assess-  
22 ment described in subparagraph (A), administer  
23 a test, that is selected by the local educational  
24 agency, to assess the academic achievement of

1 students in the schools served by the local edu-  
2 cational agency.

3 “(2) SPECIAL RULE.—Each local educational  
4 agency that receives a grant under this chapter shall  
5 use the same assessment or test described in para-  
6 graph (1) for each year of participation in the pro-  
7 gram carried out under this chapter.

8 “(d) STATE EDUCATIONAL AGENCY DETERMINATION  
9 REGARDING CONTINUING PARTICIPATION.—Each State  
10 educational agency that receives a grant under this chap-  
11 ter shall—

12 “(1) after the 3rd year that a local educational  
13 agency in the State participates in the program au-  
14 thorized under this chapter and on the basis of the  
15 results of the assessments or tests described in sub-  
16 section (c), determine whether the students served  
17 by the local educational agency participating in the  
18 program performed better on the assessments or  
19 tests after the 3rd year of the participation than the  
20 students performed on the assessments or tests after  
21 the 1st year of the participation;

22 “(2) permit only the local educational agencies  
23 that participated in the program and served students  
24 that performed better on the assessments or tests,  
25 as described in paragraph (1), to continue to partici-

1       pate in the program for an additional period of 3  
2       years; and

3               “(3) prohibit the local educational agencies that  
4       participated in the program and served students that  
5       did not perform better on the assessments or tests,  
6       as described in paragraph (1), from participating in  
7       the program for a period of 3 years from the date  
8       of the determination.

9       **“SEC. 5246. SUPPLEMENT NOT SUPPLANT.**

10       “Funds made available under this chapter shall be  
11       used to supplement and not supplant any other Federal,  
12       State, or local education funds.

13       **“SEC. 5247. SPECIAL RULE.**

14       “No local educational agency may concurrently par-  
15       ticipate in activities carried out under chapter 1 and ac-  
16       tivities carried out under this chapter.

17                               **“Subpart 3—Waivers**

18       **“SEC. 5251. WAIVERS OF STATUTORY AND REGULATORY RE-**  
19                               **QUIREMENTS.**

20       “(a) IN GENERAL.—Except as provided in subsection  
21       (c), the Secretary may waive any statutory or regulatory  
22       requirement of this Act for a State educational agency,  
23       local educational agency, Indian tribe, or school through  
24       a local educational agency, that—

1           “(1) receives funds under a program authorized  
2 by this Act; and

3           “(2) requests a waiver under subsection (b).

4           “(b) REQUEST FOR WAIVER.—

5           “(1) IN GENERAL.—A State educational agen-  
6 cy, local educational agency, or Indian tribe which  
7 desires a waiver shall submit a waiver request to the  
8 Secretary that—

9           “(A) identifies the Federal programs af-  
10 fected by such requested waiver;

11           “(B) describes which Federal requirements  
12 are to be waived and how the waiving of such  
13 requirements will—

14           “(i) increase the quality of instruction  
15 for students; or

16           “(ii) improve the academic perform-  
17 ance of students;

18           “(C) if applicable, describes which similar  
19 State and local requirements will be waived and  
20 how the waiving of such requirements will assist  
21 the local educational agencies, Indian tribes or  
22 schools, as appropriate, to achieve the objectives  
23 described in clauses (i) and (ii) of subparagraph  
24 (B);

1           “(D) describes specific, measurable edu-  
2           cational improvement goals and expected out-  
3           comes for all affected students;

4           “(E) describes the methods to be used to  
5           measure progress in meeting such goals and  
6           outcomes; and

7           “(F) describes how schools will continue to  
8           provide assistance to the same populations  
9           served by programs for which waivers are re-  
10          quested.

11          “(2)     ADDITIONAL     INFORMATION.—Such  
12          requests—

13                 “(A) may provide for waivers of require-  
14                 ments applicable to State educational agencies,  
15                 local educational agencies, Indian tribes, and  
16                 schools; and

17                 “(B) shall be developed and submitted—

18                         “(i)(I) by local educational agencies  
19                         (on behalf of such agencies and schools) to  
20                         State educational agencies; and

21                         “(II) by State educational agencies  
22                         (on behalf of, and based upon the requests  
23                         of, local educational agencies) to the Sec-  
24                         retary; 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  
7                   State educational agency acting in its own be-  
8                   half, the 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  
22                  local educational agency that receives funds  
23                  under this Act—

24                  “(i) such request shall be reviewed by  
25                  the State educational agency and be ac-

1            compared by the comments, if any, of  
2            such 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 custom-  
7            arily provides similar notices and informa-  
8            tion to the public.

9            “(c) RESTRICTIONS.—The Secretary shall not waive  
10           under this section any statutory or regulatory require-  
11           ments 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  
18           supplant, non-Federal funds;

19                   “(5) equitable participation of private school  
20           students 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  
5           or school under subsections (a) and (b) of section  
6           1113, except that the Secretary may grant a waiver  
7           to allow a school attendance area or school to par-  
8           ticipate in activities under part A of title I if the  
9           percentage of children from low-income families in  
10          the school attendance area of such school or who at-  
11          tend such school is not less than 10 percentage  
12          points below the lowest percentage of such children  
13          for any school attendance area or school of the local  
14          educational agency that meets the requirements of  
15          such subsections (a) and (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  
22               the period described in paragraph (1) if the Sec-  
23               retary determines that—

24                       “(A) the waiver has been effective in ena-  
25                       bling the State or affected recipients to carry

1 out the activities for which the waiver was re-  
2 quested and the waiver has contributed to im-  
3 proved student performance; and

4 “(B) such extension is in the public inter-  
5 est.

6 “(e) REPORTS.—

7 “(1) LOCAL WAIVER.—A local educational agen-  
8 cy that receives a waiver under this section shall at  
9 the end of the second year for which a waiver is re-  
10 ceived under this section, and each subsequent year,  
11 submit a report to the State educational agency  
12 that—

13 “(A) describes the uses of such waiver by  
14 such agency or by schools;

15 “(B) describes how schools continued to  
16 provide assistance to the same populations  
17 served by the programs for which waivers are  
18 requested; and

19 “(C) evaluates the progress of such agency  
20 and of schools in improving the quality of in-  
21 struction or the academic performance of stu-  
22 dents.

23 “(2) STATE WAIVER.—A State educational  
24 agency that receives reports required under para-  
25 graph (1) shall annually submit a report to the Sec-

1       retary that is based on such reports and contains  
2       such information 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 Sec-  
13      retary shall submit to the Committee on Education  
14      and the Workforce of the House of Representatives  
15      and the Committee on Health, Education, Labor,  
16      and Pensions 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 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  
8 basic responsibility for the administration of funds made  
9 available under this subpart is within the State edu-  
10 cational agencies, but it is the intent of Congress that the  
11 responsibility be carried out with a minimum of paperwork  
12 and that the responsibility for the design and implementa-  
13 tion of programs assisted under this subpart will be main-  
14 ly that of local educational agencies, school superintend-  
15 ents and principals, and classroom teachers and sup-  
16 porting personnel, because such agencies and individuals  
17 have the most direct contact with students and are most  
18 likely to be able to design programs to meet the edu-  
19 cational needs of students 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                   “(ii) A safe and orderly school envi-  
2                   ronment that enables teachers and stu-  
3                   dents to focus on academic performance.

4                   “(iii) Continuous assessment of stu-  
5                   dents and initiatives to evaluate instruc-  
6                   tional techniques.

7                   **“Chapter 1—State and Local Programs**

8                   **“SEC. 5311. ALLOTMENT TO STATES.**

9                   “(a) RESERVATIONS.—From the sums appropriated  
10                  to carry out this subpart in any fiscal year, the Secretary  
11                  shall reserve not more than 1 percent for payments to out-  
12                  lying areas to be allotted in accordance with their respec-  
13                  tive needs.

14                  “(b) ALLOTMENT.—From the remainder of such  
15                  sums, the Secretary shall allot to each State an amount  
16                  which bears the same ratio to the amount of such remain-  
17                  der as the school-age population of the State bears to the  
18                  school-age population of all States, except that no State  
19                  shall receive less than an amount equal to  $\frac{1}{2}$  of 1 percent  
20                  of such remainder.

21                  “(c) DEFINITIONS.—In this chapter:

22                         “(1) SCHOOL-AGE POPULATION.—The term  
23                         ‘school-age population’ means the population aged 5  
24                         through 17.

1           “(2) STATE.—The term ‘State’ includes the 50  
2           States of the United States, the District of Colum-  
3           bia, and the Commonwealth of Puerto Rico.

4   **“SEC. 5312. ALLOCATION TO LOCAL EDUCATIONAL AGEN-**  
5           **CIES.**

6           “(a) FORMULA.—From the sums made available each  
7   year to carry out this subpart, the State educational agen-  
8   cy shall distribute not less than 85 percent to local edu-  
9   cational agencies within such State according to the rel-  
10   ative enrollments in public and private elementary schools  
11   and secondary schools within the school districts of such  
12   agencies, adjusted, in accordance with criteria approved  
13   by the Secretary, to provide higher per pupil allocations  
14   to local educational agencies serving the greatest numbers  
15   or percentages of children whose education imposes a  
16   higher than average cost per child, such as—

17           “(1) children living in areas with high con-  
18           centrations of low-income families;

19           “(2) children from low-income families; and

20           “(3) children living in sparsely populated areas.

21           “(b) CALCULATION OF ENROLLMENTS.—

22           “(1) IN GENERAL.—The calculation of relative  
23           enrollments under subsection (a) shall be on the  
24           basis of the total of—

1           “(A) the number of children enrolled in  
2 public schools; and

3           “(B) the number of children enrolled in  
4 private nonprofit schools that desire that their  
5 children participate in programs or projects as-  
6 sisted under this subpart, for the fiscal year  
7 preceding the fiscal year for which the deter-  
8 mination is made.

9           “(2) CONSTRUCTION.—Nothing in this sub-  
10 section shall diminish the responsibility of local edu-  
11 cational agencies to contact, on an annual basis, ap-  
12 propriate officials from private nonprofit schools  
13 within the areas served by such agencies in order to  
14 determine whether such schools desire that their  
15 children participate in programs assisted under this  
16 subpart.

17           “(3) ADJUSTMENTS.—

18           “(A) IN GENERAL.—Relative enrollments  
19 under subsection (a) shall be adjusted, in ac-  
20 cordance with criteria approved by the Sec-  
21 retary under subparagraph (B), to provide  
22 higher per pupil allocations only to local edu-  
23 cational agencies which serve the greatest num-  
24 bers or percentages of—

1           “(i) children living in areas with high  
2           concentrations of low-income families;

3           “(ii) children from low-income fami-  
4           lies; or

5           “(iii) children living in sparsely popu-  
6           lated areas.

7           “(B) CRITERIA.—The Secretary shall re-  
8           view criteria submitted by a State educational  
9           agency for adjusting allocations under subpara-  
10          graph (A) and shall approve such criteria only  
11          if the Secretary determines that such criteria  
12          are reasonably calculated to produce an ad-  
13          justed allocation that reflects the relative needs  
14          within the State’s local educational agencies  
15          based on the factors set forth in subparagraph  
16          (A).

17          “(c) PAYMENT OF ALLOCATIONS.—

18                 “(1) DISTRIBUTION.—From the funds paid to a  
19                 State educational agency pursuant to section 5311  
20                 for a fiscal year, a State educational agency shall  
21                 distribute to each eligible local educational agency  
22                 which has submitted an application as required in  
23                 section 5333 the amount of such local educational  
24                 agency’s allocation as determined under subsection  
25                 (a).

1           “(2) ADDITIONAL FUNDS.—

2                   “(A) IN GENERAL.—Additional funds re-  
3           sulting from higher per pupil allocations pro-  
4           vided to a local educational agency on the basis  
5           of adjusted enrollments of children described in  
6           subsection (a), may, at the discretion of the  
7           local educational agency, be allocated for ex-  
8           penditures to provide services for children en-  
9           rolled in public and private nonprofit schools in  
10          direct proportion to the number of children de-  
11          scribed in subsection (a) and enrolled in such  
12          schools within the local educational agency.

13                   “(B) REQUIREMENT.—In any fiscal year,  
14          any local educational agency that elects to allo-  
15          cate such additional funds in the manner de-  
16          scribed in subparagraph (A) shall allocate all  
17          additional funds to schools within the local edu-  
18          cational agency in such manner.

19                   “(C) CONSTRUCTION.—The provisions of  
20          subparagraphs (A) and (B) may not be con-  
21          strued to require any school to limit the use of  
22          such additional funds to the provision of serv-  
23          ices to specific students or categories of stu-  
24          dents.

1                                   **“Chapter 2—State Programs**

2   **“SEC. 5321. STATE USES OF FUNDS.**

3           “(a) AUTHORIZED ACTIVITIES.—A State educational  
4 agency may use funds made available for State use under  
5 this subpart only for—

6                   “(1) State administration of programs under  
7 this subpart, including—

8                           “(A) supervision of the allocation of funds  
9 to local educational agencies;

10                           “(B) planning, supervision, and processing  
11 of State funds; and

12                           “(C) monitoring and evaluation of pro-  
13 grams and activities under this subpart;

14                   “(2) support for planning, designing, and initial  
15 implementation of charter schools as described in  
16 subpart 1 of part A;

17                           “(3) support for designing and implementation  
18 of high-quality yearly student assessments;

19                           “(4) support for implementation of State and  
20 local standards; and

21                           “(5) technical assistance and direct grants to  
22 local educational agencies, and statewide education  
23 reform activities, including effective schools pro-  
24 grams which assist local educational agencies to pro-  
25 vide targeted assistance.

1       “(b) LIMITATIONS AND REQUIREMENTS.—Not more  
2 than 15 percent of funds available for State programs  
3 under this subpart in any fiscal year may be used for State  
4 administration under subsection (a)(1).

5 **“SEC. 5322. STATE APPLICATIONS.**

6       “(a) APPLICATION REQUIREMENTS.—Any State  
7 which desires to receive assistance under this subpart shall  
8 submit to the Secretary an application which—

9               “(1) designates the State educational agency as  
10 the State agency responsible for administration and  
11 supervision of programs assisted under this subpart;

12               “(2) provides for a biennial submission of data  
13 on the use of funds, the types of services furnished,  
14 and the students served under this subpart;

15               “(3) sets forth the allocation of such funds re-  
16 quired to implement section 5342;

17               “(4) provides that the State educational agency  
18 will keep such records and provide such information  
19 to the Secretary as may be required for fiscal audit  
20 and program evaluation (consistent with the respon-  
21 sibilities of the Secretary under this section);

22               “(5) provides assurances that, apart from tech-  
23 nical and advisory assistance and monitoring compli-  
24 ance with this subpart, the State educational agency  
25 has not exercised and will not exercise any influence

1 in the decisionmaking processes of local educational  
2 agencies as to the expenditure made pursuant to an  
3 application under section 5333;

4 “(6) contains assurances that there is compli-  
5 ance with the specific requirements of this subpart;  
6 and

7 “(7) provides for timely public notice and public  
8 dissemination of the information provided pursuant  
9 to paragraph (2).

10 “(b) PERIOD OF APPLICATION.—An application filed  
11 by the State under subsection (a) shall be for a period  
12 not to exceed 3 years, and may be amended annually as  
13 may be necessary to reflect changes without filing a new  
14 application.

15 “(c) AUDIT RULE.—A local educational agency that  
16 receives less than an average of \$10,000 under this sub-  
17 part for 3 fiscal years shall not be audited more frequently  
18 than once every 5 years.

19 **“Chapter 3—Local Innovative Education Programs**

20 **“SEC. 5331. TARGETED USE OF FUNDS.**

21 “(a) GENERAL RULE.—Funds made available to local  
22 educational agencies under section 5312 shall be used for  
23 innovative assistance described in subsection (b).

24 “(b) INNOVATIVE ASSISTANCE.—



1           “(1) IN GENERAL.—The innovative assistance  
2 programs referred to in subsection (a) include—

3           “(A) programs for the acquisition and use  
4 of instructional and educational materials, in-  
5 cluding library services and materials (including  
6 media materials), assessments, and other cur-  
7 ricular materials;

8           “(B) programs to improve teaching and  
9 learning, including professional development ac-  
10 tivities, that are consistent with comprehensive  
11 State and local systemic education reform ef-  
12 forts;

13           “(C) activities that encourage and expand  
14 improvements throughout the local educational  
15 agency that are designed to advance student  
16 performance;

17           “(D) initiatives to generate, maintain, and  
18 strengthen parental and community involve-  
19 ment, including initiatives creating activities for  
20 school-age children and activities to meet the  
21 educational needs of children aged birth  
22 through 5;

23           “(E) programs to recruit, hire, and train  
24 certified teachers (including teachers certified

1 through State and local alternative routes) in  
2 order to reduce class size;

3 “(F) programs to improve the academic  
4 performance of educationally disadvantaged ele-  
5 mentary school and secondary school students,  
6 including activities to prevent students from  
7 dropping out of school;

8 “(G) programs and activities that expand  
9 learning opportunities through best practice  
10 models designed to improve classroom learning  
11 and teaching;

12 “(H) programs to combat both student  
13 and parental illiteracy;

14 “(I) technology activities related to the im-  
15 plementation of school-based reform efforts, in-  
16 cluding professional development to assist  
17 teachers and other school personnel (including  
18 school library media personnel) regarding how  
19 to effectively use technology in the classrooms  
20 and the school library media centers involved;

21 “(J) school improvement programs or ac-  
22 tivities under section 1116 or 1117;

23 “(K) programs to provide for the edu-  
24 cational needs of gifted and talented children;

1           “(L) programs to provide same gender  
2 schools and classrooms, if equal educational op-  
3 portunities are made available to students of  
4 both sexes, consistent with the Constitution of  
5 the United States of America;

6           “(M) service learning activities; and

7           “(N) school safety programs.

8           “(2) REQUIREMENTS.—The innovative assist-  
9 ance programs referred to in subsection (a) shall  
10 be—

11           “(A) tied to promoting high academic  
12 standards;

13           “(B) used to improve student performance;  
14 and

15           “(C) part of an overall education reform  
16 strategy.

17 **“SEC. 5332. ADMINISTRATIVE AUTHORITY.**

18           “‘In order to conduct the activities authorized by this  
19 subpart, each State or local educational agency may use  
20 funds made available under this subpart to make grants  
21 to and to enter into contracts with local educational agen-  
22 cies, institutions of higher education, libraries, museums,  
23 and other public and private nonprofit agencies, organiza-  
24 tions, and institutions.

1 **“SEC. 5333. LOCAL APPLICATIONS.**

2       “(a) CONTENTS OF APPLICATION.—A local edu-  
3 cational agency or consortium of such agencies may re-  
4 ceive an allocation of funds under this subpart for any  
5 year for which an application is submitted to the State  
6 educational agency and such application is certified to  
7 meet the requirements of this section. The State edu-  
8 cational agency shall certify any such application if such  
9 application—

10           “(1)(A) sets forth the planned allocation of  
11 funds among innovative assistance programs de-  
12 scribed in section 5331 and describes the programs,  
13 projects, and activities designed to carry out such in-  
14 novative assistance which the local educational agen-  
15 cy intends to support, together with the reasons for  
16 the selection of such programs, projects, and activi-  
17 ties; and

18           “(B) sets forth the allocation of such funds re-  
19 quired to implement section 5342;

20           “(2) describes how assistance under this sub-  
21 part will contribute to improving student achieve-  
22 ment or improving the quality of education for stu-  
23 dents;

24           “(3) provides assurances of compliance with the  
25 provisions of this subpart, including the participa-

1       tion of children enrolled in private, nonprofit schools  
2       in accordance with section 5342;

3           “(4) provides an assurance that the local edu-  
4       cational agency will keep such records, and provide  
5       such information to the State educational agency, as  
6       reasonably may be required for fiscal audit and pro-  
7       gram evaluation, consistent with the responsibilities  
8       of the State educational agency under this subpart;  
9       and

10           “(5) provides in the allocation of funds for the  
11       assistance authorized by this subpart, and in the de-  
12       sign, planning, and implementation of such pro-  
13       grams, for systematic consultation with parents of  
14       children attending elementary schools and secondary  
15       schools in the area served by the local educational  
16       agency, with teachers and administrative personnel  
17       in such schools, and with other groups involved in  
18       the implementation of this subpart (such as librar-  
19       ians, school counselors, and other pupil services per-  
20       sonnel) as may be considered appropriate by the  
21       local educational agency.

22           “(b) PERIOD OF APPLICATION.—An application filed  
23       by a local educational agency under subsection (a) shall  
24       be for a period not to exceed 3 fiscal years, may provide  
25       for the allocation of funds to programs for a period of

1 3 years, and may be amended annually as may be nec-  
2 essary to reflect changes without filing a new application.

3 “(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—  
4 Subject to the limitations and requirements of this sub-  
5 part, a local educational agency shall have complete discre-  
6 tion in determining how funds under this chapter shall be  
7 divided among the areas of targeted assistance. In exer-  
8 cising such discretion, a local educational agency shall en-  
9 sure that expenditures under this chapter carry out the  
10 purposes of this subpart and are used to meet the edu-  
11 cational needs within the schools of such local educational  
12 agency.

13 **“Chapter 4—General Administrative Provisions**

14 **“SEC. 5341. MAINTENANCE OF EFFORT; FEDERAL FUNDS**  
15 **SUPPLEMENTARY.**

16 “(a) MAINTENANCE OF EFFORT.—

17 “(1) IN GENERAL.—Except as provided in para-  
18 graph (2), a State is entitled to receive its full allo-  
19 cation of funds under this subpart for any fiscal  
20 year if the Secretary finds that either the combined  
21 fiscal effort per student or the aggregate expendi-  
22 tures within the State with respect to the provision  
23 of free public education for the fiscal year preceding  
24 the fiscal year for which the determination is made  
25 was not less than 90 percent of such combined fiscal

1 effort or aggregate expenditures for the second fiscal  
2 year preceding the fiscal year for which the deter-  
3 mination is made.

4 “(2) REDUCTION OF FUNDS.—The Secretary  
5 shall reduce the amount of the allocation of funds  
6 under this subpart in any fiscal year in the exact  
7 proportion to which the State fails to meet the re-  
8 quirements of paragraph (1) by falling below 90 per-  
9 cent of both the fiscal effort per student and aggre-  
10 gate expenditures (using the measure most favorable  
11 to the State), and no such lesser amount shall be  
12 used for computing the effort required under para-  
13 graph (1) for subsequent years.

14 “(3) WAIVERS.—The Secretary may waive, for  
15 1 fiscal year only, the requirements of this section  
16 if the Secretary determines that such a waiver would  
17 be equitable due to exceptional or uncontrollable cir-  
18 cumstances such as a natural disaster or a precipi-  
19 tous and unforeseen decline in the financial re-  
20 sources of the State.

21 “(b) FEDERAL FUNDS SUPPLEMENTARY.—A State  
22 or local educational agency may use and allocate funds  
23 received under this subpart only so as to supplement and,  
24 to the extent practical, increase the level of funds that  
25 would, in the absence of Federal funds made available

1 under this subpart, be made available from non-Federal  
2 sources, and in no case may such funds be used so as  
3 to supplant funds from non-Federal sources.

4 **“SEC. 5342. PARTICIPATION OF CHILDREN ENROLLED IN**  
5 **PRIVATE SCHOOLS.**

6 “(a) PARTICIPATION ON EQUITABLE BASIS.—

7 “(1) IN GENERAL.—To the extent consistent  
8 with the number of children in the school district of  
9 a local educational agency which is eligible to receive  
10 funds under this subpart or which serves the area in  
11 which a program or project assisted under this sub-  
12 part is located who are enrolled in private nonprofit  
13 elementary and secondary schools, or with respect to  
14 instructional or personnel training programs funded  
15 by the State educational agency from funds made  
16 available for State use, such agency, after consulta-  
17 tion with appropriate private school officials, shall  
18 provide for the benefit of such children in such  
19 schools secular, neutral, and nonideological services,  
20 materials, and equipment, including the participa-  
21 tion of the teachers of such children (and other edu-  
22 cational personnel serving such children) in training  
23 programs, and the repair, minor remodeling, or con-  
24 struction of public facilities as may be necessary for  
25 their provision (consistent with subsection (c) of this



1 section), or, if such services, materials, and equip-  
2 ment are not feasible or necessary in one or more  
3 such private schools as determined by the local edu-  
4 cational agency after consultation with the appro-  
5 priate private school officials, shall provide such  
6 other arrangements as will assure equitable partici-  
7 pation of such children in the purposes and benefits  
8 of this subpart.

9 “(2) OTHER PROVISIONS FOR SERVICES.—If no  
10 program or project is carried out under paragraph  
11 (1) in the school district of a local educational agen-  
12 cy, the State educational agency shall make arrange-  
13 ments, such as through contracts with nonprofit  
14 agencies or organizations, under which children in  
15 private schools in such district are provided with  
16 services and materials to the extent that would have  
17 occurred if the local educational agency had received  
18 funds under this subpart.

19 “(3) APPLICATION OF REQUIREMENTS.—The  
20 requirements of this section relating to the partici-  
21 pation of children, teachers, and other personnel serv-  
22 ing such children shall apply to programs and  
23 projects carried out under this subpart by a State or  
24 local educational agency, whether directly or through

1 grants to or contracts with other public or private  
2 agencies, institutions, or organizations.

