

103D CONGRESS
1ST SESSION

H. R. 3130

Entitled "To improve America's schools".

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1993

Mr. KILDEE (for himself, Mr. FORD of Michigan, Mr. GOODLING, Mr. MILLER of California, Mr. GUNDERSON, Mr. SAWYER, Mr. OWENS, Mrs. UNSOELD, Mr. REED, Mrs. MINK, Mr. ENGEL, Mr. GREEN, Ms. ENGLISH of Arizona, Mr. STRICKLAND, Mr. ROMERO-BARCELÓ, Mr. MARTINEZ, Mr. ANDREWS of New Jersey and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

Entitled "To improve America's schools".

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Improving America's
4 Schools Act of 1993".

5 ORGANIZATION OF THE ACT

6 SEC. 2. This Act is organized into the following ti-
7 tles:

1 TITLE I—AMENDMENTS TO THE ELEMENTARY
2 AND SECONDARY EDUCATION ACT OF 1965

3 TITLE II—AMENDMENTS TO THE GENERAL
4 EDUCATION PROVISIONS ACT

5 TITLE III—AMENDMENTS TO OTHER ACTS

6 EFFECTIVE DATES; TRANSITION

7 SEC. 3. (a) EFFECTIVE DATES.—(1) The provisions
8 of title I of this Act shall take effect July 1, 1995, except
9 that those provisions of title I that apply to programs
10 under title VIII of the Elementary and Secondary Edu-
11 cation Act of 1965, as amended by this Act, and to pro-
12 grams that are conducted on a competitive basis, shall be
13 effective with respect to appropriations for use under such
14 programs in fiscal year 1995 and in subsequent fiscal
15 years.

16 (2) The provisions of title II of this Act shall be effec-
17 tive upon enactment, except that section 250 of such title
18 shall be effective—

19 (A) July 1, 1995 for non-competitive programs
20 in which funds are allocated on the basis of a for-
21 mula; and

22 (B) for programs that are conducted on a com-
23 petitive basis, with respect to appropriations for use
24 under such programs in fiscal year 1995 and in sub-
25 sequent fiscal years.

1 (3)(A) Parts A and B of title III of this Act shall
2 take effect July 1, 1995.

3 (B) Part C of title III of this Act shall take effect
4 on October 1, 1994.

5 (b) TRANSITION.—Notwithstanding any other provi-
6 sion of law, a recipient of funds under the Elementary and
7 Secondary Education Act of 1965, as in effect prior to
8 amendment by this Act, may use funds available to it
9 under such predecessor authority to carry out necessary
10 and reasonable planning and transition activities in order
11 to ensure a smooth implementation of programs author-
12 ized by this Act.

13 TITLE I—AMENDMENTS TO THE ELEMENTARY
14 AND SECONDARY EDUCATION ACT OF 1965
15 AMENDMENTS TO THE ELEMENTARY AND SECONDARY
16 EDUCATION ACT OF 1965

17 SEC. 101. The Elementary and Secondary Education
18 Act of 1965 is amended to read as follows:

19 “SHORT TITLE

20 “SECTION 1. This Act may be cited as the ‘Elemen-
21 tary and Secondary Education Act of 1965’.

22 “TABLE OF CONTENTS

23 ““SEC. 2. The table of contents for this Act is as
24 follows:

“TITLE I—HELPING CHILDREN IN NEED MEET HIGH
STANDARDS

“Sec. 1001. Declaration of policy and statement of purpose.

“Sec. 1002. Authorization of appropriations.

“PART A—MAKING HIGH-POVERTY SCHOOLS WORK

“Subpart 1—Basic Program Requirements

- “Sec. 1111. State plans.
- “Sec. 1112. Local educational agency plans.
- “Sec. 1113. Eligible school attendance areas.
- “Sec. 1114. Schoolwide programs.
- “Sec. 1115. Targeted assistance schools.
- “Sec. 1116. Parental involvement.
- “Sec. 1117. Participation of children enrolled in private schools.
- “Sec. 1118. Assessment and school and district improvement.
- “Sec. 1119. Fiscal requirements.

“Subpart 2—Allocations

- “Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
- “Sec. 1122. Allocations to States.
- “Sec. 1123. Basic grants.
- “Sec. 1124. Concentration grants.
- “Sec. 1125. Special allocation procedures.
- “Sec. 1126. Carryover and waiver.

“PART B—EVEN START FAMILY LITERACY PROGRAMS

- “Sec. 1201. Statement of purpose.
- “Sec. 1202. Program authorized.
- “Sec. 1203. State programs.
- “Sec. 1204. Uses of funds.
- “Sec. 1205. Program elements.
- “Sec. 1206. Eligible participants.
- “Sec. 1207. Applications.
- “Sec. 1208. Award of subgrants.
- “Sec. 1209. Evaluation.

“PART C—EDUCATION OF MIGRATORY CHILDREN

- “Sec. 1301. Program purpose.
- “Sec. 1302. Program authorized.
- “Sec. 1303. State allocations.
- “Sec. 1304. State applications; services.
- “Sec. 1305. Secretarial approval; peer review.
- “Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- “Sec. 1307. Bypass.
- “Sec. 1308. Coordination of migrant education activities.
- “Sec. 1309. Definitions.

“PART D—EDUCATION OF NEGLECTED AND DELINQUENT YOUTH

- “Sec. 1401. Purpose; program authorized.
- “Sec. 1402. Eligibility.
- “Sec. 1403. Allocation of funds.
- “Sec. 1404. State reallocation of funds.
- “Sec. 1405. State plan and State agency applications.
- “Sec. 1406. Use of funds.

- “Sec. 1407. Institution-wide projects.
- “Sec. 1408. Three-year projects.
- “Sec. 1409. Program evaluations.
- “Sec. 1410. Transition services.
- “Sec. 1411. Definitions.

“PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS

- “Sec. 1501. Evaluations.
- “Sec. 1502. Demonstrations of innovative practices.

“PART F—GENERAL PROVISIONS

- “Sec. 1601. State administration.

“TITLE II—IMPROVING TEACHING AND LEARNING

“PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

- “Sec. 2101. Findings.
- “Sec. 2102. Purposes.
- “Sec. 2103. Authorization of appropriations; allocation between subparts.

“Subpart 1—Federal Activities

- “Sec. 2111. Program authorized.
- “Sec. 2112. Authorized activities.

“Subpart 2—State and Local Activities

- “Sec. 2121. Program authorized.
- “Sec. 2122. Allocation of funds.
- “Sec. 2123. Within-State allocations.
- “Sec. 2124. Priority for professional development in mathematics and science.
- “Sec. 2125. State applications.
- “Sec. 2126. State-level activities.
- “Sec. 2127. Local educational agency applications.
- “Sec. 2128. Local cost-sharing.
- “Sec. 2129. Local allocation of funds and allowable activities.
- “Sec. 2130. Higher education activities.

“Subpart 3—General Provisions

- “Sec. 2131. Reporting and accountability.
- “Sec. 2132. Definitions.

“PART B—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

- “Sec. 2201. Findings.
- “Sec. 2202. Purpose.
- “Sec. 2203. Program authorized.
- “Sec. 2204. Eligible entities.
- “Sec. 2205. Comprehensive regional centers.
- “Sec. 2206. Information collection and evaluation.
- “Sec. 2207. Transition.
- “Sec. 2208. Authorization of appropriations.

“TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

“PART A—PUTTING TECHNOLOGY TO WORK FOR ALL STUDENTS

“Subpart 1—Research, Development, and Demonstration of Educational Technology

- “Sec. 3111. Findings and purposes.
- “Sec. 3112. Office of Educational Technology.
- “Sec. 3113. National long-range plan.
- “Sec. 3114. Federal leadership.
- “Sec. 3115. Authorization of appropriations.

“Subpart 2—Star Schools Program

- “Sec. 3121. Findings.
- “Sec. 3122. Statement of purpose.
- “Sec. 3123. Program authorized.
- “Sec. 3124. Eligible entities.
- “Sec. 3125. Applications.
- “Sec. 3126. Leadership and evaluation activities.
- “Sec. 3127. Definitions.

“PART B—FUND FOR THE IMPROVEMENT OF EDUCATION

- “Sec. 3201. Fund for the Improvement of Education.

“PART C—JACOB K. JAVITS GIFTED AND TALENTED EDUCATION PROGRAM

- “Sec. 3301. Findings and purpose.
- “Sec. 3302. Authorized programs.
- “Sec. 3303. Program priorities.
- “Sec. 3304. National responsibilities.
- “Sec. 3305. Authorization of appropriations.
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“PART D—CHARTER SCHOOLS

- “Sec. 3401. Findings and purpose.
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- “Sec. 3403. Applications.
- “Sec. 3404. Selection of grantees; waivers.
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“PART E—ARTS IN EDUCATION

- “Sec. 3501. Support for arts education.

“PART F—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

- “Sec. 3601. Inexpensive book distribution program for reading motivation.

“TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

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- “Sec. 4002. Purpose.
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“PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

- “Sec. 4101. Reservations and allotments.
- “Sec. 4102. State Drug and Violence Prevention Coordinating Council.
- “Sec. 4103. State applications.
- “Sec. 4104. Governor’s programs.
- “Sec. 4105. State and local educational agency programs.
- “Sec. 4106. Local applications.
- “Sec. 4107. Local drug and violence prevention programs.
- “Sec. 4108. Evaluation and reporting.

“PART B—POSTSECONDARY DRUG AND VIOLENCE PREVENTION PROGRAMS

- “Sec. 4201. Grants to institutions of higher education.
- “Sec. 4202. National center.

“PART C—NATIONAL PROGRAMS

- “Sec. 4301. Federal activities.

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- “Sec. 5105. Eligibility.
- “Sec. 5106. Applications and requirements.
- “Sec. 5107. Priority.
- “Sec. 5108. Use of funds.
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- “Sec. 5201. Technical and other assistance regarding school finance equity.

“PART C—WOMEN’S EDUCATIONAL EQUITY

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“PART C—PROFESSIONAL DEVELOPMENT AND ADULT EDUCATION
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“PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES

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“PART B—RESEARCH AND EVALUATION

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1 “TITLE I—HELPING CHILDREN IN NEED MEET
2 HIGH STANDARDS

3 “DECLARATION OF POLICY AND STATEMENT OF PURPOSE

4 “SEC. 1001. (a) STATEMENT OF POLICY.—The
5 Congress declares it to be the policy of the United States
6 that a high-quality education for all citizens and a fair
7 and equal opportunity to obtain that education—

8 “(1) are a societal good necessary for creating
9 a vibrant future for our complex and diverse democ-
10 racy and for meeting the challenge of an internation-
11 ally competitive economy;

1 “(2) are a private good because individual op-
2 portunity is greatly enhanced by one’s being well
3 educated;

4 “(3) are a moral imperative in our society; sim-
5 ple justice demands that the opportunity to acquire
6 skills and knowledge deemed necessary for basic citi-
7 zenship and economic opportunity be equally avail-
8 able to all; and

9 “(4) improve the life of every citizen, because
10 the quality of our individual lives ultimately depends
11 on the quality of the lives of others.

12 “(b) RECOGNITION OF NEED.—The Congress recog-
13 nizes that—

14 “(1) although the achievement gap between dis-
15 advantaged children and other children has been re-
16 duced by half over the past two decades, a sizeable
17 gap remains, and many segments of our society lack
18 the opportunity to become well educated;

19 “(2) the most urgent need for educational im-
20 provement is in schools with high concentrations of
21 children from low-income families. Achieving the Na-
22 tional Education Goals will not be possible without
23 substantial improvement in these schools;

24 “(3) educational needs are particularly great for
25 low-achieving children in our highest-poverty schools,

1 children with limited English proficiency, children of
2 migrant workers, Indian children, children who are
3 neglected or delinquent, and young children and
4 their parents who are in need of family-literacy serv-
5 ices; and

6 “(4) while title I and other programs funded
7 under this Act have contributed to narrowing the
8 achievement gap between children in high-poverty
9 and low-poverty schools, they need to become even
10 more effective in improving high-poverty schools in
11 order to help enable all children to achieve high
12 standards.

13 “(c) WHAT HAS BEEN LEARNED.—To enable schools
14 to provide all children a high-quality education, this title
15 builds upon what has been learned:

16 “(1) All children can master challenging con-
17 tent and complex problem-solving skills; research
18 clearly shows that children, including low-achieving
19 children, can succeed when expectations are high
20 and they are given the opportunity to learn challeng-
21 ing material.

22 “(2) Piecemeal reform, particularly when not
23 tied to an overall vision of teaching to, and helping
24 all children reach, high standards, does not work.

1 “(3) Use of low-level tests that are not aligned
2 with schools’ curricula fails to provide adequate in-
3 formation about what children know and can do and
4 encourages curricula and instruction that focus on
5 low-level skills measured by those tests.

6 “(4) Resources are less effective when they
7 serve children through such practices as pull-out
8 programs, instead of ensuring that children have full
9 access to effective regular school programs and re-
10 ceive supplemental help through extended-time ac-
11 tivities.

12 “(5) The disproven theory that children must
13 first learn basic skills before engaging in more com-
14 plex tasks continues to dominate strategies for class-
15 room instruction, resulting in emphasis on repetitive
16 drill and practice at the expense of content-rich in-
17 struction, accelerated curricula, and effective teach-
18 ing to high standards.

19 “(6) Intensive and sustained professional devel-
20 opment for teachers and other school staff—focused
21 on teaching and learning and on helping children at-
22 tain high standards—is too often not provided.

23 “(7) Insufficient attention and resources are di-
24 rected toward the effective use of technology in

1 schools and the role it can play in professional devel-
2 opment and improved teaching and learning.

3 “(8) All parents can contribute to their chil-
4 dren’s success by helping at home and becoming
5 partners with teachers so that children can achieve
6 high standards.

7 “(9) Decentralized decisionmaking is a key in-
8 gredient of systemic reform. Schools need the re-
9 sources, flexibility, and responsibility to design and
10 implement effective strategies for bringing their chil-
11 dren to high levels of performance and should accept
12 responsibility to do so.

13 “(10) Opportunities for students to achieve to
14 high standards can be enhanced through a variety of
15 approaches such as public school choice and charter
16 schools.

17 “(11) Attention to academics alone cannot en-
18 sure that all children will reach high standards. The
19 health and other needs of children that affect learn-
20 ing are frequently unmet, particularly in high-pov-
21 erty schools, thereby necessitating coordination of
22 services to better meet children’s needs.

23 “(12) Resources provided under this title have
24 not been adequately targeted on the highest-poverty

1 school districts and schools that have children most
2 in need.

3 “(d) STATEMENT OF PURPOSE.—The purpose of this
4 title is to enable schools to provide opportunities for chil-
5 dren served to acquire the knowledge and skills contained
6 in the rigorous State content standards and to meet the
7 challenging State performance standards developed for all
8 children under the Goals 2000: Educate America Act or,
9 in their absence, under this title. This purpose shall be
10 accomplished by—

11 “(1) ensuring high standards for all children
12 and aligning the efforts of States, local educational
13 agencies, and schools to help children served under
14 this title to reach them;

15 “(2) providing children an enriched and acceler-
16 ated educational program through schoolwide pro-
17 grams or through additional services that increase
18 the amount and quality of instructional time so that
19 children served under this title receive at least all
20 the classroom instruction that other children receive;

21 “(3) promoting schoolwide reform and ensuring
22 access of children—from the earliest grades—to ef-
23 fective instructional strategies and challenging aca-
24 demic content that includes intensive complex think-
25 ing and problem-solving experiences;

1 “(4) significantly upgrading the quality of cur-
2 ricula and instruction by providing staff in partici-
3 pating schools with substantial opportunities for in-
4 tensive and sustained professional development;

5 “(5) coordinating services under all parts of
6 this title with each other, with other educational
7 services, and, to the extent feasible, with health and
8 social service programs funded from other sources;

9 “(6) affording parents meaningful opportunities
10 to participate in the education of their children at
11 home and at school;

12 “(7) distributing resources, in amounts suffi-
13 cient to make a difference, to areas where needs are
14 greatest;

15 “(8) improving accountability, as well as teach-
16 ing and learning, by using State assessment systems
17 designed to measure how well children are achieving
18 high State standards of performance expected of all
19 children; and

20 “(9) providing greater decisionmaking authority
21 and flexibility to schools in exchange for greater re-
22 sponsibility for student performance.

23 “AUTHORIZATION OF APPROPRIATIONS

24 “SEC. 1002. Appropriations are authorized for the
25 following programs and activities under this title:

1 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
2 the purpose of carrying out part A of this title, other than
3 section 1117(e) and sections 1118(b)(1), (b)(2), and (e),
4 there are authorized to be appropriated \$7,000,000,000
5 for fiscal year 1995 and such sums as may be necessary
6 for each of the fiscal years 1996 through 2004.

7 “(b) EVEN START.—For the purpose of carrying out
8 part B of this title, there are authorized to be appro-
9 priated such sums as may be necessary for each of the
10 fiscal years 1995 through 2004.

11 “(c) EDUCATION OF MIGRATORY CHILDREN.—For
12 the purpose of carrying out part C of this title, there are
13 authorized to be appropriated such sums as may be nec-
14 essary for each of the fiscal years 1995 through 2004.

15 “(d) EDUCATION FOR NEGLECTED OR DELINQUENT
16 YOUTH.—For the purpose of carrying out part D of this
17 title, there are authorized to be appropriated such sums
18 as may be necessary for each of the fiscal years 1995
19 through 2004.

20 “(e) CAPITAL EXPENSES.—For the purpose of carry-
21 ing out section 1117(e) of this title, there are authorized
22 to be appropriated such sums as may be necessary for
23 each of the fiscal years 1995 through 2004.

24 “(f) SCHOOL IMPROVEMENT.—For the purpose of
25 carrying out the activities authorized in sections

1 1118(b)(1), (b)(2), and (e) of this title, there are author-
2 ized to be appropriated such sums as may be necessary
3 for each of the fiscal years 1995 through 2004.

4 “(g) FEDERAL ACTIVITIES.—(1) For the purpose of
5 carrying out section 1501 of this title, there are authorized
6 to be appropriated such sums as may be necessary for
7 each of the fiscal years 1995 through 2004.

8 “(2) For the purpose of carrying out section 1502
9 of this title, there are authorized to be appropriated such
10 sums as may be necessary for each of the fiscal years 1995
11 through 2004.

12 “PART A—MAKING HIGH-POVERTY SCHOOLS WORK

13 “Subpart 1—Basic Program Requirements

14 “STATE PLANS

15 “SEC. 1111. (a) PLANS REQUIRED.—(1) Any State
16 desiring to receive a grant under this part shall submit
17 to the Secretary a plan, developed in consultation with
18 local educational agencies, teachers, administrators, and
19 parents, that—

20 “(A) is integrated with the State’s plan, either
21 approved or being developed, under title III of the
22 Goals 2000: Educate America Act, and satisfies the
23 requirements of this section that are not already ad-
24 dressed by that State plan; or

1 “(B) if the State does not have an approved
2 plan under title III of the Goals 2000: Educate
3 America Act and is not developing such a plan, is
4 integrated with other State plans under this Act and
5 satisfies the requirements of this section.

6 “(2) A State plan submitted under paragraph (1)(A)
7 may, if necessary, be submitted as an amendment to the
8 State’s plan under title III of the Goals 2000: Educate
9 America Act.

10 “(b) STANDARDS AND ASSESSMENT PROVISIONS.—

11 (1)(A) Each State plan shall contain a description of the
12 high-quality standards for all children that will be used
13 by the State, its local educational agencies, and its schools
14 to carry out this Act, which shall include—

15 “(i) challenging content standards in the core
16 academic subjects that—

17 “(I) specify what all children are expected
18 to know and be able to do; and

19 “(II) contain coherent and rigorous con-
20 tent; and

21 “(ii) challenging performance standards that—

22 “(I) are aligned with the State’s content
23 standards;

24 “(II) describe two levels of high perform-
25 ance—‘proficient’ and ‘advanced’—that deter-

1 mine how well children are mastering the mate-
2 rial in the content standards; and

3 “(III) include a third benchmark below
4 proficient, if necessary, to provide complete in-
5 formation about the progress of the lower-per-
6 forming children toward achieving to the high
7 ‘proficient’ and ‘advanced’ performance stand-
8 ards.

9 “(B) If a State has not adopted challenging content
10 and performance standards in all of its core academic sub-
11 jects, the State plan shall include content and performance
12 standards for elementary and secondary school children in
13 those core subjects that it has adopted (which must in-
14 clude at least mathematics and reading/language arts),
15 and the State shall add other content and performance
16 standards as it adopts them under a schedule that it shall
17 include in the State plan.

18 “(2)(A) Each State plan shall include a description,
19 based on assessments described under paragraph (3), of
20 what constitutes adequate yearly progress of—

21 “(i) any school served under this part toward
22 enabling all children to meet the State’s ‘proficient’
23 and ‘advanced’ performance standards; and

24 “(ii) any local educational agency that receives
25 funds under this part toward enabling all children

1 within its jurisdiction to meet the State’s ‘proficient’
2 and ‘advanced’ performance standards.

3 “(B) Adequate yearly progress shall be defined in a
4 manner that results in continuous and substantial yearly
5 improvement of each school and local educational agency
6 toward the goal of all children meeting the State’s chal-
7 lenging ‘advanced’ performance standards.

8 “(3) Each State plan shall include a description of
9 the set of high-quality, yearly student assessments that
10 will be used as the primary means of determining the year-
11 ly performance of each local educational agency and school
12 served under this part in enabling all children to meet the
13 State’s performance standards. These assessments shall—

14 “(A) be aligned with the State’s challenging
15 content and performance standards and provide co-
16 herent information about student attainment;

17 “(B) be used for purposes for which they are
18 valid and reliable and be consistent with relevant,
19 nationally recognized, professional and technical
20 standards of assessment;

21 “(C) be comprised of multiple, up-to-date meas-
22 ures of student performance;

23 “(D) include, except under the most extreme
24 conditions, children with disabilities and limited
25 English proficient children who, to the extent prac-

1 ticable, shall be assessed in the language that will
2 afford them the greatest opportunity to demonstrate
3 their proficiency;

4 “(E) provide individual student scores; and

5 “(F) provide for disaggregated results for edu-
6 cationally meaningful categories of children, when
7 results for those categories would be reliable.

8 “(4) If a State has adopted challenging content and
9 performance standards and an aligned set of assessments
10 for all students under title III of the Goals 2000: Educate
11 America Act, the State shall use those standards and as-
12 sessments, modified, if necessary, to conform with the re-
13 quirements of paragraphs (1)(A)(ii), (2), and (3).

14 “(5)(A) If a State does not have challenging content
15 and performance standards that meet the requirements of
16 paragraph (1) or assessments that meet the requirements
17 of paragraph (3), the State may propose to use, for an
18 interim period of up to two years, an alternative statewide
19 set of yearly assessments that the Secretary finds assesses
20 the performance of complex skills and challenging subject
21 matter.

22 “(B)(i) The Secretary, upon the request of a State
23 and a showing of substantial progress toward meeting the
24 requirements of paragraphs (1) and (3), may extend for

1 one year the use of the alternative assessments described
2 in subparagraph (A).

3 “(ii) A State that is denied the one-year extension
4 under clause (i) or is granted such an extension but, after
5 one additional year, does not have challenging content and
6 performance standards that meet the requirements of
7 paragraph (1) or assessments that meet the requirements
8 of paragraph (3) shall adopt a set of standards and
9 aligned assessments that are satisfactory to the Secretary,
10 such as those contained in other State plans the Secretary
11 has approved.

12 “(C) For any year during which a State is using an
13 interim assessment system, the State shall devise a means
14 for identifying schools and local educational agencies in
15 need of improvement under section 1118.

16 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
17 AND LEARNING.—Each State plan shall also describe—

18 “(1) the method the State educational agency
19 will use to implement a system of school support
20 teams under section 1114(c), including provision of
21 necessary professional development for those teams;

22 “(2) the means by which the State educational
23 agency will work with other agencies and institutions
24 to provide technical assistance to local educational

1 agencies and schools to carry out their responsibil-
2 ities under this part;

3 “(3) how the State educational agency will ful-
4 fill its district and school improvement responsibil-
5 ities under section 1118, including the corrective ac-
6 tions it will take under section 1118(d)(6); and

7 “(4) how the State educational agency will en-
8 courage the use of funds from other Federal, State,
9 and local sources for schoolwide reform in
10 schoolwide programs under section 1114.

11 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—
12 The Secretary shall—

13 “(1) establish a peer review process to assist in
14 the review and revision of State plans;

15 “(2) following an initial peer review, approve a
16 State plan the Secretary determines meets the re-
17 quirements of subsections (b) and (c); and

18 “(3)(A) if the Secretary determines that the
19 State plan does not meet the requirements of sub-
20 section (b) or (c), immediately notify the State of
21 that determination and the reasons for it.

22 “(B) The Secretary may withhold funds until
23 he or she determines that the plan meets the re-
24 quirements.

1 “(e) DURATION OF THE PLAN.—(1) Each State plan
2 shall—

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

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

8 “(2) If the State makes significant changes in its
9 plan, such as the adoption of new content and perform-
10 ance standards, new assessments, or a new definition of
11 adequate progress, the State shall submit this information
12 to the Secretary for approval.

13 “LOCAL EDUCATIONAL AGENCY PLANS

14 “SEC. 1112. (a) PLANS REQUIRED.—(1) A local edu-
15 cational agency may receive a subgrant under this part
16 for any fiscal year only if it has on file with the State
17 educational agency a plan, approved by the State edu-
18 cational agency, that—

19 “(A) is integrated with the local educational
20 agency’s plan, either approved or being developed,
21 under title III of the Goals 2000: Educate America
22 Act, and satisfies the requirements of this section
23 that are not already addressed by that plan; or

24 “(B) if the local educational agency does not
25 have an approved plan under title III of the Goals
26 2000: Educate America Act and is not developing

1 such a plan, is integrated with its other plans under
2 this Act and satisfies the requirements of this sec-
3 tion.

4 “(2) A local educational agency plan submitted under
5 paragraph (1)(A) may, if necessary, be submitted as an
6 amendment to its plan under title III of the Goals 2000:
7 Educate America Act.

8 ‘(b) STANDARDS AND ASSESSMENT PROVISIONS.—
9 Each local educational agency plan shall include—

10 “(1) a description of its challenging content and
11 performance standards, if any, in the core subjects,
12 in addition to the content and performance stand-
13 ards adopted by the State under section 1111, that
14 the local educational agency expects all children to
15 meet; and

16 “(2) a description of additional high-quality
17 student assessments, if any, other than those de-
18 scribed in the State plan under section 1111, that
19 the local educational agency and schools served
20 under this part will use to determine—

21 “(A) the success of children in schools
22 served under this part in meeting the State’s
23 performance standards; and

1 “(B) what revisions are needed to projects
2 under this part so that such children will meet
3 the State’s performance standards.

4 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
5 AND LEARNING.—(1) To ensure high-quality instruction
6 to enable participating children to meet the State’s chal-
7 lenging performance standards expected of all students,
8 each local educational agency plan shall describe a coher-
9 ent strategy for intensive and sustained professional devel-
10 opment for teachers, administrators, and other staff, in-
11 cluding district-level staff, that—

12 “(A) takes into account the needs and activities
13 across and within schools; and

14 “(B) draws on resources available under this
15 part and from other sources.

16 “(2) Each local educational agency plan shall de-
17 scribe how the local educational agency will—

18 “(A) work in consultation with schools as the
19 schools develop their plans pursuant to section 1114
20 or 1115 and assist schools as they implement those
21 plans so that each school can make adequate yearly
22 progress toward meeting the State’s standards;

23 “(B) support and encourage schoolwide pro-
24 grams; and

1 “(C) fulfill its school improvement responsibil-
2 ities under section 1118, including the corrective ac-
3 tions it will take under section 1118(c)(4).

4 “(3) To address the comprehensive needs of children,
5 each local educational agency plan shall describe how the
6 local educational agency will—

7 “(A) coordinate and integrate services provided
8 under this part with other educational services, in-
9 cluding—

10 “(i) Even Start, Head Start, and other
11 preschool programs, and school-to-work transi-
12 tion programs; and

13 “(ii) services for children with limited Eng-
14 lish proficiency or with disabilities, migratory
15 children served under part C of this title, ne-
16 glected or delinquent children served under part
17 D of this title, homeless children, and immi-
18 grant children in order to increase program ef-
19 fectiveness, eliminate duplication, and reduce
20 fragmentation of the children’s instructional
21 program;

22 “(B) coordinate and collaborate, to the extent
23 feasible, with other agencies providing services to
24 children, youth, and families, including, but not lim-
25 ited to, health and social services; and

1 “(C) establish a procedure to ensure that all
2 children in participating elementary schools in which
3 the percentage of children from low-income families
4 is 50 percent or more receive, at a minimum, two
5 health screenings during the elementary school years
6 at appropriate intervals based on reasonable pedi-
7 atric standards. Funds under this part may be used
8 to provide such health screenings only if funds from
9 other public or private sources, including, but not
10 limited to, Medicaid; Early Periodic Screening, Diag-
11 nosis, and Treatment (EPSDT); private insurance;
12 or other community health resources, are not rea-
13 sonably available to pay for such screening.

14 “(4) The local educational agency plan shall also in-
15 clude a description of—

16 “(A) the poverty criteria that will be used to se-
17 lect school attendance areas under section 1113;

18 “(B) the multiple criteria that will be used by
19 targeted assistance schools under section 1115 to
20 identify children eligible for services under this part;

21 “(C) a general description of the nature of the
22 programs to be conducted by its schools under sec-
23 tions 1114 and 1115 and services outside those
24 schools for children living in local institutions for ne-

1 neglected or delinquent children and for eligible home-
2 less children; and

3 “(D) a description of how the local educational
4 agency will provide services to eligible children at-
5 tending private elementary and secondary schools in
6 accordance with section 1117, and how timely and
7 meaningful consultation with private school officials
8 regarding such services will occur.

9 “(d) PLAN DEVELOPMENT AND DURATION.—Each
10 local educational agency plan shall be—

11 “(1) developed in consultation with teachers
12 and parents of children in schools served under this
13 part; and

14 “(2) periodically reviewed and revised, as nec-
15 essary, to reflect changes in the local educational
16 agency’s strategies and programs.

17 “(e) STATE APPROVAL.—The State educational
18 agency shall approve a local educational agency’s plan only
19 if the State educational agency determines that the plan
20 will enable schools served under this part to substantially
21 help all children served meet the State’s challenging per-
22 formance standards expected of all children.

23 “(f) PROGRAM RESPONSIBILITY.—The local edu-
24 cational agency plan shall reflect the shared responsibility

1 of schools and the local educational agency in making deci-
2 sions required under sections 1114 and 1115.

3 “ELIGIBLE SCHOOL ATTENDANCE AREAS

4 “SEC. 1113. (a) GENERAL.—(1)(A)(i) A local edu-
5 cational agency shall use funds received under this part
6 only in school attendance areas with high concentrations
7 of children from low-income families, hereafter in this sec-
8 tion referred to as ‘eligible school attendance areas’.

9 “(ii) For the purposes of this part—

10 “(I) ‘school attendance area’ means, in relation
11 to a particular school, the geographical area in
12 which the children who are normally served by that
13 school reside; and

14 “(II) ‘eligible school attendance area’ means a
15 school attendance area in which the percentage of
16 children from low-income families is at least as high
17 as the percentage of children from low-income fami-
18 lies in the local educational agency as a whole.

19 “(B) If funds allocated in accordance with subsection
20 (c) are insufficient to serve all eligible school attendance
21 areas, a local educational agency shall—

22 “(i) annually rank, without regard to grade
23 spans, its eligible school attendance areas in which
24 the concentration of children from low-income fami-
25 lies exceeds 75 percent from highest to lowest ac-

1 cording to the percentage of children from low-in-
2 come families; and

3 “(ii) serve such eligible school attendance areas
4 in rank order.

5 “(C) If funds remain after serving all eligible school
6 attendance areas under subparagraph (B), a local edu-
7 cational agency shall—

8 “(i) annually rank its remaining eligible school
9 attendance areas from highest to lowest either by
10 grade span or for the entire local educational agency
11 according to the percentage of children from low-in-
12 come families; and

13 “(ii) serve such eligible school attendance areas
14 in rank order either within each grade-span group-
15 ing or within the local educational agency as a
16 whole.

17 “(2) The local educational agency shall use the same
18 measure of low income, which it shall choose on the basis
19 of the best available data and which may be a composite
20 of several indicators, with respect to all school attendance
21 areas in the local educational agency to—

22 “(A) identify eligible school attendance areas;

23 “(B) determine the ranking of each area; and

24 “(C) determine allocations under subsection (c).

1 “(3) This subsection shall not apply to a local edu-
2 cational agency with a total enrollment of less than 1,000
3 children.

4 “(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—
5 Notwithstanding subsection (a)(1), a local educational
6 agency may—

7 “(1) designate as eligible any school attendance
8 area or school in which at least 50 percent of the
9 children are from low-income families;

10 “(2) use funds received under this part in a
11 school that is not in an eligible school attendance
12 area, if the percentage of children from low-income
13 families enrolled in the school is equal to or greater
14 than the percentage of such children in a participat-
15 ing school attendance area of such agency; and

16 “(3)(A) skip an eligible school attendance area
17 or eligible school that has a higher percentage of
18 children from low-income families if—

19 “(i) the school meets the comparability re-
20 quirements of section 1119(c);

21 “(ii) the school is receiving supplemental
22 funds from other State or local sources that are
23 spent according to the requirements of section
24 1114 or 1115; and

1 “(iii) the funds expended from those other
2 sources equal or exceed the amount that would
3 be provided under this part.

4 “(B) Notwithstanding subparagraph (A), the
5 number of children to receive services attending pri-
6 vate elementary and secondary schools, and the as-
7 sistance they receive under this part, shall be deter-
8 mined without regard to whether the public school
9 attendance area in which such children reside is
10 skipped under this paragraph.

11 “(c) ALLOCATIONS.—(1) A local educational agency
12 shall allocate funds received under this part to eligible
13 school attendance areas or eligible schools, identified
14 under subsection (a) or (b), in rank order, on the basis
15 of the total number of children from low-income families
16 in each area or school.

17 “(2)(A) Except as provided in subparagraph (B), the
18 per-pupil amount of funds allocated to each school attend-
19 ance area or school under paragraph (1) shall be at least
20 80 percent of the per-pupil amount of funds the local edu-
21 cational agency received for that year under sections 1123
22 and 1124.

