

118TH CONGRESS  
1ST SESSION

# S. 110

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2023

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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are as follows:

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

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

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

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

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

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

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

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

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

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

17 (A) The Governor of the State.

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

20 (C) The legislature of the State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (f) AMENDMENT TO DECLARATION OF INTENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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