3 “(b) EQUAL EXPENDITURES.—Expenditures for pro-  
4 grams pursuant to subsection (a) shall be equal (con-  
5 sistent with the number of children to be served) to ex-  
6 penditures for programs under this subpart for children  
7 enrolled in the public schools of the local educational agen-  
8 cy, taking into account the needs of the individual children  
9 and other factors which relate to such expenditures, and  
10 when funds available to a local educational agency under  
11 this subpart are used to concentrate programs or projects  
12 on a particular group, attendance area, or grade or age  
13 level, children enrolled in private schools who are included  
14 within the group, attendance area, or grade or age level  
15 selected for such concentration shall, after consultation  
16 with the appropriate private school officials, be assured  
17 equitable participation in the purposes and benefits of  
18 such programs or projects.

19 “(c) FUNDS.—

20 “(1) ADMINISTRATION OF FUNDS AND PROP-  
21 erty.—The control of funds provided under this  
22 subpart, and title to materials, equipment, and prop-  
23 erty repaired, remodeled, or constructed with such  
24 funds, shall be in a public agency for the uses and

1 purposes provided in this subpart, and a public  
2 agency shall administer such funds and property.

3 “(2) PROVISION OF SERVICES.—The provision  
4 of services pursuant to this subpart shall be provided  
5 by employees of a public agency or through contract  
6 by such public agency with a person, an association,  
7 agency, or corporation who or which, in the provi-  
8 sion of such services, is independent of such private  
9 school and of any religious organizations, and such  
10 employment or contract shall be under the control  
11 and supervision of such public agency, and the funds  
12 provided under this subpart shall not be commingled  
13 with State or local funds.

14 “(d) STATE PROHIBITION WAIVER.—If by reason of  
15 any provision of law a State or local educational agency  
16 is prohibited from providing for the participation in pro-  
17 grams of children enrolled in private elementary schools  
18 and secondary schools, as required by this section, the Sec-  
19 retary shall waive such requirements and shall arrange for  
20 the provision of services to such children through arrange-  
21 ments which shall be subject to the requirements of this  
22 section.

23 “(e) WAIVER AND PROVISION OF SERVICES.—

24 “(1) FAILURE TO COMPLY.—If the Secretary  
25 determines that a State or a local educational agen-

1       cy has substantially failed or is unwilling to provide  
2       for the participation on an equitable basis of chil-  
3       dren enrolled in private elementary schools and sec-  
4       ondary schools as required by this section, the Sec-  
5       retary may waive such requirements and shall ar-  
6       range for the provision of services to such children  
7       through arrangements which shall be subject to the  
8       requirements of this section.

9               “(2) WITHHOLDING OF ALLOCATION.—Pending  
10       final resolution of any investigation or complaint  
11       that could result in a determination under this sub-  
12       section or subsection (d), the Secretary may with-  
13       hold from the allocation of the affected State or local  
14       educational agency the amount estimated by the  
15       Secretary to be necessary to pay the cost of those  
16       services.

17               “(f) DETERMINATION.—Any determination by the  
18       Secretary under this section shall continue in effect until  
19       the Secretary determines that there will no longer be any  
20       failure or inability on the part of the State or local edu-  
21       cational agency to meet the requirements of subsections  
22       (a) and (b).

23               “(g) PAYMENT FROM STATE ALLOTMENT.—When  
24       the Secretary arranges for services pursuant to this sec-  
25       tion, the Secretary shall, after consultation with the ap-

1 appropriate public and private school officials, pay the cost  
2 of such services, including the administrative costs of ar-  
3 ranging for those services, from the appropriate allotment  
4 of the State under this subpart.

5 “(h) REVIEW.—

6 “(1) WRITTEN OBJECTIONS.—The Secretary  
7 shall not take any final action under this section  
8 until the State educational agency and the local edu-  
9 cational agency affected by such action have had an  
10 opportunity, for not less than 45 days after receiving  
11 written notice thereof, to submit written objections  
12 and to appear before the Secretary or the Sec-  
13 retary’s designee to show cause why that action  
14 should not be taken.

15 “(2) COURT ACTION.—If a State or local edu-  
16 cational agency is dissatisfied with the Secretary’s  
17 final action after a proceeding under paragraph (1),  
18 such agency may, not later than 60 days after notice  
19 of such action, file with the United States court of  
20 appeals for the circuit in which such State is located  
21 a petition for review of that action. A copy of the  
22 petition shall be transmitted by the clerk of the  
23 court to the Secretary. The Secretary thereupon  
24 shall file in the court the record of the proceedings  
25 on which the Secretary based this action, as pro-

1 vided in section 2112 of title 28, United States  
2 Code.

3 “(3) REMAND TO SECRETARY.—The findings of  
4 fact by the Secretary, if supported by substantial  
5 evidence, shall be conclusive; but the court, for good  
6 cause shown, may remand the case to the Secretary  
7 to take further evidence and the Secretary may  
8 make new or modified findings of fact and may mod-  
9 ify the Secretary’s previous action, and shall file in  
10 the court the record of the further proceedings. Such  
11 new or modified findings of fact shall likewise be  
12 conclusive if supported by substantial evidence.

13 “(4) COURT REVIEW.—Upon the filing of such  
14 petition, the court shall have jurisdiction to affirm  
15 the action of the Secretary or to set such action  
16 aside, in whole or in part. The judgment of the court  
17 shall be subject to review by the Supreme Court of  
18 the United States upon certiorari or certification as  
19 provided in section 1254 of title 28, United States  
20 Code.

21 “(i) PRIOR DETERMINATION.—Any bypass deter-  
22 mination by the Secretary under chapter 2 of part I of  
23 this Act (as such chapter was in effect on the day pre-  
24 ceding the date of enactment of the Improving America’s  
25 Schools Act of 1994) shall, to the extent consistent with

1 the purposes of this subpart, apply to programs under this  
2 subpart.

3 **“SEC. 5343. FEDERAL ADMINISTRATION.**

4 “(a) TECHNICAL ASSISTANCE.—The Secretary, upon  
5 request, shall provide technical assistance to State and  
6 local educational agencies under this subpart.

7 “(b) RULEMAKING.—The Secretary shall issue regu-  
8 lations under this subpart to the extent that such regula-  
9 tions are necessary to ensure that there is compliance with  
10 the specific requirements and assurances required by this  
11 subpart.

12 “(c) AVAILABILITY OF APPROPRIATIONS.—Notwith-  
13 standing any other provision of law, unless expressly in  
14 limitation of this subsection, funds appropriated in any  
15 fiscal year to carry out activities under this subpart shall  
16 become available for obligation on July 1 of such fiscal  
17 year and shall remain available for obligation until the end  
18 of the subsequent fiscal year.

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  
10          consolidates administrative funds under this section shall  
11          not be required to keep separate records, by individual  
12          program, to account for costs relating to the administra-  
13          tion of programs included in the consolidation under sub-  
14          section (a).

15          “(d) REVIEW.—To determine the effectiveness of  
16          State administration under this section, the Secretary may  
17          periodically review the performance of State educational  
18          agencies in using consolidated administrative funds under  
19          this section and take such steps as the Secretary finds  
20          appropriate to ensure the effectiveness of such administra-  
21          tion.

22          “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State  
23          educational agency does not use all of the funds available  
24          to such agency under this section for administration, such  
25          agency may use such funds during the applicable period



1       “(b) STATE PROCEDURES.—Within one year from  
2 the date of enactment of the Improving America’s Schools  
3 Act of 1994, a State educational agency shall, in collabora-  
4 tion with local educational agencies in the State, establish  
5 procedures for responding to requests from local edu-  
6 cational agencies to consolidate administrative funds  
7 under subsection (a) and for establishing limitations on  
8 the amount of funds under covered programs that may  
9 be used for administration on a consolidated basis.

10       “(c) CONDITIONS.—A local educational agency that  
11 consolidates administrative funds under this section for  
12 any fiscal year shall not use any other funds under the  
13 programs included in the consolidation for administration  
14 for that fiscal year.

15       “(d) USES OF ADMINISTRATIVE FUNDS.—A local  
16 educational agency that consolidates administrative funds  
17 under this section may use such consolidated funds for  
18 the administration of covered programs and for the uses  
19 described in section 5401(b)(2).

20       “(e) RECORDS.—A local educational agency that con-  
21 solidates administrative funds under this section shall not  
22 be required to keep separate records, by individual covered  
23 program, to account for costs relating to the administra-  
24 tion of covered programs included in the consolidation.

1 **“SEC. 5404. ADMINISTRATIVE FUNDS STUDIES.**

2 “(a) FEDERAL FUNDS STUDY.—

3 “(1) IN GENERAL.—The Secretary shall con-  
4 duct a study of the use of funds under this Act for  
5 the administration, by State and local educational  
6 agencies, of all covered programs, including the per-  
7 centage of grant funds used for such purpose in all  
8 covered programs.

9 “(2) STATE DATA.—Beginning in fiscal year  
10 1995 and each succeeding fiscal year thereafter,  
11 each State educational agency which receives funds  
12 under title I shall submit to the Secretary a report  
13 on the use of title I funds for the State administra-  
14 tion of activities assisted under title I. Such report  
15 shall include the proportion of State administrative  
16 funds provided under section 1903 that are ex-  
17 pended for—

18 “(A) basic program operation and compli-  
19 ance monitoring;

20 “(B) statewide program services such as  
21 development of standards and assessments, cur-  
22 riculum development, and program evaluation;  
23 and

24 “(C) technical assistance and other direct  
25 support to local educational agencies and  
26 schools.

1           “(3) FEDERAL FUNDS REPORT.—The Secretary  
2 shall complete the study conducted under this sec-  
3 tion not later than July 1, 1997, and shall submit  
4 to the President and the appropriate committees of  
5 the Congress a report regarding such study within  
6 30 days of the completion of such study.

7           “(4) RESULTS.—Based on the results of the  
8 study described in subsection (a)(1), which may in-  
9 clude collection and analysis of the data under para-  
10 graph (2) and section 410(b) of the Improving  
11 America’s Schools Act of 1994, the Secretary  
12 shall—

13                   “(A) develop a definition of what types of  
14 activities constitute the administration of pro-  
15 grams under this Act by State and local edu-  
16 cational agencies; and

17                   “(B) within one year of the completion of  
18 such study, promulgate final regulations or  
19 guidelines regarding the use of funds for ad-  
20 ministration under all programs, including the  
21 use of such funds on a consolidated basis and  
22 limitations on the amount of such funds that  
23 may be used for administration where such lim-  
24 itation is not otherwise specified in law.

1           “(b) GENERAL ADMINISTRATIVE FUNDS STUDY AND  
2 REPORT.—Upon the date of completion of the pilot model  
3 data system described in section 410(b) of the Improving  
4 America’s Schools Act of 1994, the Secretary shall study  
5 the information obtained through the use of such data sys-  
6 tem and other relevant information, as well as any other  
7 data systems which are in use on such date that account  
8 for administrative expenses at the school, local educational  
9 agency, and State educational agency level, and shall re-  
10 port to the Congress not later than July 1, 1997,  
11 regarding—

12                   “(1) the potential for the reduction of adminis-  
13 trative expenses at the school, local educational  
14 agency, and State educational agency levels;

15                   “(2) the potential usefulness of such data sys-  
16 tem to reduce such administrative expenses;

17                   “(3) any other methods which may be employed  
18 by schools, local educational agencies or State edu-  
19 cational agencies to reduce administrative expenses  
20 and maximize the use of funds for functions directly  
21 affecting student learning; and

22                   “(4) if appropriate, steps which may be taken  
23 to assist schools, local educational agencies and  
24 State educational agencies to account for and reduce  
25 administrative expenses.

1 **“SEC. 5405. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**  
2 **OF THE INTERIOR FUNDS.**

3 “(a) GENERAL AUTHORITY.—

4 “(1) TRANSFER.—The Secretary shall transfer  
5 to the Department of the Interior, as a consolidated  
6 amount for covered programs, the Indian education  
7 programs under part A of title VII of this Act, and  
8 the education for homeless children and youth pro-  
9 gram under subtitle B of title VII of the Stewart B.  
10 McKinney Homeless Assistance Act, the amounts al-  
11 lotted to the Department of the Interior under those  
12 programs.

13 “(2) AGREEMENT.—(A) The Secretary and the  
14 Secretary of the Interior shall enter into an agree-  
15 ment, consistent with the requirements of the pro-  
16 grams specified in paragraph (1), for the distribu-  
17 tion and use of those program funds under terms  
18 that the Secretary determines best meet the pur-  
19 poses of those programs.

20 “(B) The agreement shall—

21 “(i) set forth the plans of the Secretary of  
22 the Interior for the use of the amount trans-  
23 ferred, and set forth performance measures to  
24 assess program effectiveness, including measur-  
25 able goals and objectives; and

1                   “(ii) be developed in consultation with In-  
2                   dian tribes.

3           “(b) ADMINISTRATION.—The Department of the In-  
4           terior may use not more than 1.5 percent of the funds  
5           consolidated under this section for such department’s  
6           costs related to the administration of the funds trans-  
7           ferred under this section.

8           **“SEC. 5406. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.**

9           “With the approval of its State educational agency,  
10          a local educational agency that determines for any fiscal  
11          year that funds under a covered program (other than part  
12          A of title I) are not needed for the purpose of that covered  
13          program, may use such funds, not to exceed five percent  
14          of the total amount of such local educational agency’s  
15          funds under that covered program, for the purpose of an-  
16          other covered program.

17          **“PART D—COORDINATION OF PROGRAMS; CON-**  
18                  **SOLIDATED STATE AND LOCAL PLANS AND**  
19                  **APPLICATIONS**

20          **“SEC. 5501. PURPOSE.**

21          “It is the purpose of this part to improve teaching  
22          and learning by encouraging greater cross-program coordi-  
23          nation, planning, and service delivery under this Act and  
24          enhanced integration of programs under this Act with edu-  
25          cational activities carried out with State and local funds.



1 **“SEC. 5502. OPTIONAL CONSOLIDATED STATE PLANS OR**  
2 **APPLICATIONS.**

3 “(a) GENERAL AUTHORITY.—

4 “(1) SIMPLIFICATION.—In order to simplify ap-  
5 plication requirements and reduce the burden for  
6 State educational agencies under this Act, the Sec-  
7 retary, in accordance with subsection (b), shall es-  
8 tablish procedures and criteria under which a State  
9 educational agency may submit a consolidated State  
10 plan or a consolidated State application meeting the  
11 requirements of this section for—

12 “(A) each of the covered programs in  
13 which the State participates; and

14 “(B) the additional programs described in  
15 paragraph (2).

16 “(2) ADDITIONAL PROGRAMS.—A State edu-  
17 cational agency may also include in its consolidated  
18 State plan or consolidated State application—

19 “(A) the Even Start program under part B  
20 of title I;

21 “(B) the Prevention and Intervention Pro-  
22 grams for Youth Who Are Neglected, Delin-  
23 quent, or At-Risk of Dropping Out under part  
24 D of title I; and

25 “(C) such other programs as the Secretary  
26 may designate.

1           “(3) CONSOLIDATED APPLICATIONS AND  
2 PLANS.—A State educational agency that submits a  
3 consolidated State plan or a consolidated State ap-  
4 plication under this section shall not be required to  
5 submit separate State plans or applications under  
6 any of the programs to which the consolidated State  
7 plan or consolidated State application under this  
8 section applies.

9           “(b) COLLABORATION.—

10           “(1) IN GENERAL.—In establishing criteria and  
11 procedures under this section, the Secretary shall  
12 collaborate with State educational agencies and, as  
13 appropriate, with other State agencies, local edu-  
14 cational agencies, public and private nonprofit agen-  
15 cies, organizations, and institutions, private schools,  
16 and representatives of parents, students, and teach-  
17 ers.

18           “(2) CONTENTS.—Through the collaborative  
19 process described in subsection (b)(1), the Secretary  
20 shall establish, for each program under the Act to  
21 which this section applies, the descriptions, informa-  
22 tion, assurances, and other material required to be  
23 included in a consolidated State plan or consolidated  
24 State application.

1           “(3) NECESSARY MATERIALS.—The Secretary  
2           shall require only descriptions, information, assur-  
3           ances, and other materials that are absolutely nec-  
4           essary for the consideration of the consolidated State  
5           plan or consolidated State application.

6   **“SEC. 5503. GENERAL APPLICABILITY OF STATE EDU-**  
7                                   **CATIONAL AGENCY ASSURANCES.**

8           “(a) ASSURANCES.—A State educational agency that  
9           submits a consolidated State plan or consolidated State  
10          application under this Act, whether separately or under  
11          section 5502, shall have on file with the Secretary a single  
12          set of assurances, applicable to each program for which  
13          such plan or application is submitted, that provides that—

14                   “(1) each such program will be administered in  
15                   accordance with all applicable statutes, regulations,  
16                   program plans, and applications;

17                   “(2)(A) the control of funds provided under  
18                   each such program and title to property acquired  
19                   with program funds will be in a public agency, in a  
20                   nonprofit private agency, institution, or organiza-  
21                   tion, or in an Indian tribe if the law authorizing the  
22                   program provides for assistance to such entities; and

23                   “(B) the public agency, nonprofit private agen-  
24                   cy, institution, or organization, or Indian tribe will

1 administer such funds and property to the extent re-  
2 quired by the authorizing law;

3 “(3) the State will adopt and use proper meth-  
4 ods of administering each such program, including—

5 “(A) the enforcement of any obligations  
6 imposed by law on agencies, institutions, orga-  
7 nizations, and other recipients responsible for  
8 carrying out each program;

9 “(B) the correction of deficiencies in pro-  
10 gram operations that are identified through au-  
11 dits, monitoring, or evaluation; and

12 “(C) the adoption of written procedures for  
13 the receipt and resolution of complaints alleging  
14 violations of law in the administration of such  
15 programs;

16 “(4) the State will cooperate in carrying out  
17 any evaluation of each such program conducted by  
18 or for the Secretary or other Federal officials;

19 “(5) the State will use such fiscal control and  
20 fund accounting procedures as will ensure proper  
21 disbursement of, and accounting for, Federal funds  
22 paid to the State under each such program;

23 “(6) the State will—

24 “(A) make reports to the Secretary as may  
25 be necessary to enable the Secretary to perform

1 the Secretary's duties under each such pro-  
2 gram; and

3 "(B) maintain such records, provide such  
4 information to the Secretary, and afford access  
5 to the records as the Secretary may find nec-  
6 essary to carry out the Secretary's duties; and

7 "(7) before the plan or application was sub-  
8 mitted to the Secretary, the State has afforded a  
9 reasonable opportunity for public comment on the  
10 plan or application and has considered such com-  
11 ment.

12 "(b) GEPA PROVISION.—Section 441 of the General  
13 Education Provisions Act shall not apply to programs  
14 under this Act.

15 **"SEC. 5504. ADDITIONAL COORDINATION.**

16 "(a) ADDITIONAL COORDINATION.—In order to ex-  
17 plore ways for State educational agencies to reduce admin-  
18 istrative burdens and promote the coordination of the edu-  
19 cation services of this Act with other health and social  
20 service programs administered by such agencies, the Sec-  
21 retary is directed to seek agreements with other Federal  
22 agencies (including the Departments of Health and  
23 Human Services, Justice, Labor and Agriculture) for the  
24 purpose of establishing procedures and criteria under  
25 which a State educational agency would submit a consoli-

1 dated State plan or consolidated State application that  
2 meets the requirements of the covered programs.

3 “(b) REPORT.—The Secretary shall report to the rel-  
4 evant committees 6 months after the date of enactment  
5 of the Improving America’s Schools Act of 1994.

6 **“SEC. 5505. CONSOLIDATED LOCAL PLANS OR APPLICA-**  
7 **TIONS.**

8 “(a) GENERAL AUTHORITY.—A local educational  
9 agency receiving funds under more than one covered pro-  
10 gram may submit plans or applications to the State edu-  
11 cational agency under such programs on a consolidated  
12 basis.

13 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-  
14 TIONS.—A State educational agency that has submitted  
15 and had approved a consolidated State plan or application  
16 under section 5502 may require local educational agencies  
17 in the State receiving funds under more than one program  
18 included in the consolidated State plan or consolidated  
19 State application to submit consolidated local plans or ap-  
20 plications under such programs.

21 “(c) COLLABORATION.—A State educational agency  
22 shall collaborate with local educational agencies in the  
23 State in establishing procedures for the submission of the  
24 consolidated State plans or consolidated State applications  
25 under this section.

1       “(d) NECESSARY MATERIALS.—The State edu-  
2 cational agency shall require only descriptions, informa-  
3 tion, assurances, and other material that are absolutely  
4 necessary for the consideration of the local educational  
5 agency plan or application.

6       **“SEC. 5506. OTHER GENERAL ASSURANCES.**

7       “(a) ASSURANCES.—Any applicant other than a  
8 State educational agency that submits a plan or applica-  
9 tion under this Act, whether separately or pursuant to sec-  
10 tion 5504, shall have on file with the State educational  
11 agency a single set of assurances, applicable to each pro-  
12 gram for which a plan or application is submitted, that  
13 provides that—

14               “(1) each such program will be administered in  
15 accordance with all applicable statutes, regulations,  
16 program plans, and applications;

17               “(2)(A) the control of funds provided under  
18 each such program and title to property acquired  
19 with program funds will be in a public agency or in  
20 a nonprofit private agency, institution, organization,  
21 or Indian tribe, if the law authorizing the program  
22 provides for assistance to such entities; and

23               “(B) the public agency, nonprofit private agen-  
24 cy, institution, or organization, or Indian tribe will

1 administer such funds and property to the extent re-  
2 quired by the authorizing statutes;

3 “(3) the applicant will adopt and use proper  
4 methods of administering each such program,  
5 including—

6 “(A) the enforcement of any obligations  
7 imposed by law on agencies, institutions, orga-  
8 nizations, and other recipients responsible for  
9 carrying out each program; and

10 “(B) the correction of deficiencies in pro-  
11 gram operations that are identified through au-  
12 dits, monitoring, or evaluation;

13 “(4) the applicant will cooperate in carrying out  
14 any evaluation of each such program conducted by  
15 or for the State educational agency, the Secretary or  
16 other Federal officials;

17 “(5) the applicant will use such fiscal control  
18 and fund accounting procedures as will ensure prop-  
19 er disbursement of, and accounting for, Federal  
20 funds paid to such applicant under each such pro-  
21 gram;

22 “(6) the applicant will—

23 “(A) make reports to the State educational  
24 agency and the Secretary as may be necessary



1 to enable such agency and the Secretary to per-  
2 form their duties under each such program; and

3 “(B) maintain such records, provide such  
4 information, and afford access to the records as  
5 the State educational agency or the Secretary  
6 may find necessary to carry out the State edu-  
7 cational agency’s or the Secretary’s duties; and

8 “(7) before the application was submitted, the  
9 applicant afforded a reasonable opportunity for pub-  
10 lic comment on the application and has considered  
11 such comment.

12 “(b) GEPA PROVISION.—Section 442 of the General  
13 Education Provisions Act does not apply to programs  
14 under this Act.

15 **“PART E—ADVANCED PLACEMENT PROGRAMS**

16 **“SEC. 5601. SHORT TITLE.**

17 “This part may be cited as the ‘Access to High  
18 Standards Act’.

19 **“SEC. 5602. FINDINGS AND PURPOSES.**

20 “(a) FINDINGS.—Congress finds that—

21 “(1) far too many students are not being pro-  
22 vided sufficient academic preparation in secondary  
23 school, which results in limited employment opportu-  
24 nities, college dropout rates of over 25 percent for

1 the first year of college, and remediation for almost  
2 one-third of incoming college freshmen;

3 “(2) there is a growing consensus that raising  
4 academic standards, establishing high academic ex-  
5 pectations, and showing concrete results are at the  
6 core of improving public education;

7 “(3) modeling academic standards on the well-  
8 known program of advanced placement courses is an  
9 approach that many education leaders and almost  
10 half of all States have endorsed;

11 “(4) advanced placement programs already are  
12 providing 30 different college-level courses, serving  
13 almost 60 percent of all secondary schools, reaching  
14 over 1,000,000 students (of whom 80 percent attend  
15 public schools, 55 percent are females, and 30 per-  
16 cent are minorities), and providing test scores that  
17 are accepted for college credit at over 3,000 colleges  
18 and universities, every university in Germany,  
19 France, and Austria, and most institutions in Can-  
20 ada and the United Kingdom;

21 “(5) 24 States are now funding programs to in-  
22 crease participation in advanced placement pro-  
23 grams, including 19 States that provide funds for  
24 advanced placement teacher professional develop-  
25 ment, 3 States that require that all public secondary

1 schools offer advanced placement courses, 10 States  
2 that pay the fees for advanced placement tests for  
3 some or all students, and 4 States that require that  
4 their public universities grant uniform academic  
5 credit for scores of 3 or better on advanced place-  
6 ment tests; and

7 “(6) the State programs described in paragraph  
8 (5) have shown the responsiveness of schools and  
9 students to such programs, raised the academic  
10 standards both for students participating in such  
11 programs and for other children taught by teachers  
12 who are involved in advanced placement courses, and  
13 have shown tremendous success in increasing enroll-  
14 ment, achievement, and minority participation in ad-  
15 vanced placement programs.