23 “(B) A local educational agency may reduce the
24 amount of funds allocated under subparagraph (A) for a
25 school attendance area or school by the amount of any

1 supplemental State and local funds expended in that
2 school attendance area or school for programs that meet
3 the requirements of section 1114 or 1115.

4 “(3) A local educational agency shall reserve such
5 funds as are necessary under this part to provide services
6 comparable to those provided to children in schools funded
7 under this part to serve—

8 “(A) eligible homeless children who do not at-
9 tend participating schools, including providing edu-
10 cationally related support services to children in
11 shelters, where appropriate; and

12 “(B) children living in local institutions for ne-
13 glected or delinquent children.

14 “SCHOOLWIDE PROGRAMS

15 “SEC. 1114. (a) USE OF FUNDS FOR SCHOOLWIDE
16 PROGRAMS.—(1) A local educational agency may use
17 funds under this part, in combination with other Federal,
18 State, and local funds, to upgrade the entire educational
19 program in an eligible school if, for the initial year of the
20 schoolwide program, the school meets the following cri-
21 teria:

22 “(A) For school year 1995–96—

23 “(i) the school serves an eligible school at-
24 tendance area in which at least 65 percent of
25 the children are from low-income families; or

1 “(ii) at least 65 percent of the children en-
2 rolled in the school are from such families.

3 “(B) For school year 1996–97 and thereafter,
4 the percentage requirement in subparagraphs (A) (i)
5 and (ii) shall be 50 percent.

6 “(2)(A) No schoolwide program school shall be re-
7 quired to identify particular children as eligible to partici-
8 pate or to provide supplemental services to them.

9 “(B) A schoolwide program school shall use such
10 funds only to supplement the amount of funds that would,
11 in the absence of funds under this part, be made available
12 from non-Federal sources for the school, including funds
13 needed to provide services that are required by law for
14 children with disabilities and children with limited English
15 proficiency.

16 “(3) A school may use funds received under any non-
17 competitive, formula-grant program administered by the
18 Secretary, except such a program under the Individuals
19 With Disabilities Education Act, and any discretionary
20 program contained on a list (updated as necessary) issued
21 by the Secretary to support a schoolwide program, not-
22 withstanding any provision of the statute or regulations
23 governing any such program.

1 “(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

2 (1) A schoolwide program shall include the following com-
3 ponents:

4 “(A) A comprehensive needs assessment of the
5 entire school that is based on information on the
6 performance of children in relation to the State’s
7 standards.

8 “(B) Schoolwide reform strategies that—

9 “(i) provide opportunities for all children
10 to meet the State’s ‘proficient’ and ‘advanced’
11 performance standards expected of all children;

12 “(ii) are based on research on effective
13 means of improving the achievement of chil-
14 dren;

15 “(iii) use effective instructional strategies
16 that increase the amount and quality of learn-
17 ing time and help provide an enriched and ac-
18 celerated curriculum rather than remedial drill
19 and practice;

20 “(iv) address the needs of all children in
21 the school, but particularly the needs of low-
22 achieving children, children with limited English
23 proficiency, children from migratory families,
24 and children who are members of the target
25 population of any program that is included in

1 the schoolwide program, and how the school will
2 determine if those needs have been met; and

3 “(v) are consistent with, and are designed
4 to implement, the State and local reform plans,
5 if any, approved under title III of the Goals
6 2000: Educate America Act.

7 “(C) Instruction by highly qualified professional
8 staff.

9 “(D) Intensive and sustained professional devel-
10 opment for teachers, principals, and other staff to
11 enable all children in the school to meet the State’s
12 performance standards.

13 “(E) Parental involvement in accordance with
14 section 1116.

15 “(F) Additionally, in schools serving children
16 beyond grade six, in coordination with funds avail-
17 able from other programs and, as appropriate, draw-
18 ing on private and public organizations—

19 “(i) counseling and mentoring services;

20 “(ii) college and career awareness and
21 preparation, such as college and career guid-
22 ance, enhancement of employability skills, and
23 job placement services; and

24 “(iii) services to prepare students for the
25 transition from school to work.

1 “(2)(A) Any eligible school that desires to operate a
2 schoolwide program shall first develop, in consultation
3 with the local educational agency, a comprehensive plan
4 for reforming the total instructional program in the school
5 that—

6 “(i) incorporates the components described in
7 paragraph (1);

8 “(ii) describes how the school will use resources
9 under this part and from other sources to implement
10 those components;

11 “(iii) includes a list of State and local edu-
12 cational agency programs and other Federal pro-
13 grams under paragraph (a)(3) that will be included
14 in the schoolwide program; and

15 “(iv) describes how the school will provide indi-
16 vidual student assessment results, including an in-
17 terpretation of those results, to the parents of any
18 child who participates in the assessment required by
19 section 1111(b)(3).

20 “(B) Plans developed before a State has adopted
21 standards and a set of assessments that meet the criteria
22 in section 1111(b) (1) and (3) shall be based on an analy-
23 sis of available data on the achievement of students in the
24 school and a review of the school’s instructional practices

1 in the context of available research on effective instruc-
2 tional and school improvement practices.

3 “(C) The comprehensive plan shall be—

4 “(i) developed over a one-year period, unless—

5 “(I) the local educational agency, based on
6 the recommendation of the school support team
7 under subsection (c), determines that less time
8 is needed to develop and implement the
9 schoolwide program; or

10 “(II) the school is operating a schoolwide
11 program at the time this section takes effect, in
12 which case it may continue to operate that pro-
13 gram, but shall develop a new plan during the
14 first year to reflect the provisions of this sec-
15 tion;

16 “(ii) developed with the involvement of the com-
17 munity to be served and those individuals who will
18 carry it out, including teachers, principals, other
19 staff, parents, and, if the plan relates to a secondary
20 school, students from the school;

21 “(iii) reviewed and revised, as necessary, by the
22 school; and

23 “(iv) available to the local educational agency,
24 parents, and the public. The information contained
25 therein shall be translated, to the extent feasible,

1 into any language that a significant percentage of
2 the parents of participating children in the school
3 speak as their primary language.

4 “(c) SCHOOL SUPPORT TEAMS.—(1) Each State edu-
5 cational agency shall establish a system of school support
6 teams to provide information and assistance to each
7 schoolwide program to ensure that schoolwide programs
8 provide the opportunity for all children to meet the State’s
9 challenging performance standards.

10 “(2) Each such team shall be composed of persons,
11 including teachers, knowledgeable about research and
12 practice on teaching and learning, particularly about strat-
13 egies for improving the educational opportunities for low-
14 achieving children.

15 “(3) A school support team shall work with each
16 school as it develops its schoolwide program plan, review
17 the merits of each plan, and make recommendations to
18 the school and the local educational agency.

19 “(4) During the operation of the schoolwide program,
20 a school support team shall—

21 “(A) periodically review the progress of the
22 school in enabling children in the school to meet the
23 State’s performance standards;

24 “(B) identify problems in the design and oper-
25 ation of the instructional program; and

1 “(C) make suggestions for improvement to the
2 school and the local educational agency.

3 “(5) Funds available for State administration and for
4 local educational agencies under this part may be used to
5 pay the costs of the school support teams.

6 “TARGETED ASSISTANCE SCHOOLS

7 “SEC. 1115. (a) GENERAL.—In all schools selected
8 to participate under section 1113 that are ineligible for
9 a schoolwide program, or that choose not to operate a
10 schoolwide program, a local educational agency may use
11 funds received under this part only for programs that pro-
12 vide services to eligible children identified as having the
13 greatest need for special assistance.

14 “(b) ELIGIBLE CHILDREN—(1)(A) The eligible popu-
15 lation for services under this part is—

16 “(i) those children up to age 21 who are enti-
17 tled to a free public education through grade 12;
18 and

19 “(ii) those children who are not yet at a grade
20 level where the local educational agency provides a
21 free public education, yet are of an age at which
22 they can benefit from an organized instructional pro-
23 gram provided in a school or other educational set-
24 ting.

25 “(B) From the population described in subparagraph
26 (A), eligible children are children identified by the school

1 as failing, or most at risk of failing, to meet the State's
2 challenging performance standards on the basis of mul-
3 tiple, educationally related, objective criteria established
4 by the local educational agency and supplemented by the
5 school, except that children from preschool through grade
6 two shall be selected solely on the basis of such criteria
7 as teacher judgment, interviews with parents, and devel-
8 opmentally appropriate measures.

9 “(2)(A)(i) Children receiving services to overcome a
10 disability or limited English proficiency are eligible for
11 services under this part on the same basis as other chil-
12 dren selected to receive services under this part.

13 “(ii) Funds received under this part may not be used
14 to provide services that are otherwise required by law to
15 be made available to such children.

16 “(B) A child who, at any time in the previous two
17 years, received services under the program for neglected
18 and delinquent children under part D of this title (or its
19 predecessor authority) is eligible for services under this
20 part.

21 “(C) A local educational agency shall use funds re-
22 ceived under this part to serve eligible homeless children
23 who attend any school in the local educational agency.

24 “(c) COMPONENTS OF A TARGETED ASSISTANCE
25 SCHOOL PROGRAM.—(1) To assist targeted assistance

1 schools and local educational agencies to meet their re-
2 sponsibility to provide for all their students the oppor-
3 tunity to meet the State’s challenging performance stand-
4 ards, each targeted assistance program under this section
5 shall—

6 “(A) use its resources under this part to help
7 participating children meet the challenging perform-
8 ance standards expected for all children;

9 “(B) be based on research on effective means
10 for improving achievement of children;

11 “(C) use effective instructional strategies
12 that—

13 “(i) give primary consideration to provid-
14 ing extended learning time;

15 “(ii) involve an accelerated, high-quality
16 curriculum, rather than remedial drill and prac-
17 tice; and

18 “(iii) minimize removing children from the
19 regular classroom for instruction provided
20 under this part;

21 “(D) be coordinated with and support the regu-
22 lar program in providing an enriched and acceler-
23 ated curriculum for eligible children;

24 “(E) provide instruction by highly qualified pro-
25 fessional staff;

1 “(F) provide opportunities for intensive and
2 sustained professional development with resources
3 under this part and from other sources for adminis-
4 trators and for teachers and other school staff who
5 work with participating children in programs under
6 this section or in the regular education program;

7 “(G) provide opportunities for parental involve-
8 ment in accordance with section 1116; and

9 “(H) include, additionally, in schools serving
10 children beyond grade six, in coordination with
11 funds available from other programs and, as appro-
12 priate, drawing on private and public organiza-
13 tions—

14 “(i) counseling and mentoring;

15 “(ii) college and career awareness and
16 preparation, such as college and career guid-
17 ance, enhancement of employability skills, and
18 job placement services; and

19 “(iii) services to prepare students for the
20 transition from school to work.

21 “(2)(A) Each school conducting a program under this
22 section shall develop, in consultation with the local edu-
23 cational agency, a plan to assist participating children to
24 meet the State’s ‘proficient’ and ‘advanced’ performance
25 standards that describes—

1 “(i) the selection of children to participate in
2 accordance with subsection (b);

3 “(ii) the program to be conducted that incor-
4 porates the components described in paragraph (1)
5 and how the resources provided under this part will
6 be coordinated with other resources to enable the
7 children served to meet the State’s standards;

8 “(iii) how the school will review, on an ongoing
9 basis, the progress of participating children and re-
10 vise the program, if necessary, to provide additional
11 assistance to enable such children to meet the
12 State’s challenging performance standards;

13 “(iv) how the school will provide individual stu-
14 dent assessment results, including an interpretation
15 of those results, to the parents of any child who par-
16 ticipates in the assessment required by section
17 1111(b)(3); and

18 “(v) if the school is eligible to operate a
19 schoolwide program under section 1114, why it did
20 not choose to do so.

21 “(B) Plans developed before a State has adopted
22 standards and a set of assessments that meet the criteria
23 of section 1111(b)(1) and (3) shall be based on an analysis
24 of available data on the achievement of participating chil-
25 dren and a review of the school’s instructional practices

1 in the context of available research on effective instruc-
2 tional practices.

3 “(C) Each plan shall be—

4 “(i) developed with the involvement of the com-
5 munity to be served and those individuals who will
6 carry it out, including teachers, administrators,
7 other staff, parents, and, if the plan relates to a sec-
8 ondary school, students from the school;

9 “(ii) available to the local educational agency,
10 parents, and the public, and the information con-
11 tained therein shall be translated, to the extent fea-
12 sible, into any language that a significant percentage
13 of the parents of participating children in the school
14 speak as their primary language; and

15 “(iii) reviewed and revised, as necessary, by the
16 school.

17 “(d) ASSIGNMENT OF PERSONNEL.—To promote the
18 integration of staff supported with funds under this part
19 and children served under this part into the regular school
20 program and overall school planning and improvement ef-
21 forts, public school personnel who are paid with funds re-
22 ceived under this part may—

23 “(1) assume limited duties that are assigned to
24 similar personnel who are not so paid, including du-
25 ties beyond classroom instruction or that do not ben-

1 efit participating children so long as the amount of
2 time spent on these duties is the same proportion of
3 total work time as prevails with respect to similar
4 personnel at the same school;

5 “(2) participate in general professional develop-
6 ment and school planning activities; and

7 “(3) collaboratively teach with regular class-
8 room teachers, so long as their efforts directly bene-
9 fit participating children.

10 “PARENTAL INVOLVEMENT

11 “SEC. 1116. (a) LOCAL EDUCATIONAL AGENCY
12 POLICY.—(1) Each local educational agency that receives
13 funds under this part shall develop jointly with, and make
14 available to, parents of participating children a written
15 parent involvement policy that is incorporated into the
16 local educational agency’s plan developed under section
17 1112, establishes the expectations for parent involvement,
18 and describes how the local educational agency will—

19 “(A) involve parents in the development of the
20 plan described under section 1112, and the process
21 of school review and improvement described under
22 section 1118;

23 “(B) provide the coordination, technical assist-
24 ance, and other support necessary to assist partici-
25 pating schools in planning and implementing effec-
26 tive parent involvement;

1 “(C) build the schools’ and parents’ capacity for
2 strong parent involvement as described in subsection
3 (e);

4 “(D) coordinate and integrate parent involve-
5 ment strategies in this part with those under other
6 programs; and

7 “(E) ensure that participating schools review
8 their parent involvement activities on an ongoing
9 basis and use the findings of the reviews in design-
10 ing strategies for school improvement.

11 “(2) If the local educational agency has a district-
12 level parental involvement policy that applies to all par-
13 ents, it may amend that policy, if necessary, to meet the
14 requirements of this subsection.

15 “(b) SCHOOL PARENTAL INVOLVEMENT PLAN.—(1)
16 Each school served under this part shall jointly develop
17 with, and make available to, parents of participating chil-
18 dren a written parent involvement plan that shall be incor-
19 porated into the school plan developed under section 1114
20 or 1115 and shall describe the means for carrying out the
21 requirements of subsections (c) through (f).

22 “(2) If the school has a parental involvement policy
23 that applies to all parents, it may amend that policy, if
24 necessary, to meet the requirements of this subsection.

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

3 “(1) convene an annual meeting, at a conven-
4 ient time, to which all parents of participating chil-
5 dren shall be invited and encouraged to attend, to
6 inform parents of their school’s participation under
7 this part and to explain this part, its requirements,
8 and their right to be involved;

9 “(2) involve parents, in an organized, ongoing,
10 and timely way, in the planning, review, and im-
11 provement of programs under this part, including
12 the development of the school plan under section
13 1114 or 1115. If a school has in place a process for
14 involving parents in the planning and design of its
15 programs, the school may use that process, provided
16 that it includes an adequate representation of par-
17 ents of participating children; and

18 “(3) provide parents of participating children—

19 “(A) timely information about programs
20 under this part;

21 “(B) school performance profiles required
22 under section 1118(a)(2);

23 “(C) opportunities for regular meetings to
24 formulate suggestions, if such parents so desire;

25 and

1 “(D) timely responses to their rec-
2 ommendations.

3 “(d) SHARED RESPONSIBILITIES FOR HIGH STU-
4 DENT PERFORMANCE.—As a component of the school-
5 level parental involvement plan developed under subsection
6 (b), each school served under this part shall jointly develop
7 with parents for all children a school-parent compact that
8 outlines how parents, the entire school staff, and students
9 will share the responsibility for improved student achieve-
10 ment and the means by which the school and parents will
11 build and develop a partnership to help children achieve
12 the State’s high standards. Such compact shall—

13 “(1) describe the school’s responsibility to pro-
14 vide high-quality curriculum and instruction in a
15 supportive and effective learning environment that
16 enable the children to meet the State’s challenging
17 performance standards, and the ways in which each
18 parent will be responsible for supporting his or her
19 children’s learning, including monitoring attendance,
20 homework completion, television watching, and posi-
21 tive use of extracurricular time; and

22 “(2) address the importance of communication
23 between teachers and parents on an ongoing basis
24 through at least—

1 “(A) parent-teacher conferences in elemen-
2 tary schools, at least annually, during which the
3 compact shall be discussed as it relates to the
4 individual child’s achievement;

5 “(B) frequent reports to parents on their
6 children’s progress; and

7 “(C) reasonable access to staff and obser-
8 vation of classroom activities.

9 “(e) BUILDING CAPACITY FOR INVOLVEMENT.—To
10 ensure effective involvement of parents and to support a
11 partnership among the school, parents, and the commu-
12 nity to improve student achievement, each school and local
13 educational agency shall—

14 “(1) provide assistance to participating parents
15 in such areas as understanding the National Edu-
16 cation Goals, the State’s content and performance
17 standards, State and local assessments, the require-
18 ments of this part, and how to monitor their chil-
19 dren’s progress and work with educators to improve
20 the performance of their children;

21 “(2) provide materials and training, including
22 necessary literacy training that is not otherwise
23 available from other sources to help parents work
24 with their children to improve their children’s
25 achievement;

1 vate school officials, provide such children, on an equitable
2 basis, special educational services or other benefits under
3 this part.

4 “(2) The educational services or other benefits, in-
5 cluding materials and equipment, must be secular, neutral,
6 and nonideological.

7 “(3) Educational services and other benefits for such
8 private school children shall be equitable in comparison to
9 services and other benefits for public school children par-
10 ticipating under this part.

11 “(4) Expenditures for educational services and other
12 benefits to eligible private school children shall be equal
13 to the proportion of funds allocated to participating school
14 attendance areas based on the number of children from
15 low-income families who attend private schools.

16 “(5) The local educational agency may provide such
17 services directly or through contracts with public and pri-
18 vate agencies, organizations, and institutions.

19 “(b) CONSULTATION.—(1) To ensure timely and
20 meaningful consultation, a local educational agency shall
21 consult with appropriate private school officials during the
22 design and development of the agency’s programs under
23 this part, on issues such as—

24 “(A) how the children’s needs will be identified;

25 “(B) what services will be offered;

1 “(C) how and where the services will be pro-
2 vided; and

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

4 “(2) Consultation shall occur before the local edu-
5 cational agency makes any decision that affects the oppor-
6 tunities of eligible private school children to participate in
7 programs under this part.

8 “(3) Consultation shall include a discussion of the full
9 range of service delivery mechanisms a local educational
10 agency could use to provide equitable services to eligible
11 private school children including, but not limited to, in-
12 struction provided at public school sites, at neutral sites,
13 and in mobile vans, computer-assisted instruction, ex-
14 tended-day services, home tutoring, and instruction pro-
15 vided with take-home computers.

16 “(c) PUBLIC CONTROL OF FUNDS.—(1) The control
17 of funds provided under this part, and title to materials,
18 equipment, and property purchased with those funds, shall
19 be in a public agency, and a public agency shall administer
20 such funds and property.

21 “(2)(A) The provision of services under this section
22 shall be provided—

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

1 “(ii) through contract by such public agency
2 with an individual, association, agency, or organiza-
3 tion.

4 “(B) In the provision of such services, such employee,
5 person, association, agency, or organization shall be inde-
6 pendent of such private school and of any religious organi-
7 zation, and such employment or contract shall be under
8 the control and supervision of such public agency.

9 “(d) STANDARDS FOR A BYPASS.—If a local edu-
10 cational agency is prohibited by law from providing for
11 the participation on an equitable basis of eligible children
12 enrolled in private elementary and secondary schools or
13 if the Secretary determines that a local educational agency
14 has substantially failed or is unwilling to provide for such
15 participation, as required by this section, the Secretary
16 shall—

17 “(1) waive the requirements of this section for
18 such local educational agency; and

19 “(2) arrange for the provision of services to
20 such children through arrangements that shall be
21 subject to the requirements of this section and sec-
22 tions 9505 and 9506 of this Act.

23 “(e) CAPITAL EXPENSES.—(1)(A) From the amount
24 appropriated for this subsection under section 1002(e) for
25 any fiscal year, each State is eligible to receive an amount

1 that bears the same ratio to the amount so appropriated
2 as the number of private school children who received serv-
3 ices under this part in the State in the most recent year
4 for which data satisfactory to the Secretary are available
5 bears to the number of such children in all States in that
6 same year.

7 “(B) The Secretary shall reallocate any amounts allo-
8 cated under subparagraph (A) that are not used by a
9 State for the purpose of this subsection to other States
10 on the basis of their respective needs, as determined by
11 the Secretary.

12 “(2)(A) A local educational agency may apply to the
13 State educational agency for payments for capital ex-
14 penses consistent with this subsection.

15 “(B) State educational agencies shall distribute such
16 funds to local educational agencies based on the degree
17 of need set forth in their respective applications.

18 “(3) Any funds appropriated to carry out this sub-
19 section shall be used only for capital expenses incurred to
20 provide equitable services for private school children under
21 this section.

22 “(4) For the purpose of this subsection, the term
23 ‘capital expenses’ is limited to—

24 “(A) expenditures for noninstructional goods
25 and services, such as the purchase, lease, or renova-

1 tion of real and personal property, including, but not
2 limited to, mobile educational units and leasing of
3 neutral sites or spaces;

4 “(B) insurance and maintenance costs;

5 “(C) transportation; and

6 “(D) other comparable goods and services.

7 “ASSESSMENT AND SCHOOL AND DISTRICT IMPROVEMENT

8 “SEC. 1118. (a) LOCAL REVIEW.—Each local edu-
9 cational agency receiving funds under this part shall—

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

18 “(2) publicize and disseminate to teachers, par-
19 ents, students, and the community the results of the
20 annual review under paragraph (1) of all schools
21 served under this part in individual school perform-
22 ance profiles that include disaggregated results as
23 required by section 1111(b)(3)(F); and

24 “(3) provide the results of the local annual re-
25 view to schools so that they can continually refine
26 the program of instruction to help all children in

1 those schools meet the State's high performance
2 standards.

3 “(b) DISTINGUISHED SCHOOLS.—(1) Each State
4 shall designate as a Distinguished School—

5 “(A) any school served under this part that, for
6 three consecutive years, has exceeded the State's
7 definition of adequate progress as defined in section
8 1111(b)(2)(A)(i); and

9 “(B) any school in which virtually all students
10 have met the State's 'advanced' performance stand-
11 ards.

12 “(2)(A) A State shall use funds available under sec-
13 tion 1002(f) to recognize Distinguished Schools, including
14 making monetary awards.

15 “(B) Funds awarded to a Distinguished School may
16 be used by the school to further its educational program
17 under this part, provide additional incentives for continued
18 success, and reward individuals or groups in the school
19 for past performance.

20 “(3) A local educational agency may also recognize
21 the success of a Distinguished School by providing addi-
22 tional institutional and individual rewards, such as greater
23 decisionmaking authority at the school building level, in-
24 creased access to resources or supplemental services such
25 as summer programs that may be used to sustain or in-

1 crease success, additional professional development oppor-
2 tunities, opportunities to participate in special projects,
3 and individual financial bonuses.

4 “(4) Schools designated as Distinguished Schools
5 under paragraph (1) may serve as models and provide ad-
6 ditional assistance to other schools served under this part
7 that are not making adequate progress.

8 “(c) SCHOOL IMPROVEMENT.—(1) A local edu-
9 cational agency shall identify for school improvement any
10 school served under this part that—

11 “(A) has been in program improvement under
12 section 1020 of chapter 1 of title I of the Elemen-
13 tary and Secondary Education Act of 1965, as in ef-
14 fect before the effective date of the Improving Amer-
15 ica’s Schools Act of 1993, for at least two consecu-
16 tive school years prior to that date;

17 “(B) has not made adequate progress as de-
18 fined in the State’s plan under section
19 1111(b)(2)(A)(i) for two consecutive school years
20 and if it does not have virtually all students meeting
21 the State’s ‘advanced’ performance standards; or

22 “(C) has failed to meet the criteria established
23 by the State through its interim procedure under
24 section 1111(b)(5)(C) for two consecutive years.

1 “(2)(A) Each school identified under paragraph (1)
2 shall—

3 “(i) in consultation with parents, the local edu-
4 cational agency, and, for schoolwide programs, the
5 school support team, revise its school plan under
6 section 1114 or 1115 in ways that have the greatest
7 likelihood of improving the performance of partici-
8 pating children in meeting the State’s performance
9 standards; and

10 “(ii) submit the revised plan to the local edu-
11 cational agency for approval.

12 “(B) During the first year immediately following
13 identification under paragraph (1), the school shall imple-
14 ment its revised plan.

15 “(3) For each school identified under paragraph (1),
16 the local educational agency shall provide technical assist-
17 ance as the school develops and implements its revised
18 plan.

19 “(4)(A) The local educational agency may take cor-
20 rective action at any time against a school that has been
21 identified under paragraph (1), but, during the third year
22 following identification under paragraph (1), shall take
23 such action against any school that still fails to make ade-
24 quate progress.

1 “(B) Corrective actions are those listed in the local
2 educational agency plan, which may include, but are not
3 limited to, decreasing decisionmaking authority at the
4 school level; making alternative governance arrangements
5 such as the creation of a charter school; reconstituting the
6 school staff; withholding funds; and authorizing students
7 to transfer, including paying transportation costs, to other
8 schools in the local educational agency.

9 “(5) The State educational agency shall—

10 “(A) make assistance from Distinguished Edu-
11 cators under subsection (e) available to the schools
12 farthest from meeting the State’s standards, if re-
13 quested by the school or local educational agency;
14 and

15 “(B) if it determines that a local educational
16 agency failed to carry out its responsibility under
17 paragraphs (3) and (4), take such corrective actions
18 that it deems appropriate.

19 “(6) Schools that for at least two of the three years
20 following identification under paragraph (1) make ade-
21 quate progress toward meeting the State’s ‘proficient’ and
22 ‘advanced’ performance standards no longer need to be
23 identified for school improvement.

1 “(d) STATE REVIEW AND LOCAL EDUCATIONAL
2 AGENCY IMPROVEMENT.—(1) A State educational agency
3 shall—

4 “(A) annually review the progress of each local
5 educational agency receiving funds under this part
6 to determine whether it is making adequate progress
7 as defined in section 1111(b)(2)(A)(ii) toward meet-
8 ing the State’s performance standards; and

9 “(B) publicize and disseminate to teachers, par-
10 ents, students, and the community the results of the
11 State review, including disaggregated results, as re-
12 quired by section 1111(b)(3)(F).

13 “(2) In the case of a local educational agency that
14 for three consecutive years has exceeded the State’s defini-
15 tion of adequate progress as defined in section
16 1111(b)(2)(A)(ii), the State may make institutional and
17 individual rewards of the kinds described for individual
18 schools in subsection (b)(3).

19 “(3) A State educational agency shall identify for im-
20 provement any local educational agency that—

21 “(A) for two consecutive years, is not making
22 adequate progress as defined in section
23 1111(b)(2)(A)(ii) toward meeting the State’s per-
24 formance standards; or

1 “(B) has failed to meet the criteria established
2 by the State through its interim procedure under
3 section 1111(b)(5)(C) for two consecutive years.

4 “(4) Each local educational agency identified under
5 paragraph (3) shall, in consultation with schools, parents,
6 and educational experts, revise its district-level plan under
7 section 1112 in ways that have the greatest likelihood of
8 improving the performance of its schools in meeting the
9 State’s performance standards.

10 “(5) For each local educational agency identified
11 under paragraph (3), the State educational agency shall—

12 “(A) provide technical assistance to better en-
13 able the local educational agency to develop and im-
14 plement its revised plan and work with schools need-
15 ing improvement; and

16 “(B) make available to the districts farthest
17 from meeting the State’s standards, if requested, as-
18 sistance from Distinguished Educators under sub-
19 section (e).

20 “(6)(A) The State educational agency may take cor-
21 rective action at any time against a local educational agen-
22 cy that has been identified under paragraph (3), but, dur-
23 ing the fourth year following identification under para-
24 graph (3), shall take such action against any local edu-
25 cational agency that still fails to make adequate progress.

1 “(B) Corrective actions are those listed in the local
2 educational agency plan, which may include, but are not
3 limited to, reconstitution of district personnel; appoint-
4 ment by the State educational agency of a receiver or
5 trustee to administer the affairs of the local educational
6 agency in place of the superintendent and school board;
7 removal of particular schools from the jurisdiction of the
8 local educational agency and establishment of alternative
9 arrangements for governing and supervising such schools;
10 the abolition or restructuring of the local educational
11 agency; authorizing students to transfer from one local
12 educational agency to another, including paying the cost
13 of transportation; and the withholding of funds.

14 “(7) Local educational agencies that for at least two
15 of the three years following identification under paragraph
16 (3) make adequate progress toward meeting the State’s
17 standards no longer need to be identified for district im-
18 provement.

19 “(e) DISTINGUISHED EDUCATORS.—(1) In order to
20 provide assistance to schools and local educational agen-
21 cies identified as needing improvement under subsection
22 (c) or (d), each State, using funds available under section
23 1002(f), shall establish a corps of Distinguished Edu-
24 cators.

1 “(2) When possible, these Distinguished Educators
2 shall be chosen from schools served under this part that
3 have been especially successful in enabling children to
4 meet or make outstanding progress toward meeting the
5 State’s performance standards, such as those schools de-
6 scribed in subsection (b).

7 “(3) Distinguished Educators shall provide, upon re-
8 quest, intensive and sustained assistance to the schools
9 and districts farthest from meeting the State’s standards
10 as they revise and implement their plans.

11 “(4) If the State has devised an alternative approach
12 to providing such intensive and sustained assistance to
13 schools and districts farthest from meeting the State’s
14 standards, this approach shall meet the requirements of
15 this subsection subject to the approval of the Secretary
16 as part of the State plan.

17 “(f) STATE ALLOCATIONS FOR SCHOOL IMPROVE-
18 MENT.—From the amount appropriated under section
19 1002(f) for any fiscal year, each State shall be eligible to
20 receive an amount that bears the same ratio to the amount
21 appropriated as the amount allocated to the State under
22 sections 1123 and 1124 bears to the total amount allo-
23 cated to all States under those sections, except that each
24 State shall receive at least \$180,000, or \$30,000 in the
25 case of Guam, American Samoa, the Virgin Islands, the

1 Northern Marianas, and Palau (until the Compact of Free
2 Association goes into effect).

3 “FISCAL REQUIREMENTS

4 “SEC. 1119. (a) MAINTENANCE OF EFFORT.—A
5 local educational agency may receive funds under this part
6 for any fiscal year only if the State educational agency
7 finds that the local educational agency has maintained its
8 fiscal effort in accordance with section 9501 of this Act.

9 “(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
10 PLANT, NON-FEDERAL FUNDS.—(1)(A) Except as pro-
11 vided in subparagraph (B), a State or local educational
12 agency shall use funds received under this part only to
13 supplement the amount of funds that would, in the ab-
14 sence of such Federal funds, be made available from non-
15 Federal sources for the education of pupils participating
16 in programs assisted under this part, and not to supplant
17 such funds.

18 “(B) For the purpose of complying with subpara-
19 graph (A), a State or local educational agency may exclude
20 supplemental State and local funds expended in any eligi-
21 ble school attendance area or school for programs that
22 meet the requirements of section 1114 or 1115.

23 “(2) No local educational agency shall be required to
24 provide services under this part through a particular in-
25 structional method or in a particular instructional setting
26 in order to demonstrate its compliance with paragraph (1).

1 “(c) COMPARABILITY OF SERVICES.—(1)(A) Except
2 as provided in paragraphs (4) and (5), a local educational
3 agency may receive funds under this part only if State
4 and local funds will be used in schools served under this
5 part to provide services that, taken as a whole, are at least
6 comparable to services in schools that are not receiving
7 funds under this part.

8 “(B) If the local educational agency is serving all of
9 its schools under this part, such agency may receive funds
10 under this part only if it will use State and local funds
11 to provide services that, taken as a whole, are substantially
12 comparable in each school.

13 “(C) A local educational agency may meet the re-
14 quirements of subparagraphs (A) and (B) on a grade-span
15 by grade-span basis or a school-by-school basis.

16 “(2)(A) To meet the requirements of paragraph (1),
17 a local educational agency shall demonstrate that—

18 “(i) expenditures per pupil from State and local
19 funds in each school served under this part are equal
20 to or greater than the average expenditures per
21 pupil in schools not receiving services under this
22 part; or

23 “(ii) instructional salaries per pupil from State
24 and local funds in each school served under this part
25 are equal to or greater than the average instruc-

1 tional salaries per pupil in schools not receiving serv-
2 ices.

3 “(B) A local educational agency need not include un-
4 predictable changes in student enrollment or personnel as-
5 signments that occur after the beginning of a school year
6 in determining comparability of services under this sub-
7 section.

8 “(3) Each local educational agency shall—

9 “(A) develop procedures for compliance with
10 this subsection; and

11 “(B) maintain records that are updated bienni-
12 ally documenting its compliance.

13 “(4) This subsection shall not apply to a local edu-
14 cational agency that does not have more than one building
15 for each grade span.

16 “(5) For the purpose of determining compliance with
17 paragraph (1), a local educational agency may exclude
18 State and local funds expended for—

19 “(A) bilingual education for children of limited
20 English proficiency; and

21 “(B) excess costs of providing services to chil-
22 dren with disabilities.

1 “Subpart 2—Allocations

2 “GRANTS FOR THE OUTLYING AREAS AND THE
3 SECRETARY OF THE INTERIOR

4 “SEC. 1121. (a) RESERVATION OF FUNDS.—From
5 the amount appropriated for payments to States for any
6 fiscal year under section 1002(a), the Secretary shall re-
7 serve a total of up to 0.8 percent to provide assistance
8 to—

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

13 “(2) the Secretary of the Interior in the amount
14 necessary to make payments pursuant to subsection
15 (b).