16 “(b) PURPOSES.—The purposes of this part are—

17 “(1) to encourage more of the 600,000 students  
18 who take advanced placement courses but do not  
19 take advanced placement exams each year to dem-  
20 onstrate their achievements through taking the  
21 exams;

22 “(2) to build on the many benefits of advanced  
23 placement programs for students, which benefits  
24 may include the acquisition of skills that are impor-  
25 tant to many employers, Scholastic Aptitude Tests

1 (SAT) scores that are 100 points above the national  
2 averages, and the achievement of better grades in  
3 secondary school and in college than the grades of  
4 students who have not participated in the programs;

5 “(3) to support State and local efforts to raise  
6 academic standards through advanced placement  
7 programs, and thus further increase the number of  
8 students who participate and succeed in advanced  
9 placement programs;

10 “(4) to increase the availability and broaden the  
11 range of schools that have advanced placement pro-  
12 grams, which programs are still often distributed un-  
13 evenly among regions, States, and even secondary  
14 schools within the same school district, while also in-  
15 creasing and diversifying student participation in the  
16 programs;

17 “(5) to build on the State programs described  
18 in subsection (a)(5) and demonstrate that larger and  
19 more diverse groups of students can participate and  
20 succeed in advanced placement programs;

21 “(6) to provide greater access to advanced  
22 placement courses for low-income and other dis-  
23 advantaged students;

24 “(7) to provide access to advanced placement  
25 courses for secondary school juniors at schools that

1 do not offer advanced placement programs, increase  
2 the rate of secondary school juniors and seniors who  
3 participate in advanced placement courses to 25 per-  
4 cent of the secondary school student population, and  
5 increase the numbers of students who receive ad-  
6 vanced placement test scores for which college aca-  
7 demic credit is awarded; and

8 “(8) to increase the participation of low-income  
9 individuals in taking advanced placement tests  
10 through the payment or partial payment of the costs  
11 of the advanced placement test fees.

12 **“SEC. 5603. FUNDING DISTRIBUTION RULE.**

13 “From amounts appropriated under section 5608 for  
14 a fiscal year, the Secretary shall give first priority to fund-  
15 ing activities under section 5606, and shall distribute any  
16 remaining funds not so applied according to the following  
17 ratio:

18 “(1) Seventy percent of the remaining funds  
19 shall be available to carry out section 5604.

20 “(2) Thirty percent of the remaining funds  
21 shall be available to carry out section 5605.

22 **“SEC. 5604. ADVANCED PLACEMENT PROGRAM GRANTS.**

23 “(a) GRANTS AUTHORIZED.—

24 “(1) IN GENERAL.—From amounts appro-  
25 priated under section 5608 and made available

1 under section 5603(1) for a fiscal year, the Sec-  
2 retary shall award grants, on a competitive basis, to  
3 eligible entities to enable the eligible entities to carry  
4 out the authorized activities described in subsection  
5 (c).

6 “(2) DURATION AND PAYMENTS.—

7 “(A) DURATION.—The Secretary shall  
8 award a grant under this section for a period  
9 of 3 years.

10 “(B) PAYMENTS.—The Secretary shall  
11 make grant payments under this section on an  
12 annual basis.

13 “(3) DEFINITION OF ELIGIBLE ENTITY.—In  
14 this section, the term ‘eligible entity’ means a State  
15 educational agency or a local educational agency in  
16 the State.

17 “(b) PRIORITY.—In awarding grants under this sec-  
18 tion the Secretary shall give priority to eligible entities  
19 submitting applications under subsection (d) that  
20 demonstrate—

21 “(1) a pervasive need for access to advanced  
22 placement incentive programs;

23 “(2) the involvement of business and commu-  
24 nity organizations in the activities to be assisted;

1           “(3) the availability of matching funds from  
2 State or local sources to pay for the cost of activities  
3 to be assisted;

4           “(4) a focus on developing or expanding ad-  
5 vanced placement programs and participation in the  
6 core academic areas of English, mathematics, and  
7 science; and

8           “(5)(A) in the case of an eligible entity that is  
9 a State educational agency, the State educational  
10 agency carries out programs in the State that  
11 target—

12                 “(i) local educational agencies serving  
13 schools with a high concentration of low-income  
14 students; or

15                 “(ii) schools with a high concentration of  
16 low-income students; or

17           “(B) in the case of an eligible entity that is a  
18 local educational agency, the local educational agen-  
19 cy serves schools with a high concentration of low-  
20 income students.

21           “(c) AUTHORIZED ACTIVITIES.—An eligible entity  
22 may use grant funds under this section to expand access  
23 for low-income individuals to advanced placement incen-  
24 tive programs that involve—

25                 “(1) teacher training;

1           “(2) preadvanced placement course develop-  
2           ment;

3           “(3) curriculum coordination and articulation  
4           between grade levels that prepare students for ad-  
5           vanced placement courses;

6           “(4) curriculum development;

7           “(5) books and supplies; and

8           “(6) any other activity directly related to ex-  
9           panding access to and participation in advanced  
10          placement incentive programs particularly for low-in-  
11          come individuals.

12          “(d) APPLICATION.—Each eligible entity desiring a  
13          grant under this section shall submit an application to the  
14          Secretary at such time, in such manner, and accompanied  
15          by such information as the Secretary may require.

16          “(e) DATA COLLECTION AND REPORTING.—

17                 “(1) DATA COLLECTION.—Each eligible entity  
18                 receiving a grant under this section shall annually  
19                 report to the Secretary—

20                         “(A) the number of students taking ad-  
21                         vanced placement courses who are served by the  
22                         eligible entity;

23                         “(B) the number of advanced placement  
24                         tests taken by students served by the eligible  
25                         entity;



1           “(C) the scores on the advanced placement  
2 tests; and

3           “(D) demographic information regarding  
4 individuals taking the advanced placement  
5 courses and tests disaggregated by race, eth-  
6 nicity, sex, English proficiency status, and so-  
7 cioeconomic status.

8           “(2) REPORT.—The Secretary shall annually  
9 compile the information received from each eligible  
10 entity under paragraph (1) and report to Congress  
11 regarding the information.

12 **“SEC. 5605. ONLINE ADVANCED PLACEMENT COURSES.**

13           “(a) GRANTS AUTHORIZED.—From amounts appro-  
14 priated under section 5608 and made available under sec-  
15 tion 5603(2) for a fiscal year, the Secretary shall award  
16 grants to State educational agencies to enable such agen-  
17 cies to award grants to local educational agencies to pro-  
18 vide students with online advanced placement courses.

19           “(b) STATE EDUCATIONAL AGENCY APPLICA-  
20 TIONS.—

21           “(1) APPLICATION REQUIRED.—Each State  
22 educational agency desiring a grant under this sec-  
23 tion shall submit an application to the Secretary at  
24 such time, in such manner, and accompanied by  
25 such information as the Secretary may require.

1           “(2) AWARD BASIS.—The Secretary shall award  
2           grants under this section on a competitive basis.

3           “(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

4           Each State educational agency receiving a grant under  
5           subsection (b) shall award grants to local educational  
6           agencies within the State to carry out activities described  
7           in subsection (e). In awarding grants under this sub-  
8           section, the State educational agency shall give priority to  
9           local educational agencies that—

10           “(1) serve high concentrations of low-income  
11           students;

12           “(2) serve rural areas; and

13           “(3) the State educational agency determines  
14           will not have access to online advanced placement  
15           courses without assistance provided under this sec-  
16           tion.

17           “(d) CONTRACTS.—A local educational agency that  
18           receives a grant under this section may enter into a con-  
19           tract with a nonprofit or for-profit organization to provide  
20           the online advanced placement courses, including con-  
21           tracting for necessary support services.

22           “(e) USES.—Grant funds provided under this section  
23           may be used to purchase the online curriculum, to train  
24           teachers with respect to the use of online curriculum, and  
25           to purchase course materials.

1 **“SEC. 5606. ADVANCED PLACEMENT INCENTIVE PROGRAM.**

2       “(a) GRANTS AUTHORIZED.—From amounts appro-  
3 priated under section 5608 and made available under sec-  
4 tion 5603 for a fiscal year, the Secretary shall award  
5 grants to State educational agencies having applications  
6 approved under subsection (c) to enable the State edu-  
7 cational agencies to reimburse low-income individuals to  
8 cover part or all of the costs of advanced placement test  
9 fees, if the low-income individuals—

10           “(1) are enrolled in an advanced placement  
11 class; and

12           “(2) plan to take an advanced placement test.

13       “(b) AWARD BASIS.—In determining the amount of  
14 the grant awarded to each State educational agency under  
15 this section for a fiscal year, the Secretary shall consider  
16 the number of children eligible to be counted under section  
17 1124(c) in the State in relation to the number of such  
18 children so counted in all the States.

19       “(c) INFORMATION DISSEMINATION.—A State edu-  
20 cational agency shall disseminate information regarding  
21 the availability of advanced placement test fee payments  
22 under this section to eligible individuals through secondary  
23 school teachers and guidance counselors.

24       “(d) APPLICATIONS.—Each State educational agency  
25 desiring a grant under this section shall submit an appli-  
26 cation to the Secretary at such time, in such manner, and

1 accompanied by such information as the Secretary may  
2 require. At a minimum, each State educational agency ap-  
3 plication shall—

4           “(1) describe the advanced placement test fees  
5           the State educational agency will pay on behalf of  
6           low-income individuals in the State from grant funds  
7           made available under this section;

8           “(2) provide an assurance that any grant funds  
9           received under this section, other than funds used in  
10          accordance with subsection (e), shall be used only to  
11          pay for advanced placement test fees; and

12          “(3) contain such information as the Secretary  
13          may require to demonstrate that the State will en-  
14          sure that a student is eligible for payments under  
15          this section, including documentation required under  
16          chapter 1 of subpart 2 of part A of title IV of the  
17          Higher Education Act of 1965.

18          “(e) ADDITIONAL USES OF FUNDS.—If each eligible  
19          low-income individual in a State pays not more than a  
20          nominal fee to take an advanced placement test in a core  
21          subject, then a State educational agency may use grant  
22          funds made available under this section that remain after  
23          advanced placement test fees have been paid on behalf of  
24          all eligible low-income individuals in the State, for activi-  
25          ties directly related to increasing—

1           “(1) the enrollment of low-income individuals in  
2           advanced placement courses;

3           “(2) the participation of low-income individuals  
4           in advanced placement courses; and

5           “(3) the availability of advanced placement  
6           courses in schools serving high-poverty areas.

7           “(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds  
8           provided under this section shall supplement, and not sup-  
9           plant, other non-federal funds that are available to assist  
10          low-income individuals in paying for the cost of advanced  
11          placement test fees.

12          “(g) REGULATIONS.—The Secretary shall prescribe  
13          such regulations as are necessary to carry out this section.

14          “(h) REPORT.—Each State educational agency annu-  
15          ally shall report to the Secretary information regarding—

16                 “(1) the number of low-income individuals in  
17                 the State who received assistance under this section;  
18                 and

19                 “(2) any activities carried out pursuant to sub-  
20                 section (e).

21          “(i) DEFINITIONS.—In this section:

22                 “(1) ADVANCED PLACEMENT TEST.—The term  
23                 ‘advanced placement test’ includes only an advanced  
24                 placement test approved by the Secretary for the  
25                 purposes of this section.

1           “(2) LOW-INCOME INDIVIDUAL.—The term  
2           ‘low-income individual’ has the meaning given the  
3           term in section 402A(g)(2) of the Higher Education  
4           Act of 1965.

5 **“SEC. 5607. DEFINITIONS.**

6           “‘In this part:

7           “(1) ADVANCED PLACEMENT INCENTIVE PRO-  
8           GRAM.—The term ‘advanced placement incentive  
9           program’ means a program that provides advanced  
10          placement activities and services to low-income indi-  
11          viduals.

12          “(2) ADVANCED PLACEMENT TEST.—The term  
13          ‘advanced placement test’ means an advanced place-  
14          ment test administered by the College Board or ap-  
15          proved by the Secretary.

16          “(3) HIGH CONCENTRATION OF LOW-INCOME  
17          STUDENTS.—The term ‘high concentration of low-in-  
18          come students’, used with respect to a State edu-  
19          cational agency, local educational agency or school,  
20          means an agency or school, as the case may be, that  
21          serves a student population 40 percent or more of  
22          whom are from families with incomes below the pov-  
23          erty level, as determined in the same manner as the  
24          determination is made under section 1124(c)(2).

1           “(4) LOW-INCOME INDIVIDUAL.—The term  
2           ‘low-income individual’ means, other than for pur-  
3           poses of section 5606, a low-income individual (as  
4           defined in section 402A(g)(2) of the Higher Edu-  
5           cation Act of 1965) who is academically prepared to  
6           take successfully an advanced placement test as de-  
7           termined by a school teacher or advanced placement  
8           coordinator taking into consideration factors such as  
9           enrollment and performance in an advanced place-  
10          ment course or superior academic ability.

11          “(5) INSTITUTION OF HIGHER EDUCATION.—  
12          The term ‘institution of higher education’ has the  
13          meaning given the term in section 101(a) of the  
14          Higher Education Act of 1965.

15          “(6) STATE.—The term ‘State’ means each of  
16          the several States of the United States, the District  
17          of Columbia, the Commonwealth of Puerto Rico,  
18          Guam, American Samoa, the United States Virgin  
19          Islands, the Republic of the Marshall Islands, the  
20          Federated States of Micronesia, and the Republic of  
21          Palau.

22          **“SEC. 5608. AUTHORIZATION OF APPROPRIATIONS.**

23          “‘There are authorized to be appropriated to carry out  
24          this part \$50,000,000 for fiscal year 2002, and such sums

1 as may be necessary for each of the 6 succeeding fiscal  
2 years.”.

3 **TITLE VI—PARENTAL INVOLVE-**  
4 **MENT AND ACCOUNTABILITY**

5 **SEC. 601. PARENTAL INVOLVEMENT AND ACCOUNTABILITY.**

6 Title VI (20 U.S.C. 7301 et seq.) is amended to read  
7 as follows:

8 **“TITLE VI—PARENTAL INVOLVE-**  
9 **MENT AND ACCOUNTABILITY**

10 **“PART A—PARENTAL ASSISTANCE**

11 **“SEC. 6101. PARENTAL INFORMATION AND RESOURCE CEN-**  
12 **TERS.**

13 “(a) PURPOSE.—The purpose of this part is—

14 “(1) to provide leadership, technical assistance,  
15 and financial support to nonprofit organizations and  
16 local educational agencies to help the organizations  
17 and agencies implement successful and effective pa-  
18 rental involvement policies, programs, and activities  
19 that lead to improvements in student performance;

20 “(2) to strengthen partnerships among parents  
21 (including parents of preschool age children), teach-  
22 ers, principals, administrators, and other school per-  
23 sonnel in meeting the educational needs of children;

24 “(3) to develop and strengthen the relationship  
25 between parents and the school;



1           “(4) to further the developmental progress pri-  
2           marily of children assisted under this part; and

3           “(5) to coordinate activities funded under this  
4           part with parental involvement initiatives funded  
5           under section 1118 and other provisions of this Act.

6           “(b) GRANTS AUTHORIZED.—

7           “(1) IN GENERAL.—The Secretary is authorized  
8           to award grants in each fiscal year to nonprofit or-  
9           ganizations, and nonprofit organizations in consortia  
10          with local educational agencies, to establish school-  
11          linked or school-based parental information and re-  
12          source centers that provide training, information,  
13          and support to—

14                 “(A) parents of children enrolled in ele-  
15                 mentary schools and secondary schools;

16                 “(B) individuals who work with the par-  
17                 ents described in subparagraph (A); and

18                 “(C) State educational agencies, local edu-  
19                 cational agencies, schools, organizations that  
20                 support family-school partnerships (such as  
21                 parent-teacher associations), and other organi-  
22                 zations that carry out parent education and  
23                 family involvement programs.

24           “(2) AWARD RULE.—In awarding grants under  
25           this part, the Secretary shall ensure that such

1 grants are distributed in all geographic regions of  
2 the United States.

3 **“SEC. 6102. APPLICATIONS.**

4 “(a) GRANTS APPLICATIONS.—

5 “(1) IN GENERAL.—Each nonprofit organiza-  
6 tion or nonprofit organization in consortium with a  
7 local educational agency that desires a grant under  
8 this part shall submit an application to the Sec-  
9 retary at such time and in such manner as the Sec-  
10 retary shall require.

11 “(2) CONTENTS.—Each application submitted  
12 under paragraph (1), at a minimum, shall include  
13 assurances that the organization or consortium  
14 will—

15 “(A)(i) be governed by a board of directors  
16 the membership of which includes parents; or

17 “(ii) be an organization or consortium that  
18 represents the interests of parents;

19 “(B) establish a special advisory committee  
20 the membership of which includes—

21 “(i) parents described in section  
22 6101(b)(1)(A);

23 “(ii) representatives of education pro-  
24 fessionals with expertise in improving serv-  
25 ices for disadvantaged children; and

1                   “(iii) representatives of local elemen-  
2                   tary schools and secondary schools who  
3                   may include students and representatives  
4                   from local youth organizations;

5                   “(C) use at least  $\frac{1}{2}$  of the funds provided  
6                   under this part in each fiscal year to serve  
7                   areas with high concentrations of low-income  
8                   families in order to serve parents who are se-  
9                   verely educationally or economically disadvan-  
10                  taged;

11                  “(D) operate a center of sufficient size,  
12                  scope, and quality to ensure that the center is  
13                  adequate to serve the parents in the area;

14                  “(E) serve both urban and rural areas;

15                  “(F) design a center that meets the unique  
16                  training, information, and support needs of par-  
17                  ents described in section 6101(b)(1)(A), par-  
18                  ticularly such parents who are educationally or  
19                  economically disadvantaged;

20                  “(G) demonstrate the capacity and exper-  
21                  tise to conduct the effective training, informa-  
22                  tion and support activities for which assistance  
23                  is sought;

24                  “(H) network with—

1                   “(i) local educational agencies and  
2                   schools;

3                   “(ii) parents of children enrolled in el-  
4                   ementary schools and secondary schools;

5                   “(iii) parent training and information  
6                   centers assisted under section 682 of the  
7                   Individuals with Disabilities Education  
8                   Act;

9                   “(iv) clearinghouses; and

10                  “(v) other organizations and agencies;

11                  “(I) focus on serving parents described in  
12                  section 6101(b)(1)(A) who are parents of low-  
13                  income, minority, and limited English pro-  
14                  ficient, children;

15                  “(J) use part of the funds received under  
16                  this part to establish, expand, or operate Par-  
17                  ents as Teachers programs or Home Instruction  
18                  for Preschool Youngsters programs;

19                  “(K) provide assistance to parents in such  
20                  areas as understanding State and local stand-  
21                  ards and measures of student and school per-  
22                  formance; and

23                  “(L) work with State and local educational  
24                  agencies to determine parental needs and deliv-  
25                  ery of services.

1       “(b) GRANT RENEWAL.—For each fiscal year after  
2 the first fiscal year an organization or consortium receives  
3 assistance under this part, the organization or consortium  
4 shall demonstrate in the application submitted for such  
5 fiscal year after the first fiscal year that a portion of the  
6 services provided by the organization or consortium is sup-  
7 ported through non-Federal contributions, which contribu-  
8 tions may be in cash or in kind.

9       **“SEC. 6103. USES OF FUNDS.**

10       “(a) IN GENERAL.—Grant funds received under this  
11 part shall be used—

12               “(1) to assist parents in participating effectively  
13 in their children’s education and to help their chil-  
14 dren meet State and local standards, such as assist-  
15 ing parents—

16                       “(A) to engage in activities that will im-  
17 prove student performance, including under-  
18 standing the accountability systems in place  
19 within their State educational agency and local  
20 educational agency and understanding their  
21 children’s educational performance in compari-  
22 son to State and local standards;

23                       “(B) to provide followup support for their  
24 children’s educational achievement;

1           “(C) to communicate effectively with  
2 teachers, principals, counselors, administrators,  
3 and other school personnel;

4           “(D) to become active participants in the  
5 development, implementation, and review of  
6 school-parent compacts, parent involvement  
7 policies, and school planning and improvement;

8           “(E) to participate in the design and provi-  
9 sion of assistance to students who are not mak-  
10 ing adequate educational progress;

11           “(F) to participate in State and local deci-  
12 sionmaking; and

13           “(G) to train other parents;

14           “(2) to obtain information about the range of  
15 options, programs, services, and resources available  
16 at the national, State, and local levels to assist par-  
17 ents and school personnel who work with parents;

18           “(3) to help the parents learn and use the tech-  
19 nology applied in their children’s education;

20           “(4) to plan, implement, and fund activities for  
21 parents that coordinate the education of their chil-  
22 dren with other Federal programs that serve their  
23 children or their families; and

24           “(5) to provide support for State or local edu-  
25 cational personnel if the participation of such per-

1 sonnel will further the activities assisted under the  
2 grant.

3 “(b) PERMISSIVE ACTIVITIES.—Grant funds received  
4 under this part may be used to assist schools with activi-  
5 ties such as—

6 “(1) developing and implementing their plans  
7 or activities under sections 1118 and 1119; and

8 “(2) developing and implementing school im-  
9 provement plans, including addressing problems that  
10 develop in the implementation of sections 1118 and  
11 1119.

12 “(3) providing information about assessment  
13 and individual results to parents in a manner and a  
14 language the family can understand;

15 “(4) coordinating the efforts of Federal, State,  
16 and local parent education and family involvement  
17 initiatives; and

18 “(5) providing training, information, and sup-  
19 port to—

20 “(A) State educational agencies;

21 “(B) local educational agencies and  
22 schools, especially those local educational agen-  
23 cies and schools that are low performing; and

24 “(C) organizations that support family-  
25 school partnerships.

1       “(c) GRANDFATHER CLAUSE.—The Secretary shall  
2 use funds made available under this part to continue to  
3 make grant or contract payments to each entity that was  
4 awarded a multiyear grant or contract under title IV of  
5 the Goals 2000: Educate America Act (as such title was  
6 in effect on the day before the date of enactment of the  
7 Better Education for Students and Teachers Act) for the  
8 duration of the grant or contract award.

9       **“SEC. 6104. TECHNICAL ASSISTANCE.**

10       “The Secretary shall provide technical assistance, by  
11 grant or contract, for the establishment, development, and  
12 coordination of parent training, information, and support  
13 programs and parental information and resource centers.

14       **“SEC. 6105. REPORTS.**

15       “(a) INFORMATION.—Each organization or consor-  
16 tium receiving assistance under this part shall submit to  
17 the Secretary, on an annual basis, information concerning  
18 the parental information and resource centers assisted  
19 under this part, including—

20               “(1) the number of parents (including the num-  
21 ber of minority and limited English proficient par-  
22 ents) who receive information and training;

23               “(2) the types and modes of training, informa-  
24 tion, and support provided under this part;



1           “(3) the strategies used to reach and serve par-  
2           ents of minority and limited English proficient chil-  
3           dren, parents with limited literacy skills, and other  
4           parents in need of the services provided under this  
5           part;

6           “(4) the parental involvement policies and prac-  
7           tices used by the center and an evaluation of wheth-  
8           er such policies and practices are effective in improv-  
9           ing home-school communication, student achieve-  
10          ment, student and school performance, and parental  
11          involvement in school planning, review, and improve-  
12          ment; and

13          “(5) the effectiveness of the activities that local  
14          educational agencies and schools are carrying out  
15          with regard to parental involvement and other activi-  
16          ties assisted under this Act that lead to improved  
17          student achievement and improved student and  
18          school performance.

19          “(b) DISSEMINATION.—The Secretary annually shall  
20          disseminate, widely to the public and to Congress, the in-  
21          formation that each organization or consortium submits  
22          under subsection (a) to the Secretary.

23          **“SEC. 6106. GENERAL PROVISIONS.**

24          “Notwithstanding any other provision of this part—

1           “(1) no person, including a parent who edu-  
2           cates a child at home, a public school parent, or a  
3           private school parent, shall be required to participate  
4           in any program of parent education or develop-  
5           mental screening pursuant to the provisions of this  
6           part; and

7           “(2) no program or center assisted under this  
8           part shall take any action that infringes in any man-  
9           ner on the right of a parent to direct the education  
10          of their children.

11 **“SEC. 6107. AUTHORIZATION OF APPROPRIATIONS.**

12          There are authorized to be appropriated to carry out  
13 this part \$50,000,000 for fiscal year 2002 and such sums  
14 as may be necessary for each of the 6 succeeding fiscal  
15 years.

16 **“PART B—IMPROVING ACADEMIC ACHIEVEMENT**

17 **“SEC. 6201. EDUCATION AWARDS.**

18          “(a) ACHIEVEMENT IN EDUCATION AWARDS.—

19           “(1) IN GENERAL.—The Secretary may make  
20           awards, to be known as ‘Achievement in Education  
21           Awards’, using a peer review process, to the States  
22           that, beginning with the 2002–2003 school year,  
23           make the most progress in improving educational  
24           achievement.

25           “(2) CRITERIA.—

1           “(A) IN GENERAL.—The Secretary shall  
2           make the awards on the basis of criteria con-  
3           sisting of—

4                   “(i) the progress of economically dis-  
5                   advantaged students and of students who  
6                   are racial and ethnic minorities—

7                           “(I) in meeting the State’s stu-  
8                           dent performance standards as meas-  
9                           ured by the assessments described in  
10                          section 1111(b)(3); and

11                           “(II) beginning with the 2nd year  
12                          for which data are available for all  
13                          States, on State assessments under  
14                          the National Assessment of Edu-  
15                          cational Progress of 4th and 8th  
16                          grade reading and mathematics skills;

17                           “(ii) overall improvement in student  
18                          achievement by the State’s students on the  
19                          assessments required by section 1111, and  
20                          (beginning with the 2nd year for which  
21                          data are available for all States) on the as-  
22                          sessments described in clause (i)(II);

23                           “(iii) the progress of the State in im-  
24                          proving the English proficiency of students

1           who enter school with limited English pro-  
2           ficiency;

3           “(iv) the progress of the State in in-  
4           creasing the percentage of students who  
5           graduate from secondary school; and

6           “(v) the progress of the State in in-  
7           creasing the percentage of students who  
8           take advanced coursework, such as ad-  
9           vanced placement and international bacca-  
10          laureate courses, and who pass advanced  
11          placement and international baccalaureate  
12          tests.

13          “(B) WEIGHT.—In applying the criteria de-  
14          scribed in subparagraph (A), the Secretary shall give  
15          the greatest weight to the criterion described in sub-  
16          paragraph (A)(i).

17          “(b) ASSESSMENT COMPLETION BONUSES.—The  
18          Secretary may make 1-time bonus payments to States that  
19          complete the development of assessments required by sec-  
20          tion 1111 in advance of the schedule specified in such sec-  
21          tion.

22          “(c) NO CHILD LEFT BEHIND AWARDS.—The Sec-  
23          retary may make awards, to be known as ‘No Child Left  
24          Behind Awards’ to the schools that—

1           “(1) are nominated by the States in which the  
2 schools are located; and

3           “(2) have made the greatest progress in im-  
4 proving the educational achievement of economically  
5 disadvantaged students.

6           “(d) FUND TO IMPROVE EDUCATION ACHIEVE-  
7 MENT.—The Secretary may make awards for activities  
8 other than the activities described in subsections (a)  
9 through (c), such as character education, that are de-  
10 signed to promote the improvement of elementary and sec-  
11 ondary education nationally.

12 **“SEC. 6202. LOSS OF ADMINISTRATIVE FUNDS.**

13           “(a) 2 YEARS OF INSUFFICIENT PROGRESS.—

14           “(1) REDUCTION.—If the Secretary makes the  
15 determinations described in paragraph (2) for 2 con-  
16 secutive years, the Secretary shall reduce, by not  
17 more than 30 percent, the amount of funds that the  
18 State may reserve for the subsequent fiscal year for  
19 State administration under the programs authorized  
20 by this Act that the Secretary determines are for-  
21 mula grant programs.

22           “(2) DETERMINATIONS.—The determinations  
23 referred to in paragraph (1) are determinations,  
24 made on the basis of data from the State assessment  
25 system described in section 1111 and data from

1 State assessments under the National Assessment of  
2 Educational Progress of 4th and 8th grade reading  
3 and mathematics skills, that—

4 “(A) the State has failed to make adequate  
5 yearly progress as defined under section 1111;  
6 and

7 “(B) students who are racial and ethnic  
8 minorities, and economically disadvantaged stu-  
9 dents, in the State failed to make statistically  
10 significant progress in the academic subjects for  
11 which the State has developed State content  
12 and student performance standards.

13 “(b) 3 OR MORE YEARS OF INSUFFICIENT  
14 PROGRESS.—If the Secretary makes the determinations  
15 described in subsection (a)(2) for a third or subsequent  
16 consecutive year, the Secretary shall reduce, by not more  
17 than 75 percent, the amount of funds that the State may  
18 reserve for the subsequent fiscal year for State adminis-  
19 tration under the programs authorized by this Act that  
20 the Secretary determines are formula grant programs.

21 **“SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.**

22 “(a) STATE ASSESSMENT GRANTS.—For the purpose  
23 of developing and implementing the standards and assess-  
24 ments required under section 1111, there are authorized  
25 to be appropriated \$400,000,000 for fiscal year 2002, and

1 such sums as may be necessary for each of the 6 suc-  
 2 ceeding fiscal years.

3 “(b) NATIONAL ASSESSMENT OF EDUCATIONAL  
 4 PROGRESS.—For the purpose of administering the State  
 5 assessments under the National Assessment of Edu-  
 6 cational Progress, there are authorized to be appropriated  
 7 \$110,000,000 for fiscal year 2002, and such sums as may  
 8 be necessary for each of the 6 succeeding fiscal years.

9 “(c) EDUCATION AWARDS.—For the purpose of car-  
 10 rying out section 6201, there are authorized to be appro-  
 11 priated \$50,000,000 for fiscal year 2002, and such sums  
 12 as may be necessary for each of the 6 succeeding fiscal  
 13 years.”.

14 **TITLE VII—INDIAN, NATIVE HA-**  
 15 **WAIAN, AND ALASKA NATIVE**  
 16 **EDUCATION**

17 **SEC. 701. PROGRAMS.**

18 Title VII (20 U.S.C. 7401 et seq.) is amended to read  
 19 as follows:

20 **“TITLE VII—INDIAN, NATIVE HA-**  
 21 **WAIAN, AND ALASKA NATIVE**  
 22 **EDUCATION**

23 **“PART A—INDIAN EDUCATION**

24 **“SEC. 7101. FINDINGS.**

25 “Congress finds that—

1           “(1) the Federal Government has a special re-  
2           sponsibility to ensure that educational programs for  
3           all American Indian and Alaska Native children and  
4           adults—

5                   “(A) are based on high-quality, inter-  
6                   nationally competitive content standards and  
7                   student performance standards, and build on  
8                   Indian culture and the Indian community;

9                   “(B) assist local educational agencies, In-  
10                  dian tribes, and other entities and individuals in  
11                  providing Indian students the opportunity to  
12                  achieve the standards described in subpara-  
13                  graph (A); and

14                  “(C) meet the unique educational and cul-  
15                  turally related academic needs of American In-  
16                  dian and Alaska Native students;

17           “(2) since the date of enactment of the Indian  
18           Education Act in 1972, the level of involvement of  
19           Indian parents in the planning, development, and  
20           implementation of educational programs that affect  
21           such parents and their children has increased signifi-  
22           cantly, and schools should continue to foster such in-  
23           volvement;

24           “(3) although the number of Indian teachers,  
25           administrators, and university professors has in-



1        creased since 1972, teacher training programs are  
2        not recruiting, training, or retraining a sufficient  
3        number of Indian individuals as educators to meet  
4        the needs of a growing Indian student population in  
5        elementary, secondary, vocational, adult, and higher  
6        education;

7            “(4) the dropout rate for Indian students is un-  
8        acceptably high: 9 percent of Indian students who  
9        were eighth graders in 1988 had already dropped  
10       out of school by 1990;

11           “(5) during the period from 1980 to 1990, the  
12       percentage of Indian individuals living at or below  
13       the poverty level increased from 24 percent to 31  
14       percent, and the readiness of Indian children to  
15       learn is hampered by the high incidence of poverty,  
16       unemployment, and health problems among Indian  
17       children and their families; and

18           “(6) research related specifically to the edu-  
19       cation of Indian children and adults is very limited,  
20       and much of the research is of poor quality or is fo-  
21       cused on limited local or regional issues.

22        **“SEC. 7102. PURPOSE.**

23           “(a) PURPOSE.—The purpose of this part is to sup-  
24       port the efforts of local educational agencies, Indian tribes  
25       and organizations, postsecondary institutions, and other

1 entities to meet the unique educational and culturally re-  
2 lated academic needs of American Indian and Alaska Na-  
3 tive students, so that such students can meet the same  
4 challenging State performance standards as are expected  
5 for all students.

6 “(b) PROGRAMS.—This part carries out the purpose  
7 described in subsection (a) by authorizing programs of di-  
8 rect assistance for—

9 “(1) meeting the unique educational and cul-  
10 turally related academic needs of American Indians  
11 and Alaska Natives;

12 “(2) the education of Indian children and  
13 adults;

14 “(3) the training of Indian persons as educators  
15 and counselors, and in other professions serving In-  
16 dian people; and

17 “(4) research, evaluation, data collection, and  
18 technical assistance.

19 **“Subpart 1—Formula Grants to Local Educational**  
20 **Agencies**

21 **“SEC. 7111. PURPOSE.**

22 “The purpose of this subpart is to support local edu-  
23 cational agencies in their efforts to reform elementary  
24 school and secondary school programs that serve Indian  
25 students in order to ensure that such programs—

1           “(1) are based on challenging State content  
2 standards and State student performance standards  
3 that are used for all students; and

4           “(2) are designed to assist Indian students to  
5 meet those standards.

6 **“SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

7           “(a) IN GENERAL.—The Secretary may make grants  
8 to local educational agencies and Indian tribes in accord-  
9 ance with this section.

10          “(b) LOCAL EDUCATIONAL AGENCIES.—

11           “(1) ENROLLMENT REQUIREMENTS.—A local  
12 educational agency shall be eligible for a grant under  
13 this subpart for any fiscal year if the number of In-  
14 dian children who are eligible under section 7117,  
15 and who were enrolled in the schools of the agency,  
16 and to whom the agency provided free public edu-  
17 cation, during the preceding fiscal year—

18                   “(A) was at least 10; or

19                   “(B) constituted not less than 25 percent  
20 of the total number of individuals enrolled in  
21 the schools of such agency.

22           “(2) EXCLUSION.—The requirement of para-  
23 graph (1) shall not apply in Alaska, California, or  
24 Oklahoma, or with respect to any local educational  
25 agency located on, or in proximity to, a reservation.

1 “(c) INDIAN TRIBES.—

2 “(1) IN GENERAL.—If a local educational agen-  
3 cy that is otherwise eligible for a grant under this  
4 subpart does not establish a parent committee under  
5 section 7114(c)(4), an Indian tribe that represents  
6 not less than  $\frac{1}{2}$  of the eligible Indian children who  
7 are served by such local educational agency may  
8 apply for such grant by submitting an application in  
9 accordance with section 7114.

10 “(2) SPECIAL RULE.—The Secretary shall treat  
11 each Indian tribe applying for a grant pursuant to  
12 paragraph (1) as if such Indian tribe were a local  
13 educational agency for purposes of this subpart, ex-  
14 cept that any such tribe shall not be subject to sec-  
15 tion 7114(c)(4) (relating to a parent committee),  
16 section 7118(c) (relating to maintenance of effort),  
17 or section 7119 (relating to State review of applica-  
18 tions).

19 **“SEC. 7113. AMOUNT OF GRANTS.**

20 “(a) AMOUNT OF GRANT AWARDS.—

21 “(1) IN GENERAL.—Except as provided in sub-  
22 sections (c) and (d), for purposes of making grants  
23 under this subpart the Secretary shall allocate to  
24 each local educational agency that has an approved

1 application under this subpart an amount equal to  
2 the product of—

3 “(A) the number of Indian children who  
4 are eligible under section 7117 and served by  
5 such agency; and

6 “(B) the greater of—

7 “(i) the average per-pupil expenditure  
8 of the State in which such agency is lo-  
9 cated; or

10 “(ii) 80 percent of the average per-  
11 pupil expenditure of all the States.

12 “(2) REDUCTION.—The Secretary shall reduce  
13 the amount of each allocation determined under  
14 paragraph (1) or subsection (b) in accordance with  
15 subsection (c).

16 “(b) SCHOOLS OPERATED OR SUPPORTED BY THE  
17 BUREAU OF INDIAN AFFAIRS.—

18 “(1) IN GENERAL.—In addition to the grants  
19 awarded under subsection (a), and subject to para-  
20 graph (2), for purposes of making grants under this  
21 subpart the Secretary shall allocate to the Secretary  
22 of the Interior an amount equal to the product of—

23 “(A) the total number of Indian children  
24 enrolled in schools that are operated by—

25 “(i) the Bureau of Indian Affairs; or

1           “(ii) an Indian tribe, or an organiza-  
2           tion controlled or sanctioned by an Indian  
3           tribal government, for the children of such  
4           tribe under a contract with, or grant from,  
5           the Department of the Interior under the  
6           Indian Self-Determination Act or the Trib-  
7           ally Controlled Schools Act of 1988; and

8           “(B) the greater of—

9           “(i) the average per-pupil expenditure  
10          of the State in which the school is located;

11          or

12          “(ii) 80 percent of the average per-  
13          pupil expenditure of all the States.

14          “(2) SPECIAL RULE.—Any school described in  
15          paragraph (1) may apply for an allocation under this  
16          subpart by submitting an application in accordance  
17          with section 7114. The Secretary shall treat the  
18          school as if the school were a local educational agen-  
19          cy for purposes of this subpart, except that any such  
20          school shall not be subject to section 7114(c)(4),  
21          7118(c), or 7119.

22          “(c) RATABLE REDUCTIONS.—If the sums appro-  
23          priated for any fiscal year under section 7162(a) are insuf-  
24          ficient to pay in full the amounts determined for local edu-  
25          cational agencies under subsection (a) and for the Sec-

1 retary of the Interior under subsection (b), each of those  
2 amounts shall be ratably reduced.

3 “(d) MINIMUM GRANT.—

4 “(1) IN GENERAL.—Notwithstanding subsection  
5 (c), a local educational agency (including an Indian  
6 tribe as authorized under section 7112(b)) that is el-  
7 igible for a grant under section 7112, and a school  
8 that is operated or supported by the Bureau of In-  
9 dian Affairs that is eligible for a grant under sub-  
10 section (b), that submits an application that is ap-  
11 proved by the Secretary, shall, subject to appropria-  
12 tions, receive a grant under this subpart in an  
13 amount that is not less than \$3,000.

14 “(2) CONSORTIA.—Local educational agencies  
15 may form a consortium for the purpose of obtaining  
16 grants under this subpart.

17 “(3) INCREASE.—The Secretary may increase  
18 the minimum grant under paragraph (1) to not  
19 more than \$4,000 for all grant recipients if the Sec-  
20 retary determines such increase is necessary to en-  
21 sure quality programs.

22 “(e) DEFINITION.—In this section, the term ‘average  
23 per-pupil expenditure’, for a State, means an amount  
24 equal to—

1           “(1) the sum of the aggregate current expendi-  
2           tures of all the local educational agencies in the  
3           State, plus any direct current expenditures by the  
4           State for the operation of such agencies, without re-  
5           gard to the sources of funds from which such local  
6           or State expenditures were made, during the second  
7           fiscal year preceding the fiscal year for which the  
8           computation is made; divided by

9           “(2) the aggregate number of children who  
10          were included in average daily attendance and for  
11          whom such agencies provided free public education  
12          during such preceding fiscal year.

13   **“SEC. 7114. APPLICATIONS.**

14          “(a) APPLICATION REQUIRED.—Each local edu-  
15          cational agency that desires to receive a grant under this  
16          subpart shall submit an application to the Secretary at  
17          such time, in such manner, and containing such informa-  
18          tion as the Secretary may reasonably require.

19          “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each  
20          application submitted under subsection (a) shall include  
21          a description of a comprehensive program for meeting the  
22          needs of Indian children served by the local educational  
23          agency, including the language and cultural needs of the  
24          children, that—



1           “(1) describes how the comprehensive program  
2 will offer programs and activities to meet the cul-  
3 turally related academic needs of American Indian  
4 and Alaska Native students;

5           “(2)(A) is consistent with the State and local  
6 plans submitted under other provisions of this Act;  
7 and

8           “(B) includes academic content and student  
9 performance goals for such children, and bench-  
10 marks for attaining such goals, that are based on  
11 the challenging State standards adopted under title  
12 I for all children;

13           “(3) explains how Federal, State, and local pro-  
14 grams, especially programs carried out under title I,  
15 will meet the needs of such students;

16           “(4) demonstrates how funds made available  
17 under this subpart will be used for activities de-  
18 scribed in section 7115;

19           “(5) describes the professional development op-  
20 portunities that will be provided, as needed, to en-  
21 sure that—

22           “(A) teachers and other school profes-  
23 sionals who are new to the Indian community  
24 are prepared to work with Indian children; and

1           “(B) all teachers who will be involved in  
2           programs assisted under this subpart have been  
3           properly trained to carry out such programs;  
4           and

5           “(6) describes how the local educational  
6           agency—

7           “(A) will periodically assess the progress of  
8           all Indian children enrolled in the schools of the  
9           local educational agency, including Indian chil-  
10          dren who do not participate in programs as-  
11          sisted under this subpart, in meeting the goals  
12          described in paragraph (2);

13          “(B) will provide the results of each as-  
14          sessment referred to in subparagraph (A) to—

15                  “(i) the committee of parents de-  
16                  scribed in subsection (c)(4); and

17                  “(ii) the community served by the  
18                  local educational agency; and

19          “(C) is responding to findings of any pre-  
20          vious assessments that are similar to the as-  
21          sessments described in subparagraph (A).

22          “(c) ASSURANCES.—Each application submitted  
23          under subsection (a) shall include assurances that—

24                  “(1) the local educational agency will use funds  
25                  received under this subpart only to supplement the

1 funds that, in the absence of the Federal funds  
2 made available under this subpart, such agency  
3 would make available for the education of Indian  
4 children, and not to supplant such funds;

5 “(2) the local educational agency will prepare  
6 and submit to the Secretary such reports, in such  
7 form and containing such information, as the Sec-  
8 retary may require to—

9 “(A) carry out the functions of the Sec-  
10 retary under this subpart; and

11 “(B) determine the extent to which activi-  
12 ties carried out with funds provided to the local  
13 educational agency under this subpart are effec-  
14 tive in improving the educational achievement  
15 of Indian students served by such agency;

16 “(3) the program for which assistance is  
17 sought—

18 “(A) is based on a comprehensive local as-  
19 sessment and prioritization of the unique edu-  
20 cational and culturally related academic needs  
21 of the American Indian and Alaska Native stu-  
22 dents for whom the local educational agency is  
23 providing an education;

1           “(B) will use the best available talents and  
2 resources, including individuals from the Indian  
3 community; and

4           “(C) was developed by such agency in open  
5 consultation with parents of Indian children  
6 and teachers, and, if appropriate, Indian stu-  
7 dents from secondary schools, including through  
8 public hearings held by such agency to provide  
9 to the individuals described in this subpara-  
10 graph a full opportunity to understand the pro-  
11 gram and to offer recommendations regarding  
12 the program; and

13           “(4) the local educational agency developed the  
14 program with the participation and written approval  
15 of a committee—

16           “(A) that is composed of, and selected  
17 by—

18           “(i) parents of Indian children in the  
19 local educational agency’s schools and  
20 teachers in the schools; and

21           “(ii) if appropriate, Indian students  
22 attending secondary schools of the agency;

23           “(B) a majority of whose members are  
24 parents of Indian children;

1           “(C) that has set forth such policies and  
2           procedures, including policies and procedures  
3           relating to the hiring of personnel, as will en-  
4           sure that the program for which assistance is  
5           sought will be operated and evaluated in con-  
6           sultation with, and with the involvement of,  
7           parents of the children, and representatives of  
8           the area, to be served;

9           “(D) with respect to an application de-  
10          scribing a schoolwide program carried out in ac-  
11          cordance with section 7115(e), that has—

12                   “(i) reviewed in a timely fashion the  
13                   program; and

14                   “(ii) determined that the program will  
15                   enhance the availability of culturally re-  
16                   lated activities for American Indian and  
17                   Alaska Native students; and

18          “(E) that has adopted reasonable bylaws  
19          for the conduct of the activities of the com-  
20          mittee and abides by such bylaws.

21   **“SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.**

22          “(a) GENERAL REQUIREMENTS.—Each local edu-  
23          cational agency that receives a grant under this subpart  
24          shall use the grant funds, in a manner consistent with the

1 purpose specified in section 7111, for services and activi-  
2 ties that—

3 “(1) are designed to carry out the comprehen-  
4 sive program of the local educational agency for In-  
5 dian students, and described in the application of  
6 the local educational agency submitted to the Sec-  
7 retary under section 7114;

8 “(2) are designed with special regard for the  
9 language and cultural needs of the Indian students;  
10 and

11 “(3) supplement and enrich the regular school  
12 program of such agency.

13 “(b) PARTICULAR SERVICES AND ACTIVITIES.—The  
14 services and activities referred to in subsection (a) may  
15 include—

16 “(1) culturally related activities that support  
17 the program described in the application submitted  
18 by the local educational agency;

19 “(2) early childhood and family programs that  
20 emphasize school readiness;

21 “(3) enrichment programs that focus on prob-  
22 lem-solving and cognitive skills development and di-  
23 rectly support the attainment of challenging State  
24 content standards and State student performance  
25 standards;

1           “(4) integrated educational services in combina-  
2           tion with other programs that meet the needs of In-  
3           dian children and their families;

4           “(5) career preparation activities to enable In-  
5           dian students to participate in programs such as the  
6           programs supported by Public Law 103–239 and  
7           Public Law 88–210, including programs for tech-  
8           prep, mentoring, and apprenticeship activities;

9           “(6) activities to educate individuals concerning  
10          substance abuse and to prevent substance abuse;

11          “(7) the acquisition of equipment, but only if  
12          the acquisition of the equipment is essential to meet  
13          the purpose described in section 7111;

14          “(8) activities that promote the incorporation of  
15          culturally responsive teaching and learning strategies  
16          into the educational program of the local educational  
17          agency;

18          “(9) activities that incorporate American Indian  
19          and Alaska Native specific curriculum content, con-  
20          sistent with State standards, into the curriculum  
21          used by the local educational agency;

22          “(10) activities to promote coordination and  
23          collaboration between tribal, Federal, and State pub-  
24          lic schools in areas that will improve American In-  
25          dian and Alaska Native student achievement; and

1           “(11) family literacy services.

2           “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding  
3 any other provision of law, a local educational agency may  
4 use funds made available to such agency under this sub-  
5 part to support a schoolwide program under section 1114  
6 if—

7           “(1) the committee composed of parents estab-  
8 lished pursuant to section 7114(c)(4) approves the  
9 use of the funds for the schoolwide program; and

10           “(2) the schoolwide program is consistent with  
11 the purpose described in section 7111.

12           “(d) ADMINISTRATIVE COSTS.—Not more than 5  
13 percent of the funds made available to a local educational  
14 agency through a grant made under this subpart for a  
15 fiscal year may be used to pay for administrative costs.

16 **“SEC. 7116. INTEGRATION OF SERVICES AUTHORIZED.**

17           “(a) PLAN.—An entity receiving funds under this  
18 subpart may submit a plan to the Secretary for a dem-  
19 onstration project for the integration of education and re-  
20 lated services provided to Indian students.

21           “(b) CONSOLIDATION OF PROGRAMS.—Upon the re-  
22 ceipt of an acceptable plan under subsection (a), the Sec-  
23 retary, in cooperation with each Federal agency providing  
24 grants for the provision of education and related services  
25 to the applicant, shall authorize the applicant to consoli-



1 date, in accordance with such plan, the federally funded  
2 education and related services programs of the applicant  
3 and the agencies, or portions of the programs, serving In-  
4 dian students in a manner that integrates the program  
5 services involved into a single, coordinated, comprehensive  
6 program and reduces administrative costs by consolidating  
7 administrative functions.

8       “(c) PROGRAMS AFFECTED.—The funds that may be  
9 consolidated in a demonstration project under any such  
10 plan referred to in subsection (b) shall include funds for  
11 any Federal program exclusively serving Indian children,  
12 or the funds reserved exclusively to serve Indian children  
13 under any program, for which the applicant is eligible for  
14 receipt of funds under a statutory or administrative for-  
15 mula for the purposes of providing education and related  
16 services for Indian students.

17       “(d) PLAN REQUIREMENTS.—For a plan to be ac-  
18 ceptable pursuant to subsection (b), the plan shall—

19               “(1) identify the programs or funding sources  
20 to be consolidated;

21               “(2) be consistent with the objectives of this  
22 section authorizing the program services to be inte-  
23 grated in a demonstration project;

24               “(3) describe a comprehensive strategy that  
25 identifies the full range of potential educational op-

1 portunities and related services to be provided to as-  
2 sist Indian students to achieve the objectives set  
3 forth in this subpart;

4 “(4) describe the way in which the services are  
5 to be integrated and delivered and the results ex-  
6 pected from the plan;

7 “(5) identify the projected expenditures under  
8 the plan in a single budget;

9 “(6) identify the State, tribal, or local agencies  
10 to be involved in the delivery of the services inte-  
11 grated under the plan;

12 “(7) identify any statutory provisions, regula-  
13 tions, policies, or procedures that the applicant be-  
14 lieves need to be waived in order to implement the  
15 plan;

16 “(8) set forth measures of student achievement  
17 and performance goals designed to be met within a  
18 specified period of time for activities provided under  
19 the plan; and

20 “(9) be approved by a parent committee formed  
21 in accordance with section 7114(c)(4), if such a  
22 committee exists, in consultation with the Committee  
23 on Resources of the House of Representatives and  
24 the Committee on Indian Affairs of the Senate.