16 “(b) ALLOTMENT TO THE SECRETARY OF THE INTE-
17 RIOR.—(1) The amount allotted for payments to the Sec-
18 retary of the Interior under subsection (a)(2) for any fiscal
19 year shall be, as determined pursuant to criteria estab-
20 lished by the Secretary, the amount necessary to meet the
21 special educational needs of—

22 “(A) Indian children on reservations served by
23 elementary and secondary schools for Indian chil-
24 dren operated or supported by the Department of
25 the Interior; and

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

5 “(2) From the amount allotted for payments to the
6 Secretary of the Interior under subsection (a)(2), the Sec-
7 retary of the Interior shall make payments to local edu-
8 cational agencies, upon such terms as the Secretary of
9 Education determines will best carry out the purposes of
10 this part, with respect to out-of-State Indian children de-
11 scribed in paragraph (1). The amount of such payment
12 may not exceed, for each such child, the greater of—

13 “(A) 40 percent of the average per-pupil ex-
14 penditure in the State in which the agency is lo-
15 cated; or

16 “(B) 48 percent of such expenditure in the
17 United States.

18 “ALLOCATIONS TO STATES

19 “SEC. 1122. (a) GENERAL.—After reserving funds
20 under section 1121(a), the Secretary shall allocate the re-
21 maining funds appropriated under section 1002(a) to
22 States as follows:

23 “(1) 50 percent of such funds shall be allocated
24 for basic grants in accordance with section 1123.

1 “(2) 50 percent of such funds shall be allocated
2 for concentration grants in accordance with section
3 1124.

4 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-
5 PROPRIATIONS.—(1) If the sums available under sub-
6 section (a) for any fiscal year are insufficient to pay the
7 full amounts that all counties in States are eligible to re-
8 ceive under sections 1123 and 1124 for such year, the Sec-
9 retary shall ratably reduce the allocations to such counties,
10 subject to subsections (c) and (d) of this section.

11 “(2) If additional funds become available for making
12 payments under sections 1123 and 1124 for such fiscal
13 year, allocations that were reduced under paragraph (1)
14 shall be increased on the same basis as they were reduced.

15 “(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding
16 subsection (b), the total amount made available to each
17 county under sections 1123 and 1124 for any fiscal year
18 shall be at least 85 percent of the total amount such coun-
19 ty was allocated under such sections (or, for fiscal year
20 1995, their predecessor authorities) for the preceding fis-
21 cal year.

22 “(d) STATE MINIMUM.—Notwithstanding any other
23 provision of this part, from the total amount available for
24 any fiscal year to carry out sections 1123 and 1124, each
25 State shall be allotted at least the lesser of—

1 lumbia is eligible to receive under this section for any fis-
2 cal year shall be the product of—

3 “(A) the number of children counted under sub-
4 section (c); and

5 “(B) 40 percent of the average per-pupil ex-
6 penditure in the State, except that such percentage
7 shall not be less than 32 percent nor more than 48
8 percent of the average per-pupil expenditure in the
9 United States.

10 “(2) For each fiscal year, the amount of the grant
11 for which the Commonwealth of Puerto Rico is eligible
12 under this section shall be equal to—

13 “(A) the number of children counted under sub-
14 section (c) for Puerto Rico, multiplied by the prod-
15 uct of—

16 “(B)(i) the percentage that the average per-
17 pupil expenditure in Puerto Rico is of the lowest av-
18 erage per-pupil expenditure of any of the 50 States;
19 and

20 “(ii) 32 percent of the average per-pupil ex-
21 penditure in the United States.

22 “(c) CHILDREN TO BE COUNTED.—

23 “(1) CATEGORIES OF CHILDREN.—The number
24 of children to be counted for purposes of this section
25 shall be—

1 “(A) the total number of children aged five
2 through 17 in a county—

3 “(i) from families below the poverty
4 level, as determined under paragraph
5 (2)(A);

6 “(ii) from families above the poverty
7 level, as determined under paragraph (2)
8 (B) and (C); and

9 “(iii) living in institutions for ne-
10 glected or delinquent children (other than
11 institutions operated by the United States
12 and those with children counted under part
13 D of this title) or being supported in foster
14 homes with public funds, as determined
15 under paragraph (2)(C); less

16 “(B) two percent of the total number of
17 children aged five through 17 in the county.

18 “(2) DETERMINATION OF NUMBER OF CHIL-
19 DREN.—(A)(i) The Secretary shall determine the
20 number of children described in paragraph (1)(A)(i)
21 on the basis of the most recent satisfactory data
22 available from the Department of Commerce for
23 counties, the District of Columbia, and Puerto Rico.

24 “(ii) In making such determinations, the Sec-
25 retary shall use the criteria of poverty used by the

1 Bureau of the Census in compiling the most recent
2 decennial census.

3 “(B)(i) The Secretary shall determine the num-
4 ber of children described in paragraph (1)(A)(ii) on
5 the basis of the number of such children from fami-
6 lies receiving an annual income, in excess of the cur-
7 rent criteria of poverty, from payments under the
8 program of aid to families with dependent children
9 under a State plan approved under title IV of the
10 Social Security Act.

11 “(ii) In making such determinations, the Sec-
12 retary shall use the criteria of poverty used by the
13 Bureau of the Census in compiling the most recent
14 decennial census, for a family of four, in such form
15 as those criteria have been updated to reflect in-
16 creases in the Consumer Price Index.

17 “(C) The Secretary shall determine the number
18 of children described in paragraph (1)(A) (ii) and
19 (iii) on the basis of—

20 “(i) caseload data for the month of Octo-
21 ber of the preceding fiscal year, using, in the
22 case of children described in paragraph
23 (1)(A)(ii), the criteria of poverty and the form
24 of such criteria that were determined for the

1 calendar year preceding such month of October;
2 or

3 “(ii) to the extent that such data are not
4 available to the Secretary by January 1 of the
5 calendar year in which the Secretary’s deter-
6 mination is made, on the basis of the most re-
7 cent reliable data available to the Secretary at
8 the time of such determination.

9 “(D) For purposes of this subsection, the Sec-
10 retary shall consider all children who are in correc-
11 tional institutions to be living in institutions for de-
12 linquent children.

13 “(E) The Secretary of Health and Human
14 Services shall collect and transmit information on
15 the number of children described in paragraph
16 (1)(A)(ii) and the number of foster children de-
17 scribed in paragraph (1)(A)(iii) to the Secretary by
18 January 1 of each year.

19 “(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—
20 (1) From funds remaining after the State educational
21 agency reserves any funds under section 1601(c), and ex-
22 cept as provided in section 1125(d), a State educational
23 agency shall allocate each county amount determined
24 under subsection (b) among all local educational agencies

1 in the county or counties in which the agencies are located
2 on the basis of—

3 “(A) the total number of children aged five
4 through 17 in the local educational agency—

5 “(i) in local institutions for neglected or
6 delinquent children; and

7 “(ii) from low-income families, as deter-
8 mined under paragraph (2); less

9 “(B) two percent of the total number of chil-
10 dren aged five through 17 in the local educational
11 agency.

12 “(2) The State educational agency shall determine
13 the number of children from low-income families in local
14 educational agencies—

15 “(A) based on the best data available on a
16 Statewide basis; and

17 “(B) using the same measure of low income
18 throughout the State.

19 “(3) The State educational agency shall distribute
20 funds under this section to each local educational agency
21 in proportion to the number of children counted under
22 paragraph (1) in the local educational agency compared
23 to the number of such children in all local educational
24 agencies in the county.

1 “CONCENTRATION GRANTS

2 “SEC. 1124. (a) ELIGIBILITY OF COUNTIES.—Except
3 as otherwise provided in this section, a county in a State
4 is eligible for a grant under this section if—

5 “(1) the number of children counted under sec-
6 tion 1123(c)(1)(A) in the county is more than 6,500;
7 or

8 “(2) the percentage of children counted under
9 such section is greater than 18 percent of the total
10 number of children aged five through 17 in the
11 county.

12 “(b) GRANTS FOR COUNTIES, THE DISTRICT OF CO-
13 LUMBIA, AND PUERTO RICO.—(1) The amount of the
14 grant that a county in a State or that the District of Co-
15 lumbia or Puerto Rico is eligible to receive under this sec-
16 tion for any fiscal year is the product of—

17 “(A) the number of children counted under sec-
18 tion 1123(c)(1)(A), minus two percent of the total
19 number of children aged five through 17 in the
20 county; and

21 “(B) the per-pupil amount determined under
22 section 1123(b) for the fiscal year for which the de-
23 termination is being made for that county.

24 “(c) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—
25 (1)(A) From funds remaining after the State educational

1 agency reserves any funds under section 1601(c), and ex-
2 cept as otherwise provided in this subsection and in sec-
3 tion 1125(d), funds allocated to counties under this sec-
4 tion shall be allocated by the State educational agency only
5 to those local educational agencies whose school districts
6 lie, in whole or in part, within the county and that are
7 determined by the State educational agency to meet either
8 of the eligibility criteria in subsection (a).

9 “(B) Such determinations shall be made on the basis
10 of the same poverty data used by the State educational
11 agency under section 1123(d). If the State educational
12 agency does not use census poverty data to determine eli-
13 gibility, it must equate the poverty measure it uses to the
14 latest available census data in order that eligibility is not
15 affected by differences in sources of poverty data.

16 “(C) The State educational agency shall distribute
17 funds under this section to each local educational agency
18 that is eligible to receive those funds in proportion to the
19 number of children counted under section 1123(d) in each
20 local educational agency compared to the number of such
21 children in all local educational agencies that are eligible
22 for concentration grants in the county.

23 “(2)(A) In counties where no local educational agency
24 meets either of the criteria in subsection (a), the State
25 educational agency shall allocate such funds among the

1 local educational agencies within such counties, in whole
2 or in part, based on their respective concentrations and
3 numbers of children counted under section 1123(d).

4 “(B) Only local educational agencies with concentra-
5 tions of poverty that exceed the countywide average per-
6 centage of children counted under section 1123(d) or the
7 countywide average number of such children may receive
8 any funds on the basis of this paragraph.

9 “(3) In States that receive the minimum grant under
10 section 1122(d), the State educational agency shall allo-
11 cate such funds among the local educational agencies in
12 such State either—

13 “(A) in accordance with paragraphs (1) and (2)
14 of this subsection and section 1125(d); or

15 “(B) without regard to the counties in which
16 such local educational agencies are located, based on
17 their respective concentrations and numbers of chil-
18 dren counted under section 1123(d), except that
19 only those local educational agencies with concentra-
20 tions of children counted under section 1123(d) that
21 exceed the Statewide average percentage of such
22 children or the Statewide average number of such
23 children shall receive any funds on the basis of this
24 subparagraph.

1 “(4) A State educational agency may reserve not
2 more than ten percent of its allocation under this section
3 to make direct payments to local educational agencies that
4 meet either of the criteria in subsection (a), but are in
5 ineligible counties.

6 “SPECIAL ALLOCATION PROCEDURES

7 “SEC.1125. (a) HOLD-HARMLESS AMOUNTS.—The
8 total amount made available to each local educational
9 agency under sections 1123 and 1124 for any fiscal year
10 shall be at least 85 percent of the total amount such agen-
11 cy received under such sections (or, for fiscal year 1995,
12 under their predecessor authorities) for the preceding fis-
13 cal year.

14 “(b) ALLOCATIONS FOR NEGLECTED OR DELIN-
15 QUENT CHILDREN.—(1) If a State educational agency de-
16 termines that a local educational agency in the State is
17 unable or unwilling to provide for the special educational
18 needs of children who are living in institutions for ne-
19 glected or delinquent children as described in section
20 1123(c)(1)(A)(ii), the State educational agency shall, if it
21 assumes responsibility for the special educational needs of
22 such children, receive the portion of such local educational
23 agency’s allocation under sections 1123 and 1124 that is
24 attributable to such children.

25 “(2) If the State educational agency does not assume
26 such responsibility, any other State or local public agency

1 that does assume such responsibility shall receive that por-
2 tion of the local educational agency's allocation.

3 “(c) ALLOCATIONS AMONG LOCAL EDUCATIONAL
4 AGENCIES.—The State educational agency may allocate
5 the amounts of grants under sections 1123 and 1124 be-
6 tween and among the affected local educational agencies
7 when—

8 “(1) two or more local educational agencies
9 serve, in whole or in part, the same geographical
10 area; or

11 “(2) a local educational agency provides free
12 public education for children who reside in the
13 school district of another local educational agency.

14 “(d) ALLOCATIONS WITHOUT REGARD TO COUN-
15 TIES.—A State educational agency may allocate funds
16 under sections 1123 and 1124 directly to eligible local
17 educational agencies without regard to counties if the
18 State educational agency can demonstrate to the Sec-
19 retary's satisfaction that doing so will result in a reason-
20 able allocation of those funds.

21 “(e) REALLOCATION.—If a State educational agency
22 determines that the amount of a grant a local educational
23 agency would receive under sections 1123 and 1124 is
24 more than such local agency will use, the State educational
25 agency shall make the excess amount available to other

1 local educational agencies in the State that need additional
2 funds in accordance with criteria established by the State
3 educational agency.

4 “CARRYOVER AND WAIVER

5 “SEC. 1126. (a) LIMITATION ON CARRYOVER.—Not-
6 withstanding section 412 of the General Education Provi-
7 sions Act or any other provision of law, not more than
8 15 percent of the funds allocated to a local educational
9 agency for any fiscal year under this subpart (but not in-
10 cluding funds received through any reallocation under this
11 subpart) may remain available for obligation by such agen-
12 cy for one additional fiscal year.

13 “(b) WAIVER.—A State educational agency may,
14 once every three years, waive the percentage limitation in
15 subsection (a) if—

16 “(1) the agency determines that the request of
17 a local educational agency is reasonable and nec-
18 essary; or

19 “(2) supplemental appropriations for this sub-
20 part become available.

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

1 “PART B—EVEN START FAMILY LITERACY PROGRAMS

2 “STATEMENT OF PURPOSE

3 “SEC. 1201. It is the purpose of this part to help
4 break the cycle of poverty and illiteracy by improving the
5 educational opportunities of the Nation’s low-income fami-
6 lies by integrating early childhood education, adult literacy
7 or adult basic education, and parenting education into a
8 unified family literacy program, to be referred to as ‘Even
9 Start’, that is implemented through cooperative projects
10 that build on existing community resources to create a new
11 range of services, that promotes achievement of the Na-
12 tional Education Goals, and that assists children and
13 adults from low-income families to achieve to challenging
14 State standards.

15 “PROGRAM AUTHORIZED

16 “SEC. 1202. (a) RESERVATION FOR MIGRANT PRO-
17 GRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each
18 fiscal year, the Secretary shall reserve not more than 5
19 percent of the amount appropriated under section 1002(b)
20 of this title for programs, under such terms and conditions
21 as the Secretary shall establish, that are consistent with
22 the purpose of this part, and according to their relative
23 needs, for—

24 “(1) children of migratory workers;

25 “(2) the outlying areas; and

26 “(3) Indian tribes and tribal organizations.

1 “(b) RESERVATION FOR FEDERAL ACTIVITIES.—
2 From amounts appropriated under section 1002(b), the
3 Secretary may reserve not more than three percent of such
4 amounts or the amount reserved for such purposes in the
5 fiscal year 1994, whichever is greater, for purposes of—

6 “(1) carrying out the evaluation required by
7 section 1209; and

8 “(2) providing, through grants or contracts,
9 technical assistance, program improvement, and rep-
10 lication activities.

11 “(c) STATE ALLOCATION.—(1) After reserving funds
12 under subsections (a) and (b), the Secretary shall allocate
13 the remaining funds appropriated for this part to States,
14 to be used in accordance with section 1203.

15 “(2) Except as provided in paragraph (3), from the
16 total amount available for allocation to States in any fiscal
17 year, each State shall be eligible to receive a grant under
18 paragraph (1) in an amount that bears the same ratio to
19 such total amount as the amount allocated to that State
20 under section 1122 of this title bears to the total amount
21 allocated under that section to all the States.

22 “(3) No State shall receive less than \$250,000 under
23 paragraph (1) for any fiscal year.

24 “(d) DEFINITIONS.—For the purpose of this part—

1 “(1) the term ‘eligible entity’ means a partner-
2 ship composed of both—

3 “(A) a local educational agency; and

4 “(B) a nonprofit community-based organi-
5 zation, public agency, institution of higher edu-
6 cation, or other public or private nonprofit or-
7 ganization of demonstrated quality;

8 “(2) the terms ‘Indian tribe’ and ‘tribal organi-
9 zation’ have the meanings given such terms in sec-
10 tion 4 of the Indian Self-Determination and Edu-
11 cation Assistance Act; and

12 “(3) the term ‘State’ includes each of the 50
13 States, the District of Columbia, and the Common-
14 wealth of Puerto Rico.

15 “STATE PROGRAMS

16 “SEC. 1203. (a) STATE-LEVEL ACTIVITIES.—Each
17 State that receives a grant under section 1202(c)(1) may
18 use not more than 5 percent of assistance provided under
19 the grant for the costs of—

20 “(1) administration; and

21 “(2) providing, through one or more subgrants
22 or contracts, technical assistance for program im-
23 provement and replication to eligible entities that re-
24 ceive subgrants under subsection (b).

25 “(b) SUBGRANTS FOR LOCAL PROGRAMS.—(1) Each
26 State shall use the remainder of its grant to make

1 subgrants to eligible entities to carry out Even Start pro-
2 grams.

3 “(2) No State shall award a subgrant under para-
4 graph (1) for an amount less than \$75,000.

5 “USES OF FUNDS

6 “SEC. 1204. (a) IN GENERAL.—In carrying out an
7 Even Start program under this part, a recipient of funds
8 under this part shall use such funds to pay the Federal
9 share of the cost of providing family-centered education
10 programs that involve parents and children in a coopera-
11 tive effort to help parents become full partners in the edu-
12 cation of their children and to assist children in reaching
13 their full potential as learners.

14 “(b) FEDERAL SHARE LIMITATION.—(1)(A) Except
15 as provided in paragraph (2), the Federal share under this
16 part may not exceed—

17 “(i) 90 percent of the total cost of the program
18 in the first year that that program receives assist-
19 ance under this part or its predecessor authority;

20 “(ii) 80 percent in the second such year;

21 “(iii) 70 percent in the third such year;

22 “(iv) 60 percent in the fourth such year; and

23 “(v) 50 percent in any subsequent such year.

24 “(B) The remaining cost of a program under this
25 part may be provided in cash or in kind, fairly evaluated,

1 and may be obtained from any source other than funds
2 received under this title.

3 “(2) The State educational agency may waive, in
4 whole or in part, the cost-sharing requirement of para-
5 graph (1) if an eligible entity—

6 “(A) demonstrates that it otherwise would not
7 be able to participate in the program under this
8 part; and

9 “(B) negotiates an agreement with the State
10 educational agency with respect to the amount of the
11 remaining cost to which the waiver would be applica-
12 ble.

13 “(3) Federal funds under this part may not be used
14 for the indirect costs of an Even Start program, except
15 that the Secretary may waive this limitation if a recipient
16 of funds reserved under section 1202(a)(3) demonstrates
17 to the Secretary’s satisfaction that it otherwise would not
18 be able to participate in the program under this part.

19 “PROGRAM ELEMENTS

20 “SEC. 1205. Each Even Start program assisted
21 under this part shall—

22 “(1) include the identification and recruitment
23 of those families most in need of services provided
24 under this part, as indicated by a low level of in-
25 come, a low level of adult literacy or English lan-

1 guage proficiency of the eligible parent or parents,
2 and other need-related indicators;

3 “(2) include screening and preparation of par-
4 ents and children to enable them to participate fully
5 in the activities and services provided under this
6 part, including testing, referral to necessary counsel-
7 ling, other developmental and support services, and
8 related services;

9 “(3) be designed to accommodate the partici-
10 pants’ work and other responsibilities, including the
11 provision of support services, when unavailable from
12 other sources, necessary for their participation, such
13 as—

14 “(A) scheduling and location of services to
15 allow joint participation by parents and chil-
16 dren;

17 “(B) child care for the period that parents
18 are involved in the program provided under this
19 part; and

20 “(C) transportation for the purpose of ena-
21 bling parents and their children to participate
22 in programs authorized by this part;

23 “(4) include high-quality instructional programs
24 that promote adult literacy, training of parents to
25 support the educational growth of their children, de-

1 velopmentally appropriate early childhood edu-
2 cational services, and preparation of children for
3 success in regular school programs;

4 “(5) include special training of staff, including
5 child care staff, to develop the skills necessary to
6 work with parents and young children in the full
7 range of instructional services offered through this
8 part;

9 “(6) provide and monitor integrated instruc-
10 tional services to participating parents and children
11 through home-based programs;

12 “(7) operate on a year-round basis, including
13 the provision of some program services, either in-
14 structional or enrichment, or both, during the sum-
15 mer months;

16 “(8) be coordinated with—

17 “(A) programs assisted under other parts
18 of this title and this Act;

19 “(B) any relevant programs under the
20 Adult Education Act, the Individuals With Dis-
21 abilities Education Act, and the Job Training
22 Partnership Act; and

23 “(C) the Head Start program, volunteer
24 literacy programs, and other relevant programs;
25 and

1 “(9) provide for an independent evaluation of
2 the program.

3 “ELIGIBLE PARTICIPANTS

4 “SEC. 1206. (a) IN GENERAL.—Except as provided
5 in subsection (b), eligible participants in an Even Start
6 program are—

7 “(1) a parent or parents—

8 “(A) who are eligible for participation in
9 an adult basic education program under the
10 Adult Education Act; or

11 “(B) who are within the State’s compul-
12 sory school attendance age range, so long as a
13 local educational agency provides (or ensures
14 the availability of) the basic education compo-
15 nent required under this part; and

16 “(2) the child or children, from birth through
17 age seven, of any individual described in paragraph
18 (1).

19 “(b) ELIGIBILITY FOR CERTAIN OTHER PARTICI-
20 PANTS.—(1) Family members other than those described
21 in subsection (a) may participate in program activities and
22 services, when deemed by the program to serve the pur-
23 pose of this part.

24 “(2) Any family participating in a program under
25 this part that becomes ineligible for such participation as
26 a result of one or more members of the family becoming

1 ineligible for such participation may continue to partici-
2 pate in the program until all members of the family be-
3 come ineligible for participation, which—

4 “(A) in the case of a family in which ineligibil-
5 ity was due to the child or children of such family
6 attaining the age of eight, shall be in two years or
7 when the parent or parents become ineligible due to
8 educational advancement, whichever occurs first; and

9 “(B) in the case of a family in which ineligibil-
10 ity was due to the educational advancement of the
11 parent or parents of such family, shall be when all
12 children in the family attain the age of eight.

13 “APPLICATIONS

14 “SEC. 1207. (a) SUBMISSION.—To be eligible to re-
15 ceive a subgrant under this part, an eligible entity shall
16 submit an application to the State educational agency in
17 such form and containing or accompanied by such infor-
18 mation as the State educational agency shall require.

19 “(b) REQUIRED DOCUMENTATION.—Each applica-
20 tion shall include documentation, satisfactory to the State
21 educational agency, that the eligible entity has the quali-
22 fied personnel needed—

23 “(1) to develop, administer, and implement an
24 Even Start program under this part; and

25 “(2) to provide the special training necessary to
26 prepare staff for the program.

1 “(c) PLAN.—Such application shall also include a
2 plan of operation for the program that is consistent with,
3 and promotes the goals of, the State and local plans, either
4 approved or being developed, under title III of the Goals
5 2000: Educate America Act or, if those plans are not ap-
6 proved or being developed, with the State and local plans
7 under sections 1111 and 1112 of this Act; and includes—

8 “(1) a description of the program goals;

9 “(2) a description of the activities and services
10 that will be provided under the program, including
11 a description of how the program will incorporate
12 the program elements required by section 1205;

13 “(3) a description of the population to be
14 served and an estimate of the number of partici-
15 pants;

16 “(4) as appropriate, a description of the appli-
17 cant’s collaborative efforts with institutions of higher
18 education, community-based organizations, the State
19 educational agency, private elementary schools, or
20 other appropriate nonprofit organizations in carrying
21 out the program for which assistance is sought; and

22 “(5) a statement of the methods that will be
23 used—

1 “(A) to ensure that the programs will serve
2 those families most in need of the activities and
3 services provided by this part;

4 “(B) to provide services under this part to
5 individuals with special needs, such as individ-
6 uals with limited English proficiency and indi-
7 viduals with disabilities; and

8 “(C) to encourage participants to remain
9 in the program for a time sufficient to meet the
10 program’s purpose.

11 “AWARD OF SUBGRANTS

12 “SEC. 1208. (a) SELECTION PROCESS.—(1) The
13 State educational agency shall establish a review panel
14 that will approve applications that—

15 “(A) are most likely to be successful in meeting
16 the purpose of this part, and in effectively imple-
17 menting the program elements required under sec-
18 tion 1205;

19 “(B) demonstrate that the area to be served by
20 such program has a high percentage or a large num-
21 ber of children and families who are in need of such
22 services as indicated by high levels of poverty, illit-
23 eracy, unemployment, limited English proficiency, or
24 other need-related indicators, including a high per-
25 centage of children to be served by the program who

1 reside in a school attendance area designated for
2 participation in programs under part A of this title;

3 “(C) provide services for at least a three-year
4 age range;

5 “(D) demonstrate the greatest possible coopera-
6 tion and coordination between a variety of relevant
7 service providers in all phases of the program;

8 “(E) include cost-effective budgets, given the
9 scope of the application;

10 “(F) demonstrate the applicant’s ability to pro-
11 vide the additional funding required by section
12 1204(b);

13 “(G) are representative of urban and rural re-
14 gions of the State; and

15 “(H) show the greatest promise for providing
16 models that may be adopted by other local edu-
17 cational agencies.

18 “(2) The State educational agency shall give priority
19 for subgrants under this subsection to proposals that ei-
20 ther—

21 “(A) target services primarily to families whose
22 children reside in attendance areas of schools eligible
23 for schoolwide programs under part A of this title;
24 or

1 “(B) are located in areas designated as
2 empowerment zones or enterprise communities.

3 “(b) REVIEW PANEL.—A review panel shall consist
4 of at least three members, including one early childhood
5 professional, one adult education professional, and one of
6 the following individuals:

7 “(1) A representative of a parent-child edu-
8 cation organization.

9 “(2) A representative of a community-based lit-
10 eracy organization.

11 “(3) A member of a local board of education.

12 “(4) A representative of business and industry
13 with a commitment to education.

14 “(5) An individual who has been involved in the
15 implementation of programs under this title in the
16 State.

17 “(c) DURATION.—(1) Subgrants may be awarded for
18 a period not to exceed four years.

19 “(2) The State educational agency may provide a
20 subgrantee, at the subgrantee’s request, a 3- to 6-month
21 start-up period during the first year of the four-year pe-
22 riod, which may include staff recruitment and training,
23 and the coordination of services, before requiring full im-
24 plementation of the program.

1 “PART C—EDUCATION OF MIGRATORY CHILDREN

2 “PROGRAM PURPOSE

3 “SEC. 1301. It is the purpose of this part to assist

4 States to—

5 “(1) support high-quality and comprehensive
6 educational programs for migratory children to help
7 reduce the educational disruptions and other prob-
8 lems that result from repeated moves;

9 “(2) ensure that migratory children are pro-
10 vided with appropriate educational services (includ-
11 ing supportive services) that address their special
12 needs in a coordinated and efficient manner;

13 “(3) ensure that migratory children have the
14 opportunity to achieve to meet the same challenging
15 State performance standards that all children are
16 expected to meet;

17 “(4) design programs to help migratory chil-
18 dren overcome educational disruption, cultural and
19 language barriers, social isolation, various health-re-
20 lated problems, and other factors that inhibit their
21 ability to do well in school, and to prepare these chil-
22 dren to make a successful transition to postsecond-
23 ary education or employment; and

24 “(5) ensure that migratory children benefit
25 from State and local systemic reforms.

1 “PROGRAM AUTHORIZED

2 “SEC. 1302. In order to carry out the purpose of this
3 part, the Secretary shall make grants to State educational
4 agencies, or combinations of such agencies, to establish or
5 improve, directly or through local operating agencies, pro-
6 grams of education for migratory children in accordance
7 with this part.

8 “STATE ALLOCATIONS

9 “SEC. 1303. (a) STATE ALLOCATIONS.—Each State
10 (other than the Commonwealth of Puerto Rico) is eligible
11 to receive under this part, for each fiscal year, an amount
12 equal to—

13 “(1) the sum of the estimated number of migra-
14 tory children aged three through 21 who reside in
15 the State full time and the full-time equivalent of
16 the estimated number of migratory children aged
17 three through 21 who reside in the State part time,
18 as determined in accordance with subsection (e);
19 multiplied by

20 “(2) 40 percent of the average per-pupil ex-
21 penditure in the State, except that the amount de-
22 termined under this paragraph shall not be less than
23 32 percent, or more than 48 percent, of the average
24 per-pupil expenditure in the United States.

1 “(b) ALLOCATION TO PUERTO RICO.—For each fiscal
2 year, the amount for which the Commonwealth of Puerto
3 Rico is eligible under this section shall be equal to—

4 “(1) the number of migratory children in Puer-
5 to Rico, determined under subsection (a)(1); multi-
6 plied by

7 “(2) the product of—

8 “(A) the percentage that the average per-
9 pupil expenditure in Puerto Rico is of the low-
10 est average per-pupil expenditure of any of the
11 50 States; and

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

14 “(c) RATABLE REDUCTIONS; REALLOCATIONS.—

15 (1)(A) If, after the Secretary reserves funds under section
16 1308(c), the amount appropriated to carry out this part
17 for any fiscal year is insufficient to pay in full the amounts
18 for which all States are eligible, the Secretary shall ratably
19 reduce each such amount.

20 “(B) If additional funds become available for making
21 such payments for any fiscal year, the Secretary shall allo-
22 cate such funds to States in amounts that the Secretary
23 finds would best carry out the purpose of this part.

24 “(2)(A) The Secretary shall further reduce the
25 amount of any grant to a State under this part for any

1 fiscal year if the Secretary determines, based on available
2 information on the numbers and needs of migratory chil-
3 dren in the State and the program proposed by the State
4 to address those needs, that such amount is not needed
5 by the State.

6 “(B) The Secretary shall reallocate such excess funds
7 to other States whose grants under this part would other-
8 wise be insufficient to provide an appropriate level of serv-
9 ices to migratory children, in such amounts as the Sec-
10 retary determines are appropriate.

11 “(d) CONSORTIUM ARRANGEMENTS.—(1) In the case
12 of any State that receives a grant of \$500,000 or less
13 under this section, the Secretary shall consult with the
14 State educational agency to determine whether consortium
15 arrangements with another State or other appropriate en-
16 tity would result in delivery of services in a more effective
17 and efficient manner.

18 “(2) Any State, irrespective of the amount of its allo-
19 cation, may propose a consortium arrangement.

20 “(3) The Secretary shall approve a consortium ar-
21 rangement under paragraph (1) or (2) if the proposal
22 demonstrates that the arrangement will—

23 “(A) reduce administrative costs or program
24 function costs for State programs; and

1 “(B) make more funds available for direct serv-
2 ices to add substantially to the welfare or edu-
3 cational attainment of children to be served under
4 this part.

5 “(e) DETERMINING NUMBERS OF ELIGIBLE CHIL-
6 DREN.—In order to determine the estimated number of
7 migratory children residing in each State for purposes of
8 this section, the Secretary shall—

9 “(1) use such information as the Secretary
10 finds most accurately reflects the actual number of
11 migratory children; and

12 “(2) adjust the full-time equivalent number of
13 migratory children who reside in each State to take
14 account of—

15 “(A) the special needs of those children
16 participating in special programs provided
17 under this part that operate during the summer
18 or other intersession periods; and

19 “(B) the additional costs of operating such
20 programs.

21 “STATE APPLICATIONS; SERVICES

22 “SEC. 1304. (a) APPLICATION REQUIRED.—Any
23 State wishing to receive a grant under this part for any
24 fiscal year shall submit an application to the Secretary at
25 such time and in such manner as the Secretary may re-
26 quire.

1 “(b) PROGRAM INFORMATION.—Each such applica-
2 tion shall include—

3 “(1) a description of how, in planning, imple-
4 menting, and evaluating programs and projects
5 under this part, the State and its operating agencies
6 will ensure that the special educational needs of mi-
7 gratory children are identified and addressed
8 through a comprehensive plan for needs assessment
9 and service delivery that meets the requirements of
10 section 1306;

11 “(2) a description of the steps the State is tak-
12 ing to provide all migratory students with the oppor-
13 tunity to meet the same challenging State perform-
14 ance standards that all children are expected to
15 meet;

16 “(3) a description of how the State will use its
17 funds to promote interstate and intrastate coordina-
18 tion of services for migratory children, including
19 how, consistent with procedures the Secretary may
20 require, it will provide for educational continuity
21 through the timely transfer of pertinent school
22 records, including information on health, when chil-
23 dren move from one school to another, whether or
24 not during the regular school year;

1 “(4) a description of the State’s priorities for
2 the use of funds received under this part, and how
3 they relate to the State’s assessment of needs for
4 services in the State;

5 “(5) a description of how the State will deter-
6 mine the amount of any subgrants it will award to
7 local operating agencies and the amount of funds
8 that these agencies will provide to individual schools,
9 taking into account the requirements of paragraph
10 (1); and

11 “(6) such budgetary and other information as
12 the Secretary may require.

13 “(c) ASSURANCES.—Each such application shall also
14 include assurances, satisfactory to the Secretary, that—

15 “(1) funds received under this part will be used
16 only—

17 “(A) for programs and projects, including
18 the acquisition of equipment, in accordance
19 with section 1306(b)(1); and

20 “(B) to coordinate such programs and
21 projects with similar programs and projects
22 within the State and in other States, as well as
23 with other Federal programs that can benefit
24 migratory children and their families;

1 “(2) such programs and projects will be carried
2 out in a manner consistent with the objectives of
3 sections 1114, 1115(b) and (d), 1117, and 1119(b)
4 and (c), and part F of this title;

5 “(3) in the planning and operation of programs
6 and projects at both the State and local operating
7 agency level, there is appropriate consultation with
8 parent advisory councils for programs lasting a
9 school year, and that all such programs and projects
10 are carried out, to the extent feasible, in a manner
11 consistent with section 1116 of this title;

12 “(4) in planning and carrying out such pro-
13 grams and projects, there has been, and will be, ade-
14 quate provision for addressing the unmet education
15 needs of preschool migratory children;

16 “(5) the effectiveness of such programs and
17 projects will be determined, where feasible, using the
18 same approaches and standards that will be used to
19 assess the performance of students, schools, and
20 local educational agencies under part A of this title;
21 and

22 “(6) the State will assist the Secretary in deter-
23 mining the number of migratory children under sec-
24 tion 1303(e), through such procedures as the Sec-
25 retary may require.