1           “(e) PLAN REVIEW.—Upon receipt of the plan from  
2 an eligible entity, the Secretary shall consult with the head  
3 of each Federal agency providing funds to be used to im-  
4 plement the plan, and with the entity submitting the plan.  
5 The parties so consulting shall identify any waivers of  
6 statutory requirements or of Federal regulations, policies,  
7 or procedures necessary to enable the applicant to imple-  
8 ment the plan. Notwithstanding any other provision of  
9 law, the Secretary of the affected agency shall have the  
10 authority to waive, for the applicant, any regulation, pol-  
11 icy, or procedure promulgated by that agency that has  
12 been so identified by the applicant or agency, unless the  
13 head of the affected agency determines that such a waiver  
14 is inconsistent with the objectives of this subpart or the  
15 provisions of the statute from which the program involved  
16 derives authority that are specifically applicable to Indian  
17 students.

18           “(f) PLAN APPROVAL.—Within 90 days after the re-  
19 ceipt of an applicant’s plan by the Secretary under sub-  
20 section (a), the Secretary shall inform the applicant, in  
21 writing, of the Secretary’s approval or disapproval of the  
22 plan. If the plan is disapproved, the applicant shall be in-  
23 formed, in writing, of the reasons for the disapproval and  
24 shall be given an opportunity to amend the plan or to peti-  
25 tion the Secretary to reconsider such disapproval.

1           “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-  
2 CATION.—Not later than 180 days after the date of enact-  
3 ment of the Better Education for Students and Teachers  
4 Act, the Secretary of Education, the Secretary of the Inte-  
5 rior, and the head of any other Federal agency identified  
6 by the Secretary of Education, shall enter into an inter-  
7 agency memorandum of agreement providing for the im-  
8 plementation of the demonstration projects authorized  
9 under this section. The lead agency for a demonstration  
10 project authorized under this section shall be—

11           “(1) the Department of the Interior, in the case  
12 of an applicant that is a contract or grant school, as  
13 defined in section 1146 of the Education Amend-  
14 ments of 1978; or

15           “(2) the Department of Education, in the case  
16 of any other applicant.

17           “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-  
18 sponsibilities of the lead agency for a demonstration  
19 project shall include—

20           “(1) the use of a single report format related  
21 to the plan for the individual project, which shall be  
22 used by an eligible entity to report on the activities  
23 undertaken under the project;

24           “(2) the use of a single report format related  
25 to the projected expenditures for the individual

1 project, which shall be used by an eligible entity to  
2 report on all project expenditures;

3 “(3) the development of a single system of Fed-  
4 eral oversight for the project, which shall be imple-  
5 mented by the lead agency; and

6 “(4) the provision of technical assistance to an  
7 eligible entity appropriate to the project, except that  
8 an eligible entity shall have the authority to accept  
9 or reject the plan for providing such technical assist-  
10 ance and the technical assistance provider.

11 “(i) REPORT REQUIREMENTS.—

12 “(1) IN GENERAL.—The Secretary shall de-  
13 velop, consistent with the requirements of this sec-  
14 tion, a single report format for the reports described  
15 in subsection (h).

16 “(2) REPORT INFORMATION.—Such report for-  
17 mat shall require that the reports shall—

18 “(A) contain such information as will allow  
19 a determination that the eligible entity has  
20 complied with the requirements incorporated in  
21 the entity’s approved plan, including the dem-  
22 onstration of student achievement; and

23 “(B) provide assurances to the Secretary  
24 of Education and the Secretary of the Interior  
25 that the eligible entity has complied with all di-

1           rectly applicable statutory requirements and  
2           with those directly applicable regulatory re-  
3           quirements that have not been waived.

4           “(3) RECORD INFORMATION.—The Secretary  
5           shall require that records maintained at the local  
6           level on the programs consolidated for the project  
7           shall contain the information and provide the assur-  
8           ances described in paragraph (2).

9           “(j) NO REDUCTION IN AMOUNTS.—In no case shall  
10          the amount of Federal funds available to an eligible entity  
11          involved in any demonstration project be reduced as a re-  
12          sult of the enactment of this section.

13          “(k) INTERAGENCY FUND TRANSFERS AUTHOR-  
14          IZED.—The Secretary is authorized to take such action  
15          as may be necessary to provide for an interagency transfer  
16          of funds otherwise available to an eligible entity in order  
17          to further the objectives of this section.

18          “(l) ADMINISTRATION OF FUNDS.—

19                 “(1) IN GENERAL.—An eligible entity shall ad-  
20                 minister the program funds for the consolidated pro-  
21                 grams in such a manner as to allow for a determina-  
22                 tion that funds from a specific program are spent on  
23                 allowable activities authorized under such program,  
24                 except that the eligible entity shall determine the

1 proportion of the funds that shall be allocated to  
2 such program.

3 “(2) SEPARATE RECORDS NOT REQUIRED.—

4 Nothing in this section shall be construed as requir-  
5 ing the eligible entity to maintain separate records  
6 tracing any services or activities conducted under  
7 the approved plan to the individual programs under  
8 which funds were authorized for the services or ac-  
9 tivities, nor shall the eligible entity be required to al-  
10 locate expenditures among such individual programs.

11 “(m) OVERAGE.—The eligible entity may commingle  
12 all administrative funds from the consolidated programs  
13 and shall be entitled to the full amount of such funds  
14 (under each program’s or agency’s regulations). The over-  
15 age (defined as the difference between the amount of the  
16 commingled funds and the actual administrative cost of  
17 the programs) shall be considered to be properly spent for  
18 Federal audit purposes, if the overage is used for the pur-  
19 poses provided for under this section.

20 “(n) FISCAL ACCOUNTABILITY.—Nothing in this  
21 part shall be construed so as to interfere with the ability  
22 of the Secretary or the lead agency to fulfill responsibil-  
23 ities for safeguarding Federal funds pursuant to chapter  
24 75 of title 31, United States Code.

1       “(o) REPORT ON STATUTORY OBSTACLES TO PRO-  
2 GRAM INTEGRATION.—

3           “(1) PRELIMINARY REPORT.—Not later than 2  
4 years after the date of enactment of the Better Edu-  
5 cation for Students and Teachers Act, the Secretary  
6 of Education shall submit a preliminary report to  
7 the Committee on Education and the Workforce and  
8 the Committee on Resources of the House of Rep-  
9 resentatives and the Committee on Health, Edu-  
10 cation, Labor, and Pensions and the Committee on  
11 Indian Affairs of the Senate on the status of the im-  
12 plementation of the demonstration projects author-  
13 ized under this section.

14           “(2) FINAL REPORT.—Not later than 5 years  
15 after the date of enactment of the Better Education  
16 for Students and Teachers Act, the Secretary of  
17 Education shall submit a report to the Committee  
18 on Education and the Workforce and the Committee  
19 on Resources of the House of Representatives and  
20 the Committee on Health, Education, Labor, and  
21 Pensions and the Committee on Indian Affairs of  
22 the Senate on the results of the implementation of  
23 the demonstration projects authorized under this  
24 section. Such report shall identify statutory barriers  
25 to the ability of participants to integrate more effec-



1 tively their education and related services to Indian  
2 students in a manner consistent with the objectives  
3 of this section.

4 “(p) DEFINITION.—In this section, the term ‘Sec-  
5 retary’ means—

6 “(1) the Secretary of the Interior, in the case  
7 of an applicant that is a contract or grant school, as  
8 defined in section 1146 of the Education Amend-  
9 ments of 1978; or

10 “(2) the Secretary of Education, in the case of  
11 any other applicant.

12 **“SEC. 7117. STUDENT ELIGIBILITY FORMS.**

13 “(a) IN GENERAL.—The Secretary shall require that,  
14 as part of an application for a grant under this subpart,  
15 each applicant shall maintain a file, with respect to each  
16 Indian child for whom the local educational agency pro-  
17 vides a free public education, that contains a form that  
18 sets forth information establishing the status of the child  
19 as an Indian child eligible for assistance under this sub-  
20 part, and that otherwise meets the requirements of sub-  
21 section (b).

22 “(b) FORMS.—

23 “(1) IN GENERAL.—The form described in sub-  
24 section (a) shall include—

25 “(A) either—

1           “(i)(I) the name of the tribe or band  
2           of Indians (as defined in section 7161(3))  
3           with respect to which the child claims  
4           membership;

5           “(II) the enrollment number estab-  
6           lishing the membership of the child (if  
7           readily available); and

8           “(III) the name and address of the  
9           organization that maintains updated and  
10          accurate membership data for such tribe or  
11          band of Indians; or

12          “(ii) if the child is not a member of  
13          tribe or band of Indians (as so defined),  
14          the name, the enrollment number (if read-  
15          ily available), and the name and address of  
16          the organization responsible for maintain-  
17          ing updated and accurate membership  
18          rolls, of any parent or grandparent of the  
19          child from whom the child claims eligibility  
20          under this subpart;

21          “(B) a statement of whether the tribe or  
22          band of Indians (as so defined) with respect to  
23          which the child, or parent or grandparent of the  
24          child, claims membership is federally recog-  
25          nized;

1           “(C) the name and address of the parent  
2 or legal guardian of the child;

3           “(D) a signature of the parent or legal  
4 guardian of the child that verifies the accuracy  
5 of the information supplied; and

6           “(E) any other information that the Sec-  
7 retary considers necessary to provide an accu-  
8 rate program profile.

9           “(2) MINIMUM INFORMATION.—In order for a  
10 child to be eligible to be counted for the purpose of  
11 computing the amount of a grant award made under  
12 section 7113, an eligibility form prepared pursuant  
13 to this section for a child shall include—

14           “(A) the name of the child;

15           “(B) the name of the tribe or band of Indi-  
16 ans (as so defined) with respect to which the  
17 child claims membership; and

18           “(C) the dated signature of the parent or  
19 guardian of the child.

20           “(3) FAILURE.—The failure of an applicant to  
21 furnish any information described in this subsection  
22 other than the information described in paragraph  
23 (2) with respect to any child shall have no bearing  
24 on the determination of whether the child is an eligi-

1 ble Indian child for the purposes of computing the  
2 amount of a grant award made under section 7113.

3 “(c) STATUTORY CONSTRUCTION.—Nothing in this  
4 section shall be construed to affect a definition contained  
5 in section 7161.

6 “(d) FORMS AND STANDARDS OF PROOF.—The  
7 forms and the standards of proof (including the standard  
8 of good faith compliance) that were in use during the  
9 1985–86 academic year to establish the eligibility of a  
10 child for entitlement under the Indian Elementary and  
11 Secondary School Assistance Act shall be the forms and  
12 standards of proof used—

13 “(1) to establish eligibility under this subpart;  
14 and

15 “(2) to meet the requirements of subsection (a).

16 “(e) DOCUMENTATION.—For purposes of deter-  
17 mining whether a child is eligible to be counted for the  
18 purpose of computing the amount of a grant award under  
19 section 7113, the membership of the child, or any parent  
20 or grandparent of the child, in a tribe or band of Indians  
21 (as so defined) may be established by proof other than  
22 an enrollment number, notwithstanding the availability of  
23 an enrollment number for a member of such tribe or band.  
24 Nothing in subsection (b) shall be construed to require  
25 the furnishing of an enrollment number.

1 “(f) MONITORING AND EVALUATION REVIEW.—

2 “(1) IN GENERAL.—

3 “(A) REVIEW.—For each fiscal year, in  
4 order to provide such information as is nec-  
5 essary to carry out the responsibility of the Sec-  
6 retary to provide technical assistance under this  
7 subpart, the Secretary shall conduct a moni-  
8 toring and evaluation review of a sampling of  
9 the local educational agencies that are recipi-  
10 ents of grants under this subpart. The sampling  
11 conducted under this paragraph shall take into  
12 account the size of such a local educational  
13 agency and the geographic location of such  
14 agency.

15 “(B) EXCEPTION.—A local educational  
16 agency may not be held liable to the United  
17 States or be subject to any penalty by reason  
18 of the findings of an audit that relates to the  
19 date of completion, or the date of submission,  
20 of any forms used to establish, before April 28,  
21 1988, the eligibility of a child for entitlement  
22 under the Indian Elementary and Secondary  
23 School Assistance Act.

1           “(2) FALSE INFORMATION.—Any local edu-  
2           cational agency that provides false information in an  
3           application for a grant under this subpart shall—

4                   “(A) be ineligible to apply for any other  
5           grant under this subpart; and

6                   “(B) be liable to the United States for any  
7           funds from the grant that have not been ex-  
8           pended.

9           “(3) EXCLUDED CHILDREN.—A student who  
10          provides false information for the form required  
11          under subsection (a) shall not be counted for the  
12          purpose of computing the amount of a grant award  
13          under section 7113.

14          “(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—  
15          Notwithstanding any other provision of this section, the  
16          Secretary, in computing the amount of a grant award  
17          under section 7113 to a tribal school that receives a grant  
18          or contract from the Bureau of Indian Affairs, shall use  
19          only 1 of the following, as selected by the school:

20                   “(1) A count, certified by the Bureau, of the  
21          number of students in the school.

22                   “(2) A count of the number of students for  
23          whom the school has eligibility forms that comply  
24          with this section.

1       “(h) TIMING OF CHILD COUNTS.—For purposes of  
2 determining the number of children to be counted in com-  
3 puting the amount of a local educational agency’s grant  
4 award under section 7113 (other than in the case de-  
5 scribed in subsection (g)(1)), the local educational agency  
6 shall—

7               “(1) establish a date on, or a period not longer  
8 than 31 consecutive days during which, the agency  
9 counts those children, if that date or period occurs  
10 before the deadline established by the Secretary for  
11 submitting an application under section 7114; and

12               “(2) determine that each such child was en-  
13 rolled, and receiving a free public education, in a  
14 school of the agency on that date or during that pe-  
15 riod, as the case may be.

16 **“SEC. 7118. PAYMENTS.**

17       “(a) IN GENERAL.—Subject to subsections (b) and  
18 (c), the Secretary shall pay to each local educational agen-  
19 cy that submits an application that is approved by the Sec-  
20 retary under this subpart the amount computed under sec-  
21 tion 7113. The Secretary shall notify the local educational  
22 agency of the amount of the payment not later than June  
23 1 of the year for which the Secretary makes the payment.

24       “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE  
25 STATE.—The Secretary may not make a grant under this

1 subpart to a local educational agency for a fiscal year if,  
2 for such fiscal year, the State in which the local edu-  
3 cational agency is located takes into consideration pay-  
4 ments made under this subpart in determining the eligi-  
5 bility of the local educational agency for State aid, or the  
6 amount of the State aid, with respect to the free public  
7 education of children during such fiscal year or the pre-  
8 ceding fiscal year.

9 “(c) REDUCTION OF PAYMENT FOR FAILURE TO  
10 MAINTAIN FISCAL EFFORT.—

11 “(1) IN GENERAL.—The Secretary may not pay  
12 a local educational agency in a State the full amount  
13 of a grant award computed under section 7113 for  
14 any fiscal year unless the State educational agency  
15 notifies the Secretary, and the Secretary determines,  
16 that with respect to the provision of free public edu-  
17 cation by the local educational agency for the pre-  
18 ceding fiscal year, that the combined fiscal effort of  
19 the local educational agency and the State, com-  
20 puted on either a per student or aggregate expendi-  
21 ture basis was not less than 90 percent of the  
22 amount of the combined fiscal effort, computed on  
23 the same basis, for the second preceding fiscal year.

24 “(2) FAILURE.—If, for any fiscal year, the Sec-  
25 retary determines that a local educational agency



1 and State failed to maintain the combined fiscal ef-  
2 fort at the level specified in paragraph (1), the Sec-  
3 retary shall—

4 “(A) reduce the amount of the grant that  
5 would otherwise be made to such agency under  
6 this subpart in the exact proportion of the fail-  
7 ure to maintain the fiscal effort at such level;  
8 and

9 “(B) not use the reduced amount of the  
10 combined fiscal effort for the year to determine  
11 compliance with paragraph (1) for any suc-  
12 ceeding fiscal year, but shall use the amount of  
13 expenditures that would have been required to  
14 comply with paragraph (1) during the fiscal  
15 year for which the determination is made.

16 “(3) WAIVER.—

17 “(A) IN GENERAL.—The Secretary may  
18 waive the requirement of paragraph (1) for a  
19 local educational agency, for not more than 1  
20 year at a time, if the Secretary determines that  
21 the failure to comply with such requirement is  
22 due to exceptional or uncontrollable cir-  
23 cumstances, such as a natural disaster or a pre-  
24 cipitous and unforeseen decline in the agency’s  
25 financial resources.

1           “(B) FUTURE DETERMINATIONS.—The  
2           Secretary shall not use the reduced amount of  
3           the combined fiscal effort for the year for which  
4           the waiver is granted to determine compliance  
5           with paragraph (1) for any succeeding fiscal  
6           year, but shall use the amount of expenditures  
7           that would have been required to comply with  
8           paragraph (1) in the absence of the waiver dur-  
9           ing the fiscal year for which the waiver is  
10          granted.

11          “(d) REALLOCATIONS.—The Secretary may reallo-  
12          cate, in a manner that the Secretary determines will best  
13          carry out the purpose of this subpart, any amounts that—

14                 “(1) based on estimates made by local edu-  
15                 cational agencies or other information, the Secretary  
16                 determines will not be needed by such agencies to  
17                 carry out approved programs under this subpart; or

18                 “(2) otherwise become available for reallocation  
19                 under this subpart.

20          **“SEC. 7119. STATE EDUCATIONAL AGENCY REVIEW.**

21          “Before submitting an application to the Secretary  
22          under section 7114, a local educational agency shall sub-  
23          mit the application to the State educational agency, which  
24          may comment on the application. If the State educational  
25          agency comments on the application, the agency shall com-

1 ment on each such application submitted by a local edu-  
2 cational agency in the State and shall provide the com-  
3 ment to the appropriate local educational agency, with an  
4 opportunity to respond.

5 **“Subpart 2—Special Programs and Projects To Im-**  
6 **prove Educational Opportunities for Indian**  
7 **Children**

8 **“SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**  
9 **TIES FOR INDIAN CHILDREN.**

10 “(a) PURPOSE.—

11 “(1) IN GENERAL.—The purpose of this section  
12 is to support projects to develop, test, and dem-  
13 onstrate the effectiveness of services and programs  
14 to improve educational opportunities and achieve-  
15 ment of Indian children.

16 “(2) COORDINATION.—The Secretary shall take  
17 such actions as are necessary to achieve the coordi-  
18 nation of activities assisted under this subpart  
19 with—

20 “(A) other programs funded under this  
21 Act; and

22 “(B) other Federal programs operated for  
23 the benefit of American Indian and Alaska Na-  
24 tive children.

1       “(b) ELIGIBLE ENTITIES.—In this section, the term  
2 ‘eligible entity’ means a State educational agency, local  
3 educational agency, Indian tribe, Indian organization, fed-  
4 erally supported elementary school or secondary school for  
5 Indian students, Indian institution (including an Indian  
6 institution of higher education) or a consortium of such  
7 entities.

8       “(c) GRANTS AUTHORIZED.—

9           “(1) IN GENERAL.—The Secretary shall award  
10 grants to eligible entities to enable such entities to  
11 carry out activities that meet the purpose specified  
12 in subsection (a)(1), including—

13           “(A) innovative programs related to the  
14 educational needs of educationally disadvan-  
15 taged children;

16           “(B) educational services that are not  
17 available to such children in sufficient quantity  
18 or quality, including remedial instruction, to  
19 raise the achievement of Indian children in 1 or  
20 more of the core academic subjects of English,  
21 mathematics, science, foreign languages, art,  
22 history, and geography;

23           “(C) bilingual and bicultural programs and  
24 projects;

1           “(D) special health and nutrition services,  
2           and other related activities, that address the  
3           special health, social, and psychological prob-  
4           lems of Indian children;

5           “(E) special compensatory and other pro-  
6           grams and projects designed to assist and en-  
7           courage Indian children to enter, remain in, or  
8           reenter school, and to increase the rate of sec-  
9           ondary school graduation for Indian children;

10          “(F) comprehensive guidance, counseling,  
11          and testing services;

12          “(G) early childhood and kindergarten pro-  
13          grams, including family-based preschool pro-  
14          grams that emphasize school readiness and pa-  
15          rental skills, and the provision of services to In-  
16          dian children with disabilities;

17          “(H) partnership projects between local  
18          educational agencies and institutions of higher  
19          education that allow secondary school students  
20          to enroll in courses at the postsecondary level to  
21          aid such students in the transition from sec-  
22          ondary school to postsecondary education;

23          “(I) partnership projects between schools  
24          and local businesses for school-to-work transi-  
25          tion programs designed to provide Indian youth

1 with the knowledge and skills the youth need to  
2 make an effective transition from school to a  
3 first job in a high-skill, high-wage career;

4 “(J) programs designed to encourage and  
5 assist Indian students to work toward, and gain  
6 entrance into, an institution of higher edu-  
7 cation;

8 “(K) family literacy services; or

9 “(L) other services that meet the purpose  
10 described in subsection (a)(1).

11 “(2) PRE-SERVICE OR IN-SERVICE TRAINING.—

12 Pre-service or in-service training of professional and  
13 paraprofessional personnel may be a part of any pro-  
14 gram assisted under this section.

15 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

16 “(1) GRANT REQUIREMENTS.—

17 “(A) IN GENERAL.—The Secretary may  
18 make multiyear grants under subsection (c) for  
19 the planning, development, pilot operation, or  
20 demonstration of any activity described in sub-  
21 section (c). The Secretary shall make the grants  
22 for periods of not more than 5 years.

23 “(B) PRIORITY.—In making multiyear  
24 grants described in this paragraph, the Sec-  
25 retary shall give priority to entities submitting

1 applications that present a plan for combining  
2 or more of the activities described in sub-  
3 section (c) over a period of more than 1 year.

4 “(C) PROGRESS.—The Secretary shall  
5 make a payment for a grant described in this  
6 paragraph to an eligible entity after the initial  
7 year of the multiyear grant period only if the  
8 Secretary determines that the eligible entity has  
9 made substantial progress in carrying out the  
10 activities assisted under the grant in accordance  
11 with the application submitted under paragraph  
12 (3) and any subsequent modifications to such  
13 application.

14 “(2) DISSEMINATION GRANTS.—

15 “(A) IN GENERAL.—In addition to award-  
16 ing the multiyear grants described in paragraph  
17 (1), the Secretary may award grants under sub-  
18 section (c) to eligible entities for the dissemina-  
19 tion of exemplary materials or programs as-  
20 sisted under this section.

21 “(B) DETERMINATION.—The Secretary  
22 may award a dissemination grant described in  
23 this paragraph if, prior to awarding the grant,  
24 the Secretary determines that the material or  
25 program to be disseminated—

1 “(i) has been adequately reviewed;

2 “(ii) has demonstrated educational  
3 merit; and

4 “(iii) can be replicated.

5 “(3) APPLICATION.—

6 “(A) IN GENERAL.—Any eligible entity  
7 that desires to receive a grant under this sec-  
8 tion shall submit an application to the Sec-  
9 retary at such time and in such manner as the  
10 Secretary may require.

11 “(B) CONTENTS.—Each application sub-  
12 mitted to the Secretary under subparagraph  
13 (A), other than an application for a dissemina-  
14 tion grant under paragraph (2), shall contain—

15 “(i) a description of how parents of  
16 Indian children and representatives of In-  
17 dian tribes have been, and will be, involved  
18 in developing and implementing the activi-  
19 ties for which assistance is sought;

20 “(ii) assurances that the applicant will  
21 participate, at the request of the Secretary,  
22 in any national evaluation of activities as-  
23 sisted under this section;

24 “(iii) information demonstrating that  
25 the proposed program for the activities is



1 a scientifically based research program,  
2 which may include a program that has  
3 been modified to be culturally appropriate  
4 for students who will be served;

5 “(iv) a description of how the appli-  
6 cant will incorporate the proposed activities  
7 into the ongoing school program involved  
8 once the grant period is over; and

9 “(v) such other assurances and infor-  
10 mation as the Secretary may reasonably  
11 require.

12 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-  
13 cent of the funds provided to a grant recipient under this  
14 subpart for any fiscal year may be used to pay for admin-  
15 istrative costs.

16 **“SEC. 7122. PROFESSIONAL DEVELOPMENT.**

17 “(a) PURPOSES.—The purposes of this section are—

18 “(1) to increase the number of qualified Indian  
19 individuals in teaching or other education profes-  
20 sions that serve Indian people;

21 “(2) to provide training to qualified Indian indi-  
22 viduals to enable such individuals to become teach-  
23 ers, administrators, teacher aides, social workers,  
24 and ancillary educational personnel; and

1           “(3) to improve the skills of qualified Indian in-  
2           dividuals who serve in the capacities described in  
3           paragraph (2).

4           “(b) ELIGIBLE ENTITIES.—In this section, the term  
5 ‘eligible entity’ means a consortium of—

6           “(1) a State or local educational agency; and

7           “(2) an institution of higher education (includ-  
8           ing an Indian institution of higher education) or an  
9           Indian tribe or organization.