1 “(d) PRIORITY FOR SERVICES.—In providing services
2 with funds received under this part, each recipient of those
3 funds shall give priority to migratory children who are fail-
4 ing, or most at risk of failing, to meet the State’s challeng-
5 ing performance standards, and whose education has been
6 interrupted during the regular school year.

7 “(e) CONTINUATION OF SERVICES.—Notwithstand-
8 ing any other provision of this part—

9 “(1) a child who ceases to be a migratory child
10 during a school term shall be eligible for services
11 until the end of such term; and

12 “(2) a child who is no longer a migratory child
13 may continue to receive services for one additional
14 school year, but only if comparable services are not
15 available through other programs.

16 “SECRETARIAL APPROVAL; PEER REVIEW

17 “SEC. 1305. (a) SECRETARIAL APPROVAL.—The Sec-
18 retary shall approve each State application that meets the
19 requirements of this part.

20 “(b) PEER REVIEW.—The Secretary may review any
21 such application with the assistance and advice of State
22 officials and other individuals with relevant expertise.

23 “COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-
24 DELIVERY PLAN; AUTHORIZED ACTIVITIES

25 “SEC. 1306. (a) COMPREHENSIVE PLAN.—Each
26 State that receives a grant under this part shall ensure

1 that the State and its local operating agencies identify and
2 address the special educational needs of migratory chil-
3 dren in accordance with a comprehensive State plan
4 that—

5 “(1)(A) is integrated with the State’s plan, ei-
6 ther approved or being developed, under title III of
7 the Goals 2000: Educate America Act, and satisfies
8 the requirements of this subsection that are not al-
9 ready addressed by that State plan; or

10 “(B) if the State does not have an approved
11 plan under title III of the Goals 2000: Educate
12 America Act and is not developing such a plan, is
13 integrated with other State plans under this Act and
14 satisfies the requirements of this subsection;

15 “(2) provides that migratory children will have
16 an opportunity to meet the same challenging State
17 performance standards, set out in those plans, that
18 all children are expected to meet;

19 “(3) specifies measurable program goals and
20 outcomes;

21 “(4) encompasses the full range of services that
22 are available for migratory children from appropriate
23 local, State and Federal educational programs;

24 “(5) is the product of joint planning among
25 such local, State, and Federal programs, including

1 those under part A of this title, early childhood pro-
2 grams, and bilingual education programs under title
3 VII of this Act;

4 “(6) provides for the integration of services
5 available under this part with services provided by
6 such other programs; and

7 “(7) to the extent feasible, provides for—

8 “(A) advocacy and outreach activities for
9 migratory children and their families, including
10 informing them of, or helping them gain access
11 to, other education, health, nutrition, and social
12 services;

13 “(B) professional development programs,
14 including mentoring, for teachers and other
15 program personnel;

16 “(C) family literacy programs, including
17 those that use models developed under the Even
18 Start program;

19 “(D) the integration of information tech-
20 nology into educational and related programs;
21 and

22 “(E) programs to facilitate the transition
23 of high school students to postsecondary edu-
24 cation or employment.

1 the purpose of this part in such State if the Secretary
2 determines that—

3 “(1) the State is unable or unwilling to conduct
4 educational programs for migratory children;

5 “(2) such arrangements would result in more
6 efficient and economic administration of such pro-
7 grams; or

8 “(3) such arrangements would add substantially
9 to the welfare or educational attainment of such
10 children.

11 “COORDINATION OF MIGRANT EDUCATION ACTIVITIES

12 “SEC. 1308. (a) IMPROVEMENT OF COORDINA-
13 TION.—The Secretary, in consultation with the States,
14 may make grants to, or enter into contracts with, State
15 educational agencies, local educational agencies, institu-
16 tions of higher education, and other public and private en-
17 tities to improve the interstate and intrastate coordination
18 among State and local educational agencies of their edu-
19 cational programs, including the establishment or im-
20 provement of programs for credit accrual and exchange,
21 available to migratory students.

22 “(b) REPORT.—Not later than October 1, 1995, the
23 Secretary shall submit a report to the Congress regarding
24 the effectiveness of methods used by States to transfer mi-
25 gratory students’ educational and health records.

1 “(c) AVAILABILITY OF FUNDS.—For the purpose of
2 carrying out this section, the Secretary shall reserve up
3 to 5 percent of the amount appropriated for each fiscal
4 year to carry out this part.

5 “DEFINITIONS

6 “SEC. 1309. As used in this part, the following terms
7 have the following meanings:

8 “(1) The term ‘local operating agency’ means—

9 “(A) a local educational agency to which a
10 State educational agency makes a subgrant
11 under this part;

12 “(B) a public or nonprofit private agency
13 with which a State educational agency or the
14 Secretary makes an arrangement to carry out a
15 project under this part; or

16 “(C) a State educational agency, if the
17 State educational agency operates the State’s
18 migrant education program or projects directly.

19 “(2) The term ‘migratory child’ means a child
20 who is, or whose parent or spouse is, a migratory
21 agricultural worker (including a migratory dairy
22 worker) or a migratory fisher, and who, in the pre-
23 ceding 24 months, in order to obtain, or accompany
24 such parent or spouse in order to obtain, temporary
25 or seasonal employment in agricultural or fishing
26 work—

1 “(A) has moved from one school district to
2 another; or

3 “(B) in a State that is comprised of a sin-
4 gle school district, has moved from one adminis-
5 trative area to another within such district.

6 “PART D—EDUCATION OF NEGLECTED AND
7 DELINQUENT YOUTH

8 “PURPOSE; PROGRAM AUTHORIZED

9 “SEC. 1401. (a) PURPOSE.—It is the purpose of this
10 part to—

11 “(1) improve educational services to children in
12 institutions for neglected or delinquent children so
13 that they have the opportunity to meet the same
14 challenging State performance standards that all
15 children in the State will be expected to meet; and

16 “(2) provide those children the services they
17 need to make a successful transition from institu-
18 tionalization to further schooling or employment.

19 “(b) PROGRAM AUTHORIZED.—In order to carry out
20 the purpose of this part, the Secretary shall make grants
21 to State educational agencies, which shall make subgrants
22 to State agencies to establish or improve programs of edu-
23 cation for neglected or delinquent children, in accordance
24 with this part.

1 “ELIGIBILITY

2 “SEC. 1402. A State agency is eligible for assistance
3 under this part if it is responsible for providing free public
4 education for children—

5 “(1) in institutions for neglected or delinquent
6 children;

7 “(2) attending community-day programs for ne-
8 glected or delinquent children; or

9 “(3) in adult correctional institutions.

10 “ALLOCATION OF FUNDS

11 “SEC. 1403. (a) SUBGRANTS TO STATE AGENCIES.—
12 Each State agency described in section 1402 (other than
13 an agency in the Commonwealth of Puerto Rico) is eligible
14 to receive under this part, for each fiscal year, an amount
15 equal to the product of—

16 “(1) the number of neglected or delinquent chil-
17 dren in institutions or attending programs described
18 in section 1402, who are enrolled for at least 20
19 hours per week in education programs operated or
20 supported by such agency, which shall—

21 “(A) be determined by such agency as of
22 a date or dates 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; and

1 “(2) 40 percent of the average per-pupil ex-
2 penditure in the State, except that the amount de-
3 termined under this paragraph shall not be less than
4 32 percent, or more than 48 percent, of the average
5 per-pupil expenditure in the United States.

6 “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO
7 RICO.—For each fiscal year, the amount of the grant for
8 which a State agency in the Commonwealth of Puerto Rico
9 is eligible under this part shall be equal to—

10 “(1) the number of children counted under sub-
11 section (a)(1) for Puerto Rico; multiplied by the
12 product of—

13 “(A) the percentage that the average per-
14 pupil expenditure in Puerto Rico is of the low-
15 est average per-pupil expenditure of any of the
16 50 States; and

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

19 “(c) RATABLE REDUCTIONS IN CASE OF INSUFFI-
20 CIENT APPROPRIATIONS.—If the amount appropriated for
21 any fiscal year for subgrants under subsections (a) and
22 (b) is insufficient to pay the full amount for which all
23 agencies are eligible under such subsections, the Secretary
24 shall ratably reduce each such amount.

1 “(d) PAYMENTS TO STATE EDUCATIONAL AGEN-
2 CIES.—(1) The Secretary shall pay to each State edu-
3 cational agency the total amount needed to make
4 subgrants to State agencies in that State, as determined
5 under this section.

6 “(2) Each State educational agency may retain a por-
7 tion of such total amount for State administration of, in
8 accordance with section 1601(c) of this title.

9 “STATE REALLOCATION OF FUNDS

10 “SEC. 1404. If a State educational agency determines
11 that a State agency does not need the full amount of the
12 subgrant for which it is eligible under this part for any
13 fiscal year, the State educational agency may reallocate
14 the amount that will not be needed to other State agencies
15 that need additional funds to carry out the purpose of this
16 part, in such amounts as the State educational agency
17 shall determine.

18 “STATE PLAN AND STATE AGENCY APPLICATIONS

19 “SEC. 1405. (a) STATE PLAN.—(1)(A) Each State
20 educational agency that desires to receive payments under
21 this part shall submit, for approval by the Secretary, a
22 plan for meeting the needs of neglected and delinquent
23 children, which shall be revised and updated as needed,
24 that—

25 “(i) is integrated with the State’s plan, either
26 approved or being developed, under title III of the

1 Goals 2000: Educate America Act, and satisfies the
2 requirements of this section that are not already ad-
3 dressed by that State plan; or

4 “(ii) if the State does not have an approved
5 plan under title III of the Goals 2000: Educate
6 America Act and is not developing such a plan, is
7 integrated with other State plans under this Act and
8 satisfies the requirements of this section.

9 “(B) A State plan submitted under paragraph
10 (1)(A)(i) may, if necessary, be submitted as an amend-
11 ment to the State’s plan under title III of the Goals 2000:
12 Educate America Act.

13 “(2) Each such plan shall also—

14 “(A) describe the State-established program
15 goals, objectives, and performance measures that will
16 be used to assess the effectiveness of the program in
17 improving academic and vocational skills of children
18 in the program;

19 “(B) provide that, to the extent feasible, such
20 children will have the same opportunities to learn as
21 they would have if they were in the schools of local
22 educational agencies in the State; and

23 “(C) contain assurances that the State edu-
24 cational agency will—

1 “(i) ensure that programs assisted under
2 this part will be carried out in accordance with
3 the State plan described in this subsection;

4 “(ii) carry out the evaluation requirements
5 of section 1409 of this part;

6 “(iii) ensure that its State agencies comply
7 with all applicable statutory and regulatory re-
8 quirements; and

9 “(iv) provide such other information as the
10 Secretary may reasonably require.

11 “(b) SECRETARIAL APPROVAL; PEER REVIEW.—(1)
12 The Secretary shall approve each State plan that meets
13 the requirements of this part.

14 “(2) The Secretary may review any such plan with
15 the assistance and advice of individuals with relevant ex-
16 pertise.

17 “(c) STATE AGENCY APPLICATIONS.—Any State
18 agency that desires to receive funds to carry out a pro-
19 gram under this part shall submit an application to the
20 State educational agency that—

21 “(1) describes the procedures to be used, con-
22 sistent with the State plan under part A of this title,
23 to assess the educational needs of the children to be
24 served;

1 “(2) describes the program, including a budget
2 for the first year of the program, with annual up-
3 dates to be provided;

4 “(3) describes how the program will meet the
5 goals and objectives of the State plan under this
6 part;

7 “(4) describes how the State agency will consult
8 with experts and provide the necessary training for
9 appropriate staff, to ensure that the planning and
10 operation of institution-wide projects under section
11 1407 are of high quality;

12 “(5) describes how the agency will carry out the
13 evaluation requirements of section 1409 and how the
14 results of the most recent evaluation were used to
15 plan and improve the program;

16 “(6) includes data showing that the agency has
17 maintained fiscal effort as if it were a local edu-
18 cational agency, in accordance with section 9501 of
19 this title;

20 “(7) describes how the programs will be coordi-
21 nated with other State and Federal programs ad-
22 ministered by the State agency;

23 “(8) describes how appropriate professional de-
24 velopment will be provided to teachers and other in-
25 structional and administrative personnel;

1 “(9) designates an individual in each affected
2 institution to be responsible for issues relating to the
3 transition of children from the institution to locally
4 operated programs.

5 “USE OF FUNDS

6 “SEC. 1406. (a) GENERAL.—(1) A State agency shall
7 use funds received under this part only for programs and
8 projects that—

9 “(A) are consistent with the State plan referred
10 to in section 1405(a); and

11 “(B) concentrate on providing participants with
12 the knowledge and skills needed to make a success-
13 ful transition to further education or employment.

14 “(2) Such programs and projects—

15 “(A) may include the acquisition of equipment;

16 “(B) shall be designed to support educational
17 services that—

18 “(i) except for institution-wide projects
19 under section 1407, are provided to children
20 identified by the State agency as failing, or
21 most at risk of failing, to meet the State’s chal-
22 lenging performance standards;

23 “(ii) supplement and improve the quality
24 of the educational services provided to such
25 children by the State agency; and

1 “(iii) afford those children an opportunity
2 to learn to those challenging State standards;

3 “(C) shall be carried out in a manner consistent
4 with section 1119(b) and part F of this title; and

5 “(D) may include the costs of meeting the eval-
6 uation requirements of section 1409.

7 “(b) SUPPLEMENT, NOT SUPPLANT.—A program
8 under this part that supplements the number of hours of
9 instruction students receive from State and local sources
10 shall be considered to comply with the ‘supplement, not
11 supplant’ requirement of section 1119(b) of this title with-
12 out regard to the subject areas in which instruction is
13 given during those hours.

14 “INSTITUTION-WIDE PROJECTS

15 “SEC. 1407. (a) PROJECTS AUTHORIZED.—A State
16 agency that provides free public education for children in
17 an institution for neglected or delinquent children (other
18 than an adult correctional institution) or attending a com-
19 munity-day program for such children may use funds re-
20 ceived under this part to serve all children in, and upgrade
21 the entire educational effort of, that institution or pro-
22 gram if the State agency has developed, and the State edu-
23 cational agency has approved, a comprehensive plan for
24 that institution or program that—

1 “(1) provides for a comprehensive assessment
2 of the educational needs of all individuals under the
3 age of 21 in the institution or program;

4 “(2) describes the steps the State agency has
5 taken, or will take, to provide all children under 21
6 with the opportunity to meet challenging academic
7 and vocational standards in order to improve the
8 likelihood that they will complete high school and
9 find employment after leaving the institution;

10 “(3) describes the instructional program, pupil
11 services, and procedures that will be used to meet
12 the needs described in paragraph (1), including, to
13 the extent feasible, the provision of mentors for sec-
14 ondary school students;

15 “(4) specifically describes how such funds will
16 be used;

17 “(5) describes the measures and procedures
18 that will be used to assess student progress;

19 “(6) describes how the agency has planned, and
20 will implement and evaluate, the institution-wide or
21 program-wide project in consultation with personnel
22 providing direct instructional services and support
23 services in institutions or community-day programs
24 for neglected or delinquent children and personnel
25 from the State educational agency; and

1 “(7) includes an assurance that the State agen-
2 cy has provided for appropriate training to teachers
3 and other instructional and administrative personnel
4 to enable them to carry out the project effectively.

5 “(b) PROJECTS REQUIRED.—Beginning with school
6 year 1996–1997, a State agency described in subsection
7 (a) shall use funds received under this part only for insti-
8 tution-wide projects described in that subsection, except
9 as described in section 1410.

10 “THREE-YEAR PROJECTS

11 “SEC. 1408. If a State agency operates a program
12 under this part in which individual children are likely to
13 participate for more than one year, the State educational
14 agency may approve the State agency’s application for a
15 subgrant under this part for a period of up to three years.

16 “PROGRAM EVALUATIONS

17 “SEC. 1409. (a) SCOPE OF EVALUATION.—Each
18 State agency that conducts a program under this part
19 shall evaluate the program at least once every three years
20 to determine its impact on the ability of participants to—

21 “(1) maintain and improve educational achieve-
22 ment;

23 “(2) accrue school credits that meet State re-
24 quirements for grade promotion and high school
25 graduation;

1 “(3) make the transition to a regular program
2 or other education program operated by a local edu-
3 cational agency; and

4 “(4) complete high school and obtain employ-
5 ment after they leave the institution.

6 “(b) EVALUATION MEASURES.—In conducting each
7 such evaluation with respect to subsection (a)(1), a State
8 agency shall use multiple and appropriate measures of stu-
9 dent progress.

10 “(c) EVALUATION RESULTS.—Each State agency
11 shall—

12 “(1) submit those results to the State edu-
13 cational agency; and

14 “(2) use the results of evaluations under this
15 section to plan and improve subsequent programs
16 for participating children.

17 “TRANSITION SERVICES

18 “SEC. 1410. (a) TRANSITION SERVICES.—Each
19 State agency may reserve up to 10 percent of the amount
20 it receives under this part for any fiscal year to support
21 projects that facilitate the transition of children from
22 State-operated institutions for neglected and delinquent
23 children into locally operated programs.

24 “(b) CONDUCT OF PROJECTS.—A project supported
25 under this section may be conducted directly by the State
26 agency, or through a contract or other arrangement with

1 one or more local educational agencies, other public agen-
2 cies, or private nonprofit organizations.

3 “(c) LIMITATION.—Any funds reserved under sub-
4 section (a) shall be used only to provide special educational
5 services, which may include counseling and mentoring, to
6 neglected and delinquent children in schools other than
7 State-operated institutions.

8 “DEFINITIONS

9 “SEC. 1411. For the purpose of this part, the follow-
10 ing terms have the following meanings:

11 “(1) The term ‘adult correctional institution’
12 means a facility in which persons are confined as a
13 result of a conviction for a criminal offense, includ-
14 ing persons under 21 years of age.

15 “(2) The term ‘community-day program’ means
16 a regular program of instruction provided by a State
17 agency at a community-day school operated specifi-
18 cally for neglected or delinquent children.

19 “(3) The term ‘institution for delinquent chil-
20 dren’ means a public or private residential facility
21 for the care of children who have been adjudicated
22 to be delinquent or in need of supervision.

23 “(4) The term ‘institution for neglected chil-
24 dren’ means a public or private residential facility,
25 other than a foster home, that is operated for the
26 care of children who have been committed to the in-

1 stitution or voluntarily placed in the institution
2 under applicable State law, due to abandonment, ne-
3 glect, or death of their parents or guardians.

4 “PART E—FEDERAL EVALUATIONS AND
5 DEMONSTRATIONS

6 “EVALUATIONS

7 “SEC. 1501. (a) NATIONAL ASSESSMENT.—(1) The
8 Secretary shall conduct a national assessment of programs
9 under this title, in coordination with the ongoing Chapter
10 1 Longitudinal Study under subsection (c) of this section,
11 that shall be planned, reviewed, and conducted in con-
12 sultation with an independent panel of researchers, State
13 practitioners, local practitioners, and other appropriate in-
14 dividuals.

15 “(2) The assessment shall examine how well schools,
16 local educational agencies, and States—

17 “(A) are progressing toward the goal of all chil-
18 dren served under this title reaching the State’s con-
19 tent and performance standards; and

20 “(B) accomplishing the specific purposes set
21 out in section 1001(d) of this title to achieve this
22 goal, including—

23 “(i) ensuring high standards for all chil-
24 dren and aligning the efforts of States, local

1 educational agencies, and schools to help chil-
2 dren reach them;

3 “(ii) providing children an enriched and
4 accelerated educational program through
5 schoolwide programs or through additional serv-
6 ices that increase the amount and quality of in-
7 structional time that children receive;

8 “(iii) promoting schoolwide reform and ac-
9 cess of all children to effective instructional
10 strategies and challenging academic content;

11 “(iv) significantly upgrading the quality of
12 the curriculum and instruction by providing
13 staff in participating schools with substantial
14 opportunities for professional development;

15 “(v) coordinating services under all parts
16 of this title with each other, with other edu-
17 cational services, including preschool services,
18 and, to the extent feasible, with health and so-
19 cial service programs funded from other
20 sources;

21 “(vi) affording parents meaningful oppor-
22 tunities to participate in the education of their
23 children at home and at school;

24 “(vii) distributing resources to areas where
25 needs are greatest;

1 “(viii) improving accountability, as well as
2 teaching and learning, by making assessments
3 under this title congruent with State assess-
4 ment systems; and

5 “(ix) providing greater decisionmaking au-
6 thority and flexibility to schools in exchange for
7 greater responsibility for student performance.

8 “(3) Where feasible, the Secretary shall use informa-
9 tion gathered by the National Assessment of Educational
10 Progress in carrying out this subsection.

11 “(4) The Secretary shall submit an interim report
12 summarizing the preliminary findings of the assessment
13 to the President and the appropriate committees of the
14 Congress by December 31, 1997 and a final report by De-
15 cember 31, 2002.

16 “(b) STUDIES AND DATA COLLECTION.—(1) The
17 Secretary may collect such data, as necessary, at the
18 State, local, and school levels and conduct studies and
19 evaluations, including national studies and evaluations, to
20 assess on an ongoing basis the effectiveness of programs
21 under this title and to report on such effectiveness on a
22 periodic basis.

23 “(2) At a minimum, the Secretary shall collect trend
24 information on the effect of programs under this title.

1 These data shall complement the data collected and re-
2 ported under subsections (a) and (c).

3 “(c) NATIONAL LONGITUDINAL STUDY.—The Sec-
4 retary shall continue to conduct the longitudinal study of
5 the educational achievement and progress of children
6 served under this title, as authorized under section 1462
7 of this Act as in effect prior to its amendment by the Im-
8 proving America’s Schools Act of 1993. The Secretary
9 shall report, not later than January 1, 1997, the findings
10 of the study and recommendations for future data collec-
11 tions and reports to the President and the appropriate
12 committees of the Congress.

13 “(d) DESIGN STUDY ON ESTIMATING STATE CHILD
14 POVERTY COUNTS.—The Secretary shall conduct a study
15 to determine whether a feasible method exists for produc-
16 ing reliable estimates, between decennial census counts, of
17 the number of school-aged children living in poverty by
18 State in each of the 50 States, the District of Columbia,
19 and Puerto Rico, and use such a method, if one exists,
20 to provide Congress with such estimates.

21 “DEMONSTRATIONS OF INNOVATIVE PRACTICES

22 “SEC. 1502. (a) DEMONSTRATION PROGRAMS TO
23 IMPROVE ACHIEVEMENT.—(1) From the funds appro-
24 priated for any fiscal year under section 1002(g)(2), the
25 Secretary may make grants to State educational agencies,
26 local educational agencies, other public agencies, non-prof-

1 it organizations, and consortia of those bodies to carry out
2 demonstration projects that show the most promise of ena-
3 bling children served under this title to meet challenging
4 State standards. Such projects shall include promising
5 strategies such as—

6 “(A) accelerated curricula, the application of
7 new technologies to improve teaching and learning,
8 extended learning time, and a safe and enriched full-
9 day environment for children to provide them the op-
10 portunity to reach high standards;

11 “(B) integration of education services with each
12 other and with health, family, and other social serv-
13 ices, particularly in empowerment zones and enter-
14 prise communities;

15 “(C) effective approaches to whole school re-
16 form; and

17 “(D) programs that have been especially effec-
18 tive with limited English proficient children, migra-
19 tory children and other highly mobile students, chil-
20 dren leaving institutions for neglected or delinquent
21 children and returning to school, and homeless chil-
22 dren and youth.

23 “(2) The Secretary shall evaluate the demonstration
24 projects supported under this title, using rigorous meth-
25 odological designs and techniques, including control

1 groups and random assignment, to the extent feasible, to
2 produce reliable evidence of effectiveness.

3 “(b) PARTNERSHIPS.—(1) From funds appropriated
4 under section 1002(g)(2) for any fiscal year, the Secretary
5 may, directly or through grants or contracts, work in part-
6 nership with State educational agencies, local educational
7 agencies, other public agencies, and non-profit organiza-
8 tions to disseminate and use the highest quality research
9 and knowledge about effective practices to improve the
10 quality of teaching and learning in schools supported
11 under this title.

12 “PART F—GENERAL PROVISIONS

13 “STATE ADMINISTRATION

14 “SEC. 1601. (a) RULEMAKING.—(1) Each State that
15 receives funds under this title shall—

16 “(A) ensure that any State rules, regulations,
17 and policies relating to this title conform to the pur-
18 poses of this title;

19 “(B) minimize such rules, regulations, and poli-
20 cies to which their local educational agencies and
21 schools are subject; and

22 “(C) identify any such rule, regulation, or poli-
23 cy as a State-imposed requirement.

24 “(2) State rules, regulations, and policies under this
25 title shall support and facilitate local educational agency

1 and school-level systemic reform designed to enable all
2 children to meet the State's standards.

3 “(b) COMMITTEE OF PRACTITIONERS.—(1) Each
4 State educational agency shall create a State committee
5 of practitioners to advise the State in carrying out its re-
6 sponsibilities under this title.

7 “(2) Each such committee shall include—

8 “(A) as a majority of its members, representa-
9 tives from local educational agencies;

10 “(B) administrators;

11 “(C) teachers;

12 “(D) parents;

13 “(E) members of local boards of education; and

14 “(F) representatives of private school children.

15 “(c) PAYMENT FOR STATE ADMINISTRATION.—Each
16 State may reserve for the proper and efficient performance
17 of its duties under this title the greater of—

18 “(1) 1 percent of the funds received under sec-
19 tion 1002(a) and (c) through (f); or

20 “(2) \$325,000, or \$50,000 in the case of
21 Guam, American Samoa, the Virgin Islands, the
22 Northern Mariana Islands, and Palau (until the
23 Compact of Free Association takes effect).

1 “(A) professional development must be fo-
2 cused on teaching and learning in order to
3 change the opportunities of all students to
4 achieve higher standards;

5 “(B) effective professional development fo-
6 cuses on discipline-based knowledge and effec-
7 tive subject-specific pedagogical skills, involves
8 teams of teachers and administrators in a
9 school and, through professional networks of
10 teachers and administrators, is interactive and
11 collaborative, motivates by its intrinsic content
12 and relationship to practice, builds on experi-
13 ence and learning-by-doing, and becomes incor-
14 porated into the everyday life of the school; and

15 “(C) professional development can dra-
16 matically improve classroom instruction and
17 learning when teachers and administrators are
18 partners in its development and implementa-
19 tion;

20 “(4) special attention must be given in profes-
21 sional development activities to ensure that edu-
22 cation professionals are knowledgeable of, and make
23 use of, strategies for serving populations that his-
24 torically have lacked access to equal opportunities
25 for advanced learning and career advancement;

1 “(5) professional development is often a victim
2 of budget reductions in fiscally difficult times;

3 “(6) there are few incentives or sanctions oper-
4 ating to encourage teachers and administrators to
5 work to prepare themselves to be more effective or
6 to participate in challenging and effective profes-
7 sional development activities; and

8 “(7) the Federal Government has a vital role in
9 helping to make sustained and intensive high-quality
10 professional development in the core academic sub-
11 jects become an integral part of the elementary and
12 secondary education system.

13 “PURPOSES

14 “SEC. 2102. The purposes of this part are to help
15 ensure that teachers, other staff, and administrators have
16 access to high-quality professional development that is
17 aligned to challenging State content and performance
18 standards and to support the development and implemen-
19 tation of sustained and intensive high-quality professional
20 development activities in the core academic subjects. This
21 program is designed to help ensure that teachers have ac-
22 cess to professional development that—

23 “(1) is tied to challenging State student content
24 and performance standards;

25 “(2) reflects recent research on teaching and
26 learning;

1 other public and private agencies, organizations, and insti-
2 tutions to—

3 “(1) support activities of national significance
4 that will contribute to the development and imple-
5 mentation of high-quality professional development
6 activities in the core academic subject areas; and

7 “(2) evaluate activities carried out under this
8 subpart and under subpart 2.

9 “(b) COORDINATION WITH OTHER AGENCIES.—In
10 carrying out this program, the Secretary shall consult and
11 coordinate with the National Science Foundation, the Na-
12 tional Endowment for the Humanities, the National En-
13 dowment for the Arts, and other appropriate Federal
14 agencies and entities.

15 “AUTHORIZED ACTIVITIES

16 “SEC. 2112. The Secretary shall use funds available
17 to carry out this subpart for activities that help meet the
18 purposes of this part, such as—

19 “(1) providing seed money to eligible entities to
20 develop their capacity to offer sustained and inten-
21 sive high-quality professional development;

22 “(2) professional development institutes that
23 provide teams of teachers, or teachers and adminis-
24 trators, from individual schools, with professional
25 development that contains strong and integrated dis-
26 ciplinary and pedagogical components;

1 “(3) encouraging the development of local and
2 national professional networks that provide a forum
3 for interaction among teachers of the core academic
4 subjects and that allow the exchange of information
5 on advances in content and pedagogy;

6 “(4) supporting the National Board for Profes-
7 sional Teaching Standards;

8 “(5) the development and dissemination of
9 teaching standards in the core academic subjects;

10 “(6) the development of exemplary methods of
11 assessing teachers, other staff, and administrators
12 for licensure and certification;

13 “(7) activities that promote the transferability
14 of licensure and certification of teachers and admin-
15 istrators among State and local jurisdictions;

16 “(8) the development and testing of incentive
17 strategies for motivating teachers and administra-
18 tors to help increase their effectiveness through pro-
19 fessional development focused on teaching and learn-
20 ing and giving all students the opportunity to learn
21 to challenging State standards;

22 “(9) the dissemination of information about vol-
23 untary national content and performance standards
24 and related models of high-quality professional de-
25 velopment;

1 “(10) the development and maintenance of a
2 national clearinghouse for science, mathematics, and
3 technology education materials and of such other
4 clearinghouses for core academic subjects as the Sec-
5 retary determines are needed;

6 “(11) joint activities with other Federal agen-
7 cies and entities engaged in or supporting similar
8 professional development efforts;

9 “(12) support for consortia of education agen-
10 cies and organizations to disseminate information
11 and provide assistance regarding teaching methods
12 and assessment tools that support national or State
13 content standards in mathematics and science; and

14 “(13) the evaluation of programs under this
15 subpart and under subpart 2.

16 “Subpart 2—State and Local Activities

17 “PROGRAM AUTHORIZED

18 “SEC. 2121. The Secretary is authorized to make
19 grants to State educational agencies for the support of
20 sustained and intensive high-quality professional develop-
21 ment activities in the core academic subjects at the State
22 and local levels.

23 “ALLOCATION OF FUNDS

24 “SEC. 2122. (a) RESERVATION OF FUNDS.—From
25 the amount made available to carry out this subpart for
26 any fiscal year, the Secretary shall—

1 “(1) reserve one half of one percent for the out-
2 lying areas, to be distributed among them on the
3 basis of their relative need, as determined by the
4 Secretary in light of the purposes of this part; and

5 “(2) reserve one quarter of one percent for the
6 Secretary of the Interior for programs under this
7 subpart for professional development activities for
8 teachers, other staff, and administrators in schools
9 operated or funded by the Bureau of Indian Affairs.

10 “(b) STATE ALLOTMENTS.—The Secretary shall allo-
11 cate the remaining amount to each of the 50 States, the
12 District of Columbia, and the Commonwealth of Puerto
13 Rico as follows, except that no State shall receive less than
14 one-half of one percent of such remaining amount:

15 “(1) 50 percent shall be allocated among such
16 jurisdictions on the basis of their relative popu-
17 lations of individuals aged five through 17, as deter-
18 mined by the Secretary on the basis of the most re-
19 cent satisfactory data.

20 “(2) 50 percent shall be allocated among such
21 jurisdictions in accordance with the relative amounts
22 such jurisdictions received under part A of title I of
23 this Act for the preceding fiscal year.

24 “(c) REALLOCATION.—If any jurisdiction does not
25 apply for its allotment under subsection (b) for any fiscal

1 year, the Secretary shall reallocate such amount to the re-
2 maining jurisdictions in accordance with that subsection.

3 “WITHIN-STATE ALLOCATIONS

4 “SEC. 2123. Of the amounts received by any State
5 under this subpart for any fiscal year—

6 “(1) not more than six percent shall be used for
7 the administrative costs of programs carried out by
8 the State educational agency and the State agency
9 for higher education;

10 “(2) not more than 7.5 percent may be used for
11 State-level activities, as described in section 2126;
12 and

13 “(3) of the remaining amount—

14 “(A) 85 percent shall be distributed to
15 local educational agencies, to be used in accord-
16 ance with section 2129, as follows:

17 “(i) 50 percent of such amount shall
18 be distributed in accordance with the rel-
19 ative population of individuals aged five
20 through 17 in each such agency.

21 “(ii) 50 percent of such amount shall
22 be distributed in accordance with the rel-
23 ative amount such agencies received under
24 part A of title I of this Act for the preced-
25 ing fiscal year; and

1 “(B) 15 percent shall be used for competi-
2 tive grants to institutions of higher education
3 as described in section 2130.

4 “PRIORITY FOR PROFESSIONAL DEVELOPMENT IN
5 MATHEMATICS AND SCIENCE

6 “SEC. 2124. (a) APPROPRIATION OF LESS THAN
7 \$250,000,000.—In any fiscal year for which the amount
8 appropriated for this part is \$250,000,000 or less, each
9 State shall ensure that all funds distributed in accordance
10 with section 2123(3) are used for professional develop-
11 ment in mathematics and science.

12 “(b) APPROPRIATION BETWEEN \$250,000,000 AND
13 \$500,000,000.—In any fiscal year for which the amount
14 appropriated for this part is at least \$250,000,000, but
15 not more than \$500,000,000, each State shall ensure that
16 the amount of funds distributed in accordance with section
17 2123(3) that is used for professional development in
18 mathematics and science is not less than the amount that
19 bears the same ratio to the total amount of funds so dis-
20 tributed as the sum of \$250,000,000 plus 25 percent of
21 the amount of the total appropriation for this part in ex-
22 cess of \$250,000,000 bears to the total amount appro-
23 priated for this part.

24 “STATE APPLICATIONS

25 “SEC. 2125. (a) APPLICATIONS REQUIRED.—Each
26 State educational agency that wishes to receive its allot-

1 ment under this subpart for any fiscal year shall submit
2 an application to the Secretary at such time and in such
3 form as the Secretary may require.

4 “(b) PROFESSIONAL DEVELOPMENT PLAN.—(1)
5 Each application under this section shall include a State
6 plan for professional development that—

7 “(A) is integrated with the State’s plan, either
8 approved or being developed, under title III of the
9 Goals 2000: Educate America Act, and satisfies the
10 requirements of this section that are not already ad-
11 dressed by that State plan; or

12 “(B) if the State does not have an approved
13 plan under title III of the Goals 2000: Educate
14 America Act and is not developing such a plan, is
15 integrated with other State plans under this Act and
16 satisfies the requirements of this section.

17 “(2) A State plan submitted under paragraph (1)(A)
18 may, if necessary, be submitted as an amendment to the
19 State’s plan under title III of the Goals 2000: Educate
20 America Act.

21 “(3) Each such plan shall also—

22 “(A) be developed in conjunction with the State
23 agency for higher education, institutions of higher
24 education, schools of education, and with the exten-

1 sive participation of local teachers and administra-
2 tors and show the role of each in implementation;

3 “(B) be designed to give teachers and adminis-
4 trators in the State the knowledge and skills to pro-
5 vide all students the opportunity to meet challenging
6 State performance standards;

7 “(C) include an assessment of State and local
8 needs for professional development specifically relat-
9 ed to subparagraph (B);

10 “(D) describe a strategy for addressing the
11 need for teacher development beginning with recruit-
12 ment, pre-service, and induction, and continuing
13 throughout the professional teaching career;

14 “(E) describe specific steps for the reform of
15 State requirements for licensure of teachers and ad-
16 ministrators, including certification and
17 recertification, to align them with challenging State
18 content and performance standards;

19 “(F) describe how the State will work with
20 teachers, administrators, local educational agencies,
21 schools, and institutions of higher education to en-
22 sure that they develop the capacity to support sus-
23 tained and intensive, high-quality professional devel-
24 opment programs in the core academic subject areas;

1 “(G) describe how the State will use technology,
2 including the emerging national information infra-
3 structure, to enhance the professional development
4 of teachers and administrators;

5 “(H) describe how the State will ensure a
6 strong focus on professional development in mathe-
7 matics and science;

8 “(I) describe how the State will provide incen-
9 tives to teachers and administrators to focus their
10 professional development on preparing themselves to
11 provide instruction consistent with challenging State
12 content and performance standards; and

13 “(J) set specific outcome performance indica-
14 tors for professional development.

15 “(c) ADDITIONAL MATERIAL.—Each State applica-
16 tion shall also include—

17 “(1) a description of how the activities funded
18 under this subpart will be coordinated, as appro-
19 priate, with—

20 “(A) other activities conducted with Fed-
21 eral funds, especially those supported under
22 part A of title I of this Act;

23 “(B) State and local funds;

24 “(C) resources from business and industry;

25 and

1 “(D) funds from other Federal agencies,
2 such as the National Science Foundation, the
3 Departments of Commerce, Energy, and Health
4 and Human Services, the National Endowment
5 for the Arts, and the National Endowment for
6 the Humanities; and

7 “(2) a description of the activities to be spon-
8 sored under the State-level activities and the higher
9 education components of its program under this sub-
10 part.

11 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

12 (1) The Secretary shall approve the application of a State
13 educational agency if it meets the requirements of this sec-
14 tion and holds reasonable promise of achieving the pur-
15 poses of this part.

16 “(2) In reviewing applications, the Secretary shall ob-
17 tain the advice of non-Federal experts on education in the
18 core academic subjects and on teacher education, includ-
19 ing teachers and administrators.

20 “STATE-LEVEL ACTIVITIES

21 “SEC. 2126. Each State may use funds reserved
22 under section 2123(2) to carry out activities referred to
23 in section 2125(b), such as—

24 “(1) reviewing and reforming State require-
25 ments for teacher and administrator licensure, in-
26 cluding certification and recertification, to align

1 these requirements with the State’s content stand-
2 ards and ensure that teachers and administrators
3 have the knowledge and skills to help students meet
4 challenging State performance standards;

5 “(2) developing performance assessments and
6 peer review procedures, as well as other methods, for
7 licensing teachers and administrators;

8 “(3) providing technical assistance to schools
9 and local educational agencies to help them provide
10 effective professional development in the core aca-
11 demic subjects;

12 “(4) developing or supporting professional de-
13 velopment networks, either within a State or in a re-
14 gional consortium of States, that provide a forum
15 for interaction among teachers and that allow ex-
16 change of information on advances in content and
17 pedagogy;

18 “(5) professional development in the effective
19 use of educational technology as an instructional tool
20 for increasing student understanding of the core
21 academic subject areas;

22 “(6) providing financial or other incentives for
23 teachers to become certified by the National Board
24 for Professional Teaching Standards;

1 “(7) designing systems that enable teachers to
2 meet pay ladder professional development require-
3 ments by demonstrating content knowledge and ped-
4 agogical competence tied to challenging State con-
5 tent and performance standards, rather than by
6 merely completing course credits;

7 “(8) providing incentives for teachers to be in-
8 volved in assessment, curriculum development, and
9 technical assistance processes for teachers and stu-
10 dents;

11 “(9) professional development to enable teach-
12 ers and other school staff to ensure that girls and
13 young women, minorities, limited English proficient
14 students, individuals with disabilities, and the eco-
15 nomically disadvantaged have full opportunity to
16 achieve to challenging State performance standards
17 in the core academic subjects by, for example, en-
18 couraging girls and young women and minorities to
19 pursue advanced courses in mathematics and
20 science; and

21 “(10) professional development activities de-
22 signed to increase the numbers of members of mi-
23 nority and other underrepresented groups in the
24 teaching force in the core subjects.

1 “LOCAL EDUCATIONAL AGENCY APPLICATIONS

2 “SEC. 2127. (a) APPLICATIONS REQUIRED.—(1)

3 Each local educational agency that wishes to receive a
4 subgrant under this subpart shall submit an application
5 to the State educational agency at such time as the State
6 educational agency may require, but not less frequently
7 than every third year.

8 “(2) If the local educational agency has an applica-
9 tion approved by the State under title III of the Goals
10 2000: Educate America Act, the application required by
11 this section shall be a component of (or, if necessary, an
12 addendum to) its Goals 2000 application.

13 “(b) APPLICATION CONTENTS.—Each application
14 under this section shall include—

15 “(1) the local educational agency’s plan for pro-
16 fessional development that has been developed with
17 the extensive participation of teachers and adminis-
18 trators and that—

19 “(A) is aligned with the State’s content
20 and performance standards;

21 “(B) includes an assessment of local needs
22 for professional development as identified by
23 the local educational agency and school staff;

1 “(C) describes a strategy, tied to State
2 content and performance standards, for ad-
3 dressing those needs;

4 “(D) includes strong academic content and
5 pedagogical components;

6 “(E) is of sufficient intensity and duration
7 to have a positive and lasting impact on the
8 teacher’s performance in the classroom; and

9 “(F) sets specific outcome performance in-
10 dicators;

11 “(2) an assurance that the activities conducted
12 with such agency’s funds received under this pro-
13 gram will be assessed at least every three years
14 using the outcome performance indicators to deter-
15 mine the effectiveness of those activities;

16 “(3) a description of how the programs funded
17 under this subpart will be coordinated, as appro-
18 priate, with—

19 “(A) services of institutions of higher edu-
20 cation;

21 “(B) State and local funds;

22 “(C) resources provided under part A of
23 title I and other parts of this Act;

24 “(D) resources from business and industry;
25 and

1 “(E) funds from other Federal agencies,
2 such as the National Science Foundation, the
3 Department of Energy, the Department of
4 Health and Human Services, the National En-
5 dowment for the Arts, and the National Endow-
6 ment for the Humanities; and

7 “(4) an identification of the sources of funding
8 that will provide the local educational agency’s con-
9 tribution under section 2128.

10 “LOCAL COST-SHARING

11 “SEC. 2128. (a) GENERAL.—Each local educational
12 agency shall bear at least 33 percent of the cost of any
13 program carried out under this subpart, but not including
14 the cost of services provided to private schoolteachers.

15 “(b) AVAILABLE RESOURCES FOR COST-SHARING.—
16 A local educational agency may meet the requirement of
17 subsection (a) through one or more of the following:

18 “(1) Cash expenditures from non-Federal
19 sources directed toward professional development ac-
20 tivities.

21 “(2) Released time for teachers participating in
22 professional development funded under this subpart.

23 “(3) Funds received under one or more of the
24 following programs, so long as they are used for pro-
25 fessional development activities consistent with this
26 subpart and the statutes under which those funds

1 were received, and are used to benefit students and
2 teachers in schools that would otherwise have been
3 served with those funds:

4 “(A) Part A of title I of this Act.

5 “(B) The Safe and Drug-Free Schools pro-
6 gram under title IV of this Act.

7 “(C) The bilingual education program
8 under title VII of this Act.

9 “(D) Title III of the Goals 2000: Educate
10 America Act.

11 “(E) Programs that are related to the pur-
12 poses of this Act that are administered by other
13 agencies, including, but not limited to, the Na-
14 tional Science Foundation, the National Endow-
15 ment for the Humanities, the National Endow-
16 ment for the Arts, and the Department of En-
17 ergy.

18 “LOCAL ALLOCATION OF FUNDS AND ALLOWABLE
19 ACTIVITIES

20 “SEC. 2129. (a) LOCAL ALLOCATION OF FUNDS.—
21 Each local educational agency that receives funds under
22 this subpart for any fiscal year—

23 “(1) shall use at least 80 percent of such funds
24 for professional development of teachers and other
25 staff of individual schools in a manner that is deter-
26 mined by such teachers and staff and is consistent

1 with the local educational agency’s application under
2 section 2127, any school plan under part A of title
3 I of this Act, and any other plan for professional de-
4 velopment carried out with Federal, State, or local
5 funds; and

6 “(2) may use not more than 20 percent of such
7 funds for district-level professional development ac-
8 tivities, which may include the participation of ad-
9 ministrators and policy-makers.

10 “(b) AUTHORIZED ACTIVITIES.—Each local edu-
11 cational agency and school that receives funds under this
12 subpart shall use those funds for activities that contribute
13 to the implementation of the local educational agency’s
14 professional development plan described in section
15 2127(b)(1), such as—

16 “(1) professional development for teams of
17 teachers, administrators, or other staff from individ-
18 ual schools, to support teaching consistent with
19 State or voluntary national content standards and to
20 create a school environment conducive to high
21 achievement in the core subjects;

22 “(2) support and time for teachers and other
23 school staff to participate in professional develop-
24 ment in the core subjects offered through profes-
25 sional associations, universities, and other providers;

1 “(3) support and time for teachers and other
2 school staff to participate in professional develop-
3 ment that goes beyond training and encourages a
4 variety of forms of learning that are related to an
5 educator’s regular work, such as group study and
6 consultation with peers and supervisors;

7 “(4) peer training and mentoring programs, in-
8 cluding cross-generational mentoring, in the core
9 academic subjects;

10 “(5) establishment and maintenance of local
11 professional networks that provide a forum for inter-
12 action among teachers and that allow exchange of
13 information on advances in content and pedagogy;

14 “(6) activities that provide follow-up for teach-
15 ers who have participated in professional develop-
16 ment activities that are designed to ensure that the
17 knowledge and skills learned by the teacher are im-
18 plemented in the classroom;

19 “(7) preparing teachers to work with parents
20 and families on fostering student achievement in the
21 core academic subjects;

22 “(8) preparing teachers in the effective use of
23 educational technology as an instructional tool for
24 increasing student understanding of the core aca-
25 demic subject areas;

1 “(9) establishing policies to permit teachers to
2 meet pay ladder requirements by demonstrating con-
3 tent and pedagogical competence rather than by only
4 meeting course requirements;

5 “(10) professional development to enable teach-
6 ers and other school staff to ensure that girls and
7 young women, minorities, limited English proficient
8 students, individuals with disabilities, and the eco-
9 nomically disadvantaged have full opportunity to
10 achieve to challenging State performance standards
11 in the core academic subjects;

12 “(11) professional development activities de-
13 signed to increase the numbers of minorities, indi-
14 viduals with disabilities, and other underrepresented
15 groups in the teaching force and to increase the
16 numbers of women and members of other
17 underrepresented groups who are science and mathe-
18 matics teachers, for example, through career ladder
19 programs that assist educational paraprofessionals
20 to obtain teaching credentials;

21 “(12) developing incentive strategies for re-
22 warding teachers and administrators collectively in
23 schools that sustain high performance or consistent
24 growth in the number of their students who met the
25 challenging State performance standards; and

1 “(13) developing incentive strategies for re-
2 warding schools where a substantial portion of the
3 teachers achieve certification by the National Board
4 for Professional Teaching Standards.

5 “HIGHER EDUCATION ACTIVITIES

6 “SEC. 2130. (a) GENERAL.—(1) The State agency
7 for higher education, working in conjunction with the
8 State educational agency (if it is a separate agency), shall
9 make grants to, or enter into contracts or cooperative
10 agreements with, institutions of higher education working
11 in conjunction with local educational agencies, for profes-
12 sional development activities in the core academic subject
13 areas that contribute to the State plan for professional
14 development.

15 “(2) All such awards shall be made on a competitive
16 basis.

17 “(3) Each project funded under this section shall in-
18 volve a joint effort of the recipient’s school or department
19 of education and the schools or departments in the specific
20 disciplines in which such professional development will be
21 provided.

22 “(b) ALLOWABLE ACTIVITIES.—A recipient of funds
23 under this section shall use those funds for—

24 “(1) sustained and intensive high-quality pro-
25 fessional development for teams of teachers, or

1 teachers and administrators from individual schools
2 or districts; and

3 “(2) other sustained and intensive professional
4 development activities related to achievement of the
5 State plan for professional development.

6 “Subpart 3—General Provisions

7 “REPORTING AND ACCOUNTABILITY

8 “SEC. 2131. (a) STATES.—Each State that receives
9 funds under this part shall submit a report to the Sec-
10 retary every three years on the State’s progress toward
11 the outcome performance indicators identified in its State
12 plan, as well as on the effectiveness of State and local ac-
13 tivities under this part.

14 “(b) LOCAL EDUCATIONAL AGENCIES.—Each local
15 educational agency that receives funds under this part
16 shall submit a report to the State every three years on
17 its progress toward outcome performance indicators iden-
18 tified in its local plan, as well as on the effectiveness of
19 its activities under this part.

20 “(c) FEDERAL EVALUATION.—The Secretary shall
21 report to the President and Congress on the effectiveness
22 of programs and activities funded under this part.

23 “DEFINITIONS

24 “SEC. 2132. As used in this part, the following terms
25 have the following meanings:

1 “(1) The term ‘core academic subjects’ means
2 those subjects listed in the State plan under title III
3 of the Goals 2000: Educate America Act or under
4 National Education Goal Three as set out in section
5 102(3) of such Act.

6 “(2) The term ‘outcome performance indicators’
7 means measures of specific outcomes that the State
8 or local educational agency identifies as assessing
9 progress toward the goal of ensuring that all teach-
10 ers have the knowledge and skills to assist their stu-
11 dents to meet challenging State standards in the
12 core academic subject areas. Examples of such indi-
13 cators include—

14 “(A) the degree to which licensure require-
15 ments are tied to State standards;

16 “(B) specific increases in the number of
17 teachers who are certified by the National
18 Board for Professional Teaching Standards;

19 “(C) specific increases in the number of el-
20 elementary and secondary teachers with strong
21 content backgrounds in the core academic sub-
22 jects; and

23 “(D) specific increases in the number of
24 teachers licensed in each core subject.

1 “(2) comprehensive technical assistance is an
2 essential ingredient of the overall strategy of the
3 1994 reauthorization of this Act to improve pro-
4 grams and to provide all children opportunities to
5 meet challenging State performance standards;

6 “(3) States, local educational agencies, and
7 schools serving students with special needs, such as
8 students with limited English proficiency, have great
9 need for comprehensive technical assistance in order
10 to use funds under this Act to provide such students
11 with opportunities to learn to challenging State
12 standards;

13 “(4) current technical assistance efforts are
14 fragmented and categorical in nature, and thus fail
15 to address adequately the needs of States and local
16 educational agencies for help in integrating into a
17 coherent strategy for improving teaching and learn-
18 ing the various programs under this Act with State
19 and local programs and other education reform ef-
20 forts;

21 “(5) too little creative use is made of technology
22 as a means of providing information and assistance
23 in a cost-effective way;

24 “(6) comprehensive technical assistance can
25 help schools and school systems focus on improving

1 opportunities for all children to reach challenging
2 State performance standards, as they implement
3 programs under this Act;

4 “(7) comprehensive technical assistance would
5 provide ‘one-stop shopping’ to help States, local edu-
6 cational agencies, participating colleges and univer-
7 sities, and schools integrate Federal, State, and local
8 education programs in ways that contribute to im-
9 proving schools and entire school systems; and

10 “(8) technical assistance in support of pro-
11 grams under this Act should be coordinated with the
12 Department’s regional offices, the regional edu-
13 cational laboratories, and other technical assistance
14 efforts supported by the Department.

15 “PURPOSE

16 “SEC. 2202. The purpose of this part is to make
17 available to States, local educational agencies, schools, and
18 other recipients of funds under this Act technical assist-
19 ance in—

20 “(1) administering and implementing programs
21 authorized by this Act in a manner that is consistent
22 with State and local plans under the Goals 2000:
23 Educate America Act; and

24 “(2) coordinating those programs with other
25 Federal, State, and local education activities, so that

1 all students are provided opportunities to meet chal-
2 lenging State performance standards.

3 “PROGRAM AUTHORIZED

4 “SEC. 2203. (a) COMPREHENSIVE REGIONAL CEN-
5 TERS.—The Secretary is authorized to establish one cen-
6 ter in each of the Department’s ten regions to provide
7 comprehensive technical assistance to States, local edu-
8 cational agencies, schools, and other recipients of funds
9 under this Act in their administration and implementation
10 of programs authorized by this Act. In allocating resources
11 among the centers, the Secretary shall consider the geo-
12 graphic distribution of students with special needs.

13 “(b) TECHNOLOGY-BASED TECHNICAL ASSIST-
14 ANCE.—The Secretary is also authorized to provide a tech-
15 nology-based technical assistance service that will—

16 “(1) support the administration and implemen-
17 tation of programs authorized by this Act by provid-
18 ing information, including legal and regulatory infor-
19 mation, and technical guidance and information
20 about best practices; and

21 “(2) be accessible to all States, local edu-
22 cational agencies, schools, and others who are recipi-
23 ents of funds under this Act.

24 “ELIGIBLE ENTITIES

25 “SEC. 2204. The Secretary may carry out this part
26 directly or through grants to, or contracts or cooperative

1 agreements with, public or private agencies or organiza-
2 tions or consortia of those agencies and organizations.

3 “COMPREHENSIVE REGIONAL CENTERS

4 “SEC. 2205. Each comprehensive regional center es-
5 tablished under section 2203(a) shall—

6 “(1) maintain staff expertise in at least all of
7 the following areas:

8 “(A) Instruction, curriculum improvement,
9 school reform, and other aspects of title I of
10 this Act.

11 “(B) Meeting the needs of children served
12 under this Act, including children in high-pov-
13 erty areas, migratory children, children with
14 limited English proficiency, neglected or delin-
15 quent children, homeless children and youth,
16 Indian children, and children with disabilities.

17 “(C) Professional development for teach-
18 ers, other school staff, and administrators to
19 help students meet challenging State perform-
20 ance standards.

21 “(D) Bilingual education, including pro-
22 grams that emphasize English and native lan-
23 guage proficiency, and promote multicultural
24 understanding.

25 “(E) Safe and drug-free schools.

1 “(F) Educational applications of tech-
2 nology.

3 “(G) Parent involvement and participation.

4 “(H) The reform of schools and school sys-
5 tems.

6 “(I) Program evaluation;

7 “(2) ensure that technical assistance staff have
8 sufficient training, knowledge, and expertise in how
9 to integrate and coordinate programs under this Act
10 with each other, as well as with other Federal, State,
11 and local programs and reforms;

12 “(3) work collaboratively with the Department’s
13 regional offices;

14 “(4) provide technical assistance using the
15 highest quality and most cost-effective strategies
16 possible;

17 “(5) provide information and assistance regard-
18 ing exemplary and promising practices;

19 “(6) work collaboratively, and coordinate the
20 services it provides, with the general reform assist-
21 ance provided by the regional educational labora-
22 tories supported by the Office of Educational Re-
23 search and Improvement; and

1 “(7) consult with representatives of State edu-
2 cational agencies, local educational agencies, and
3 populations served under this Act.

4 “INFORMATION COLLECTION AND EVALUATION

5 “SEC. 2206. The Secretary shall evaluate activities
6 under this part to determine their effectiveness in advanc-
7 ing the purposes of this part, and report to the President
8 and Congress on the effectiveness of such activities.

9 “TRANSITION

10 “SEC. 2207. (a) GENERAL.—The Secretary may use
11 funds appropriated for this part for fiscal year 1995 in
12 such manner as the Secretary finds necessary in order to
13 ensure a smooth implementation of this part.

14 “(b) EXTENSION OF PREVIOUS CENTERS.—In ac-
15 cordance with subsection (a), and notwithstanding any
16 other provisions of law, the Secretary may use such funds
17 for existing contracts and to extend the award of any cat-
18 egorical technical assistance center under this Act that
19 was in operation on the day before enactment of the Im-
20 proving America’s Schools Act of 1993.

21 “AUTHORIZATION OF APPROPRIATIONS

22 “SEC. 2208. For the purpose of carrying out this
23 part, there are authorized to be appropriated such sums
24 as may be necessary for each of the fiscal years 1995
25 through 1999.

1 “TITLE III—EXPANDING OPPORTUNITIES FOR
2 LEARNING

3 “PART A—PUTTING TECHNOLOGY TO WORK FOR ALL
4 STUDENTS

5 “Subpart 1—Research, Development, and Demonstration
6 of Educational Technology

7 “FINDINGS AND PURPOSES

8 “SEC. 3111. (a) FINDINGS.—The Congress finds
9 that—

10 “(1) technology has the potential to assist and
11 support the improvement of teaching and learning in
12 schools and other settings;

13 “(2) technology can provide students, parents,
14 teachers, and other education professionals with in-
15 creased access to information, instruction, and edu-
16 cational services in schools and other settings, in-
17 cluding homes, libraries, preschool and child-care fa-
18 cilities, and postsecondary institutions;

19 “(3) technology can produce far greater oppor-
20 tunities for all students to learn to high standards
21 and to promote efficiency and effectiveness in edu-
22 cation; and

23 “(4) the rapidly changing nature of technology
24 requires coordination and flexibility in Federal lead-
25 ership.

1 “(b) PURPOSES.—The purposes of this subpart are
2 to promote achievement of the National Education Goals
3 and to increase the opportunity for all students to achieve
4 to challenging State standards by—

5 “(1) promoting awareness of the potential of
6 technology for improving teaching and learning;

7 “(2) supporting State and local efforts to in-
8 crease the effective use of technology for education;

9 “(3) demonstrating ways in which technology
10 can be used to improve teaching and learning, and
11 to help ensure that all students have an equal oppor-
12 tunity to meet challenging State education stand-
13 ards;

14 “(4) ensuring the availability of knowledge
15 drawn from research and experience that can form
16 the basis for sound State and local decisions about
17 investment in, and effective uses of, educational
18 technology;

19 “(5) promoting high-quality professional devel-
20 opment opportunities for teachers and administra-
21 tors on the integration of technology into instruction
22 and administration;

23 “(6) ensuring that Federal technology-related
24 policies and programs facilitate the use of technology
25 in education; and

1 “(7) ensuring that, as technological advances
2 are made, the educational uses of these advances are
3 considered and their applications are developed.

4 “OFFICE OF EDUCATIONAL TECHNOLOGY

5 “SEC. 3112. There is established in the Department
6 an Office of Educational Technology, which shall be ad-
7 ministered by a Director of Educational Technology ap-
8 pointed by the Secretary. The Office of Educational Tech-
9 nology, in consultation with other appropriate agencies,
10 shall provide leadership to the Nation in the use of tech-
11 nology to promote achievement of the National Education
12 Goals and to increase opportunities for all students to
13 achieve to challenging State standards, and shall perform
14 such additional functions as the Secretary may require.

15 “NATIONAL LONG-RANGE PLAN

16 “SEC. 3113. (a) IN GENERAL.—(1) The Secretary
17 shall develop and publish by September 30, 1995, and up-
18 date when appropriate, a national long-range plan to carry
19 out the purposes of this subpart.

20 “(2) The Secretary shall—

21 “(A) develop the plan in consultation with other
22 Federal agencies, State and local education practi-
23 tioners and policy-makers, experts in technology and
24 the educational applications of technology, and pro-
25 viders of technology services and products;

1 “(B) transmit the plan to the President and to
2 the appropriate committees of the Congress; and

3 “(C) publish the plan in a form that is readily
4 accessible to the public.

5 “(b) CONTENTS OF THE PLAN.—The national long-
6 range plan shall describe the Secretary’s activities to pro-
7 mote the purposes of this subpart, including—

8 “(1) how the Secretary will encourage the effec-
9 tive use of technology to provide all students the op-
10 portunity to achieve to challenging State standards,
11 especially through programs administered by the De-
12 partment;

13 “(2) joint activities with other Federal agencies,
14 such as the National Endowment for the Human-
15 ities, the National Endowment for the Arts, the Na-
16 tional Aeronautics and Space Administration, the
17 National Science Foundation, and the Departments
18 of Commerce, Energy, Health and Human Services,
19 and Labor, to promote the use of technology in edu-
20 cation, and training and lifelong learning, including
21 plans for the educational uses of a national informa-
22 tion infrastructure, and to ensure that the policies
23 and programs of such agencies facilitate the use of
24 technology for educational purposes to the extent
25 feasible;

1 “(3) how the Secretary will work with edu-
2 cators, State and local educational agencies, and ap-
3 propriate representatives of the private sector to fa-
4 cilitate the effective use of technology in education;

5 “(4) how the Secretary will promote—

6 “(A) increased access to the benefits of
7 technology for teaching and learning for schools
8 with high concentrations of children from low-
9 income families;

10 “(B) the use of technology to assist in the
11 implementation of State systemic reform strate-
12 gies;

13 “(C) the application of technological ad-
14 vances to use in education; and

15 “(D) increased opportunities for the pro-
16 fessional development of teachers in the use of
17 new technologies;

18 “(5) how the Secretary will determine, in con-
19 sultation with appropriate individuals, organizations,
20 and agencies, the feasibility and desirability of estab-
21 lishing guidelines and protocols to facilitate effective
22 use of technology in education; and

23 “(6) the Secretary’s long-range measurable
24 goals and objectives relating to the purposes of this
25 subpart.

1 “FEDERAL LEADERSHIP

2 “SEC. 3114. (a) PROGRAM AUTHORIZED.—(1) In
3 order to provide Federal leadership in promoting the use
4 of technology in education, the Secretary, in consultation
5 with the National Science Foundation, the Department of
6 Commerce, and other appropriate Federal agencies, may
7 carry out activities designed to achieve the purposes of this
8 subpart directly or by awarding grants (pursuant to a peer
9 review process) to, or entering into contracts with, State
10 educational agencies, local educational agencies, institu-
11 tions of higher education, or other public and private non-
12 profit or for-profit agencies and organizations.

13 “(2) For the purpose of carrying out coordinated or
14 joint activities consistent with the purposes of this sub-
15 part, the Secretary may accept funds from, and transfer
16 funds to, other Federal agencies.

17 “(b) USES OF FUNDS.—The Secretary may use funds
18 appropriated under this subpart for activities designed to
19 carry out the purpose of this subpart, and to meet the
20 goals and objectives of the national long-range plan under
21 section 3113, including—

22 “(1) planning grants to States and local edu-
23 cation agencies, to enable such entities to examine
24 and develop strategies for the effective use of tech-
25 nology to help achieve the objectives of the Goals

1 2000: Educate America Act and the School-to-Work
2 Opportunities Act of 1993;

3 “(2) development grants to technical assistance
4 providers, to enable them to improve substantially
5 the services they offer to educators on the edu-
6 cational uses of technology, including professional
7 development;

8 “(3) consulting with representatives of industry,
9 elementary and secondary education, higher edu-
10 cation, and appropriate experts in technology and its
11 educational applications in carrying out activities
12 under this subpart;

13 “(4) research on, and the development of,
14 guidelines and protocols to facilitate efficient and ef-
15 fective use of technology in education;

16 “(5) research on, and the development of, edu-
17 cational applications of the most advanced and newly
18 emerging technologies;

19 “(6) the development, demonstration, and eval-
20 uation of applications of existing technology in pre-
21 school education, elementary and secondary edu-
22 cation, training and lifelong learning, and profes-
23 sional development of educational personnel;

24 “(7) the development and evaluation of software
25 and other products, including television program-

1 ming, that incorporate advances in technology and
2 help achieve the National Education Goals and chal-
3 lenging State standards;

4 “(8) the development, demonstration, and eval-
5 uation of model strategies for preparing teachers
6 and other personnel to use technology effectively to
7 improve teaching and learning;

8 “(9) the development of model programs to
9 demonstrate the educational effectiveness of tech-
10 nology in urban and rural areas and economically-
11 distressed communities;

12 “(10) research on, and the evaluation of, the ef-
13 fectiveness and benefits of technology in education;

14 “(11) conferences on, and dissemination of in-
15 formation about, the uses of technology in education;

16 “(12) the development of model strategies to
17 promote gender equity concerning access to, and the
18 use of, technology in the classroom; and

19 “(13) such other activities as the Secretary de-
20 termines would meet the purposes of this subpart.

21 “(c) NON-FEDERAL SHARE.—(1) Subject to para-
22 graph (2), the Secretary is authorized to require any recip-
23 ient of a grant or contract under this subpart to share
24 in the cost of its project, which share shall be announced

1 through a notice in the Federal Register and may be in
2 the form of cash or in-kind contributions, fairly valued.

3 “(2) The Secretary may increase the non-Federal
4 share required of such recipient after the first year of the
5 recipient’s project, except that such share may not exceed
6 50 percent at any time during the recipient’s project.

7 “AUTHORIZATION OF APPROPRIATIONS

8 “SEC. 3115. For the purpose of carrying out this sub-
9 part, there are authorized to be appropriated such sums
10 as may be necessary for each of the fiscal years 1995
11 through 1999.

12 “Subpart 2—Star Schools Program

13 “FINDINGS

14 “SEC. 3121. The Congress finds that—

15 “(1) the Star Schools program has helped to
16 encourage the use of distance learning strategies to
17 serve multi-State regions primarily by means of sat-
18 ellite and broadcast television;

19 “(2) in general, distance learning programs
20 have been used effectively to provide students in
21 small, rural, and isolated schools with courses and
22 instruction, such as science and foreign language in-
23 struction, that the local educational agency would
24 not otherwise have been able to provide; and

25 “(3) distance learning programs could also be
26 used to—

1 “(A) provide students in all types of
2 schools and local educational agencies with
3 greater access to high-quality instruction in the
4 full range of core academic subjects that would
5 enable them to meet challenging, internationally
6 competitive, educational standards;

7 “(B) expand professional development op-
8 portunities for teachers;

9 “(C) contribute to achievement of the Na-
10 tional Education Goals; and

11 “(D) expand learning opportunities for ev-
12 eryone.

13 “STATEMENT OF PURPOSE

14 “SEC. 3122. The purpose of this subpart is to encour-
15 age the expansion and use of distance learning programs
16 and technologies to help—

17 “(1) improve teaching and learning;

18 “(2) achieve the National Education Goals;

19 “(3) all students learn to challenging State con-
20 tent standards; and

21 “(4) increase participation in State and local
22 educational reform.

23 “PROGRAM AUTHORIZED

24 “SEC. 3123. (a) STAR SCHOOL AWARDS.—The Sec-
25 retary is authorized, in accordance with this subpart, to
26 make grants to eligible entities for the Federal share of

1 the cost of providing distance learning programs, includ-
2 ing—

3 “(1) developing, constructing, and acquiring
4 telecommunications facilities and equipment;

5 “(2) developing and acquiring instructional pro-
6 gramming; and

7 “(3) providing technical assistance regarding
8 the use of such facilities and instructional program-
9 ming.

10 “(b) AUTHORIZATION OF APPROPRIATIONS.—For the
11 purpose of carrying out this subpart, there are authorized
12 to be appropriated such sums as may be necessary for
13 each of the fiscal years 1995 through 1999.

14 “(c) LIMITATIONS.—(1) A grant under this section
15 shall not exceed—

16 “(A) five years in duration; and

17 “(B) \$10,000,000 in any one fiscal year.

18 “(2) Not less than 25 percent of the funds available
19 to the Secretary for any fiscal year under this subpart
20 shall be used for the cost of instructional programming.

21 “(3) Not less than 50 percent of the funds available
22 to the Secretary for any fiscal year under this subpart
23 shall be used for the cost of facilities, equipment, teacher
24 training or retraining, technical assistance, or program-

1 ming, for local educational agencies that are eligible to re-
2 ceive assistance under part A of title I of this Act.

3 “(d) FEDERAL SHARE.—(1) The Federal share of
4 the cost of projects funded under this section shall not
5 exceed 75 percent for the first and second years of the
6 award, 60 percent for the third and fourth years, and 50
7 percent for the fifth year.

8 “(2) The Secretary may reduce or waive the require-
9 ment of the non-Federal share under paragraph (1) upon
10 a showing of financial hardship.

11 “(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER
12 AGENCIES.—The Secretary is authorized to accept funds
13 from other agencies to carry out the purposes of this sec-
14 tion, including funds for the purchase of equipment.

15 “ELIGIBLE ENTITIES

16 “SEC. 3124. (a) ELIGIBLE ENTITIES.—(1) The Sec-
17 retary may make a grant under section 3123 to any eligi-
18 ble entity, provided that at least one local educational
19 agency is participating in the proposed project.