10          “(c) PROGRAM AUTHORIZED.—The Secretary is au-  
11          thorized to award grants to eligible entities with applica-  
12          tions approved under subsection (e) to enable such entities  
13          to carry out the activities described in subsection (d).

14          “(d) AUTHORIZED ACTIVITIES.—

15                 “(1) IN GENERAL.—Grant funds made available  
16                 under subsection (c) shall be used for activities to  
17                 provide support and training for Indian individuals  
18                 in a manner consistent with the purposes of this sec-  
19                 tion. Such activities may include continuing pro-  
20                 grams, symposia, workshops, conferences, and direct  
21                 financial support.

22                 “(2) SPECIAL RULES.—

23                         “(A) TYPE OF TRAINING.—For education  
24                         personnel, the training received pursuant to a

1 grant awarded under subsection (c) may be in-  
2 service or pre-service training.

3 “(B) PROGRAM.—For individuals who are  
4 being trained to enter any field other than edu-  
5 cation, the training received pursuant to a  
6 grant awarded under subsection (c) shall be in  
7 a program that results in a graduate degree.

8 “(e) APPLICATION.—Each eligible entity desiring a  
9 grant under subsection (c) shall submit an application to  
10 the Secretary at such time, in such manner, and accom-  
11 panied by such information, as the Secretary may reason-  
12 ably require.

13 “(f) SPECIAL RULE.—In awarding grants under sub-  
14 section (c), the Secretary—

15 “(1) shall consider the prior performance of an  
16 eligible entity; and

17 “(2) may not limit eligibility to receive a grant  
18 under subsection (c) on the basis of—

19 “(A) the number of previous grants the  
20 Secretary has awarded such entity; or

21 “(B) the length of any period during which  
22 such entity received such grants.

23 “(g) GRANT PERIOD.—Each grant awarded under  
24 subsection (c) shall be awarded for a program of activities  
25 of not more than 5 years.

1 “(h) SERVICE OBLIGATION.—

2 “(1) IN GENERAL.—The Secretary shall re-  
3 quire, by regulation, that an individual who receives  
4 pre-service training pursuant to a grant awarded  
5 under subsection (c)—

6 “(A) perform work—

7 “(i) related to the training received  
8 under this section; and

9 “(ii) that benefits Indian people; or

10 “(B) repay all or a prorated part of the as-  
11 sistance received for the training.

12 “(2) REPORTING.—The Secretary shall estab-  
13 lish, by regulation, a reporting procedure under  
14 which a recipient of the pre-service training shall,  
15 not later than 12 months after the date of comple-  
16 tion of the training, and periodically thereafter, pro-  
17 vide information concerning the compliance of such  
18 recipient with the work requirement described in  
19 paragraph (1).

20 “(i) INSERVICE TRAINING FOR TEACHERS OF INDIAN  
21 CHILDREN.—

22 “(1) GRANTS AUTHORIZED.—In addition to the  
23 grants authorized by subsection (c), the Secretary  
24 may make grants to eligible consortia for the provi-

1 sion of high quality in-service training. The Sec-  
2 retary may make such a grant to—

3 “(A) a consortium of a tribal college and  
4 an institution of higher education that awards  
5 a degree in education; or

6 “(B) a consortium of—

7 “(i) a tribal college;

8 “(ii) an institution of higher education  
9 that awards a degree in education; and

10 “(iii) 1 or more elementary schools or  
11 secondary schools operated by the Bureau  
12 of Indian Affairs, local educational agen-  
13 cies serving Indian children, or tribal edu-  
14 cational agencies.

15 “(2) USE OF FUNDS.—

16 “(A) IN-SERVICE TRAINING.—A consor-  
17 tium that receives a grant under paragraph (1)  
18 shall use the grant funds only to provide high  
19 quality in-service training to teachers, including  
20 teachers who are not Indians, in schools of local  
21 educational agencies with substantial numbers  
22 of Indian children enrolled in their schools, in  
23 order to better meet the needs of those children.

24 “(B) COMPONENTS.—The training de-  
25 scribed in subparagraph (A) shall include such

1 activities as preparing teachers to use the best  
2 available scientifically based research practices  
3 and learning strategies, and to make the most  
4 effective use of curricula and materials, to re-  
5 spond to the unique needs of Indian children in  
6 their classrooms.

7 “(3) PREFERENCE FOR INDIAN APPLICANTS.—  
8 In applying section 7153 to this subsection, the Sec-  
9 retary shall give a preference to any consortium that  
10 includes 1 or more of the entities described in that  
11 section.

12 **“SEC. 7123. FELLOWSHIPS FOR INDIAN STUDENTS.**

13 “(a) FELLOWSHIPS.—

14 “(1) AUTHORITY.—The Secretary is authorized  
15 to award fellowships to Indian students to enable  
16 such students to study in graduate and professional  
17 programs at institutions of higher education.

18 “(2) REQUIREMENTS.—The fellowships de-  
19 scribed in paragraph (1) shall be awarded to Indian  
20 students to enable such students to pursue a course  
21 of study—

22 “(A) of not more than 4 academic years;

23 and

24 “(B) that leads—

1                   “(i) toward a postbaccalaureate de-  
2                   gree in medicine, clinical psychology, psy-  
3                   chology, law, education, or a related field;  
4                   or

5                   “(ii) to an undergraduate or graduate  
6                   degree in engineering, business administra-  
7                   tion, natural resources, or a related field.

8           “(b) STIPENDS.—The Secretary shall pay to Indian  
9 students awarded fellowships under subsection (a) such  
10 stipends (including allowances for subsistence of such stu-  
11 dents and dependents of such students) as the Secretary  
12 determines to be consistent with prevailing practices under  
13 comparable federally supported programs.

14           “(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUI-  
15 TION.—The Secretary shall pay to the institution of higher  
16 education at which such a fellowship recipient is pursuing  
17 a course of study, in lieu of tuition charged to such recipi-  
18 ent, such amounts as the Secretary may determine to be  
19 necessary to cover the cost of education provided to such  
20 recipient.

21           “(d) SPECIAL RULES.—

22                   “(1) IN GENERAL.—If a fellowship awarded  
23                   under subsection (a) is vacated prior to the end of  
24                   the period for which the fellowship is awarded, the  
25                   Secretary may award an additional fellowship for the

1 unexpired portion of the period of the first fellow-  
2 ship.

3 “(2) WRITTEN NOTICE.—Not later than 45  
4 days before the commencement of an academic term,  
5 the Secretary shall provide to each individual who is  
6 awarded a fellowship under subsection (a) for such  
7 academic term written notice of—

8 “(A) the amount of the funding for the fel-  
9 lowship; and

10 “(B) any stipends or other payments that  
11 will be made under this section to, or for the  
12 benefit of, the individual for the academic term.

13 “(3) PRIORITY.—Not more than 10 percent of  
14 the fellowships awarded under subsection (a) shall  
15 be awarded, on a priority basis, to persons receiving  
16 training in guidance counseling with a specialty in  
17 the area of alcohol and substance abuse counseling  
18 and education.

19 “(e) SERVICE OBLIGATION.—

20 “(1) IN GENERAL.—The Secretary shall re-  
21 quire, by regulation, that an individual who receives  
22 financial assistance under this section—

23 “(A) perform work—



1                   “(i) related to the training for which  
2                   the individual receives the assistance under  
3                   this section; and

4                   “(ii) that benefits Indian people; or

5                   “(B) repay all or a prorated portion of  
6                   such assistance.

7                   “(2) REPORTING.—The Secretary shall estab-  
8                   lish, by regulation, a reporting procedure under  
9                   which a recipient of assistance under this section  
10                  shall, not later than 12 months after the date of  
11                  completion of the training, and periodically there-  
12                  after, provide information concerning the compliance  
13                  of such recipient with the work requirement de-  
14                  scribed in paragraph (1).

15                  “(f) ADMINISTRATION OF FELLOWSHIPS.—The Sec-  
16                  retary may administer the fellowships authorized under  
17                  this section through a grant to, or contract or cooperative  
18                  agreement with, an Indian organization with dem-  
19                  onstrated qualifications to administer all facets of the pro-  
20                  gram assisted under this section.

21                  **“SEC. 7124. GIFTED AND TALENTED INDIAN STUDENTS.**

22                  “(a) PROGRAM AUTHORIZED.—The Secretary is au-  
23                  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  
5 in 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  
12 Tribally Controlled College or University Assist-  
13 ance 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,  
23 by the Secretary under subsection (b) shall be used  
24 for—

1           “(A) the establishment of centers described  
2           in subsection (a); and

3           “(B) carrying out demonstration projects  
4           designed to—

5           “(i) address the special needs of In-  
6           dian students in elementary schools and  
7           secondary schools who are gifted and tal-  
8           ented; and

9           “(ii) provide such support services to  
10          the families of the students described in  
11          clause (i) as are needed to enable such stu-  
12          dents to benefit from the projects.

13          “(2) SUBCONTRACTS.—Each recipient of a  
14          grant or contract under subsection (b) to carry out  
15          a demonstration project under subsection (a) may  
16          enter into a contract with any other entity, including  
17          the Children’s Television Workshop, to carry out the  
18          demonstration project.

19          “(3) DEMONSTRATION PROJECTS.—Demonstra-  
20          tion projects assisted under subsection (b) may  
21          include—

22          “(A) the identification of the special needs  
23          of gifted and talented Indian students, particu-  
24          larly at the elementary school level, giving at-  
25          tention to—

1           “(i) identifying the emotional and psy-  
2           chosocial needs of such students; and

3           “(ii) providing such support services  
4           to the families of such students as are  
5           needed to enable such students to benefit  
6           from the project;

7           “(B) the conduct of educational, psycho-  
8           social, and developmental activities that the  
9           Secretary determines hold a reasonable promise  
10          of resulting in substantial progress toward  
11          meeting the educational needs of such gifted  
12          and talented children, including—

13           “(i) demonstrating and exploring the  
14           use of Indian languages and exposure to  
15           Indian cultural traditions; and

16           “(ii) carrying out mentoring and ap-  
17           prenticeship programs;

18           “(C) the provision of technical assistance  
19           and the coordination of activities at schools that  
20           receive grants under subsection (d) with respect  
21           to the activities assisted under such grants, the  
22           evaluation of programs assisted under such  
23           grants, or the dissemination of such evalua-  
24           tions;

1           “(D) the use of public television in meeting  
2           the special educational needs of such gifted and  
3           talented children;

4           “(E) leadership programs designed to rep-  
5           licate programs for such children throughout  
6           the United States, including disseminating in-  
7           formation derived from the demonstration  
8           projects conducted under subsection (a); and

9           “(F) appropriate research, evaluation, and  
10          related activities pertaining to the needs of such  
11          children and to the provision of such support  
12          services to the families of such children as are  
13          needed to enable such children to benefit from  
14          the project.

15          “(4) APPLICATION.—Each entity desiring a  
16          grant or contract under subsection (b) shall submit  
17          an application to the Secretary at such time and in  
18          such manner as the Secretary may prescribe.

19          “(d) ADDITIONAL GRANTS.—

20                 “(1) IN GENERAL.—The Secretary, in consulta-  
21                 tion with the Secretary of the Interior, shall award  
22                 5 grants to schools funded by the Bureau of Indian  
23                 Affairs (referred to individually in this section as a  
24                 ‘Bureau school’) for program research and develop-

1 ment and the development and dissemination of cur-  
2 riculum and teacher training material, regarding—

3 “(A) gifted and talented students;

4 “(B) college preparatory studies (including  
5 programs for Indian students with an interest  
6 in pursuing teaching careers);

7 “(C) students with special culturally re-  
8 lated academic needs, including students with  
9 social, lingual, and cultural needs; or

10 “(D) mathematics and science education.

11 “(2) APPLICATIONS.—Each Bureau school de-  
12 siring a grant to conduct 1 or more of the activities  
13 described in paragraph (1) shall submit an applica-  
14 tion to the Secretary at such time and in such man-  
15 ner as the Secretary may prescribe.

16 “(3) SPECIAL RULE.—Each application de-  
17 scribed in paragraph (2) shall be developed, and  
18 each grant under this subsection shall be adminis-  
19 tered, jointly by the supervisor of the Bureau school  
20 and the local educational agency serving such school.

21 “(4) REQUIREMENTS.—In awarding grants  
22 under paragraph (1), the Secretary shall achieve a  
23 mixture of the programs described in paragraph (1)  
24 that ensures that Indian students at all grade levels  
25 and in all geographic areas of the United States are

1 able to participate in a program assisted under this  
2 subsection.

3 “(5) GRANT PERIOD.—Subject to the avail-  
4 ability of appropriations, a grant awarded under  
5 paragraph (1) shall be awarded for a 3-year period  
6 and may be renewed by the Secretary for additional  
7 3-year periods if the Secretary determines that the  
8 performance of the grant recipient has been satisfac-  
9 tory.

10 “(6) DISSEMINATION.—

11 “(A) COOPERATIVE EFFORTS.—The dis-  
12 semination of any materials developed from ac-  
13 tivities assisted under paragraph (1) shall be  
14 carried out in cooperation with entities that re-  
15 ceive funds pursuant to subsection (b).

16 “(B) REPORT.—The Secretary shall pre-  
17 pare and submit to the Secretary of the Interior  
18 and to Congress a report concerning any results  
19 from activities described in this subsection.

20 “(7) EVALUATION COSTS.—

21 “(A) DIVISION.—The costs of evaluating  
22 any activities assisted under paragraph (1) shall  
23 be divided between the Bureau schools con-  
24 ducting such activities and the recipients of  
25 grants or contracts under subsection (b) who

1           conduct demonstration projects under sub-  
2           section (a).

3           “(B) GRANTS AND CONTRACTS.—If no  
4           funds are provided under subsection (b) for—

5                   “(i) the evaluation of activities as-  
6                   sisted under paragraph (1);

7                   “(ii) technical assistance and coordi-  
8                   nation with respect to such activities; or

9                   “(iii) the dissemination of the evalua-  
10                  tions referred to in clause (i),

11           the Secretary shall make such grants, or enter  
12           into such contracts, as are necessary to provide  
13           for the evaluations, technical assistance, and co-  
14           ordination of such activities, and the dissemina-  
15           tion of the evaluations.

16           “(e) INFORMATION NETWORK.—The Secretary shall  
17           encourage each recipient of a grant or contract under this  
18           section to work cooperatively as part of a national network  
19           to ensure that the information developed by the grant or  
20           contract recipient is readily available to the entire edu-  
21           cational community.

22           **“SEC. 7125. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**  
23           **TRATIVE PLANNING AND DEVELOPMENT.**

24           “(a) IN GENERAL.—The Secretary may make grants  
25           to Indian tribes, and tribal organizations approved by In-



1 dian tribes, to plan and develop a centralized tribal admin-  
2 istrative entity to—

3 “(1) coordinate all education programs operated  
4 by the tribe or within the territorial jurisdiction of  
5 the tribe;

6 “(2) develop education codes for schools within  
7 the territorial jurisdiction of the tribe;

8 “(3) provide support services and technical as-  
9 sistance to schools serving children of the tribe; and

10 “(4) perform child-find screening services for  
11 the preschool-aged children of the tribe to—

12 “(A) ensure placement in appropriate edu-  
13 cational facilities; and

14 “(B) coordinate the provision of any need-  
15 ed special services for conditions such as dis-  
16 abilities and English language skill deficiencies.

17 “(b) PERIOD OF GRANT.—Each grant awarded under  
18 this section may be awarded for a period of not more than  
19 3 years. Such grant may be renewed upon the termination  
20 of the initial period of the grant if the grant recipient dem-  
21 onstrates to the satisfaction of the Secretary that renew-  
22 ing the grant for an additional 3-year period is necessary  
23 to carry out the objectives of the grant described in sub-  
24 section (c)(2)(A).

25 “(c) APPLICATION FOR GRANT.—

1           “(1) IN GENERAL.—Each Indian tribe and trib-  
2           al organization desiring a grant under this section  
3           shall submit an application to the Secretary at such  
4           time, in such manner, containing such information,  
5           and consistent with such criteria, as the Secretary  
6           may prescribe in regulations.

7           “(2) CONTENTS.—Each application described in  
8           paragraph (1) shall contain—

9                   “(A) a statement describing the activities  
10                  to be conducted, and the objectives to be  
11                  achieved, under the grant; and

12                   “(B) a description of the method to be  
13                  used for evaluating the effectiveness of the ac-  
14                  tivities for which assistance is sought and for  
15                  determining whether such objectives are  
16                  achieved.

17           “(3) APPROVAL.—The Secretary may approve  
18           an application submitted by a tribe or tribal organi-  
19           zation pursuant to this section only if the Secretary  
20           is satisfied that such application, including any doc-  
21           umentation submitted with the application—

22                   “(A) demonstrates that the applicant has  
23                  consulted with other education entities, if any,  
24                  within the territorial jurisdiction of the appli-

1           cant who will be affected by the activities to be  
2           conducted under the grant;

3           “(B) provides for consultation with such  
4           other education entities in the operation and  
5           evaluation of the activities conducted under the  
6           grant; and

7           “(C) demonstrates that there will be ade-  
8           quate resources provided under this section or  
9           from other sources to complete the activities for  
10          which assistance is sought, except that the  
11          availability of such other resources shall not be  
12          a basis for disapproval of such application.

13          “(d) RESTRICTION.—A tribe may not receive funds  
14          under this section if such tribe receives funds under sec-  
15          tion 1144 of the Education Amendments of 1978.

16          “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
17          are authorized to be appropriated to the Secretary of Edu-  
18          cation to carry out this section \$3,000,000 for each of fis-  
19          cal years 2002 through 2008.



1 of illiteracy and lack of secondary school completion  
2 among Indians; and

3 “(5) to encourage the dissemination of informa-  
4 tion and materials relating to, and the evaluation of,  
5 the effectiveness of education programs that may  
6 offer educational opportunities to Indian adults.

7 “(b) EDUCATIONAL SERVICES.—The Secretary may  
8 make grants to Indian tribes, institutions, and organiza-  
9 tions to develop and establish educational services and  
10 programs specifically designed to improve educational op-  
11 portunities for Indian adults.

12 “(c) INFORMATION AND EVALUATION.—The Sec-  
13 retary may make grants to, and enter into contracts with,  
14 public agencies and institutions and Indian tribes, institu-  
15 tions, and organizations, for—

16 “(1) the dissemination of information con-  
17 cerning educational programs, services, and re-  
18 sources available to Indian adults, including evalua-  
19 tions of the programs, services, and resources; and

20 “(2) the evaluation of federally assisted pro-  
21 grams in which Indian adults may participate to de-  
22 termine the effectiveness of the programs in achiev-  
23 ing the purposes of the programs with respect to In-  
24 dian adults.

25 “(d) APPLICATIONS.—

1           “(1) IN GENERAL.—Each entity desiring a  
2 grant or contract under this section shall submit to  
3 the Secretary an application at such time, in such  
4 manner, containing such information, and consistent  
5 with such criteria, as the Secretary may prescribe in  
6 regulations.

7           “(2) CONTENTS.—Each application described in  
8 paragraph (1) shall contain—

9                   “(A) a statement describing the activities  
10 to be conducted and the objectives to be  
11 achieved under the grant or contract; and

12                   “(B) a description of the method to be  
13 used for evaluating the effectiveness of the ac-  
14 tivities for which assistance is sought and deter-  
15 mining whether the objectives of the grant or  
16 contract are achieved.

17           “(3) APPROVAL.—The Secretary shall not ap-  
18 prove an application described in paragraph (1) un-  
19 less the Secretary determines that such application,  
20 including any documentation submitted with the ap-  
21 plication, indicates that—

22                   “(A) there has been adequate participa-  
23 tion, by the individuals to be served and the ap-  
24 propriate tribal communities, in the planning

1 and development of the activities to be assisted;  
2 and

3 “(B) the individuals and tribal commu-  
4 nities referred to in subparagraph (A) will par-  
5 ticipate in the operation and evaluation of the  
6 activities to be assisted.

7 “(4) PRIORITY.—In approving applications  
8 under paragraph (1), the Secretary shall give pri-  
9 ority to applications from Indian educational agen-  
10 cies, organizations, and institutions.

11 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-  
12 cent of the funds made available to an entity through a  
13 grant or contract made or entered into under this section  
14 for a fiscal year may be used to pay for administrative  
15 costs.

16 **“Subpart 4—National Research Activities**

17 **“SEC. 7141. NATIONAL ACTIVITIES.**

18 “(a) AUTHORIZED ACTIVITIES.—The Secretary may  
19 use funds made available under section 7162(b) for each  
20 fiscal year to—

21 “(1) conduct research related to effective ap-  
22 proaches for the education of Indian children and  
23 adults;

1           “(2) evaluate federally assisted education pro-  
2           grams from which Indian children and adults may  
3           benefit;

4           “(3) collect and analyze data on the educational  
5           status and needs of Indians; and

6           “(4) carry out other activities that are con-  
7           sistent with the purpose of this part.

8           “(b) ELIGIBILITY.—The Secretary may carry out any  
9           of the activities described in subsection (a) directly or  
10          through grants to, or contracts or cooperative agreements  
11          with, Indian tribes, Indian organizations, State edu-  
12          cational agencies, local educational agencies, institutions  
13          of higher education, including Indian institutions of higher  
14          education, and other public and private agencies and insti-  
15          tutions.

16          “(c) COORDINATION.—Research activities supported  
17          under this section—

18                 “(1) shall be carried out in consultation with  
19                 the Office of Educational Research and Improve-  
20                 ment to assure that such activities are coordinated  
21                 with and enhance the research and development ac-  
22                 tivities supported by the Office of Educational Re-  
23                 search and Improvement; and

24                 “(2) may include collaborative research activi-  
25                 ties that are jointly funded and carried out by the



1 Office of Indian Education and the Office of Edu-  
2 cational Research and Improvement.

3 “(d) ADMINISTRATIVE COSTS.—Not more than 5  
4 percent of the funds made available to an entity through  
5 a grant, contract, or agreement made or entered into  
6 under this subpart for a fiscal year may be used to pay  
7 for administrative costs.

8 **“Subpart 5—Federal Administration**

9 **“SEC. 7151. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-  
10 CATION.**

11 “(a) MEMBERSHIP.—There is established a National  
12 Advisory Council on Indian Education (referred to in this  
13 section as the ‘Council’), which shall—

14 “(1) consist of 15 Indian members, who shall  
15 be appointed by the President from lists of nominees  
16 furnished, from time to time, by Indian tribes and  
17 Indian organizations; and

18 “(2) represent different geographic areas of the  
19 United States.

20 “(b) DUTIES.—The Council shall—

21 “(1) advise the Secretary concerning the fund-  
22 ing and administration (including the development of  
23 regulations and administrative policies and prac-  
24 tices) of any program, including any program estab-  
25 lished under this part—

1           “(A) with respect to which the Secretary  
2           has jurisdiction; and

3           “(B)(i) that includes Indian children or  
4           adults as participants; or

5           “(ii) that may benefit Indian children or  
6           adults;

7           “(2) make recommendations to the Secretary  
8           for filling the position of Director of Indian Edu-  
9           cation whenever a vacancy occurs; and

10          “(3) prepare and submit to Congress, not later  
11          than June 30 of each year, a report on the activities  
12          of the Council, including—

13                 “(A) any recommendations that the Coun-  
14                 cil considers to be appropriate for the improve-  
15                 ment of Federal education programs that in-  
16                 clude Indian children or adults as participants,  
17                 or that may benefit Indian children or adults;  
18                 and

19                 “(B) recommendations concerning the  
20                 funding of any program described in subpara-  
21                 graph (A).

22         **“SEC. 7152. PEER REVIEW.**

23                 “The Secretary may use a peer review process to re-  
24                 view applications submitted to the Secretary under sub-  
25                 part 2, 3, or 4.

1 **“SEC. 7153. PREFERENCE FOR INDIAN APPLICANTS.**

2 “In making grants and entering into contracts or co-  
 3 operative agreements under subpart 2, 3, or 4, the Sec-  
 4 retary shall give a preference to Indian tribes, organiza-  
 5 tions, and institutions of higher education under any pro-  
 6 gram with respect to which Indian tribes, organizations,  
 7 and institutions are eligible to apply for grants, contracts,  
 8 or cooperative agreements.

9 **“SEC. 7154. MINIMUM GRANT CRITERIA.**

10 “The Secretary may not approve an application for  
 11 a grant, contract, or cooperative agreement under subpart  
 12 2 or 3 unless the application is for a grant, contract, or  
 13 cooperative agreement that is—

14 “(1) of sufficient size, scope, and quality to  
 15 achieve the purpose or objectives of such grant, con-  
 16 tract, or cooperative agreement; and

17 “(2) based on relevant research findings.

18 **“Subpart 6—Definitions; Authorizations of**  
 19 **Appropriations**

20 **“SEC. 7161. DEFINITIONS.**

21 “In this part:

22 “(1) ADULT.—The term ‘adult’ means an indi-  
 23 vidual who—

24 “(A) has attained age 16; or

1           “(B) has attained an age that is greater  
2           than the age of compulsory school attendance  
3           under an applicable State law.