20 “(2) An eligible entity may include—

21 “(A) a public agency or corporation established
22 for the purpose of developing and operating tele-
23 communications networks to enhance educational op-
24 portunities provided by educational institutions,
25 teacher training centers, and other entities, except
26 that any such agency or corporation shall represent

1 the interests of elementary and secondary schools
2 that are eligible to participate in the program under
3 part A of title I of this Act; or

4 “(B) any two or more of the following, which
5 will provide a telecommunications network:

6 “(i) a local educational agency that has a
7 significant number of elementary and secondary
8 schools that are eligible for assistance under
9 part A of title I of this Act, or elementary and
10 secondary schools operated or funded for Indian
11 children by the Department of the Interior eli-
12 gible under section 1121(b)(1) of this Act;

13 “(ii) a State educational agency;

14 “(iii) an institution of higher education or
15 a State higher education agency;

16 “(iv) a teacher training center or academy
17 that—

18 “(I) provides teacher pre-service and
19 in-service training; and

20 “(II) receives Federal financial assist-
21 ance or has been approved by a State
22 agency;

23 “(v)(I) a public or private entity with expe-
24 rience and expertise in the planning and oper-
25 ation of a telecommunications network, includ-

1 ing entities involved in telecommunications
2 through satellite, cable, telephone, or computer;
3 or

4 “(II) a public broadcasting entity with
5 such experience; or

6 “(vi) a public or private elementary or sec-
7 ondary school.

8 “APPLICATIONS

9 “SEC. 3125. (a) GENERAL REQUIREMENT.—Each el-
10 igible entity that desires to receive a grant under this sub-
11 part shall submit an application to the Secretary in such
12 form, at such time, and containing such information and
13 assurances as the Secretary may require.

14 “(b) STAR SCHOOL AWARD APPLICATIONS.—Each
15 application for a grant authorized under section 3123
16 shall—

17 “(1) describe—

18 “(A) how the proposed project will assist
19 in achieving the National Education Goals set
20 out in title I of the Goals 2000: Educate Amer-
21 ica Act, how it will assist all students to have
22 an opportunity to learn to challenging State
23 standards, and how it will assist State and local
24 educational reform efforts;

1 “(B) the telecommunications facilities and
2 equipment and technical assistance for which
3 assistance is sought, which may include—

4 “(i) the design, development, con-
5 struction, and acquisition of district,
6 multidistrict, State, or multistate edu-
7 cational telecommunications networks and
8 technology resource centers;

9 “(ii) microwave, fiber optics, cable,
10 and satellite transmission equipment, or
11 any combination thereof;

12 “(iii) reception facilities, satellite time,
13 production facilities, and other tele-
14 communications equipment capable of serv-
15 ing the intended geographic area;

16 “(iv) the provision of training services
17 to instructors who will be using the facili-
18 ties and equipment for which assistance is
19 sought in using such facilities and equip-
20 ment, and in integrating programs into the
21 class curriculum; and

22 “(v) the development of educational
23 and related programming for use on a tele-
24 communications network;

1 “(C) the types of programming that will be
2 developed to enhance instruction and training,
3 including an assurance that such programming
4 will be designed in consultation with profes-
5 sionals who are experts in the applicable subject
6 matter and grade level;

7 “(D) how the eligible entity has engaged in
8 sufficient survey and analysis of the area to be
9 served to ensure that the services offered by the
10 eligible entity will increase the availability of
11 courses of instruction in English, mathematics,
12 science, foreign languages, arts, history, geog-
13 raphy, or other disciplines;

14 “(E) the professional development policies
15 for teachers and other school personnel to be
16 implemented to ensure the effective use of the
17 telecommunications facilities and equipment for
18 which assistance is sought;

19 “(F) the manner in which historically un-
20 derserved students (such as students from low-
21 income families, limited English proficient stu-
22 dents, disabled students, or students who have
23 low literacy skills) and their families will par-
24 ticipate in the benefits of the telecommuni-
25 cations facilities, equipment, technical assist-

1 ance, and programming assisted under this sub-
2 part;

3 “(G) how existing telecommunications
4 equipment, facilities, and services, where avail-
5 able, will be used;

6 “(H) the activities or services for which as-
7 sistance is sought, such as—

8 “(i) providing facilities, equipment,
9 training services, and technical assistance;

10 “(ii) making programs accessible to
11 individuals with disabilities through mecha-
12 nisms such as closed captioning and de-
13 scriptive video services;

14 “(iii) linking networks around issues
15 of national importance (such as elections)
16 or to provide information about employ-
17 ment opportunities, job training, or stu-
18 dent and other social service programs;

19 “(iv) sharing curriculum materials be-
20 tween networks;

21 “(v) providing teacher and student
22 support services;

23 “(vi) incorporating community re-
24 sources such as libraries and museums into
25 instructional programs;

1 “(vii) providing professional develop-
2 ment for teachers, including, as appro-
3 priate, training to early childhood develop-
4 ment and Head Start teachers and staff
5 and vocational education teachers and
6 staff; and

7 “(viii) providing programs for adults
8 at times other than the regular school day
9 in order to maximize the use of tele-
10 communications facilities and equipment;
11 and

12 “(I) how the proposed project as a whole
13 will be financed and how arrangements for fu-
14 ture financing will be developed before the
15 project expires;

16 “(2) provide an assurance that a significant
17 portion of any facilities, equipment, technical assist-
18 ance, and programming for which assistance is
19 sought for elementary and secondary schools will be
20 made available to schools in local educational agen-
21 cies that have a high percentage of children counted
22 for the purpose of part A of title I of this Act; and

23 “(3) provide an assurance that the applicant
24 will provide such information and cooperate in any

1 evaluation that the Secretary may conduct under
2 this subpart.

3 “(c) PRIORITIES.—The Secretary shall, in approving
4 applications for grants authorized under section 3123,
5 give priority to applications that—

6 “(1) propose high-quality plans to assist in
7 achieving one or more of the National Education
8 Goals as set out in title I of the Goals 2000: Edu-
9 cate America Act, would provide instruction consist-
10 ent with State content standards, or would otherwise
11 provide significant and specific assistance to States
12 and local educational agencies undertaking systemic
13 education reform under title III of the Goals 2000:
14 Educate America Act; and

15 “(2) would serve schools with significant num-
16 bers of children counted for the purposes of part A
17 of title I of this Act.

18 “(d) GEOGRAPHIC DISTRIBUTION.—In approving ap-
19 plications for grants authorized under section 3123, the
20 Secretary shall, to the extent feasible, ensure an equitable
21 geographic distribution of services.

22 “LEADERSHIP AND EVALUATION ACTIVITIES

23 “SEC. 3126. (a) SET-ASIDE.—From amounts appro-
24 priated under section 3123(b), the Secretary may reserve
25 up to 10 percent for national leadership, evaluation, and
26 peer review activities.

1 education, and other public and private agencies, organi-
2 zations, and institutions.

3 “(b) USES OF FUNDS.—(1) Funds under this section
4 may be used for—

5 “(A) activities that will promote systemic edu-
6 cation reform at the State and local levels, such as—

7 “(i) research and development related to
8 content and performance standards for student
9 learning; and

10 “(ii) the development and evaluation of
11 model strategies for assessment of student
12 learning, professional development for teachers
13 and administrators, parent and community in-
14 volvement, and other aspects of systemic re-
15 form;

16 “(B) demonstrations at the State and local lev-
17 els that are designed to yield nationally significant
18 results, including approaches to public school choice
19 and school based decision-making;

20 “(C) joint activities with other agencies to as-
21 sist the effort to achieve the National Education
22 Goals, including activities related to improving the
23 transition from preschool to school and from school
24 to work, as well as activities related to the integra-
25 tion of education and health and social services;

1 “(D) activities to promote and evaluate counsel-
2 ing and mentoring for students, including
3 intergenerational mentoring;

4 “(E) activities to promote comprehensive health
5 education;

6 “(F) activities to promote environmental edu-
7 cation;

8 “(G) activities to assist students to demonstrate
9 competence in foreign languages;

10 “(H) studies and evaluation of various edu-
11 cation reform strategies and innovations being pur-
12 sued by the Federal Government, States, and local
13 educational agencies;

14 “(I) the identification and recognition of exem-
15 plary schools and programs, such as Blue Ribbon
16 Schools; and

17 “(J) other programs and projects that meet the
18 purposes of this section.

19 “(2) The Secretary may also use funds under this
20 section to complete the project periods for direct grants
21 or contracts awarded under the provisions of the Elemen-
22 tary and Secondary Education Act of 1965, part B of title
23 III of the Augustus F. Hawkins-Robert T. Stafford Ele-
24 mentary and Secondary School Improvement Amendments
25 of 1988, or title III of the Education for Economic Secu-

1 rity Act, as these Acts were in effect on the day before
2 enactment of the Improving America's Schools Act of
3 1993.

4 “(c) AWARDS.—(1) The Secretary may make awards
5 under this section on the basis of competitions announced
6 by the Secretary and may also support meritorious unso-
7 licited proposals.

8 “(2) The Secretary shall ensure that projects and ac-
9 tivities supported under this section are designed so that
10 their effectiveness is readily ascertainable.

11 “(3) The Secretary shall use a peer review process
12 in reviewing applications for grants under this section and
13 may use funds appropriated under subsection (d) for this
14 purpose.

15 “(d) AUTHORIZATION.—For the purpose of carrying
16 out this section, there are authorized to be appropriated
17 such sums as may be necessary for each of the fiscal years
18 1995 through 1999.

19 “PART C—JACOB K. JAVITS GIFTED AND TALENTED
20 EDUCATION PROGRAM

21 “FINDINGS AND PURPOSE

22 “SEC. 3301. (a) FINDINGS.—The Congress finds
23 that—

24 “(1) all students can learn to high standards;

1 “(2) all students must develop their talents, re-
2 alize their potential, and learn to high standards if
3 the United States is to prosper;

4 “(3) too often, schools fail to challenge students
5 to do their best work, and students who are not
6 challenged will not fully develop their talents, realize
7 their potential, and learn to high standards;

8 “(4) schools must provide all students with im-
9 portant and challenging subject matter to study and
10 encourage the habits of hard work;

11 “(5) during the past 20 years, programs for
12 gifted and talented students have served as labora-
13 tories for innovative and experimental approaches to
14 teaching and learning;

15 “(6) many programs developed for gifted and
16 talented students, when used with disadvantaged
17 students, have shown promise in achieving better re-
18 sults than remedial programs;

19 “(7) the experience and knowledge gained in
20 developing and implementing programs for gifted
21 and talented students can and should be used to de-
22 velop a rich and challenging curriculum for all stu-
23 dents;

24 “(8) the Federal Government should encourage
25 the adaptation of strategies used in programs for

1 gifted and talented students to help all students de-
2 velop their talents, realize their potential, and learn
3 to high standards, while also continuing to challenge
4 gifted and talented students; and

5 “(9) examples of programs and strategies in
6 which students can and have learned to the highest
7 standards will help to demonstrate how all students
8 can learn to high standards.

9 “(b) PURPOSE.—The purpose of this part is to dem-
10 onstrate how strategies and programs designed for the
11 education of gifted and talented students can be adapted
12 and used to improve teaching and learning for all students
13 in a school and to help all students in a school develop
14 their talents, realize their potential, and meet challenging
15 performance standards, while not diminishing the curricu-
16 lum and instruction for students traditionally identified as
17 gifted and talented. Such strategies and programs shall,
18 at a minimum—

19 “(1) contain important and challenging aca-
20 demic content;

21 “(2) elicit complex thinking and understanding
22 in students;

23 “(3) engage students in learning and allow
24 them to progress at their own pace; and

1 “(4) use performance measures that assess
2 whether students have developed a thorough under-
3 standing of the important and challenging subject
4 matter contained in the school curriculum.

5 “AUTHORIZED PROGRAMS

6 “SEC. 3302. (a) ESTABLISHMENT OF PROGRAM.—
7 From the sums appropriated under section 3305(a) for
8 any fiscal year that are remaining after the reservation
9 of funds pursuant to section 3305(b), the Secretary shall
10 make grants to, or enter into contracts with, State edu-
11 cational agencies, local educational agencies, institutions
12 of higher education, or other public agencies or private
13 agencies and organizations (including Indian tribes and
14 organizations, as defined by the Indian Self-Determination
15 and Education Assistance Act, and Native Hawaiian orga-
16 nizations) to assist such agencies, schools, institutions,
17 and organizations to carry out the purpose of this part.

18 “(b) APPLICATION.—Any eligible applicant that wish-
19 es to receive funds under this part shall submit an applica-
20 tion to the Secretary at such time, in such manner, and
21 containing such information as the Secretary may require.

22 “(c) USES OF FUNDS.—(1) A recipient of funds
23 under this part shall use those funds for activities that
24 are designed to meet the purpose of this part. Such activi-
25 ties may include—

1 “(A) developing, implementing, and expanding
2 new programs that adapt strategies or programs de-
3 signed for gifted and talented students to serve all
4 students (including gifted and talented students) in
5 a school or in several schools;

6 “(B) adapting and expanding existing programs
7 for gifted and talented students to serve all students
8 (including gifted and talented students) in a school
9 or in several schools;

10 “(C) implementing innovative strategies, such
11 as cooperative learning and peer tutoring, for ex-
12 panding programs that serve gifted and talented stu-
13 dents into programs that serve all the students (in-
14 cluding gifted and talented students) in a school;

15 “(D) establishing and operating cooperative
16 programs involving business, industry, and edu-
17 cation;

18 “(E) establishing and operating summer pro-
19 grams; and

20 “(F) strengthening the capability of State edu-
21 cational agencies and institutions of higher edu-
22 cation to provide leadership and assistance to local
23 educational agencies and nonprofit private schools in
24 adapting strategies and programs for educating gift-

1 ed and talented students to improve education for all
2 students (including gifted and talented students).

3 “(2) Each project assisted under this part that pro-
4 vides services to students shall, by the end of the period
5 for which assistance is sought (but in no case later than
6 the end of the third year of assistance under this part)
7 serve all the students (including gifted and talented stu-
8 dents) in a school.

9 “(d) NON-FEDERAL SHARE.—(1) Subject to para-
10 graph (2), the Secretary is authorized to require any recip-
11 ient of a grant or contract under this part to share in
12 the cost of its project, which share shall be announced
13 through a notice in the Federal Register and may be in
14 the form of cash or in-kind contributions, fairly valued.

15 “(2) The Secretary may increase the non-Federal
16 share required of such recipient after the first year of the
17 recipient’s project, except that such share may not exceed
18 50 percent at any time during the recipient’s project.

19 “PROGRAM PRIORITIES

20 “SEC. 3303. In making awards under this part, the
21 Secretary shall ensure that for each fiscal year at least
22 one-half of the awards made contain a component de-
23 signed to serve schools in which at least 50 percent of the
24 students in the school are children counted under section
25 1123(c)(1)(A) of this Act (children from low-income fami-
26 lies).

1 “NATIONAL RESPONSIBILITIES

2 “SEC. 3304. (a) PROGRAM OPERATIONS.—The Sec-
3 retary shall ensure that the programs under this part are
4 administered within the Department of Education by a
5 person who has recognized professional qualifications and
6 experience in the field of the education of gifted and tal-
7 ented students and who shall serve as a focal point of na-
8 tional leadership and information on mechanisms to carry
9 out the purpose of this part.

10 “(b) REVIEW, DISSEMINATION, AND EVALUATION.—
11 The Secretary shall—

12 “(1) use a peer review process in reviewing ap-
13 plications under this part;

14 “(2) ensure that information on the activities
15 and results of projects funded under this part is dis-
16 seminated to appropriate State and local agencies
17 and other appropriate organizations, including non-
18 profit private organizations; and

19 “(3) evaluate the effectiveness of programs
20 under this part, both in terms of the impact on stu-
21 dents traditionally served in separate gifted and tal-
22 ented programs and on other students, and submit
23 the results of such evaluation to Congress by Janu-
24 ary 1, 1999.

1 “(c) APPLIED RESEARCH AND DEVELOPMENT.—The
2 Secretary may conduct, in coordination with other appro-
3 priate offices of the Department, applied research and de-
4 velopment of theories, strategies, and models that further
5 the purpose of this part.

6 “(d) GRANT AND CONTRACT AUTHORITY.—The Sec-
7 retary may carry out the activities under subsections (a),
8 (b), and (c) directly or through grants or contracts.

9 “AUTHORIZATION OF APPROPRIATIONS

10 “SEC. 3305. (a) IN GENERAL.—For the purpose of
11 carrying out this part, there are authorized to be appro-
12 priated such sums as may be necessary for each of the
13 fiscal years 1995 through 1999.

14 “(b) RESERVATION.—In order to carry out the pur-
15 pose of this part, the Secretary may reserve not more than
16 15 percent of the sum appropriated under subsection (a)
17 for any fiscal year for activities under section 3304(b).

18 “DEFINITIONS

19 “SEC. 3306. For the purpose of this part, the follow-
20 ing terms have the following meanings:

21 “(1) The term ‘Native Hawaiian’ means any in-
22 dividual any of whose ancestors were natives prior to
23 1778 of the area that now comprises the State of
24 Hawaii.

25 “(2) The term ‘Native Hawaiian organization’
26 means any organization recognized by the Governor

1 of the State of Hawaii and primarily serving and
2 representing Native Hawaiians.

3 “PART D—CHARTER SCHOOLS

4 “FINDINGS AND PURPOSE

5 “SEC. 3401. (a) FINDINGS.—The Congress finds
6 that—

7 “(1) enhancement of parent and student choices
8 among public schools can assist in promoting com-
9 prehensive educational reform and give more stu-
10 dents the opportunity to learn to challenging State
11 academic standards, if sufficiently diverse and high-
12 quality choices, and genuine opportunities to take
13 advantage of them, are available to all students;

14 “(2) useful examples of such choices can come
15 from States and communities that experiment with
16 methods of offering teachers and other educators,
17 parents, and other members of the public the oppor-
18 tunity to design and implement new public schools;

19 “(3) the new schools developed through this
20 process should be free to test a variety of edu-
21 cational approaches and should, therefore, be ex-
22 empted from restrictive rules and regulations if their
23 leadership commits to attaining specific and ambi-
24 tious educational results for students consistent with

1 challenging State content and performance stand-
2 ards for all students;

3 “(4) charter schools, as they have been imple-
4 mented in a few States, can embody the necessary
5 mixture of enhanced choice, exemption from restric-
6 tive regulations, and a focus on learning gains; and

7 “(5) the Federal Government should test, evalu-
8 ate, and disseminate information on a variety of
9 charter school models in order to help demonstrate
10 the benefits of this promising educational reform.

11 “(b) PURPOSE.—It is the purpose of this part to in-
12 crease national understanding of the charter schools model
13 by—

14 “(1) providing financial assistance for the de-
15 sign and initial implementation of charter schools;
16 and

17 “(2) evaluating the effects of those schools, in-
18 cluding their effects on students, staff, and parents.

19 “PROGRAM AUTHORIZED

20 “SEC. 3402. (a) GENERAL.—The Secretary may
21 make grants to eligible applicants for the design and ini-
22 tial operation of charter schools.

23 “(b) PROJECT PERIODS.—Each such grant shall be
24 for a period of not more than three years, of which the
25 grantee may use—

1 “(B) the grade levels or ages of children to
2 be served; and

3 “(C) the curriculum and instructional
4 practices to be used;

5 “(2) a description of how the school will be
6 managed;

7 “(3) a description of—

8 “(A) the objectives of the school; and

9 “(B) the methods by which the school will
10 determine its progress toward achieving those
11 objectives;

12 “(4) a description of the administrative rela-
13 tionship between the charter school and the local
14 educational agency or State educational agency that
15 will authorize or approve the school’s charter and
16 act as the grantee under this part;

17 “(5) a description of how parents and other
18 members of the community will be involved in the
19 design and implementation of the charter school;

20 “(6) a description of how the State or local edu-
21 cational agency, as the case may be, will provide for
22 continued operation of the school once the Federal
23 grant has expired, if such agency determines that
24 the school is successful;

1 “(7) a request and justification for waivers of
2 any Federal statutory or regulatory provisions that
3 the applicant believes are necessary for the success-
4 ful operation of the charter school, and a description
5 of any State or local rules, generally applicable to
6 public schools, that will be waived for, or otherwise
7 not apply to, the school;

8 “(8) a description of how the grant funds would
9 be used;

10 “(9) a description of how grant funds would be
11 used in conjunction with other Federal programs ad-
12 ministered by the Secretary;

13 “(10) a description of how students in the com-
14 munity will be—

15 “(A) informed about the school; and

16 “(B) given an equal opportunity to attend
17 the school;

18 “(11) an assurance that the applicant will an-
19 nually provide the Secretary such information as the
20 Secretary may require to determine if the charter
21 school is making satisfactory progress toward achiev-
22 ing the objectives described under paragraph (3);

23 “(12) an assurance that the applicant will co-
24 operate with the Secretary in evaluating the pro-
25 gram authorized by this part; and

1 “(13) such other information and assurances as
2 the Secretary may require.

3 “(d) STATE EDUCATIONAL AGENCY APPROVAL RE-
4 QUIRED.—(1) A local educational agency that desires to
5 receive a grant under this part shall obtain the State edu-
6 cational agency’s approval of its application before submit-
7 ting it to the Secretary.

8 “(2) A State educational agency that approves an ap-
9 plication of a local educational agency shall provide the
10 local educational agency, and such local agency shall in-
11 clude in its application to the Secretary, a statement that
12 the State has granted, or will grant, the waivers and ex-
13 emptions from State requirements described in such local
14 agency’s application.

15 “SELECTION OF GRANTEES; WAIVERS

16 “SEC. 3404. (a) CRITERIA.—The Secretary shall se-
17 lect projects to be funded on the basis of the quality of
18 the applications, taking into consideration such factors
19 as—

20 “(1) the quality of the proposed curriculum and
21 instructional practices;

22 “(2) the degree of flexibility afforded by the
23 State and, if applicable, the local educational agency
24 to the school;

25 “(3) the extent of community support for the
26 application;

1 “(4) the ambitiousness of the objectives for the
2 school;

3 “(5) the quality of the plan for assessing
4 achievement of those objectives; and

5 “(6) the likelihood that the school will meet
6 those objectives and improve educational results for
7 students.

8 “(b) PEER REVIEW.—The Secretary shall use a peer
9 review process to review applications for grants under this
10 section.

11 “(c) DIVERSITY OF PROJECTS.—The Secretary may
12 approve projects in a manner that ensures, to the extent
13 possible, that they—

14 “(1) are distributed throughout different areas
15 of the Nation, including in urban and rural areas;
16 and

17 “(2) represent a variety of educational ap-
18 proaches.

19 “(d) WAIVERS.—The Secretary may waive any statu-
20 tory or regulatory requirement that the Secretary is re-
21 sponsible for enforcing, except for any such requirement
22 relating to the elements of a charter school described in
23 section 3407(1), if—

24 “(1) the waiver is requested in an approved ap-
25 plication or by a grantee under this part; and

1 “(2) the Secretary determines that granting
2 such a waiver would promote the purpose of this
3 part.

4 “USES OF FUNDS

5 “SEC. 3405. A recipient of a grant under this part
6 may use the grant funds only for—

7 “(1) post-award planning and design of the
8 educational program, which may include—

9 “(A) refinement of the desired educational
10 results and of the methods for measuring
11 progress toward achieving those results; and

12 “(B) professional development of teachers
13 and other staff who will work in the charter
14 school; and

15 “(2) initial implementation of the charter
16 school, which may include—

17 “(A) informing the community about the
18 school;

19 “(B) acquiring necessary equipment;

20 “(C) acquiring or developing curriculum
21 materials; and

22 “(D) other operational costs that cannot
23 be met from State or local sources.

1 “NATIONAL ACTIVITIES

2 “SEC. 3406. The Secretary may reserve up to 10 per-
3 cent of the funds appropriated for this part for any fiscal
4 year for—

5 “(1) peer review of applications under section
6 3404(b);

7 “(2) an evaluation of charter schools, including
8 those assisted under this part; and

9 “(3) other activities designed to enhance the
10 success of the program authorized by this part, such
11 as bringing grantees together to share ideas and in-
12 formation.

13 “DEFINITIONS

14 “SEC. 3407. As used in this part, the following terms
15 have the following meanings:

16 “(1) The term ‘charter school’ means a school
17 that—

18 “(A) in accordance with an enabling State
19 statute, is exempted from significant State or
20 local rules that inhibit the flexible operation
21 and management of public schools, but not
22 from any rules relating to the other require-
23 ments of this paragraph;

24 “(B) is created by a developer as a public
25 school, or is adapted by a developer from an ex-
26 isting public school;

1 “(C) operates in pursuit of a specific set of
2 educational objectives determined by the
3 school’s developer and agreed to by the State or
4 local educational agency applying for a grant on
5 behalf of the school;

6 “(D) provides a program of elementary or
7 secondary education, or both;

8 “(E) is nonsectarian in its programs, ad-
9 missions policies, employment practices, and all
10 other operations, and is not affiliated with a
11 sectarian school or religious institution;

12 “(F) does not charge tuition;

13 “(G) complies with the Age Discrimination
14 Act, title VI of the Civil Rights Act of 1964,
15 title IX of the Education Amendments of 1972,
16 section 504 of the Rehabilitation Act of 1973,
17 and part B of the Individuals with Disabilities
18 Education Act;

19 “(H) admits students on the basis of a lot-
20 tery, if more students apply for admission than
21 can be accommodated;

22 “(I) agrees to comply with the same Fed-
23 eral and State audit requirements as do other
24 schools in the State, unless such requirements

1 are specifically waived for the purpose of this
2 program; and

3 “(J) meets all applicable Federal, State,
4 and local health and safety requirements.

5 “(2) The term ‘developer’ means an individual
6 or group of individuals (including a public or private
7 nonprofit organization), which may include teachers,
8 administrators and other school staff, parents, or
9 other members of the local community in which a
10 charter school project will be carried out.

11 “(3) The term ‘eligible applicant’ means a State
12 educational agency or local educational agency, in
13 partnership with a developer.

14 “AUTHORIZATION OF APPROPRIATIONS

15 “SEC. 3408. For the purpose of carrying out this
16 part, there are authorized to be appropriated such sums
17 as may be necessary for each of the fiscal years 1995
18 through 1999.

19 “PART E—ARTS IN EDUCATION

20 “SUPPORT FOR ARTS EDUCATION

21 “SEC. 3501. (a) FINDINGS.—The Congress finds
22 that—

23 “(1) the arts are forms of understanding and
24 ways of knowing that are fundamentally important
25 to education;

1 “(2) the arts are important to excellent edu-
2 cation and to effective school reform;

3 “(3) the most significant contribution of the
4 arts to education reform is the transformation of
5 teaching and learning;

6 “(4) this transformation is best realized in the
7 context of comprehensive, systemic education reform;

8 “(5) demonstrated competency in the arts for
9 American students is among the National Education
10 Goals; and

11 “(6) arts education should be an integral part
12 of the elementary and secondary school curriculum.

13 “(b) PURPOSE. The purposes of this part are to—

14 “(1) support systemic education reform by
15 strengthening arts education as an integral part of
16 the elementary and secondary school curriculum;

17 “(2) help ensure that all students have the op-
18 portunity to learn to challenging standards in the
19 arts; and

20 “(3) support the national effort to enable all
21 students to demonstrate competence in the arts in
22 accordance with the National Education Goals.

23 “(c) ELIGIBLE RECIPIENTS.—In order to carry out
24 the purposes of this part, the Secretary is authorized to

1 make grants to, or enter into contracts or cooperative
2 agreements with—

3 “(1) State educational agencies;

4 “(2) local educational agencies;

5 “(3) institutions of higher education; and

6 “(4) other public and private agencies, institu-
7 tions, and organizations.

8 “(d) AUTHORIZED ACTIVITIES.—Funds under this
9 part may be used for—

10 “(1) research on arts education;

11 “(2) the development of, and dissemination of
12 information about, model arts education programs;

13 “(3) the development of model arts education
14 assessments based on high standards;

15 “(4) the development and implementation of
16 curriculum frameworks for arts education;

17 “(5) the development of model preservice and
18 inservice professional development programs for arts
19 educators and other instructional staff;

20 “(6) supporting collaborative activities with
21 other Federal agencies or institutions involved in
22 arts education, such as the National Endowment for
23 the Arts, the Institute of Museum Services, the John
24 F. Kennedy Center for the Performing Arts, and the
25 National Gallery of Art;

1 “(7) supporting model projects and programs in
2 the performing arts for children and youth through
3 arrangements made with the John F. Kennedy Cen-
4 ter for the Performing Arts;

5 “(8) supporting model projects and programs in
6 the arts for individuals with disabilities through ar-
7 rangements with the organization, Very Special
8 Arts;

9 “(9) supporting model projects and programs to
10 integrate arts education into the regular elementary
11 and secondary school curriculum; and

12 “(10) other activities that further the purposes
13 of this part.

14 “(e) COORDINATION.—(1) A recipient of funds under
15 this part shall, to the extent possible, coordinate its project
16 with appropriate activities of public and private cultural
17 agencies, institutions, and organizations, including muse-
18 ums, arts education associations, libraries, and theaters.

19 “(2) In carrying out this part, the Secretary shall co-
20 ordinate with the National Endowment for the Arts, the
21 Institute of Museum Services, the John F. Kennedy Cen-
22 ter for the Performing Arts, and the National Gallery of
23 Art.

24 “(f) AUTHORIZATION.—For the purpose of carrying
25 out this part, there are authorized to be appropriated such

1 sums as may be necessary for each of the fiscal years 1995
2 through 1999.

3 “PART F—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

4 “INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR
5 READING MOTIVATION

6 “SEC. 3601. (a) AUTHORIZATION.—The Secretary is
7 authorized to enter into a contract with Reading Is Fun-
8 damental (RIF) (hereinafter in this section referred to as
9 “the contractor”) to support and promote programs,
10 which include the distribution of inexpensive books to stu-
11 dents, that motivate children to read.

12 “(b) REQUIREMENTS OF CONTRACT.—Any contract
13 entered into under subsection (a) shall—

14 “(1) provide that the contractor will enter into
15 subcontracts with local private nonprofit groups or
16 organizations or with public agencies under which
17 each subcontractor will agree to establish, operate,
18 and provide the non-Federal share of the cost of
19 reading motivation programs that include the dis-
20 tribution of books, by gift or loan, to preschool, ele-
21 mentary, and secondary school children;

22 “(2) provide that funds made available by the
23 Secretary will be used by the contractor only to pay
24 the Federal share of the cost of such programs;

1 “(3) provide that in selecting subcontractors for
2 initial funding, the contractor will give priority to
3 programs that will serve a substantial number or
4 percentage of children with special needs, such as—

5 “(A) low-income children, particularly in
6 high-poverty areas;

7 “(B) children at risk of school failure;

8 “(C) children with disabilities, including
9 children with serious emotional disturbance;

10 “(D) foster children;

11 “(E) homeless children;

12 “(F) migrant children;

13 “(G) children without access to libraries;

14 “(H) institutionalized or incarcerated chil-
15 dren; and

16 “(I) children whose parents are institu-
17 tionalized or incarcerated;

18 “(4) provide that the contractor will not provide
19 Federal assistance under this section to any sub-
20 contractor for more than five years after the date of
21 enactment of the Improving America’s Schools Act
22 of 1993 or the beginning of the subcontractor’s pro-
23 gram under this section (or its predecessor author-
24 ity), whichever comes later, except that the contrac-

1 tor may continue to provide such assistance beyond
2 such date if—

3 “(A) the program qualifies for priority
4 treatment under paragraph (3); and

5 “(B) the contractor determines that, be-
6 cause of severe economic hardship facing the
7 subcontractor and the local area it serves, the
8 local program will be unable to continue with-
9 out additional assistance under this section;

10 “(5) provide that, not later than three years
11 from the date of enactment of the Improving Ameri-
12 ca’s Schools Act of 1993, the contractor will cease
13 providing Federal assistance under this section to
14 any subcontractor whose program—

15 “(A) received such assistance under section
16 1563 of this Act, as in effect before the date of
17 enactment of the Improving America’s Schools
18 Act of 1993; and

19 “(B) does not qualify for priority treat-
20 ment under paragraph (3);

21 “(6) provide that the contractor will provide
22 such technical assistance to subcontractors as may
23 be necessary to carry out the purpose of this section;

1 “(7) provide that the contractor will annually
2 report to the Secretary the number of, and describe,
3 programs funded under paragraph (3); and

4 “(8) include such other terms and conditions as
5 the Secretary determines to be appropriate to ensure
6 the effectiveness of such programs.

7 “(c) RESTRICTION ON PAYMENTS.—The Secretary
8 shall make no payment of the Federal share of the cost
9 of acquiring and distributing books under any contract
10 under this section unless the Secretary determines that
11 the contractor or subcontractor, as the case may be, has
12 made arrangements with book publishers or distributors
13 to obtain books at discounts at least as favorable as dis-
14 counts that are customarily given by such publisher or dis-
15 tributor for book purchases made under similar cir-
16 cumstances in the absence of Federal assistance.

17 “(d) DEFINITION OF ‘FEDERAL SHARE’.—For the
18 purpose of this section, the term ‘Federal share’ means
19 the portion of the cost to a subcontractor of purchasing
20 books to be paid with funds made available under this sec-
21 tion. The Federal share shall be established by the Sec-
22 retary, and shall not exceed 75 percent, except for books
23 to be distributed to children of migrant or seasonal farm-
24 workers.

1 equivalent of more than 16,000 incidents per school
2 day. Approximately one of every five high school stu-
3 dents now carries a firearm, knife, or club on a reg-
4 ular basis.

5 “(4) The tragic consequences of violence and
6 the illegal use of alcohol and other drugs by students
7 are felt not only by students and their families, but
8 by their communities and the Nation, which can ill
9 afford to lose their skills, talents, and vitality.

10 “(5) Alcohol and tobacco (nicotine) are the
11 most widely used drugs among young people today.
12 Both of these drugs can, and do, have adverse con-
13 sequences for users, their families, communities,
14 schools, and colleges. Drug prevention programs for
15 youth that address only controlled drugs send an er-
16 roneous message that alcohol and tobacco do not
17 present significant problems, or that society is will-
18 ing to overlook their use. To be credible, messages
19 opposing illegal drug use by youth should address all
20 drugs.

21 “(6) Drug and violence prevention programs
22 are essential components of a comprehensive strat-
23 egy to promote school safety and to reduce the de-
24 mand for and use of drugs throughout the Nation.
25 Schools and local organizations in communities

1 throughout the Nation have a special responsibility
2 to work together to combat the growing epidemic of
3 violence and illegal drug use and should measure the
4 success of their programs against clearly defined
5 goals and objectives.