4           “(2) FREE PUBLIC EDUCATION.—The term  
5           ‘free public education’ means education that is—

6                   “(A) provided at public expense, under  
7                   public supervision and direction, and without  
8                   tuition charge; and

9                   “(B) provided as elementary or secondary  
10                  education in the applicable State or to preschool  
11                  children.

12           “(3) INDIAN.—The term ‘Indian’ means an in-  
13           dividual who is—

14                   “(A) a member of an Indian tribe or band,  
15                   as membership is defined by the tribe or band,  
16                   including—

17                           “(i) any tribe or band terminated  
18                           since 1940; and

19                           “(ii) any tribe or band recognized by  
20                           the State in which the tribe or band re-  
21                           sides;

22                   “(B) a descendant, in the first or second  
23                   degree, of an individual described in subpara-  
24                   graph (A);

1           “(C) an individual who is considered by the  
2           Secretary of the Interior to be an Indian for  
3           any purpose;

4           “(D) an Eskimo, Aleut, or other Alaska  
5           Native (as defined in section 7306); or

6           “(E) a member of an organized Indian  
7           group that received a grant under the Indian  
8           Education Act of 1988 as in effect the day pre-  
9           ceding the date of enactment of the ‘Improving  
10          America’s Schools Act of 1994’ (108 Stat.  
11          3518).

12 **“SEC. 7162. AUTHORIZATIONS OF APPROPRIATIONS.**

13          “(a) SUBPART 1.—There are authorized to be appro-  
14          priated to the Secretary of Education to carry out subpart  
15          1 \$93,000,000 for fiscal year 2002 and such sums as may  
16          be necessary for each of the 6 succeeding fiscal years.

17          “(b) SUBPARTS 2 THROUGH 4.—There are author-  
18          ized to be appropriated to the Secretary of Education to  
19          carry out subparts 2, 3, and 4 \$20,000,000 for fiscal year  
20          2002 and such sums as may be necessary for each of the  
21          6 succeeding fiscal years.

22           **“PART B—NATIVE HAWAIIAN EDUCATION**

23 **“SEC. 7201. SHORT TITLE.**

24          “‘This part may be cited as the ‘Native Hawaiian  
25          Education Act’.

1 **“SEC. 7202. FINDINGS.**

2 “Congress finds the following:

3 “(1) Native Hawaiians are a distinct and  
4 unique indigenous people with a historical continuity  
5 to the original inhabitants of the Hawaiian archi-  
6 pelago, whose society was organized as a nation and  
7 internationally recognized as a nation by the United  
8 States, Britain, France, and Japan, as evidenced by  
9 treaties governing friendship, commerce, and naviga-  
10 tion.

11 “(2) At the time of the arrival of the first non-  
12 indigenous people in Hawai’i in 1778, the Native  
13 Hawaiian people lived in a highly organized, self-suf-  
14 ficient subsistence social system based on a com-  
15 munal land tenure system with a sophisticated lan-  
16 guage, culture, and religion.

17 “(3) A unified monarchical government of the  
18 Hawaiian Islands was established in 1810 under Ka-  
19 mehameha I, the first King of Hawai’i.

20 “(4) From 1826 until 1893, the United States  
21 recognized the sovereignty and independence of the  
22 Kingdom of Hawai’i, which was established in 1810  
23 under Kamehameha I, extended full and complete  
24 diplomatic recognition to the Kingdom of Hawai’i,  
25 and entered into treaties and conventions with the  
26 Kingdom of Hawai’i to govern friendship, commerce

1 and navigation in 1826, 1842, 1849, 1875, and  
2 1887.

3 “(5) In 1893, the sovereign, independent, inter-  
4 nationally recognized, and indigenous government of  
5 Hawai‘i, the Kingdom of Hawai‘i, was overthrown  
6 by a small group of non-Hawaiians, including United  
7 States citizens, who were assisted in their efforts by  
8 the United States Minister, a United States naval  
9 representative, and armed naval forces of the United  
10 States. Because of the participation of United States  
11 agents and citizens in the overthrow of the Kingdom  
12 of Hawai‘i, in 1993 the United States apologized to  
13 Native Hawaiians for the overthrow and the depriva-  
14 tion of the rights of Native Hawaiians to self-deter-  
15 mination through Public Law 103–150 (107 Stat.  
16 1510).

17 “(6) In 1898, the joint resolution entitled ‘Joint  
18 Resolution to provide for annexing the Hawaiian Is-  
19 lands to the United States’, approved July 7, 1898  
20 (30 Stat. 750), ceded absolute title of all lands held  
21 by the Republic of Hawai‘i, including the govern-  
22 ment and crown lands of the former Kingdom of  
23 Hawai‘i, to the United States, but mandated that  
24 revenue generated from the lands be used ‘solely for

1 the benefit of the inhabitants of the Hawaiian Is-  
2 lands for educational and other public purposes’.

3 “(7) By 1919, the Native Hawaiian population  
4 had declined from an estimated 1,000,000 in 1778  
5 to an alarming 22,600, and in recognition of this se-  
6 vere decline, Congress enacted the Hawaiian Homes  
7 Commission Act, 1920 (42 Stat. 108), which des-  
8 ignated approximately 200,000 acres of ceded public  
9 lands for homesteading by Native Hawaiians.

10 “(8) Through the enactment of the Hawaiian  
11 Homes Commission Act, 1920, Congress affirmed  
12 the special relationship between the United States  
13 and the Native Hawaiians, which was described by  
14 then Secretary of the Interior Franklin K. Lane,  
15 who said: ‘One thing that impressed me . . . was the  
16 fact that the natives of the island who are our  
17 wards, I should say, and for whom in a sense we are  
18 trustees, are falling off rapidly in numbers and  
19 many of them are in poverty.’.

20 “(9) In 1938, Congress again acknowledged the  
21 unique status of the Hawaiian people by including in  
22 the Act of June 20, 1938 (52 Stat. 781, chapter  
23 530; 16 U.S.C. 391b, 391b-1, 392b, 392c, 396,  
24 396a), a provision to lease lands within the National  
25 Parks extension to Native Hawaiians and to permit



1 fishing in the area ‘only by native Hawaiian resi-  
2 dents of said area or of adjacent villages and by visi-  
3 tors under their guidance.’.

4 “(10) Under the Act entitled ‘An Act to provide  
5 for the admission of the State of Hawai‘i into the  
6 Union’, approved March 18, 1959 (73 Stat. 4), the  
7 United States transferred responsibility for the ad-  
8 ministration of the Hawaiian Home Lands to the  
9 State of Hawai‘i but reaffirmed the trust relation-  
10 ship between the United States and the Hawaiian  
11 people by retaining the exclusive power to enforce  
12 the trust, including the power to approve land ex-  
13 changes and amendments to such Act affecting the  
14 rights of beneficiaries under such Act.

15 “(11) In 1959, under the Act entitled ‘An Act  
16 to provide for the admission of the State of Hawai‘i  
17 into the Union’, the United States also ceded to the  
18 State of Hawai‘i title to the public lands formerly  
19 held by the United States, but mandated that such  
20 lands be held by the State ‘in public trust’ and re-  
21 affirmed the special relationship that existed be-  
22 tween the United States and the Hawaiian people by  
23 retaining the legal responsibility to enforce the pub-  
24 lic trust responsibility of the State of Hawai‘i for the  
25 betterment of the conditions of Native Hawaiians, as

1 defined in section 201(a) of the Hawaiian Homes  
2 Commission Act, 1920.

3 “(12) The United States has recognized and re-  
4 affirmed that—

5 “(A) Native Hawaiians have a cultural,  
6 historic, and land-based link to the indigenous  
7 people who exercised sovereignty over the Ha-  
8 waiian Islands, and that group has never relin-  
9 quished its claims to sovereignty or its sov-  
10 ereign lands;

11 “(B) Congress does not extend services to  
12 Native Hawaiians because of their race, but be-  
13 cause of their unique status as the indigenous  
14 people of a once sovereign nation as to whom  
15 the United States has established a trust rela-  
16 tionship;

17 “(C) Congress has also delegated broad  
18 authority to administer a portion of the Federal  
19 trust responsibility to the State of Hawai‘i;

20 “(D) the political status of Native Hawai-  
21 ians is comparable to that of American Indians  
22 and Alaska Natives; and

23 “(E) the aboriginal, indigenous people of  
24 the United States have—

1                   “(i) a continuing right to autonomy in  
2                   their internal affairs; and

3                   “(ii) an ongoing right of self-deter-  
4                   mination and self-governance that has  
5                   never been extinguished.

6                   “(13) The political relationship between the  
7                   United States and the Native Hawaiian people has  
8                   been recognized and reaffirmed by the United  
9                   States, as evidenced by the inclusion of Native Ha-  
10                  waiians in—

11                  “(A) the Native American Programs Act of  
12                  1974 (42 U.S.C. 2991 et seq.);

13                  “(B) the American Indian Religious Free-  
14                  dom Act (42 U.S.C. 1996);

15                  “(C) the National Museum of the Amer-  
16                  ican Indian Act (20 U.S.C. 80q et seq.);

17                  “(D) the Native American Graves Protec-  
18                  tion and Repatriation Act (25 U.S.C. 3001 et  
19                  seq.);

20                  “(E) the National Historic Preservation  
21                  Act (16 U.S.C. 470 et seq.);

22                  “(F) the Native American Languages Act  
23                  (25 U.S.C. 2901 et seq.);

1           “(G) the American Indian, Alaska Native,  
2           and Native Hawaiian Culture and Art Develop-  
3           ment Act (20 U.S.C. 4401 et seq.);

4           “(H) the Workforce Investment Act of  
5           1998 (29 U.S.C. 2801 et seq.); and

6           “(I) the Older Americans Act of 1965 (42  
7           U.S.C. 3001 et seq.).

8           “(14) In 1981, Congress instructed the Office  
9           of Education to submit to Congress a comprehensive  
10          report on Native Hawaiian education. The report,  
11          entitled the ‘Native Hawaiian Educational Assess-  
12          ment Project’, was released in 1983 and documented  
13          that Native Hawaiians scored below parity with re-  
14          gard to national norms on standardized achievement  
15          tests, were disproportionately represented in many  
16          negative social and physical statistics indicative of  
17          special educational needs, and had educational needs  
18          that were related to their unique cultural situation,  
19          such as different learning styles and low self-image.

20          “(15) In recognition of the educational needs of  
21          Native Hawaiians, in 1988, Congress enacted title  
22          IV of the Augustus F. Hawkins-Robert T. Stafford  
23          Elementary and Secondary School Improvement  
24          Amendments of 1988 (102 Stat. 130) to authorize

1 and develop supplemental educational programs to  
2 address the unique conditions of Native Hawaiians.

3 “(16) In 1993, the Kamehameha Schools  
4 Bishop Estate released a 10-year update of findings  
5 of the Native Hawaiian Educational Assessment  
6 Project, which found that despite the successes of  
7 the programs established under title IV of the Au-  
8 gustus F. Hawkins-Robert T. Stafford Elementary  
9 and Secondary School Improvement Amendments of  
10 1988, many of the same educational needs still ex-  
11 isted for Native Hawaiians. Subsequent reports by  
12 the Kamehameha Schools Bishop Estate and other  
13 organizations have generally confirmed those find-  
14 ings. For example—

15 “(A) educational risk factors continue to  
16 start even before birth for many Native Hawai-  
17 ian children, including—

18 “(i) late or no prenatal care;

19 “(ii) high rates of births by Native  
20 Hawaiian women who are unmarried; and

21 “(iii) high rates of births to teenage  
22 parents;

23 “(B) Native Hawaiian students continue to  
24 begin their school experience lagging behind

1 other students in terms of readiness factors  
2 such as vocabulary test scores;

3 “(C) Native Hawaiian students continue to  
4 score below national norms on standardized  
5 education achievement tests at all grade levels;

6 “(D) both public and private schools con-  
7 tinue to show a pattern of lower percentages of  
8 Native Hawaiian students in the uppermost  
9 achievement levels and in gifted and talented  
10 programs;

11 “(E) Native Hawaiian students continue to  
12 be overrepresented among students qualifying  
13 for special education programs provided to stu-  
14 dents with learning disabilities, mild mental re-  
15 tardation, emotional impairment, and other  
16 such disabilities;

17 “(F) Native Hawaiians continue to be  
18 underrepresented in institutions of higher edu-  
19 cation and among adults who have completed 4  
20 or more years of college;

21 “(G) Native Hawaiians continue to be dis-  
22 proportionately represented in many negative  
23 social and physical statistics indicative of spe-  
24 cial educational needs, as demonstrated by the  
25 fact that—

1           “(i) Native Hawaiian students are  
2           more likely to be retained in grade level  
3           and to be excessively absent in secondary  
4           school;

5           “(ii) Native Hawaiian students have  
6           the highest rates of drug and alcohol use  
7           in the State of Hawai‘i; and

8           “(iii) Native Hawaiian children con-  
9           tinue to be disproportionately victimized by  
10          child abuse and neglect; and

11          “(H) Native Hawaiians now comprise over  
12          23 percent of the students served by the State  
13          of Hawai‘i Department of Education, and there  
14          are and will continue to be geographically rural,  
15          isolated areas with a high Native Hawaiian  
16          population density.

17          “(17) In the 1998 National Assessment of Edu-  
18          cational Progress, Hawaiian fourth-graders ranked  
19          39th among groups of students from 39 States in  
20          reading. Given that Hawaiian students rank among  
21          the lowest groups of students nationally in reading,  
22          and that Native Hawaiian students rank the lowest  
23          among Hawaiian students in reading, it is impera-  
24          tive that greater focus be placed on beginning read-  
25          ing and early education and literacy in Hawai‘i.

1           “(18) The findings described in paragraphs  
2           (16) and (17) are inconsistent with the high rates of  
3           literacy and integration of traditional culture and  
4           Western education historically achieved by Native  
5           Hawaiians through a Hawaiian language-based pub-  
6           lic school system established in 1840 by Kameha-  
7           meha III.

8           “(19) Following the overthrow of the Kingdom  
9           of Hawai‘i in 1893, Hawaiian medium schools were  
10          banned. After annexation, throughout the territorial  
11          and statehood period of Hawai‘i, and until 1986, use  
12          of the Hawaiian language as an instructional me-  
13          dium in education in public schools was declared un-  
14          lawful. The declaration caused incalculable harm to  
15          a culture that placed a very high value on the power  
16          of language, as exemplified in the traditional saying:  
17          ‘I ka ‘ōlelo nō ke ola; I ka ‘ōlelo nō ka make. In the  
18          language rests life; In the language rests death.’.

19          “(20) Despite the consequences of over 100  
20          years of nonindigenous influence, the Native Hawai-  
21          ian people are determined to preserve, develop, and  
22          transmit to future generations their ancestral terri-  
23          tory and their cultural identity in accordance with  
24          their own spiritual and traditional beliefs, customs,  
25          practices, language, and social institutions.



1           “(21) The State of Hawai‘i, in the constitution  
2 and statutes of the State of Hawai‘i—

3           “(A) reaffirms and protects the unique  
4 right of the Native Hawaiian people to practice  
5 and perpetuate their culture and religious cus-  
6 toms, beliefs, practices, and language;

7           “(B) recognizes the traditional language of  
8 the Native Hawaiian people as an official lan-  
9 guage of the State of Hawai‘i, which may be  
10 used as the language of instruction for all sub-  
11 jects and grades in the public school system;  
12 and

13           “(C) promotes the study of the Hawaiian  
14 culture, language, and history by providing a  
15 Hawaiian education program and using commu-  
16 nity expertise as a suitable and essential means  
17 to further the program.

18 **“SEC. 7203. PURPOSES.**

19           “The purposes of this part are to—

20           “(1) authorize and develop innovative edu-  
21 cational programs to assist Native Hawaiians;

22           “(2) provide direction and guidance to appro-  
23 priate Federal, State, and local agencies to focus re-  
24 sources, including resources made available under

1 this part, on Native Hawaiian education, and to pro-  
2 vide periodic assessment and data collection;

3 “(3) supplement and expand programs and au-  
4 thorities in the area of education to further the pur-  
5 poses of this title; and

6 “(4) encourage the maximum participation of  
7 Native Hawaiians in planning and management of  
8 Native Hawaiian education programs.

9 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL AND**  
10 **ISLAND COUNCILS.**

11 “(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDU-  
12 CATION COUNCIL.—In order to better effectuate the pur-  
13 poses of this part through the coordination of educational  
14 and related services and programs available to Native Ha-  
15 waiians, including those programs receiving funding under  
16 this part, the Secretary is authorized to establish a Native  
17 Hawaiian Education Council (referred to in this part as  
18 the ‘Education Council’).

19 “(b) COMPOSITION OF EDUCATION COUNCIL.—The  
20 Education Council shall consist of not more than 21 mem-  
21 bers, unless otherwise determined by a majority of the  
22 council.

23 “(c) CONDITIONS AND TERMS.—

24 “(1) CONDITIONS.—At least 10 members of the  
25 Education Council shall be Native Hawaiian edu-

1        cation service providers and 10 members of the Edu-  
2        cation Council shall be Native Hawaiians or Native  
3        Hawaiian education consumers. In addition, a rep-  
4        resentative of the State of Hawai'i Office of Hawai-  
5        ian Affairs shall serve as a member of the Education  
6        Council.

7            “(2) APPOINTMENTS.—The members of the  
8        Education Council shall be appointed by the Sec-  
9        retary based on recommendations received from the  
10       Native Hawaiian community.

11           “(3) TERMS.—Members of the Education  
12       Council shall serve for staggered terms of 3 years,  
13       except as provided in paragraph (4).

14           “(4) COUNCIL DETERMINATIONS.—Additional  
15       conditions and terms relating to membership on the  
16       Education Council, including term lengths and term  
17       renewals, shall be determined by a majority of the  
18       Education Council.

19           “(d) NATIVE HAWAIIAN EDUCATION COUNCIL  
20       GRANT.—The Secretary shall make a direct grant to the  
21       Education Council in order to enable the Education Coun-  
22       cil to—

23           “(1) coordinate the educational and related  
24       services and programs available to Native Hawai-

1 ians, including the programs assisted under this  
2 part;

3 “(2) assess the extent to which such services  
4 and programs meet the needs of Native Hawaiians,  
5 and collect data on the status of Native Hawaiian  
6 education;

7 “(3) provide direction and guidance, through  
8 the issuance of reports and recommendations, to ap-  
9 propriate Federal, State, and local agencies in order  
10 to focus and improve the use of resources, including  
11 resources made available under this part, relating to  
12 Native Hawaiian education, and serve, where appro-  
13 priate, in an advisory capacity; and

14 “(4) make direct grants, if such grants enable  
15 the Education Council to carry out the duties of the  
16 Education Council, as described in paragraphs (1)  
17 through (3).

18 “(e) ADDITIONAL DUTIES OF THE EDUCATION  
19 COUNCIL.—

20 “(1) IN GENERAL.—The Education Council  
21 shall provide copies of any reports and recommenda-  
22 tions issued by the Education Council, including any  
23 information that the Education Council provides to  
24 the Secretary pursuant to subsection (i), to the Sec-  
25 retary, the Committee on Education and the Work-

1 force of the House of Representatives, and the Com-  
2 mittee on Indian Affairs of the Senate.

3 “(2) ANNUAL REPORT.—The Education Council  
4 shall prepare and submit to the Secretary an annual  
5 report on the Education Council’s activities.

6 “(3) ISLAND COUNCIL SUPPORT AND ASSIST-  
7 ANCE.—The Education Council shall provide such  
8 administrative support and financial assistance to  
9 the island councils established pursuant to sub-  
10 section (f) as the Secretary determines to be appro-  
11 priate, in a manner that supports the distinct needs  
12 of each island council.

13 “(f) ESTABLISHMENT OF ISLAND COUNCILS.—

14 “(1) IN GENERAL.—In order to better effec-  
15 tuate the purposes of this part and to ensure the  
16 adequate representation of island and community in-  
17 terests within the Education Council, the Secretary  
18 is authorized to facilitate the establishment of Na-  
19 tive Hawaiian education island councils (referred to  
20 individually in this part as an ‘island council’) for  
21 the following islands:

22 “(A) Hawai‘i.

23 “(B) Maui.

24 “(C) Moloka‘i.

25 “(D) Lana‘i.

1                   “(E) O‘ahu.

2                   “(F) Kaua‘i.

3                   “(G) Ni‘ihau.

4                   “(2) COMPOSITION OF ISLAND COUNCILS.—

5           Each island council shall consist of parents, stu-  
6           dents, and other community members who have an  
7           interest in the education of Native Hawaiians, and  
8           shall be representative of individuals concerned with  
9           the educational needs of all age groups, from chil-  
10          dren in preschool through adults. At least  $\frac{3}{4}$  of the  
11          members of each island council shall be Native Ha-  
12          waiians.

13           “(g) ADMINISTRATIVE PROVISIONS RELATING TO  
14   EDUCATION COUNCIL AND ISLAND COUNCILS.—The Edu-  
15   cation Council and each island council shall meet at the  
16   call of the chairperson of the appropriate council, or upon  
17   the request of the majority of the members of the appro-  
18   priate council, but in any event not less often than 4 times  
19   during each calendar year. The provisions of the Federal  
20   Advisory Committee Act shall not apply to the Education  
21   Council and each island council.

22           “(h) COMPENSATION.—Members of the Education  
23   Council and each island council shall not receive any com-  
24   pensation for service on the Education Council and each  
25   island council, respectively.

1       “(i) REPORT.—Not later than 4 years after the date  
2 of enactment of the Better Education for Students and  
3 Teachers Act, the Secretary shall prepare and submit to  
4 the Committee on Education and the Workforce of the  
5 House of Representatives and the Committee on Indian  
6 Affairs of the Senate a report that summarizes the annual  
7 reports of the Education Council, describes the allocation  
8 and use of funds under this part, and contains rec-  
9 ommendations for changes in Federal, State, and local  
10 policy to advance the purposes of this part.

11       “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this section  
13 \$300,000 for fiscal year 2002 and such sums as may be  
14 necessary for each of the 6 succeeding fiscal years. Funds  
15 appropriated under this subsection shall remain available  
16 until expended.

17 **“SEC. 7205. PROGRAM AUTHORIZED.**

18       “(a) GENERAL AUTHORITY.—

19               “(1) GRANTS AND CONTRACTS.—The Secretary  
20 is authorized to make direct grants to, or enter into  
21 contracts with—

22                       “(A) Native Hawaiian educational organi-  
23 zations;

24                       “(B) Native Hawaiian community-based  
25 organizations;

1           “(C) public and private nonprofit organiza-  
2           tions, agencies, and institutions with experience  
3           in developing or operating Native Hawaiian  
4           programs or programs of instruction in the Na-  
5           tive Hawaiian language; and

6           “(D) consortia of the organizations, agen-  
7           cies, and institutions described in subpara-  
8           graphs (A) through (C),

9           to carry out programs that meet the purposes of this  
10          part.

11          “(2) PRIORITIES.—In awarding grants or con-  
12          tracts to carry out activities described in paragraph  
13          (3), the Secretary shall give priority to entities pro-  
14          posing projects that are designed to address—

15                 “(A) beginning reading and literacy among  
16                 students in kindergarten through third grade;

17                 “(B) the needs of at-risk children and  
18                 youth;

19                 “(C) needs in fields or disciplines in which  
20                 Native Hawaiians are underemployed; and

21                 “(D) the use of the Hawaiian language in  
22                 instruction.