6 “(7) Students must take greater responsibility
7 for their own well-being, health, and safety if schools
8 and communities are to achieve their goals of provid-
9 ing a safe, disciplined, and drug-free learning envi-
10 ronment.

11 “PURPOSE

12 “SEC. 4002. The purpose of this title is to support
13 programs to meet Goal Six of the National Educational
14 Goals by preventing violence in and around schools and
15 by strengthening programs that prevent the illegal use of
16 alcohol and other drugs, involve parents, and are coordi-
17 nated with related Federal, State, and community efforts
18 and resources, through the provision of Federal assistance
19 to—

20 “(1) States for grants to local and intermediate
21 educational agencies and consortia to establish, oper-
22 ate, and improve local programs of school drug and
23 violence prevention, early intervention, rehabilitation
24 referral, and education in elementary and secondary
25 schools (including intermediate and junior high
26 schools);

1 “(2) States for grants to, and contracts with,
2 community-based organizations and other public and
3 private non-profit agencies and organizations for
4 programs of drug and violence prevention, early
5 intervention, rehabilitation referral, and education;

6 “(3) States for development, training, technical
7 assistance, and coordination activities;

8 “(4) institutions of higher education to estab-
9 lish, operate, expand, and improve programs of
10 school drug and violence prevention, education, and
11 rehabilitation referral for students enrolled in col-
12 leges and universities;

13 “(5) a national center to provide training and
14 technical assistance to institutions providing post-
15 secondary education in developing and implementing
16 model programs and strategies to prevent violence
17 and illegal drug use by students at such institutions;
18 and

19 “(6) public and private non-profit organizations
20 to conduct training, demonstrations, research, and
21 evaluation, and to provide supplementary services
22 for the prevention of drug use and violence among
23 students and youth.

24 “AUTHORIZATION OF APPROPRIATIONS

25 “SEC. 4003. There are authorized to be appro-
26 priated—

1 “(1) for State grants under part A, such sums
2 as may be necessary for each of fiscal years 1995
3 through 1999;

4 “(2) for postsecondary programs under part B,
5 such sums as may be necessary for each of fiscal
6 years 1995 through 1999; and

7 “(3) for national programs under part C, such
8 sums as may be necessary for each of fiscal years
9 1995 through 1999.

10 “PART A—STATE GRANTS FOR DRUG AND VIOLENCE
11 PREVENTION PROGRAMS

12 “RESERVATIONS AND ALLOTMENTS

13 “SEC. 4101. (a) RESERVATIONS.—From the amount
14 appropriated for each fiscal year under section 4003(1),
15 the Secretary—

16 “(1) shall reserve no more than one-half of 1
17 percent of such amount for grants under this part
18 to Guam, American Samoa, the Virgin Islands, the
19 Commonwealth of the Northern Mariana Islands,
20 and Palau (until the effective date of the Compact
21 of Free Association with the Government of Palau),
22 to be allotted in accordance with the Secretary’s de-
23 termination of their respective needs;

24 “(2) shall reserve no more than one percent of
25 such amount for the Secretary of the Interior to

1 carry out programs under this part for Indian youth;
2 and

3 “(3) may reserve no more than \$1,000,000 for
4 the national impact evaluation required by section
5 4108(a).

6 “(b) STATE ALLOTMENTS.—(1) Except as provided
7 under paragraph (2), the Secretary shall, for each fiscal
8 year, allocate among the States—

9 “(A) one-half of the remainder not reserved
10 under subsection (a) according to the ratio between
11 the school-aged population of each State and the
12 school-aged population of all the States; and

13 “(B) one-half of such remainder according to
14 the ratio between the amount each State received
15 under section 1122 of this Act for the preceding
16 year (or, for fiscal year 1995 only, sections 1005
17 and 1006 of this Act as in effect on the day before
18 enactment of the Improving America’s Schools Act
19 of 1993) and the sum of such amounts received by
20 all the States.

21 “(2) For any fiscal year, no State shall be allotted
22 under this subsection an amount that is less than one-
23 half of 1 percent of the total amount allotted to all the
24 States under this subsection.

1 “(3) The Secretary may reallocate any amount of any
2 allotment to a State if the Secretary determines that the
3 State will be unable to use such amount within two years
4 of such allotment. Such reallocations may be made on
5 whatever basis the Secretary determines would best serve
6 the purposes of this title.

7 “(4) For the purpose of this subsection, the term
8 ‘State’ means each of the 50 States, the District of Colum-
9 bia, and the Commonwealth of Puerto Rico.

10 “STATE DRUG AND VIOLENCE PREVENTION

11 COORDINATING COUNCIL

12 “SEC. 4102. (a) ESTABLISHMENT OF COUNCIL.—No
13 State may receive its allotment under section 4101 unless
14 its chief executive officer establishes a State Drug and Vi-
15 olence Prevention Coordinating Council (or designates an
16 existing body to perform the functions of such a Council)
17 to advise him or her and the chief State school officer on
18 the development and implementation of the State’s appli-
19 cation under section 4103.

20 “(b) MEMBERSHIP.—(1) The chief executive officer,
21 the chief State school officer, the head of the State alcohol
22 and drug abuse agency, the heads of the State health and
23 mental health agencies, and the head of the State criminal
24 justice planning agency, or their designees, shall be mem-
25 bers of the Council.

1 “(2) The chief executive officer shall also appoint rep-
2 resentatives of other appropriate State agencies or offices
3 as members of the Council.

4 “(c) FUNCTIONS OF COUNCIL.—The Council estab-
5 lished or designated under this section shall—

6 “(1) review and comment on the development of
7 the State’s application under section 4103, including
8 the chief executive officer’s and State education
9 agency’s comprehensive plans under sections
10 4103(b) and (c);

11 “(2) disseminate information about drug and
12 violence prevention initiatives within the State, in-
13 cluding programs funded under sections 4104 and
14 4105;

15 “(3) advise the chief executive officer and the
16 State educational agency on how to coordinate the
17 State’s activities under this part with other available
18 resources; and

19 “(4) advise the chief executive officer and the
20 State educational agency on the planning and imple-
21 mentation of program evaluation activities and make
22 recommendations on how to improve the State’s pro-
23 gram, including the formulation of measurable goals.

24 “STATE APPLICATIONS

25 “SEC. 4103. (a) IN GENERAL.—In order to receive
26 its allotment under section 4101 for any fiscal year, a

1 State shall submit to the Secretary, at such time as the
2 Secretary may require, an application that—

3 “(1)(A)(i) is integrated into the State’s plan, ei-
4 ther approved or being developed, under title III of
5 the Goals 2000: Educate America Act, and satisfies
6 the requirements of this section that are not already
7 addressed by that plan; and

8 “(ii) is submitted, if necessary, as an amend-
9 ment to the State’s plan under title III of the Goals
10 2000: Educate America Act; or

11 “(B) if the State does not have an approved
12 plan under title III of the Goals 2000: Educate
13 America Act and is not developing such a plan, is
14 integrated with other State plans under this Act and
15 satisfies the requirements of this section;

16 “(2) contains the results of the State’s needs
17 assessment for drug and violence prevention pro-
18 grams, which shall be based on the results of on-
19 going State evaluation activities, including data on
20 the prevalence of drug use and violence by youth in
21 schools and communities;

22 “(3) contains a list of the members, and the in-
23 terests or organizations they represent, of the State
24 Drug and Violence Prevention Coordinating Council;

1 “(4) contains a description of the procedures
2 the State educational agency will use to review appli-
3 cations from local educational agencies under section
4 4106;

5 “(5) contains an assurance that the State will
6 cooperate with, and assist, the Secretary in conduct-
7 ing a national impact evaluation of programs re-
8 quired by section 4108(a); and

9 “(6) includes any other information the Sec-
10 retary may require.

11 “(b) GOVERNOR’S FUNDS.—A State’s application
12 under this section shall also contain a comprehensive plan
13 for the use of funds under section 4104(a) by the chief
14 executive officer that includes—

15 “(1) a statement of the chief executive officer’s
16 measurable goals and objectives for drug and vio-
17 lence prevention and a description of the procedures
18 to be used for assessing and publicly reporting
19 progress toward meeting those goals and objectives;

20 “(2) a description of how the chief executive of-
21 ficer will coordinate his or her activities under this
22 part with the State educational agency and other
23 State agencies and organizations involved with drug
24 and violence prevention efforts;

1 “(3) a description of how funds reserved under
2 section 4104(a) will be used so as not to duplicate
3 the efforts of the State educational agency and local
4 educational agencies with regard to the provision of
5 school-based prevention efforts and services and how
6 those funds will be used to serve populations not
7 normally served by the State educational agency,
8 such as school dropouts and youth in detention cen-
9 ters;

10 “(4) a description of how the chief executive of-
11 ficer will award funds under section 4104(a) and a
12 plan for monitoring the performance of, and provid-
13 ing technical assistance to, recipients of such funds;
14 and

15 “(5) a description of how funds will be used to
16 support community-wide comprehensive drug and vi-
17 olence prevention planning.

18 “(c) STATE EDUCATIONAL AGENCY FUNDS.—A
19 State’s application under this section shall also contain a
20 comprehensive plan for the use of funds under section
21 4105(a) by the State educational agency that includes—

22 “(1) a statement of the State educational agen-
23 cy’s measurable goals and objectives for drug and vi-
24 olence prevention and a description of the proce-

1 dures it will use for assessing and publicly reporting
2 progress toward meeting those goals and objectives;

3 “(2) a plan for monitoring the implementation
4 of, and providing technical assistance regarding, the
5 drug and violence prevention programs conducted by
6 local educational agencies in accordance with section
7 4107;

8 “(3) a description of how the State educational
9 agency will use funds it reserves under section
10 4105(b);

11 “(4) a description of how the State educational
12 agency will coordinate its activities under this part
13 with the chief executive officer’s drug and violence
14 prevention programs under this part and with the
15 prevention efforts of other State agencies; and

16 “(5) an explanation of the criteria the State
17 educational agency will use to identify which local
18 educational agencies receive supplemental funds
19 under section 4105(d)(2)(A)(ii) and how the supple-
20 mental funds will be allocated among those local
21 educational agencies.

22 “(d) PEER REVIEW.—The Secretary shall use a peer
23 review process in reviewing State applications under this
24 section.

1 “(e) INTERIM APPLICATION.—Notwithstanding any
2 other provisions of this section, a State may submit for
3 fiscal year 1995 a one-year interim application and plan
4 for the use of funds under this part that are consistent
5 with the requirements of this section and contain such in-
6 formation as the Secretary may specify in regulations. The
7 purpose of such interim application and plan shall be to
8 afford the State the opportunity to fully develop and re-
9 view its application and comprehensive plan otherwise re-
10 quired by this section. A State may not receive a grant
11 under this part for a fiscal year subsequent to fiscal year
12 1995 unless the Secretary has approved its application
13 and comprehensive plan.

14 “GOVERNOR’S PROGRAMS

15 “SEC. 4104. (a) USE OF FUNDS.—(1) An amount
16 equal to 20 percent of the total amount allocated to a
17 State under section 4101 for each fiscal year shall be used
18 by the chief executive officer of such State for drug and
19 violence prevention programs and activities in accordance
20 with this section.

21 “(2) A chief executive officer may use no more than
22 five percent of the amount reserved under subsection
23 (a)(1) for the administrative costs incurred in carrying out
24 the duties of such officer under this section, including the
25 cost of the State Drug and Violence Prevention Coordinat-
26 ing Council under section 4102(a).

1 “(b) PROGRAMS AUTHORIZED.—(1) A chief executive
2 officer shall use funds reserved under subsection (a)(1) for
3 grants to or contracts with parent groups, community ac-
4 tion and job training agencies, community-based organiza-
5 tions, and other public entities and private nonprofit orga-
6 nizations. Such grants or contracts shall support pro-
7 grams and activities described in subsection (c) for chil-
8 dren and youth who are not normally served by State or
9 local educational agencies, for populations that need spe-
10 cial services or additional resources (such as preschoolers,
11 youth in juvenile detention facilities, runaway or homeless
12 children and youth, and dropouts), or both.

13 “(2) Grants or contracts awarded under this sub-
14 section shall be subject to a peer review process.

15 “(c) AUTHORIZED ACTIVITIES.—Grants and con-
16 tracts under subsection (b) shall be used for programs and
17 activities such as—

18 “(1) disseminating information about drug and
19 violence prevention;

20 “(2) training parents, law enforcement officials,
21 judicial officials, social service providers, health serv-
22 ice providers and community leaders about drug and
23 violence prevention, education, early intervention,
24 counseling, or rehabilitation referral;

1 “(3) developing and implementing comprehen-
2 sive, community-based drug and violence prevention
3 programs that link community resources with
4 schools and integrate services involving education,
5 vocational and job skills training, law enforcement,
6 health, mental health, and other appropriate serv-
7 ices;

8 “(4) planning and implementing drug and vio-
9 lence prevention activities that coordinate the efforts
10 of State agencies with those of the State educational
11 agency and its local educational agencies;

12 “(5) activities to protect students traveling to
13 and from school;

14 “(6) developing and implementing strategies to
15 prevent illegal gang activity;

16 “(7) coordinating and conducting community-
17 wide violence and safety assessments and surveys;
18 and

19 “(8) evaluating programs and activities under
20 this section.

21 “STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS

22 “SEC. 4105. (a) USE OF FUNDS.—An amount equal
23 to 80 percent of the total amount allocated to a State
24 under section 4101 for each fiscal year shall be used by
25 the State educational agency and its local educational

1 agencies for drug and violence prevention activities in ac-
2 cordance with this section.

3 “(b) STATE LEVEL PROGRAMS.—(1) A State edu-
4 cational agency shall use no more than five percent of the
5 amount reserved under subsection (a) for activities such
6 as—

7 “(A) training and technical assistance concern-
8 ing drug and violence prevention for local and inter-
9 mediate educational agencies, including teachers, ad-
10 ministrators, coaches and athletic directors, other
11 educational personnel, parents, students, community
12 leaders, health service providers, local law enforce-
13 ment officials, and judicial officials;

14 “(B) the development, identification, dissemina-
15 tion and evaluation of the most readily available, ac-
16 curate, and up-to-date curriculum materials, for con-
17 sideration by local educational agencies;

18 “(C) demonstration projects in drug and vio-
19 lence prevention;

20 “(D) financial assistance to enhance resources
21 available for drug and violence prevention in areas
22 serving large numbers of economically disadvantaged
23 children or sparsely populated areas, or to meet
24 other special needs consistent with the purposes of
25 this part; and

1 “(E) evaluation activities required by this sub-
2 part.

3 “(2) A State educational agency may carry out activi-
4 ties under this subsection directly, or through grants or
5 contracts.

6 “(c) STATE ADMINISTRATION.—A State educational
7 agency may use no more than five percent of the amount
8 reserved under subsection (a) for the administrative costs
9 of carrying out its responsibilities under this part.

10 “(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1)
11 A State educational agency shall distribute not less than
12 90 percent of the amount reserved under subsection (a)
13 for each fiscal year to local educational agencies in accord-
14 ance with this subsection.

15 “(2)(A) Of the amount distributed under subsection
16 (d)(1), a State educational agency shall distribute—

17 “(i) 70 percent of such amount to local edu-
18 cational agencies, based on the relative enrollments
19 in public and private non-profit schools within their
20 boundaries; and

21 “(ii) 30 percent of such amount to local edu-
22 cational agencies that the State educational agency
23 determines have the greatest need for additional
24 funds to carry out drug and violence prevention pro-
25 grams authorized by this part.

1 “(B)(i) A State educational agency shall distribute
2 funds under subparagraph (A)(ii) to no more than ten per-
3 cent of its local educational agencies, or five such agencies,
4 whichever is greater.

5 “(ii) In determining which local educational agencies
6 have the greatest need for additional funds, the State edu-
7 cational agency shall consider factors such as—

8 “(I) high rates of alcohol or other drug use
9 among youth;

10 “(II) high rates of victimization of youth by vio-
11 lence and crime;

12 “(III) high rates of arrests and convictions of
13 youth for violent or drug- or alcohol-related crime;

14 “(IV) the extent of illegal gang activity;

15 “(V) high rates of referrals of youths to drug
16 and alcohol abuse treatment and rehabilitation pro-
17 grams;

18 “(VI) high rates of referrals of youths to juve-
19 nile court; and

20 “(VII) high rates of expulsions and suspensions
21 of students from schools.

22 “(e) REALLOCATION OF FUNDS.—If a local edu-
23 cational agency chooses not to apply to receive the amount
24 allocated to it under subsection (d), or if its application
25 under section 4106 is disapproved by the State edu-

1 cational agency, the State educational agency shall reallo-
2 cate such amount to one or more of the local education
3 agencies determined by the State educational agency
4 under subsection (d)(2)(B) to have the greatest need for
5 additional funds.

6 “LOCAL APPLICATIONS

7 “SEC. 4106. (a) IN GENERAL.—(1) In order to be
8 eligible to receive an allocation under section 4105(d) for
9 any fiscal year, a local educational agency shall submit,
10 at such time as the State educational agency requires, an
11 application to the State educational agency for approval.
12 Such an application shall be amended, as necessary, to re-
13 flect changes in the local educational agency’s program.

14 “(2)(A) A local educational agency shall develop its
15 application under subsection (a)(1) in consultation with
16 a local or substate regional advisory council that includes,
17 to the extent possible, representatives of local government,
18 business, parents, students, teachers, appropriate state
19 agencies, private schools, the medical profession, law en-
20 forcement, community-based organizations, and other
21 groups with interest and expertise in drug and violence
22 prevention.

23 “(B) In addition to assisting the local educational
24 agency to develop its application under this section, the
25 advisory council established or designated under para-
26 graph (2)(A) shall, on an on-going basis—

1 “(i) disseminate information about drug and vi-
2 olence prevention programs, projects, and activities
3 conducted within the boundaries of the local edu-
4 cational agency;

5 “(ii) advise the local educational agency on how
6 best to coordinate its activities under this part with
7 other related programs, projects, and activities and
8 the agencies that administer them; and

9 “(iii) review program evaluations and other rel-
10 evant material and make recommendations to the
11 local educational agency on how to improve its drug
12 and violence prevention programs.

13 “(b) CONTENTS OF APPLICATIONS.—An application
14 under this section shall contain—

15 “(1) a needs assessment of the current alcohol,
16 tobacco, and other drug problems as well as the vio-
17 lence, safety, and discipline problems among stu-
18 dents who attend the schools of the applicant (in-
19 cluding private school students who participate in
20 the applicant’s drug and violence prevention pro-
21 gram) that is based on on-going local assessment or
22 evaluation activities;

23 “(2) a detailed explanation of the local edu-
24 cational agency’s comprehensive plan for drug and

1 violence prevention, which shall include a description
2 of—

3 “(A) how that plan is consistent with, and
4 promotes the goals in, the State’s application
5 under section 4103 and the local educational
6 agency’s plan, either approved or being devel-
7 oped, under title III of the Goals 2000: Educate
8 America Act, or, if the local educational agency
9 does not have such an approved plan and is not
10 developing one, its plan under section 1112 of
11 this Act;

12 “(B) the local educational agency’s meas-
13 urable goals for drug and violence prevention,
14 and a description of how it will assess and pub-
15 licly report progress toward attaining these
16 goals;

17 “(C) if the local educational agency intends
18 to use funds under this part to implement an
19 expanded drug and violence prevention program
20 under section 4107(c), an explanation of how
21 the local educational agency is already meeting
22 the requirements of a basic drug and violence
23 prevention program under section 4107(b), re-
24 gardless of the source of funds used;

1 “(D) how the local educational agency will
2 use its regular allocation under section
3 4105(d)(2)(A)(i) and its supplemental alloca-
4 tion, if any, under section 4105(d)(2)(A)(ii);

5 “(E) how the local educational agency will
6 coordinate its programs and projects with com-
7 munity-wide efforts to achieve its goals for drug
8 and violence prevention; and

9 “(F) how the local education agency will
10 coordinate its programs and projects with other
11 Federal, State, and local programs for drug-
12 abuse prevention, including health programs;
13 and

14 “(3) such other information and assurances as
15 the State educational agency may reasonably re-
16 quire.

17 “(c) REVIEW OF APPLICATION.—(1) A State edu-
18 cational agency shall use a peer review process in review-
19 ing local applications under this section.

20 “(2)(A) In determining whether to approve the appli-
21 cation of a local educational agency under this section, a
22 State educational agency shall consider the quality of the
23 local educational agency’s comprehensive plan under sub-
24 section (b)(2) and the extent to which it is consistent with,
25 and supports, the State’s application under section 4103

1 and the State's plan under the Goals 2000: Educate
2 America Act, and, if the State does not have such a plan,
3 its plan under section 1111 of this Act.

4 “(B) A State educational agency shall not permit a
5 local educational agency to use funds under this part to
6 implement an expanded drug and violence prevention pro-
7 gram under section 4107(c) unless it determines that the
8 local educational agency is already meeting (regardless of
9 the source of funds) the requirements of a basic drug and
10 violence prevention program under section 4107(b).

11 “(C) A State educational agency may disapprove a
12 local educational agency application under this section in
13 whole or in part and may withhold, limit, or place restric-
14 tions on the use of funds allotted to such a local edu-
15 cational agency in a manner the State educational agency
16 determines will best promote the purposes of this part or
17 the State's plan under the Goals 2000: Educate America
18 Act, and, if the State does not have such a plan, its plan
19 under section 1111 of this Act.

20 “LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS

21 “SEC. 4107. (a) USE OF FUNDS.—Except as per-
22 mitted under subsection (c), a local educational agency
23 shall use funds received under this part to adopt and im-
24 plement a basic drug and violence prevention program de-
25 scribed under subsection (b).

1 “(b) BASIC PROGRAM.—(1) A basic drug and violence
2 prevention program under this part shall—

3 “(A) be designed, for all students and employ-
4 ees, to—

5 “(i) prevent the illegal use, possession, and
6 distribution of alcohol, tobacco, and other
7 drugs;

8 “(ii) prevent violence and promote school
9 safety; and

10 “(iii) create a disciplined environment con-
11 ducive to learning;

12 “(B) include mandatory standards of conduct
13 for students and employees, which clearly describe
14 the sanctions that will be imposed for violations of
15 the standards and which are distributed to all stu-
16 dents, parents, and employees;

17 “(C) include, with respect to drug prevention—

18 “(i) age-appropriate, developmentally based
19 education and prevention programs for all stu-
20 dents, from the early childhood level through
21 grade 12, that address the legal, social and
22 health consequences of the use of illegal drugs,
23 promote a sense of individual responsibility, and
24 provide information about effective techniques
25 for resisting peer pressure to use illegal drugs;

1 “(ii) professional development programs
2 for school personnel who provide the education
3 and prevention programs required by subsection
4 (b)(1)(C)(i);

5 “(iii) activities to promote the involvement
6 of parents and coordination with community
7 groups and agencies, including the distribution
8 of information about the local educational agen-
9 cy’s needs assessments, goals, and programs
10 under subsection (b)(1)(C)(i); and

11 “(iv) the distribution of information to all
12 students and employees about resources for
13 drug and alcohol counseling, rehabilitation, and
14 re-entry programs that are available in the com-
15 munity; and

16 “(D) include, with respect to violence preven-
17 tion—

18 “(i) age-appropriate, developmentally based
19 education and prevention programs for all stu-
20 dents, from the early childhood level through
21 grade 12, that address the legal, personal, and
22 social consequences of violent and disruptive be-
23 havior, including sexual harassment, and that
24 include activities designed to help students de-
25 velop a sense of individual responsibility and re-

1 spect for the rights of others, and to resolve
2 conflicts without violence;

3 “(ii) professional development programs
4 for school personnel who provide the education
5 and prevention programs required by subsection
6 (b)(1)(D)(i);

7 “(iii) activities to promote the involvement
8 of parents and coordination with community
9 groups and agencies, including the distribution
10 of information about the local educational agen-
11 cy’s needs assessment, goals and programs
12 under subsection (b)(1)(D)(i); and

13 “(iv) the distribution of information to all
14 students and employees about resources for
15 counseling, re-entry, and conflict resolution that
16 are available in the community.

17 “(2) In implementing its basic drug and violence pre-
18 vention program under paragraph (1) or its expanded pro-
19 gram under subsection (c), a local educational agency may
20 use no more than 33 percent of the funds it receives under
21 this part for any fiscal year for—

22 “(A) minor remodeling to promote security and
23 reduce the risk of violence, such as removing lockers,
24 installing better lights, and upgrading locks; and

1 “(B) acquiring and installing metal detectors
2 and hiring security personnel.

3 “(c) EXPANDED PROGRAM.—(1) A local educational
4 agency that demonstrates to the satisfaction of the State
5 educational agency that it has adopted and implemented
6 a basic drug and violence prevention program described
7 under subsection (b) may use funds received under this
8 subpart to supplement its basic program, to carry out one
9 or more of the activities described in paragraph (2), or
10 both.

11 “(2) A local educational agency described in para-
12 graph (1) may use funds received under this subpart for—

13 “(A) programs of drug prevention, health edu-
14 cation, early intervention, counseling, mentoring, or
15 rehabilitation referral, which emphasize students’
16 sense of individual responsibility and may include—

17 “(i) the dissemination of information about
18 drug prevention;

19 “(ii) the training of school personnel, par-
20 ents, students, law enforcement officials, judi-
21 cial officials, health service providers, and com-
22 munity leaders in prevention, education, early
23 intervention, counseling, or rehabilitation refer-
24 ral; and

1 “(iii) the implementation of strategies, in-
2 cluding strategies to integrate the delivery of
3 services from a variety of providers, to combat
4 illegal alcohol and other drug use, such as—

5 “(I) family counseling;

6 “(II) early intervention activities that
7 prevent family dysfunction, enhance school
8 performance, and boost attachment to
9 school and family; and

10 “(III) activities, such as community
11 service projects, that are designed to in-
12 crease students’ sense of community;

13 “(B) violence prevention programs for school-
14 aged youth, which emphasize students’ sense of indi-
15 vidual responsibility and may include—

16 “(i) the dissemination of information about
17 school safety and discipline;

18 “(ii) the training of school personnel, par-
19 ents, law enforcement officials, judicial officials,
20 and community leaders in designing and imple-
21 menting strategies to prevent school violence;

22 “(iii) the implementation of strategies,
23 such as conflict resolution and peer mediation
24 and the use of mentoring programs, to combat

1 school violence and other forms of disruptive
2 behavior, such as sexual harassment; and

3 “(iv) comprehensive, community-wide
4 strategies to prevent or reduce illegal gang ac-
5 tivity;

6 “(C) the promotion of before- and after-school
7 recreational, instructional, cultural, and artistic pro-
8 grams in supervised community settings; and

9 “(D) the evaluation of any of the activities au-
10 thORIZED by subsection (c).

11 “EVALUATION AND REPORTING

12 “SEC. 4108. (a) NATIONAL IMPACT EVALUATION.—

13 The Secretary, in consultation with the Secretary of
14 Health and Human Services, the Director of the Office
15 of National Drug Control Policy, and the Attorney Gen-
16 eral, shall conduct an independent biennial evaluation of
17 the national impact of programs under this part and sub-
18 mit a report of the findings of such evaluation to the
19 President and the Congress.

20 “(b) STATE REPORT.—(1) By October 1, 1997, and
21 every third year thereafter, the chief executive officer of
22 the State, in cooperation with the State educational agen-
23 cy, shall submit to the Secretary a report—

24 “(A) on the implementation and outcomes of
25 State programs under section 4104 and section

1 4105(b) and local programs under section 4105(d),
2 as well as an assessment of their effectiveness; and

3 “(B) on the State’s progress toward attaining
4 its goals for drug and violence prevention under sec-
5 tions 4103 (b)(1) and (c)(1).

6 “(2) The report required by this subsection shall be—

7 “(A) in the form specified by the Secretary;

8 “(B) based on the State’s on-going evaluation
9 activities, and shall include data on the prevalence of
10 drug use and violence by youth in schools and com-
11 munities; and

12 “(C) made readily available to the public.

13 “(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each
14 local educational agency receiving funds under this sub-
15 part shall submit to the State educational agency whatever
16 information, and at whatever intervals, the State requires
17 to complete the State report required by subsection (b),
18 including information on the prevalence of drug use and
19 violence by youth in the schools and the community. Such
20 information shall be made readily available to the public.

21 “PART B—POSTSECONDARY DRUG AND VIOLENCE

22 PREVENTION PROGRAMS

23 “GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

24 “SEC. 4201. (a) IN GENERAL.—From funds appro-
25 priated under section 4003(2), the Secretary is authorized

1 education, a public or private non-profit organization, or
2 a for-profit organization, a national center to provide
3 training and technical assistance to institutions providing
4 postsecondary education, including for-profit institutions,
5 in developing, implementing, evaluating, validating, rep-
6 licating, and disseminating model programs and strategies
7 to prevent violence and the use of illegal drugs by students
8 at such institutions.

9 “PART C—NATIONAL PROGRAMS

10 “FEDERAL ACTIVITIES

11 “SEC. 4301. (a) PROGRAM AUTHORIZED.—From
12 funds appropriated under section 4003(3), the Secretary
13 of Education, in consultation with the Secretary of Health
14 and Human Services, the Director of the Office of Na-
15 tional Drug Control Policy, and the Attorney General,
16 shall carry out programs to prevent the illegal use of drugs
17 and violence among, and promote safety and discipline for,
18 students at all educational levels, prekindergarten through
19 postsecondary. The Secretary shall carry out such pro-
20 grams directly, or through grants, contracts, or coopera-
21 tive agreements with public and private non-profit organi-
22 zations and individuals, or through agreements with other
23 Federal agencies, and shall coordinate such programs with
24 other appropriate Federal activities. Such programs may
25 include—

1 “(1) the development and demonstration of in-
2 novative strategies for training school personnel,
3 parents, and members of the community, including
4 the demonstration of model preservice training pro-
5 grams for prospective school personnel;

6 “(2) demonstrations and rigorous evaluations of
7 innovative approaches to drug and violence preven-
8 tion;

9 “(3) drug and violence prevention research that
10 is coordinated with other Federal agencies and is di-
11 rected towards improving programs and activities
12 under this title;

13 “(4) program evaluations that address issues
14 not addressed under section 4108(a);

15 “(5) direct services to schools and school sys-
16 tems afflicted with especially severe drug and vio-
17 lence problems;

18 “(6) activities in communities designated as
19 empowerment zones or enterprise communities that
20 will connect schools to community-wide efforts to re-
21 duce drug and violence problems;

22 “(7) developing and disseminating drug and vi-
23 olence prevention materials, including model curric-
24 ula; and

1 “(8) other activities that meet unmet national
2 needs related to the purposes of this title.

3 “(b) PEER REVIEW.—The Secretary shall use a peer
4 review process in reviewing applications for funds under
5 this section.

6 “PART D—GENERAL PROVISIONS

7 “DEFINITIONS

8 “SEC. 4401. For the purposes of this title, the follow-
9 ing terms have the following meanings:

10 “(1) The term ‘drug and violence prevention’
11 means—

12 “(A) with respect to drugs, prevention,
13 early intervention, rehabilitation referral, or
14 education related to the illegal use of alcohol
15 and tobacco (nicotine) and the use of controlled,
16 illegal, addictive, or harmful substances, includ-
17 ing inhalants and anabolic steroids; and

18 “(B) with respect to violence, the pro-
19 motion of school safety, such that students and
20 school personnel are free from violent and dis-
21 ruptive acts, including sexual harassment, on
22 school premises, going to and from school, and
23 at school-sponsored activities, through the cre-
24 ation and maintenance of a school environment
25 that is free of weapons and fosters individual

1 responsibility and respect for the rights of oth-
2 ers.

3 “(2) The term ‘nonprofit’, as applied to a
4 school, agency, organization, or institution means a
5 school, agency, organization, or institution owned
6 and operated by one or more nonprofit corporations
7 or associations, no part of the net earnings of which
8 inures, or may lawfully inure, to the benefit of any
9 private shareholder or individual.

10 “(3) The term ‘school-aged population’ means
11 the population aged five through 17, as determined
12 by the Secretary on the basis of the most recent sat-
13 isfactory data available from the Department of
14 Commerce.

15 “(4) The term ‘school personnel’ includes teach-
16 ers, administrators, guidance counselors, social
17 workers, psychologists, nurses, librarians, and other
18 support staff who are employed by a school or who
19 perform services for the school on a contractual
20 basis.

21 “MATERIALS

22 “SEC. 4402. (a) ‘WRONG AND HARMFUL’ MES-
23 SAGE.—Drug prevention programs supported under this
24 title shall convey a clear and consistent message that the
25 illegal use of alcohol and other drugs is wrong and harm-
26 ful.

1 “(b) CURRICULUM.—The Secretary shall not pre-
2 scribe the use of specific curricula for programs supported
3 under this title, but may evaluate the effectiveness of such
4 curricula and other strategies in drug and violence preven-
5 tion.

6 “PROHIBITED USES OF FUNDS

7 “SEC. 4403. No funds under this title may be used
8 for—

9 “(1) construction (except for minor remodeling
10 needed to accomplish the purposes of this title);

11 “(2) drug treatment or rehabilitation; and

12 “(3) psychiatric, psychological, or other medical
13 treatment or rehabilitation, other than school-based
14 counseling for students or school personnel who are
15 victims or witnesses of school-related crime.