23          “(3) AUTHORIZED ACTIVITIES.—Activities pro-  
24          vided through programs carried out under this part  
25          may include—



1           “(A) the development and maintenance of  
2 a statewide Native Hawaiian early education  
3 and care system to provide a continuum of serv-  
4 ices for Native Hawaiian children from the pre-  
5 natal period of the children through age 5;

6           “(B) the operation of family-based edu-  
7 cation centers that provide such services as—

8               “(i) programs for Native Hawaiian  
9 parents and their infants from the prenatal  
10 period of the infants through age 3;

11               “(ii) preschool programs for Native  
12 Hawaiians; and

13               “(iii) research on, and development  
14 and assessment of, family-based, early  
15 childhood, and preschool programs for Na-  
16 tive Hawaiians;

17           “(C) activities that enhance beginning  
18 reading and literacy in either the Hawaiian or  
19 the English language among Native Hawaiian  
20 students in kindergarten through third grade  
21 and assistance in addressing the distinct fea-  
22 tures of combined English and Hawaiian lit-  
23 eracy for Hawaiian speakers in fifth and sixth  
24 grade;

1           “(D) activities to meet the special needs of  
2 Native Hawaiian students with disabilities,  
3 including—

4           “(i) the identification of such students  
5 and their needs;

6           “(ii) the provision of support services  
7 to the families of those students; and

8           “(iii) other activities consistent with  
9 the requirements of the Individuals with  
10 Disabilities Education Act;

11          “(E) activities that address the special  
12 needs of Native Hawaiian students who are  
13 gifted and talented, including—

14          “(i) educational, psychological, and  
15 developmental activities designed to assist  
16 in the educational progress of those stu-  
17 dents; and

18          “(ii) activities that involve the parents  
19 of those students in a manner designed to  
20 assist in the students’ educational  
21 progress;

22          “(F) the development of academic and vo-  
23 cational curricula to address the needs of Na-  
24 tive Hawaiian children and adults, including  
25 curriculum materials in the Hawaiian language

1 and mathematics and science curricula that in-  
2 corporate Native Hawaiian tradition and cul-  
3 ture;

4 “(G) professional development activities for  
5 educators, including—

6 “(i) the development of programs to  
7 prepare prospective teachers to address the  
8 unique needs of Native Hawaiian students  
9 within the context of Native Hawaiian cul-  
10 ture, language, and traditions;

11 “(ii) in-service programs to improve  
12 the ability of teachers who teach in schools  
13 with concentrations of Native Hawaiian  
14 students to meet those students’ unique  
15 needs; and

16 “(iii) the recruitment and preparation  
17 of Native Hawaiians, and other individuals  
18 who live in communities with a high con-  
19 centration of Native Hawaiians, to become  
20 teachers;

21 “(H) the operation of community-based  
22 learning centers that address the needs of Na-  
23 tive Hawaiian families and communities  
24 through the coordination of public and private  
25 programs and services, including—

- 1 “(i) preschool programs;  
2 “(ii) after-school programs; and  
3 “(iii) vocational and adult education  
4 programs;

5 “(I) activities to enable Native Hawaiians  
6 to enter and complete programs of postsec-  
7 ondary education, including—

8 “(i) provision of full or partial schol-  
9 arships for undergraduate or graduate  
10 study that are awarded to students based  
11 on their academic promise and financial  
12 need, with a priority, at the graduate level,  
13 given to students entering professions in  
14 which Native Hawaiians are underrep-  
15 resented;

16 “(ii) family literacy services;

17 “(iii) counseling and support services  
18 for students receiving scholarship assist-  
19 ance;

20 “(iv) counseling and guidance for Na-  
21 tive Hawaiian secondary students who have  
22 the potential to receive scholarships; and

23 “(v) faculty development activities de-  
24 signed to promote the matriculation of Na-  
25 tive Hawaiian students;

1           “(J) research and data collection activities  
2 to determine the educational status and needs  
3 of Native Hawaiian children and adults;

4           “(K) other research and evaluation activi-  
5 ties related to programs carried out under this  
6 part; and

7           “(L) other activities, consistent with the  
8 purposes of this part, to meet the educational  
9 needs of Native Hawaiian children and adults.

10          “(4) SPECIAL RULE AND CONDITIONS.—

11           “(A) INSTITUTIONS OUTSIDE HAWAII.—  
12 The Secretary shall not establish a policy under  
13 this section that prevents a Native Hawaiian  
14 student enrolled at a 2- or 4-year degree grant-  
15 ing institution of higher education outside of  
16 the State of Hawai‘i from receiving a scholar-  
17 ship pursuant to paragraph (3)(I).

18           “(B) SCHOLARSHIP CONDITIONS.—The  
19 Secretary shall establish conditions for receipt  
20 of a scholarship awarded under paragraph  
21 (3)(I). The conditions shall require that an in-  
22 dividual seeking such a scholarship enter into a  
23 contract to provide professional services, either  
24 during the scholarship period or upon comple-

1           tion of a program of postsecondary education,  
2           to the Native Hawaiian community.

3           “(b) ADMINISTRATIVE COSTS.—Not more than 5  
4 percent of funds provided to a grant recipient under this  
5 section for any fiscal year may be used for administrative  
6 purposes.

7           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to carry out this section  
9 \$28,000,000 for fiscal year 2002 and such sums as may  
10 be necessary for each of the 6 succeeding fiscal years.  
11 Funds appropriated under this subsection shall remain  
12 available until expended.

13 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

14           “(a) APPLICATION REQUIRED.—No grant may be  
15 made under this part, and no contract may be entered into  
16 under this part, unless the entity seeking the grant or con-  
17 tract submits an application to the Secretary at such time,  
18 in such manner, and containing such information as the  
19 Secretary may determine to be necessary to carry out the  
20 provisions of this part.

21           “(b) SPECIAL RULE.—Each applicant for a grant or  
22 contract under this part shall submit the application for  
23 comment to the local educational agency serving students  
24 who will participate in the program to be carried out under

1 the grant or contract, and include those comments, if any,  
2 with the application to the Secretary.

3 **“SEC. 7207. DEFINITIONS.**

4 “In this part:

5 “(1) NATIVE HAWAIIAN.—The term ‘Native  
6 Hawaiian’ means any individual who is—

7 “(A) a citizen of the United States; and

8 “(B) a descendant of the aboriginal people  
9 who, prior to 1778, occupied and exercised sov-  
10 ereignty in the area that now comprises the  
11 State of Hawai‘i, as evidenced by—

12 “(i) genealogical records;

13 “(ii) Kupuna (elders) or Kama‘aina  
14 (long-term community residents)  
15 verification; or

16 “(iii) certified birth records.

17 “(2) NATIVE HAWAIIAN COMMUNITY-BASED OR-  
18 GANIZATION.—The term ‘Native Hawaiian commu-  
19 nity-based organization’ means any organization  
20 that is composed primarily of Native Hawaiians  
21 from a specific community and that assists in the  
22 social, cultural, and educational development of Na-  
23 tive Hawaiians in that community.

24 “(3) NATIVE HAWAIIAN EDUCATIONAL ORGANI-  
25 ZATION.—The term ‘Native Hawaiian educational

1 organization' means a private nonprofit organization  
2 that—

3 “(A) serves the interests of Native Hawai-  
4 ians;

5 “(B) has Native Hawaiians in substantive  
6 and policymaking positions within the organiza-  
7 tion;

8 “(C) incorporates Native Hawaiian per-  
9 spective, values, language, culture, and tradi-  
10 tions into the core function of the organization;

11 “(D) has demonstrated expertise in the  
12 education of Native Hawaiian youth; and

13 “(E) has demonstrated expertise in re-  
14 search and program development.

15 “(4) NATIVE HAWAIIAN LANGUAGE.—The term  
16 ‘Native Hawaiian language’ means the single Native  
17 American language indigenous to the original inhab-  
18 itants of the State of Hawai‘i.

19 “(5) NATIVE HAWAIIAN ORGANIZATION.—The  
20 term ‘Native Hawaiian organization’ means a pri-  
21 vate nonprofit organization that—

22 “(A) serves the interests of Native Hawai-  
23 ians;



1           “(B) has Native Hawaiians in substantive  
2           and policymaking positions within the organiza-  
3           tions; and

4           “(C) is recognized by the Governor of  
5           Hawai‘i for the purpose of planning, con-  
6           ducting, or administering programs (or portions  
7           of programs) for the benefit of Native Hawai-  
8           ians.

9           “(6) OFFICE OF HAWAIIAN AFFAIRS.—The  
10          term ‘Office of Hawaiian Affairs’ means the office of  
11          Hawaiian Affairs established by the Constitution of  
12          the State of Hawai‘i.

13           **“PART C—ALASKA NATIVE EDUCATION**

14          **“SEC. 7301. SHORT TITLE.**

15           “‘This part may be cited as the ‘Alaska Native Edu-  
16          cational Equity, Support, and Assistance Act’.

17          **“SEC. 7302. FINDINGS.**

18           “Congress finds the following:

19           “(1) The attainment of educational success is  
20          critical to the betterment of the conditions, long-  
21          term well-being, and preservation of the culture of  
22          Alaska Natives.

23           “(2) It is the policy of the Federal Government  
24          to encourage the maximum participation by Alaska

1 Natives in the planning and the management of  
2 Alaska Native education programs.

3 “(3) Alaska Native children enter and exit  
4 school with serious educational handicaps.

5 “(4) The educational achievement of Alaska  
6 Native children is far below national norms. Native  
7 performance on standardized tests is low, Native  
8 student dropout rates are high, and Natives are sig-  
9 nificantly underrepresented among holders of bacca-  
10 laureate degrees in the State of Alaska. As a result,  
11 Native students are being denied their opportunity  
12 to become full participants in society by grade school  
13 and high school educations that are condemning an  
14 entire generation to an underclass status and a life  
15 of limited choices.

16 “(5) The programs authorized in this title, com-  
17 bined with expanded Head Start, infant learning  
18 and early childhood education programs, and parent  
19 education programs are essential if educational  
20 handicaps are to be overcome.

21 “(6) The sheer magnitude of the geographic  
22 barriers to be overcome in delivering educational  
23 services in rural Alaska and Alaska villages should  
24 be addressed through the development and imple-

1       mentation of innovative, model programs in a variety  
2       of areas.

3               “(7) Congress finds that Native children should  
4       be afforded the opportunity to begin their formal  
5       education on a par with their non-Native peers. The  
6       Federal Government should lend support to efforts  
7       developed by and undertaken within the Alaska Na-  
8       tive community to improve educational opportunity  
9       for all students.

10 **“SEC. 7303. PURPOSES.**

11       “The purposes of this part are to—

12               “(1) recognize the unique educational needs of  
13       Alaska Natives;

14               “(2) authorize the development of supplemental  
15       educational programs to benefit Alaska Natives;

16               “(3) supplement programs and authorities in  
17       the area of education to further the objectives of this  
18       part; and

19               “(4) provide direction and guidance to appro-  
20       priate Federal, State, and local agencies to focus re-  
21       sources, including resources made available under  
22       this part, on meeting the educational needs of Alas-  
23       ka Natives.

24 **“SEC. 7304. PROGRAM AUTHORIZED.**

25       “(a) GENERAL AUTHORITY.—

1           “(1) GRANTS AND CONTRACTS.—The Secretary  
2 is authorized to make grants to, or enter into con-  
3 tracts with, Alaska Native organizations, educational  
4 entities with experience in developing or operating  
5 Alaska Native programs or programs of instruction  
6 conducted in Alaska Native languages, and consortia  
7 of such organizations and entities to carry out pro-  
8 grams that meet the purposes of this part.

9           “(2) PERMISSIBLE ACTIVITIES.—Activities pro-  
10 vided through programs carried out under this part  
11 may include—

12                   “(A) the development and implementation  
13 of plans, methods, and strategies to improve the  
14 education of Alaska Natives;

15                   “(B) the development of curricula and edu-  
16 cational programs that address the educational  
17 needs of Alaska Native students, including—

18                           “(i) curriculum materials that reflect  
19 the cultural diversity or the contributions  
20 of Alaska Natives;

21                           “(ii) instructional programs that make  
22 use of Native Alaskan languages; and

23                           “(iii) networks that introduce success-  
24 ful programs, materials, and techniques to  
25 urban and rural schools;

1           “(C) professional development activities for  
2 educators, including—

3           “(i) programs to prepare teachers to  
4 address the cultural diversity and unique  
5 needs of Alaska Native students;

6           “(ii) in-service programs to improve  
7 the ability of teachers to meet the unique  
8 needs of Alaska Native students; and

9           “(iii) recruitment and preparation of  
10 teachers who are Alaska Native, reside in  
11 communities with high concentrations of  
12 Alaska Native students, or are likely to  
13 succeed as teachers in isolated, rural com-  
14 munities and engage in cross-cultural in-  
15 struction in Alaska;

16           “(D) the development and operation of  
17 home instruction programs for Alaska Native  
18 preschool children, the purpose of which is to  
19 ensure the active involvement of parents in  
20 their children’s education from the earliest  
21 ages;

22           “(E) family literacy services;

23           “(F) the development and operation of stu-  
24 dent enrichment programs in science and math-  
25 ematics that—

1           “(i) are designed to prepare Alaska  
2           Native students from rural areas, who are  
3           preparing to enter secondary school, to  
4           excel in science and math; and

5           “(ii) provide appropriate support serv-  
6           ices to the families of such students that  
7           are needed to enable such students to ben-  
8           efit from the programs;

9           “(G) research and data collection activities  
10          to determine the educational status and needs  
11          of Alaska Native children and adults;

12          “(H) other research and evaluation activi-  
13          ties related to programs carried out under this  
14          part; and

15          “(I) other activities, consistent with the  
16          purposes of this part, to meet the educational  
17          needs of Alaska Native children and adults.

18          “(3) HOME INSTRUCTION PROGRAMS.—Home  
19          instruction programs for Alaska Native preschool  
20          children carried out under paragraph (2)(D) may  
21          include—

22               “(A) programs for parents and their in-  
23               fants, from the prenatal period of the infant  
24               through age 3;

25               “(B) preschool programs; and

1           “(C) training, education, and support for  
2           parents in such areas as reading readiness, ob-  
3           servation, story telling, and critical thinking.

4           “(b) ADMINISTRATIVE COSTS.—Not more than 5  
5 percent of funds provided to a grant recipient under this  
6 section for any fiscal year may be used for administrative  
7 purposes.

8           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to carry out this section  
10 \$17,000,000 for fiscal year 2002 and such sums as may  
11 be necessary for each of the 6 succeeding fiscal years.

12 **“SEC. 7305. ADMINISTRATIVE PROVISIONS.**

13           “(a) APPLICATION REQUIRED.—No grant may be  
14 made under this part, and no contract may be entered into  
15 under this part, unless the entity seeking the grant or con-  
16 tract submits an application to the Secretary at such time,  
17 in such manner, and containing such information as the  
18 Secretary may determine to be necessary to carry out the  
19 provisions of this part.

20           “(b) APPLICATIONS.—A State educational agency or  
21 local educational agency may apply for a grant or contract  
22 under this part only as part of a consortium involving an  
23 Alaska Native organization. The consortium may include  
24 other eligible applicants.

1       “(c) CONSULTATION REQUIRED.—Each applicant for  
2 a grant or contract under this part shall provide for ongo-  
3 ing advice from and consultation with representatives of  
4 the Alaska Native community.

5       “(d) LOCAL EDUCATIONAL AGENCY COORDINA-  
6 TION.—Each applicant for a grant or contract under this  
7 part shall inform each local educational agency serving  
8 students who will participate in the program to be carried  
9 out under the grant or contract about the application.

10 **“SEC. 7306. DEFINITIONS.**

11       “In this part:

12           “(1) ALASKA NATIVE.—The term ‘Alaska Na-  
13 tive’ has the meaning given the term ‘Native’ in sec-  
14 tion 3(b) of the Alaska Native Claims Settlement  
15 Act.

16           “(2) ALASKA NATIVE ORGANIZATION.—The  
17 term ‘Alaska Native organization’ means a federally  
18 recognized tribe, consortium of tribes, regional non-  
19 profit Native association, or another organization  
20 that—

21           “(A) has or commits to acquire expertise  
22 in the education of Alaska Natives; and

23           “(B) has Alaska Natives in substantive  
24 and policymaking positions within the organiza-  
25 tion.”.



1 **SEC. 702. CONFORMING AMENDMENTS.**

2 (a) HIGHER EDUCATION ACT OF 1965.—Section  
3 317(b) of the Higher Education Act of 1965 (20 U.S.C.  
4 1059d(b)) is amended—

5 (1) in paragraph (1), by striking “section  
6 9308” and inserting “section 7306”; and

7 (2) in paragraph (3), by striking “section  
8 9212” and inserting “section 7207”.

9 (b) PUBLIC LAW 88–210.—Section 116 of Public  
10 Law 88–210 (as added by section 1 of Public Law 105–  
11 332 (112 Stat. 3076)) is amended by striking “section  
12 9212 of the Native Hawaiian Education Act (20 U.S.C.  
13 7912)” and inserting “section 7207 of the Native Hawai-  
14 ian Education Act”.

15 (c) CARL D. PERKINS VOCATIONAL AND TECHNICAL  
16 EDUCATION ACT OF 1998.—Section 116(a)(5) of the Carl  
17 D. Perkins Vocational and Technical Education Act of  
18 1998 (20 U.S.C. 2326(a)(5)) is amended by striking “sec-  
19 tion 9212” and all that follows and inserting “section  
20 7207 of the Native Hawaiian Education Act”.

21 (d) MUSEUM AND LIBRARY SERVICES ACT.—Section  
22 261 of the Museum and Library Services Act (20 U.S.C.  
23 9161) is amended by striking “section 9212 of the Native  
24 Hawaiian Education Act (20 U.S.C. 7912)” and inserting  
25 “section 7207 of the Native Hawaiian Education Act”.

1 (e) ACT OF APRIL 16, 1934.—Section 5 of the Act  
2 of April 16, 1934 (commonly known as the “Johnson-  
3 O’Malley Act”) (88 Stat. 2213; 25 U.S.C. 456) is amend-  
4 ed by striking “section 9104(c)(4)” and inserting “section  
5 7114(c)(4)”.

6 (f) NATIVE AMERICAN LANGUAGES ACT.—Section  
7 103 of the Native American Languages Act (25 U.S.C.  
8 2902) is amended—

9 (1) in paragraph (2), by striking “section  
10 9161(4) of the Elementary and Secondary Edu-  
11 cation Act of 1965 (20 U.S.C. 7881(4))” and insert-  
12 ing “section 7161(3) of the Elementary and Sec-  
13 ondary Education Act of 1965”; and

14 (2) in paragraph (3), by striking “section  
15 9212(1) of the Elementary and Secondary Edu-  
16 cation Act of 1965 (20 U.S.C. 7912(1))” and insert-  
17 ing “section 7207 of the Elementary and Secondary  
18 Education Act of 1965”.

19 (g) WORKFORCE INVESTMENT ACT OF 1998.—Sec-  
20 tion 166(b)(3) of the Workforce Investment Act of 1998  
21 (29 U.S.C. 2911(b)(3)) is amended by striking “para-  
22 graphs (1) and (3), respectively, of section 9212 of the  
23 Native Hawaiian Education Act (20 U.S.C. 7912)” and  
24 inserting “section 7207 of the Native Hawaiian Education  
25 Act”.

1 (h) ASSETS FOR INDEPENDENCE ACT.—Section  
2 404(11) of the Assets for Independence Act (42 U.S.C.  
3 604 note) is amended by striking “section 9212 of the Na-  
4 tive Hawaiian Education Act (20 U.S.C. 7912)” and in-  
5 serting “section 7207 of the Native Hawaiian Education  
6 Act”.

## 7 **TITLE VIII—REPEALS**

### 8 **SEC. 801. REPEALS.**

9 (a) ELEMENTARY AND SECONDARY EDUCATION ACT  
10 OF 1965.—Titles IX through XIV (20 U.S.C. 7801 et seq.,  
11 8801 et seq.) are repealed.

12 (b) GOALS 2000: EDUCATE AMERICA ACT.—The  
13 Goals 2000: Educate America Act (20 U.S.C. 5801 et  
14 seq.) is repealed.

## 15 **TITLE IX—MISCELLANEOUS** 16 **PROVISIONS**

### 17 **SEC. 901. INDEPENDENT EVALUATION.**

18 The Act (20 U.S.C. 6301 et seq.) (as amended by  
19 section 801(a)) is amended further by adding at the end  
20 the following:

1       **“TITLE IX—MISCELLANEOUS**  
2                                   **PROVISIONS**

3               **“PART A—INDEPENDENT EVALUATION**

4       **“SEC. 9101. IN GENERAL.**

5               “The Secretary is authorized to award a grant to the  
6 Board on Testing and Assessment of the National Re-  
7 search Council of the National Academy of Sciences to en-  
8 able the Board to conduct, in consultation with the De-  
9 partment (and others that the Board determines appro-  
10 priate), an ongoing evaluation, not to exceed 4 years in  
11 duration, of a representative sample of State and local  
12 educational agencies regarding high stakes assessments  
13 used by the State and local educational agencies. The eval-  
14 uation shall be based on a research design determined by  
15 the Board, in consultation with others, that includes exist-  
16 ing data, and the development of new data as feasible and  
17 advisable. The evaluation shall address, at a minimum, the  
18 3 components described in section 9102.

19       **“SEC. 9102. COMPONENTS EVALUATED.**

20               “The 3 components of the evaluation described in  
21 section 9101 are as follows:

22                       “(1) STUDENTS, TEACHERS, PARENTS, FAMI-  
23                       LIES, SCHOOLS, AND SCHOOL DISTRICTS.—The in-  
24                       tended and unintended consequences of the assess-

1       ments on individual students, teachers, parents,  
2       families, schools, and school districts, including—

3               “(A) overall improvement or decline in  
4       what students are learning based on inde-  
5       pendent measures;

6               “(B) changes in course offerings, teaching  
7       practices, course content, and instructional ma-  
8       terial;

9               “(C) measures of teacher satisfaction with  
10      the assessments;

11              “(D) changes in rates of teacher and ad-  
12      ministrators turnover;

13              “(E) changes in dropout, grade retention,  
14      and graduation rates for students;

15              “(F) the relationship of student perform-  
16      ance on the assessments to school resources,  
17      teacher and instructional quality, or such fac-  
18      tors as language barriers or construct-irrelevant  
19      disabilities;

20              “(G) changes in the frequency of referrals  
21      for enrichment opportunities, remedial meas-  
22      ures, and other consequences;

23              “(H) changes in student post-graduation  
24      outcomes, including admission to, and signs of  
25      success (such as reduced need for remediation

1 services) at, colleges, community colleges, or  
2 technical school training programs;

3 “(I) cost of preparing for, conducting, and  
4 grading the assessments in terms of dollars ex-  
5 pended by the school district and time expended  
6 by students and teachers;

7 “(J) changes in funding levels and dis-  
8 tribution of instructional and staffing resources  
9 for schools based on the results of the assess-  
10 ments;

11 “(K) purposes for which the assessments  
12 or components of the assessments are used be-  
13 yond what is required under part A of title I,  
14 and the consequences for students and teachers  
15 because of those uses;

16 “(L) differences in the areas studied under  
17 this section between high poverty and high con-  
18 centration minority schools and school districts,  
19 and schools and school districts with lower rates  
20 of poverty and minority students; and

21 “(M) the level of involvement of parents  
22 and families in the development and implemen-  
23 tation of the assessments and the extent to  
24 which the parents and families are informed of  
25 assessment results and consequences.

1           “(2) STUDENTS WITH DISABILITIES.—The in-  
2           tended and unintended consequences of the assess-  
3           ments for students with disabilities, including—

4                   “(A) the overall improvement or decline in  
5                   academic achievement for students with disabili-  
6                   ties;

7                   “(B) the numbers and characteristics of  
8                   students with disabilities who are excluded from  
9                   the assessments, and the number and type of  
10                  modifications and accommodations extended;

11                  “(C) changes in the rate of referral of stu-  
12                  dents to special education;

13                  “(D) changes in attendance patterns and  
14                  dropout, retention, and graduation rates for  
15                  students with disabilities;

16                  “(E) changes in rates at which students  
17                  with disabilities are retained in grade level;

18                  “(F) changes in rates of transfers of stu-  
19                  dents with disabilities to other schools or insti-  
20                  tutions; and

21                  “(G) the level of involvement of parents  
22                  and families of students with disabilities in the  
23                  development and implementation of the assess-  
24                  ments and the extent to which the parents and

1 families are informed of assessment results and  
2 consequences.

3 “(3) LOW SOCIO-ECONOMIC STUDENTS, LIM-  
4 ITED ENGLISH PROFICIENT STUDENTS, AND MINOR-  
5 ITY STUDENTS.—The intended and unintended con-  
6 sequences of the assessments for low socio-economic  
7 status students, limited English proficient students,  
8 and racial and ethnic minority students, independ-  
9 ently and as compared to middle or high socio-eco-  
10 nomic status students, nonlimited English proficient  
11 students, and white students, including—

12 “(A) the overall improvement or decline in  
13 academic achievement for such students;

14 “(B) the numbers and characteristics of  
15 such students excused from taking the assess-  
16 ments, and the number and type of modifica-  
17 tions and accommodations extended to such  
18 students;

19 “(C) changes in the rate of referral of such  
20 students to special education;

21 “(D) changes in attendance patterns and  
22 dropout and graduation rates for such students;

23 “(E) changes in rates at which such stu-  
24 dents are retained in grade level;



1           “(F) changes in rates of transfer of such  
2 students to other schools or institutions; and

3           “(G) the level of involvement of parents  
4 and families of low socio-economic students,  
5 limited English proficient students, and racial  
6 and ethnic minority students in the develop-  
7 ment and implementation of the assessments  
8 and the extent to which the parents and fami-  
9 lies are informed of assessment results and con-  
10 sequences.

11 **“SEC. 9103. REPORTING.**

12           “The Secretary shall make public annually the results  
13 of the evaluation carried out under this part and shall re-  
14 port the findings of the evaluation to Congress and to the  
15 States not later than 2 months after the completion of  
16 the evaluation.

17 **“SEC. 9104. DEFINITIONS.**

18           “In this part:

19           “(1) HIGH STAKES ASSESSMENT.—The term  
20 ‘high stakes assessment’ means a standardized test  
21 that is one of the mandated determining factors in  
22 making decisions concerning a student’s promotion,  
23 graduation, or tracking.

24           “(2) STANDARDIZED TEST.—The term ‘stand-  
25 arized test’ means a test that is administered and

1 scored under conditions uniform to all students so  
2 that the test scores are comparable across individ-  
3 uals.

4 **“SEC. 9105. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out  
6 this part \$4,000,000 for fiscal year 2002. Such funds shall  
7 remain available until expended.”.



**Calendar No. 23**

107TH CONGRESS  
1ST SESSION

**S. 1**

**[Report No. 107-7]**

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**A BILL**

To extend programs and activities under the  
Elementary and Secondary Education Act of 1965.

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MARCH 28, 2001

Read twice and placed on the calendar