16 “TITLE V—PROMOTING EQUITY

17 “PART A—MAGNET SCHOOLS ASSISTANCE

18 “FINDINGS

19 “SEC. 5101. The Congress finds that—

20 “(1) magnet schools are a significant part of
21 our Nation’s effort to achieve voluntary desegrega-
22 tion in its schools;

23 “(2) the use of magnet schools has increased
24 dramatically since enactment of this program, with
25 approximately 1.4 million students nationwide now

1 attending such schools, of which more than 60 per-
2 cent of the students are nonwhite;

3 “(3) magnet schools offer a wide range of dis-
4 tinctive programs that have served as models for
5 school improvement efforts;

6 “(4) in administering this program, the Federal
7 Government has learned that—

8 “(A) where magnet programs are imple-
9 mented for only a portion of a school’s student
10 body, special efforts must be made to discour-
11 age the isolation of magnet students from other
12 students in the school;

13 “(B) school districts can maximize their ef-
14 fectiveness in achieving the purposes of this
15 program if they have more flexibility to serve
16 students attending a school who are not en-
17 rolled in the magnet school program;

18 “(C) school districts must be creative in
19 designing magnet schools for students at all
20 academic levels, so that school districts do not
21 skim off only the highest achieving students to
22 attend the magnet schools;

23 “(D) school districts must seek to enable
24 participation in magnet school programs by stu-

1 dents who reside in the neighborhoods where
2 the programs are placed; and

3 “(E) in order to ensure that magnet
4 schools are sustained after Federal funding
5 ends, the Federal Government must assist
6 school districts to improve their capacity to con-
7 tinue to operate magnet schools at a high level
8 of performance;

9 “(5) it is in the best interest of the Federal
10 Government to—

11 “(A) continue its support of school dis-
12 tricts implementing court-ordered desegregation
13 plans and school districts seeking to foster
14 meaningful interaction among students of dif-
15 ferent racial and ethnic backgrounds beginning
16 at the earliest stage of their education;

17 “(B) ensure that all students have equi-
18 table access to quality education that will pre-
19 pare them to function well in a culturally di-
20 verse, technologically-oriented, and highly com-
21 petitive global community; and

22 “(C) maximize the ability of school dis-
23 tricts to plan, develop, implement and continue
24 new and innovative magnet schools that con-
25 tribute to State and local systemic reform.

1 “STATEMENT OF PURPOSE

2 “SEC. 5102. The purpose of this part is to assist in
3 the desegregation of school districts by providing financial
4 assistance to eligible local educational agencies for—

5 “(1) the elimination, reduction, or prevention of
6 minority group isolation in elementary and second-
7 ary schools with substantial proportions of minority
8 students;

9 “(2) the development and implementation of
10 magnet school projects that will assist local edu-
11 cational agencies in achieving systemic reforms and
12 providing all students the opportunity to meet chal-
13 lenging performance State standards;

14 “(3) the development and design of innovative
15 educational methods and practices; and

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 skills of students attend-
20 ing such schools.

21 “PROGRAM AUTHORIZED

22 “SEC. 5103. The Secretary is authorized, in accord-
23 ance with this part, to make grants to eligible local edu-
24 cational agencies for use in magnet schools that are part
25 of an approved desegregation plan and that are designed

1 to bring students from different social, economic, ethnic,
2 and racial backgrounds together.

3 “DEFINITION

4 “SEC. 5104. For the purpose of this part, the term
5 ‘magnet school’ means a school or education center that
6 offers a special curriculum capable of attracting substan-
7 tial numbers of students of different racial backgrounds.

8 “ELIGIBILITY

9 “SEC. 5105. A local educational agency is eligible
10 to receive assistance under this part if it—

11 “(1) is implementing a plan undertaken pursu-
12 ant to a final order issued by a court of the United
13 States, or a court of any State, or any other State
14 agency or official of competent jurisdiction, and that
15 requires the desegregation of minority-group-seg-
16 regated children or faculty in the elementary and
17 secondary schools of such agency; or

18 “(2) without having been required to do so, has
19 adopted and is implementing, or will, if assistance is
20 made available to it under this part, adopt and im-
21 plement a plan that has been approved by the Sec-
22 retary as adequate under title VI of the Civil Rights
23 Act of 1964 for the desegregation of minority-group-
24 segregated children or faculty in such schools.

1 “APPLICATIONS AND REQUIREMENTS

2 “SEC. 5106. (a) APPLICATIONS.—An eligible local
3 educational agency desiring to receive assistance under
4 this part shall submit an application to the Secretary at
5 such time, in such manner, and containing such informa-
6 tion and assurances as the Secretary may require.

7 “(b) INFORMATION AND ASSURANCES.—An applica-
8 tion under this part shall include—

9 “(1) a description of—

10 “(A) how assistance made available under
11 this part will be used to promote desegregation,
12 including how the proposed magnet school
13 project will increase interaction among students
14 of different social, economic, ethnic, and racial
15 backgrounds;

16 “(B) the manner and extent to which the
17 magnet school project will increase student
18 achievement in the instructional area or areas
19 offered by the school;

20 “(C) the manner in which an applicant will
21 continue the magnet school project after assist-
22 ance under this part is no longer available, in-
23 cluding, if applicable, an explanation of whether
24 successful magnet schools established or sup-
25 ported by the applicant with funds under this

1 part have been continued without the use of
2 funds under this part;

3 “(D) how funds under this part will be
4 used to implement services and activities that
5 are consistent with—

6 “(i) the State’s systemic reform plan,
7 if any, under title III of the Goals 2000:
8 Educate America Act; and

9 “(ii) the local educational agency’s
10 systemic reform plan, if any, under title III
11 of the Goals 2000: Educate America Act;
12 and

13 “(E) the criteria to be used in selecting
14 students to attend the proposed magnet school
15 projects; and

16 “(2) assurances that the applicant will—

17 “(A) use funds under this part for the pur-
18 poses specified in section 5103;

19 “(B) employ teachers in the courses of in-
20 struction assisted under this part who are cer-
21 tified or licensed by the State to teach the sub-
22 ject matter of the courses of instruction;

23 “(C) not engage in discrimination based on
24 race, religion, color, national origin, sex, or dis-
25 ability in—

1 rying out an approved desegregation plan and the
2 projects for which assistance is sought;

3 “(2) propose to carry out new magnet school
4 projects or significantly revise existing magnet
5 school projects;

6 “(3) propose to implement innovative edu-
7 cational approaches that are consistent with the
8 State’s and the local educational agency’s approved
9 systemic reform plans, if any, under title III of the
10 Goals 2000: Educate America Act;

11 “(4) propose to select students to attend mag-
12 net school projects by lottery, rather than through
13 academic examination; and

14 “(5) propose to draw on comprehensive commu-
15 nity plans for educational improvement, school and
16 residential desegregation, and community renewal.

17 “USE OF FUNDS

18 “SEC. 5108. (a) USE OF FUNDS.—Grants made
19 under this part may be used by eligible local educational
20 agencies—

21 “(1) for planning and promotional activities di-
22 rectly related to the development, expansion, con-
23 tinuation, or enhancement of academic programs
24 and services offered at magnet schools;

25 “(2) for the acquisition of books, materials, and
26 equipment, including computers and the mainte-

1 nance and operation thereof, necessary for the con-
2 duct of programs in magnet schools;

3 “(3) for the payment of, or subsidization of the
4 compensation of, elementary and secondary school
5 teachers who are certified or licensed by the State
6 and who are necessary for the conduct of programs
7 in magnet schools; and

8 “(4) with respect to a magnet school program
9 offered to less than the entire student population of
10 a school, for instructional activities that—

11 “(A) are designed to make available the
12 special curriculum that is offered by the magnet
13 school project to students who are enrolled in
14 the school but who are not enrolled in the mag-
15 net school program; and

16 “(B) further the purposes of this part.

17 “(b) SPECIAL RULE.—With respect to subsections
18 (a) (2) and (3), such grants may be used by eligible local
19 educational agencies for such activities only if those activi-
20 ties are directly related to improving the students’ reading
21 skills or their knowledge of mathematics, science, history,
22 geography, English, foreign languages, art, or music, or
23 to improving vocational skills.

1 “PROHIBITIONS

2 “SEC. 5109. Grants under this part may not be used
3 for transportation, or for any activity that does not aug-
4 ment academic improvement.

5 “LIMITATION ON PAYMENTS

6 “SEC. 5110. (a) DURATION OF AWARDS.—Awards
7 made under this part shall not exceed four years.

8 “(b) LIMITATION ON PLANNING FUNDS.—(1) A local
9 educational agency may expend for planning up to 50 per-
10 cent of the funds received under this part for the first
11 year of the project, 25 percent for the second year of the
12 project, and 10 percent for the third year of the project.

13 “(2) A local educational agency shall not expend
14 funds under this part for planning after the third year
15 of the project.

16 “(c) FEDERAL SHARE.—The Federal share of the
17 cost of any project under this part shall not exceed 100
18 percent for the first and second years of the project, 90
19 percent for the third year, and 70 percent for the fourth
20 year.

21 “(d) LIMITATION ON GRANTS.—No local educational
22 agency shall receive more than \$4,000,000 under this part
23 in any one grant cycle.

24 “(e) AWARD REQUIREMENT.—To the extent prac-
25 ticable, for any fiscal year, the Secretary shall award

1 grants to local educational agencies under this part no
2 later than June 30 of the applicable fiscal year.

3 “AUTHORIZATION OF APPROPRIATIONS; RESERVATION

4 “SEC. 5111. (a) AUTHORIZATION.—For the purpose
5 of carrying out this part, there are authorized to be appro-
6 priated such sums as may be necessary for each of the
7 fiscal years 1995 through 1999.

8 “(b) AVAILABILITY OF FUNDS FOR GRANTS TO
9 AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal
10 year for which the amount appropriated pursuant to sub-
11 section (a) exceeds \$75,000,000, the Secretary shall, with
12 respect to such excess amount, give priority to grants to
13 local educational agencies that did not receive a grant
14 under this part in the last fiscal year of the funding cycle
15 prior to the fiscal year for which the determination is
16 made.

17 “(c) EVALUATIONS.—The Secretary may reserve no
18 more than 2 percent of the funds appropriated under sub-
19 section (a) for any fiscal year to carry out evaluations of
20 projects under this part.

21 “PART B—EQUALIZATION ASSISTANCE

22 “TECHNICAL AND OTHER ASSISTANCE REGARDING
23 SCHOOL FINANCE EQUITY

24 “SEC. 5201. (a) TECHNICAL ASSISTANCE.—(1) The
25 Secretary is authorized to make grants to, and enter into
26 contracts and cooperative agreements with, State edu-

1 cational agencies and other public and private agencies,
2 institutions, and organizations to provide technical assist-
3 ance to State and local educational agencies to assist them
4 in achieving a greater degree of equity in the distribution
5 of financial resources for education among local edu-
6 cational agencies in the State.

7 “(2) A grant or contract under this section may sup-
8 port technical assistance activities, such as—

9 “(A) the establishment and operation of a cen-
10 ter or centers for the provision of technical assist-
11 ance to State and local educational agencies;

12 “(B) the convening of conferences on equali-
13 zation of resources within local educational agencies,
14 within States, and among States; and

15 “(C) obtaining advice from experts in the field
16 of school finance equalization.

17 “(b) RESEARCH.—(1) The Secretary is authorized to
18 carry out applied research and analysis designed to fur-
19 ther knowledge and understanding of methods to achieve
20 greater equity in the distribution of financial resources
21 among local educational agencies.

22 “(2) The Secretary may carry out research under this
23 subsection directly or through grants to, or contracts or
24 cooperative agreements with, any public or private organi-
25 zation.

1 “(3) In carrying out this section, the Secretary is au-
2 thORIZED to—

3 “(A) support research on the equity of existing
4 State school funding systems;

5 “(B) train individuals in such research;

6 “(C) promote the coordination of such research;

7 “(D) collect and analyze data related to school
8 finance equity in the United States and other na-
9 tions; and

10 “(E) report periodically on the progress of
11 States in achieving school finance equity.

12 “(4) The Secretary shall coordinate activities under
13 this subsection with activities carried out by the Office of
14 Educational Research and Improvement.

15 “(5) Each State educational agency or local edu-
16 cational agency receiving assistance under this Act shall
17 provide such data and information on school finance as
18 the Secretary may require to carry out the purposes of
19 this section.

20 “(c) MODELS.—The Secretary is authorized, directly
21 or through grants, contracts, or cooperative agreements,
22 to develop and disseminate models and materials useful
23 to States in planning and implementing revisions of their
24 school finance systems.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purpose of carrying out this section, there are authorized
3 to be appropriated such sums as may be necessary for
4 each of the fiscal years 1995 through 1999.

5 “PART C—WOMEN’S EDUCATIONAL EQUITY

6 “FINDINGS

7 “SEC. 5301. The Congress finds that—

8 “(1) since the enactment of title IX of the Edu-
9 cation Amendments of 1972, women and girls have
10 made strides in educational achievement and in their
11 ability to avail themselves of educational opportuni-
12 ties;

13 “(2) because of funding provided under the
14 Women’s Educational Equity Act, there are now
15 many more curricula, training and other educational
16 materials concerning educational equity for women
17 and girls available for national dissemination;

18 “(3) however, significant gender inequities still
19 exist in teaching and learning practices, for exam-
20 ple—

21 “(A) sexual harassment, particularly that
22 experienced by girls, is a significant problem in
23 schools, undermining the ability of schools to
24 provide a safe and equitable learning or work-
25 place environment;

1 “(B) girls receive significantly less atten-
2 tion from classroom teachers than boys, and
3 girls of color have less interaction with teachers
4 than all other girls;

5 “(C) educational materials do not suffi-
6 ciently reflect the experiences, achievements, or
7 concerns of women and, in most cases, are not
8 written by women or persons of color;

9 “(D) girls do not take as many mathe-
10 matics and science courses as boys, they lose
11 confidence in their mathematics and science
12 ability as they move through adolescence, there
13 are few women role models in the sciences, and
14 women continue to be concentrated in low-pay-
15 ing, traditionally female jobs that do not re-
16 quire mathematics and science skills; and

17 “(E) pregnant and parenting teenagers are
18 at high risk for dropping out of school and ex-
19 isting dropout prevention programs do not ade-
20 quately address this population;

21 “(4) Federal support should address not only
22 research and development of innovative model curric-
23 ula and teaching and learning strategies to promote
24 gender equity, but, to the extent feasible, also help

1 schools and local communities implement and insti-
2 tutionalize gender equitable practices;

3 “(5) Federal assistance for gender equity must
4 be tied to systemic reform, involve collaborative ef-
5 forts to implement effective gender practices at the
6 local level, and encourage parental participation; and

7 “(6) excellence in education, high educational
8 achievements and standards, and the full participa-
9 tion of women and girls in American society cannot
10 be achieved without educational equity for women
11 and girls.

12 “STATEMENT OF PURPOSES

13 “SEC. 5302. The purposes of this part are to—

14 “(A) promote educational equity for women and
15 girls in the United States and to provide financial
16 assistance to enable educational agencies and insti-
17 tutions to meet the requirements of title IX of the
18 Education Amendments of 1972;

19 “(B) promote educational equity for women and
20 girls who suffer multiple discrimination, bias, or
21 stereotyping based on gender and on race, ethnic or-
22 igin, disability, or age; and

23 “(C) help ensure that all women and girls have
24 equal opportunity to achieve to high educational
25 standards.

1 “PROGRAM AUTHORIZED

2 “SEC. 5303. The Secretary is authorized to make
3 grants to, and enter into contracts and cooperative agree-
4 ments with, public agencies, private nonprofit agencies, or-
5 ganizations, and institutions, including student and com-
6 munity groups, and individuals, to achieve the purposes
7 of this part by providing support and technical assistance
8 for—

9 “(1) the implementation of effective gender-eq-
10 uity policies and practices at all educational levels,
11 including—

12 “(A) assisting educational agencies and in-
13 stitutions to implement policies and practices to
14 comply with title IX of the Education Amend-
15 ments of 1972, including preventing the sexual
16 harassment of students and employees;

17 “(B) training for teachers, counselors, ad-
18 ministrators, and other school personnel, espe-
19 cially preschool and elementary school person-
20 nel, to ensure that gender equity pervades their
21 teaching and learning practices;

22 “(C) leadership training to allow women
23 and girls to develop professional and market-
24 able skills to compete in the global marketplace,

1 improve self-esteem, and benefit from exposure
2 to positive role models;

3 “(D) school-to-work transition programs
4 and other programs to increase opportunities
5 for women and girls to enter a technologically
6 demanding workplace and, in particular, to
7 enter highly skilled, high paying careers in
8 which they have been underrepresented;

9 “(E) enhancing educational and career op-
10 portunities for women and girls who suffer mul-
11 tiple forms of discrimination, based on sex and
12 on race, ethnic origin, limited English pro-
13 ficiency, disability, or age; and

14 “(F) assisting pregnant students and stu-
15 dents rearing children to remain in high school,
16 graduate, and prepare their preschool children
17 to start school; and

18 “(2) research and development designed to ad-
19 vance gender equity nationwide and to help make
20 policies and practices in educational agencies and in-
21 stitutions and local communities gender-equitable,
22 including—

23 “(A) research and development designed to
24 advance gender equity, including the develop-

1 ment of innovative strategies to improve teach-
2 ing and learning practices;

3 “(B) the development of high quality and
4 challenging assessment instruments that are
5 free of gender bias;

6 “(C) the evaluation of curricula, textbooks,
7 and other educational materials to ensure the
8 absence of gender stereotyping and bias;

9 “(D) the development of instruments and
10 procedures that employ new and innovative
11 strategies to assess whether diverse educational
12 settings are gender equitable;

13 “(E) the development of new dissemination
14 and replication strategies; and

15 “(F) updating high quality educational
16 materials previously developed through awards
17 made under this part.

18 “APPLICATIONS

19 “SEC. 5304. (a) APPLICATIONS.—(1) A grant may
20 be made, and a contract or cooperative agreement may
21 be entered into, under this part only upon application to
22 the Secretary, at such time, in such form, and containing
23 or accompanied by such information as the Secretary may
24 prescribe.

25 “(2) Each application shall—

1 “(A) set forth policies and procedures that will
2 ensure a comprehensive evaluation of the activities
3 carried out under the project, including an evalua-
4 tion of the practices, policies, and materials used by
5 the applicant and an evaluation or estimate of the
6 continued significance of the work of the project fol-
7 lowing completion of the award period;

8 “(B) demonstrate how funds received under
9 this part will be used to promote the attainment of
10 one or more of the National Education Goals set out
11 in title I of the Goals 2000: Educate America Act
12 and support the implementation of State and local
13 plans for systemic reform, if any, approved under
14 title III of such Act;

15 “(C) demonstrate how the applicant will ad-
16 dress perceptions of gender roles based on cultural
17 and linguistic differences or stereotypes;

18 “(D) describe how funds under this part will be
19 used in a manner that is consistent with and pro-
20 motes the implementation of State and local pro-
21 grams under the School-to-Work Opportunities Act
22 of 1993;

23 “(E) for applications for projects under section
24 5303(1), demonstrate how the applicant will foster
25 partnerships and share resources with State edu-

1 cational agencies, local educational agencies, institu-
2 tions of higher education, and other recipients of
3 Federal educational funding; and

4 “(F) for applications for projects under section
5 5303(1), demonstrate how parental involvement in
6 the project will be encouraged.

7 “(b) SPECIAL RULE.—In approving applications
8 under this part, the Secretary shall give special consider-
9 ation to applications—

10 “(1) submitted by applicants that have not re-
11 ceived assistance under this part or under part C of
12 title IX of this Act as in effect prior to October 1,
13 1988;

14 “(2) for projects that would contribute signifi-
15 cantly to directly improving teaching and learning
16 practices in the local community; and

17 “(3) for projects that would—

18 “(A) provide for a comprehensive approach
19 to enhancing gender equity in educational insti-
20 tutions and agencies; and

21 “(B) draw on a variety of resources, in-
22 cluding local educational agencies, community-
23 based organizations, institutions of higher edu-
24 cation, and private organizations.

1 “(c) LIMITATION.—Nothing in this part shall be con-
2 strued as prohibiting men and boys from participating in
3 any programs or activities assisted under this part.

4 “CRITERIA AND PRIORITIES

5 “SEC. 5305. The Secretary shall establish separate
6 criteria and priorities for awards under sections 5303 (1)
7 and (2) of this part to ensure that available funds are used
8 for programs that most effectively will achieve the pur-
9 poses of this part.

10 “REPORT

11 “SEC. 5306. The Secretary shall, by January 1,
12 1999, submit to the President and the Congress a report
13 on the status of educational equity for girls and women
14 in the Nation.

15 “EVALUATION AND DISSEMINATION

16 “SEC. 5307. (a) EVALUATION AND DISSEMINA-
17 TION.—The Secretary shall evaluate and disseminate ma-
18 terials and programs developed under this part.

19 “(b) USE OF PROGRAM FUNDS.—The Secretary is
20 authorized to use funds appropriated under section 5308
21 to gather and disseminate information about emerging is-
22 sues concerning gender equity and, if necessary, to con-
23 vene meetings for this purpose.

24 “AUTHORIZATION OF APPROPRIATIONS

25 “SEC. 5308. For the purpose of carrying out this
26 part, there are authorized to be appropriated such sums

1 as may be necessary for each of the fiscal years 1995
2 through 1999.

3 “TITLE VI—INDIAN EDUCATION

4 “FINDINGS

5 “SEC. 6001. The Congress finds that—

6 “(1) the Federal Government has a special re-
7 sponsibility to ensure that educational programs for
8 all American Indian and Alaska Native children and
9 adults—

10 “(A) are based on high-quality, inter-
11 nationally competitive content and student per-
12 formance standards and build on Indian culture
13 and the Indian community; and

14 “(B) assist local educational agencies, In-
15 dian tribes, and others in providing Indian stu-
16 dents the opportunity to learn to those stand-
17 ards;

18 “(2) since enactment of the original Indian
19 Education Act in 1972, Indian parents have become
20 significantly more involved in the planning, develop-
21 ment, and implementation of educational programs
22 that affect them and their children, and schools
23 should continue to foster this involvement;

24 “(3) although the numbers of Indian teachers,
25 administrators, and university professors have in-

1 creased since 1972, teacher training programs are
2 not recruiting, training, or retraining sufficient num-
3 bers of Indian persons as educators to meet the
4 needs of a growing Indian student population in ele-
5 mentary, secondary, vocational, adult, and higher
6 education;

7 “(4) the dropout rate for Indian students is un-
8 acceptably high; for example, nine percent of Indian
9 students who were eighth graders in 1988 had al-
10 ready dropped out of school by 1990;

11 “(5) from 1980 to 1990, the percentage of In-
12 dian persons living in poverty increased from 24 per-
13 cent to 31 percent, and the readiness of Indian chil-
14 dren to learn is hampered by the high incidence of
15 poverty, unemployment, and health problems among
16 Indian children and families; and

17 “(6) research related specifically to the edu-
18 cation of Indian children and adults is very limited,
19 and much of it is poor in quality or focused on lim-
20 ited local or regional issues.

21 “PURPOSE

22 “SEC. 6002. (a) PURPOSE.—It is the purpose of this
23 title to support the efforts of local educational agencies,
24 Indian tribes and organizations, State educational agen-
25 cies, postsecondary institutions, and other entities to meet
26 the unique educational needs of American Indians and

1 Alaska Natives, so that they can achieve to the same chal-
2 lenging State performance standards expected of all stu-
3 dents.

4 “(b) PROGRAMS AUTHORIZED.—This title carries out
5 the purpose described in subsection (a) by authorizing pro-
6 grams of direct assistance for—

7 “(1) the education of Indian children and
8 adults;

9 “(2) the training of Indian persons as educators
10 and counselors, and in other professions serving In-
11 dian people; and

12 “(3) research, evaluation, data collection, and
13 technical assistance.

14 “PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL
15 AGENCIES

16 “PURPOSE

17 “SEC. 6101. It is the purpose of this part to support
18 local educational agencies in their efforts to reform ele-
19 mentary and secondary school programs that serve Indian
20 students, in order to ensure that those programs—

21 “(1) are based on challenging State content and
22 student performance standards that are used for all
23 students; and

1 “(2) are designed to assist Indian students
2 meet those standards and assist the Nation in reach-
3 ing the National Education Goals.

4 “GRANTS TO LOCAL EDUCATIONAL AGENCIES

5 “SEC. 6102. A local educational agency is eligible for
6 a grant under this part for any fiscal year if the number
7 of Indian children who were enrolled in the schools of the
8 agency, and to whom the agency provided free public edu-
9 cation, during the preceding fiscal year—

10 “(1) was at least 20; or

11 “(2) constituted at least 25 percent of the agen-
12 cy’s total enrollment.

13 “AMOUNT OF GRANTS

14 “SEC. 6103. (a) AMOUNT OF GRANTS.—(1) The Sec-
15 retary is authorized to allocate to each local educational
16 agency whose application has been approved under this
17 part an amount equal to the product of—

18 “(A) the number of Indian children described in
19 section 6102; and

20 “(B) the greater of—

21 “(i) the average per-pupil expenditure of
22 the State in which the agency is located; or

23 “(ii) 80 percent of the average per-pupil
24 expenditure in the United States.

1 “(2) The Secretary shall reduce the amount of each
2 allocation determined under paragraph (1) in accordance
3 with subsection (e) of this section.

4 “(b) MINIMUM GRANT AMOUNT.—The Secretary
5 shall not make any grant to a local educational agency
6 if the amount determined under subsection (a) is less than
7 \$4,000, except that the Secretary may make a grant to
8 a consortium of local educational agencies, one or more
9 of which does not qualify for such a minimum award, if—

10 “(1) the total amount so determined for those
11 agencies is at least \$4,000;

12 “(2) those agencies, in the aggregate, meet the
13 eligibility requirement of either section 6102(1) or
14 6102(2); and

15 “(3) the Secretary determines that such a grant
16 would be effectively used to carry out the purpose of
17 this part.

18 “(c) DEFINITION.—For the purpose of this section,
19 the average per-pupil expenditure of a State is determined
20 by dividing—

21 “(1) the aggregate current expenditures of all
22 the local educational agencies in the State, plus any
23 direct current expenditures by the State for the op-
24 eration of such agencies, without regard to the
25 sources of funds from which such local or State ex-

1 penditures were made, during the second fiscal year
2 preceding the fiscal year for which the computation
3 is made; by

4 “(2) the aggregate number of children who
5 were in average daily attendance for whom such
6 agencies provided free public education during such
7 preceding fiscal year.

8 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE
9 BUREAU OF INDIAN AFFAIRS.—(1) In addition to the
10 grants determined under subsection (a), the Secretary
11 shall allocate to the Secretary of the Interior an amount
12 equal to the product of—

13 “(A) the total number of Indian children en-
14 rolled in schools that are operated by—

15 “(i) the Bureau of Indian Affairs; or

16 “(ii) an Indian tribe, or an organization
17 controlled or sanctioned by an Indian tribal
18 government, for the children of that tribe under
19 a contract with, or grant from, the Department
20 of the Interior under the Indian Self-Deter-
21 mination Act (25 U.S.C. 450f et seq.) or the
22 Tribally Controlled Schools Act of 1988 (25
23 U.S.C. 2501 et seq.); and

24 “(B) the greater of—

1 “(1)(A) is consistent with, and promotes the
2 goals in, the State and local plans, either approved
3 or being developed, under title III of the Goals
4 2000: Educate America Act or, if those plans are
5 not approved or being developed, with the State and
6 local plans under sections 1111 and 1112 of this
7 Act; and

8 “(B) includes academic content and student
9 performance goals for those children, and bench-
10 marks for attaining them, that are based on the
11 challenging State standards adopted under title III
12 of the Goals 2000: Educate America Act or under
13 title I of this Act for all children;

14 “(2) explains how Federal, State, and local programs,
15 especially under title I of this Act, will meet the needs
16 of those students;

17 “(3) demonstrates how funds under this part will be
18 used for activities authorized by section 6106;

19 “(4) describes the professional development to be pro-
20 vided, as needed, to ensure that—

21 “(A) teachers and other school professionals
22 who are new to the Indian community are prepared
23 to work with Indian children; and

1 “(B) all teachers who will be involved in the
2 project have been properly trained to carry it out;
3 and

4 “(5) describes how the agency—

5 “(A) will periodically assess the progress of all
6 Indian children in its schools, including those not
7 participating in programs under this part, in meet-
8 ing the goals described in paragraph (1);

9 “(B) will provide the results of that assessment
10 to the parent committee described in subsection
11 (c)(8) and to the community served by the agency;
12 and

13 “(C) is responding to findings of any previous
14 such assessments.

15 “(c) ASSURANCES.—Each such application shall also
16 include assurances that—

17 “(1) the local educational agency will use funds
18 received under this part only to supplement the level
19 of funds that, in the absence of such Federal funds,
20 the agency would make available for the education
21 of Indian children, and not to supplant such funds;

22 “(2) the local educational agency will submit
23 such reports to the Secretary, in such form and con-
24 taining such information, as the Secretary may re-
25 quire to—

1 “(A) carry out the Secretary’s functions
2 under this part; and

3 “(B) determine the extent to which funds
4 provided under this part have been effective in
5 improving the educational achievement of In-
6 dian students in the local educational agency;

7 “(3) the program for which assistance is sought
8 will use the best available talents and resources, in-
9 cluding persons from the Indian community;

10 “(4) the local educational agency has developed
11 the program in open consultation with parents of In-
12 dian children, teachers, and, where appropriate, sec-
13 ondary school Indian students, including holding
14 public hearings at which these persons have had a
15 full opportunity to understand the program and to
16 offer recommendations on it;

17 “(5) the local educational agency has developed
18 the program with the participation and written ap-
19 proval of a committee—

20 “(A) that is composed of, and selected by,
21 parents of Indian children in the local edu-
22 cational agency’s schools, teachers, and, where
23 appropriate, secondary school Indian students;
24 and

1 “(B) of which at least half the members
2 are parents described in subparagraph (A); and

3 “(6) the parent committee described in para-
4 graph (5) will adopt and abide by reasonable bylaws
5 for the conduct of the activities of the committee.

6 “(d) STATE EDUCATIONAL AGENCY REVIEW.—(1)
7 Before submitting its application to the Secretary, the
8 local educational agency shall obtain comments on the ap-
9 plication from the State educational agency.

10 “(2) The local educational agency shall send the
11 State educational agency’s comments to the Secretary
12 with its application.

13 “AUTHORIZED SERVICES AND ACTIVITIES

14 “SEC. 6105. (a) GENERAL REQUIREMENTS.—Each
15 local educational agency that receives a grant under this
16 part shall use the grant funds for services and activities,
17 consistent with the purpose of this part, that—

18 “(1) are designed to carry out its comprehen-
19 sive plan for Indian students, described in its appli-
20 cation under section 6104(b);

21 “(2) are designed with special regard for the
22 language and cultural needs of those students; and

23 “(3) supplement and enrich the regular school
24 program.

25 “(b) PARTICULAR ACTIVITIES.—Such services and
26 activities include, but are not limited to—

1 “(1) early childhood and family programs that
2 emphasize school readiness;

3 “(2) enrichment programs that focus on prob-
4 lem-solving and cognitive skills development and that
5 directly support the attainment of challenging State
6 content and student performance standards;

7 “(3) integrated educational services in combina-
8 tion with other programs meeting similar needs;

9 “(4) school-to-work transition activities to en-
10 able Indian students to participate in programs such
11 as those supported by the School-to-Work Opportu-
12 nities Act of 1993 and the Carl D. Perkins Voca-
13 tional and Applied Technology Education Act, in-
14 cluding tech-prep programs;

15 “(5) prevention of, and education about, sub-
16 stance abuse; and

17 “(6) acquisition of equipment, but only if it is
18 essential to meet the purpose of this part.

19 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding
20 any other provision of this part, a local educational agency
21 may use funds it receives under this part to support a
22 schoolwide program under section 1114 of title I of this
23 Act, in accordance with such section, if the Secretary de-
24 termines that the local educational agency has made ade-

1 quate provision for the participation of Indian children,
2 and the involvement of Indian parents, in such project.

3 “STUDENT ELIGIBILITY FORMS

4 “SEC. 6106. Each local educational agency that ap-
5 plies for a grant under this part shall maintain in its files
6 a form, prescribed by the Secretary, for each Indian child
7 described in section 6102, which shall contain at least—

8 “(1) the child’s name;

9 “(2) the name of the Indian tribe or band of
10 Indians in which membership is claimed; and

11 “(3) the parent’s signature.

12 “PAYMENTS

13 “SEC. 6107. (a) GENERAL.—The Secretary shall pay
14 each local educational agency with an application approved
15 under this part the amount determined under section
16 6103, subject to subsections (b) and (c) of this section.

17 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
18 STATE.—The Secretary shall not make a grant under this
19 part for any fiscal year to any local educational agency
20 in a State that has taken into consideration payments
21 under this part (or under subpart 1 of the Indian Edu-
22 cation Act of 1988) in determining the eligibility of the
23 local educational agency for State aid, or the amount of
24 that aid, with respect to the free public education of chil-
25 dren during that year or the preceding fiscal year.

1 “(c) REDUCTION OF PAYMENT FOR FAILURE TO
2 MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not
3 pay any local educational agency the full amount deter-
4 mined under section 6103 for any fiscal year unless the
5 State educational agency notifies the Secretary, and the
6 Secretary determines, that the combined fiscal effort of
7 that local agency and the State with respect to the provi-
8 sion of free public education by that local agency for the
9 preceding fiscal year, computed on either a per-student or
10 aggregate expenditure basis, was at least 90 percent of
11 such combined fiscal effort, computed on the same basis,
12 for the second preceding fiscal year.

13 “(2) If the Secretary determines for any fiscal year
14 that a local educational agency failed to maintain its fiscal
15 effort at the 90 percent level required by paragraph (1),
16 the Secretary shall—

17 “(A) reduce the amount of the grant that would
18 otherwise be made to the agency under this part in
19 the exact proportion of that agency’s failure to
20 maintain its fiscal effort at that level; and

21 “(B) not use the reduced amount of the agen-
22 cy’s expenditures for the preceding year to deter-
23 mine compliance with paragraph (1) for any suc-
24 ceeding fiscal year, but shall use the amount of ex-

1 penditures that would have been required to comply
2 with paragraph (1).

3 “(3)(A) The Secretary may waive the requirement of
4 paragraph (1), for not more than one year at a time, if
5 the Secretary determines that the failure to comply with
6 such requirement is due to exceptional or uncontrollable
7 circumstances, such as a natural disaster or a precipitous
8 and unforeseen decline in the agency’s financial resources.

9 “(B) The Secretary shall not use the reduced amount
10 of such agency’s expenditures for the fiscal year preceding
11 the fiscal year for which a waiver is granted to determine
12 compliance with paragraph (1) for any succeeding fiscal
13 year, but shall use the amount of expenditures that would
14 have been required to comply with paragraph (1) in the
15 absence of the waiver.

16 “(d) REALLOCATIONS.—The Secretary may reallo-
17 cate, in the manner the Secretary determines will best
18 carry out the purpose of this part, any amounts that—

19 “(1) based on estimates by local educational
20 agencies or other information, will not be needed by
21 those agencies to carry out their approved projects
22 under this part; or

23 “(2) otherwise become available for reallocation
24 under this part.

1 “PART B—DISCRETIONARY PROGRAMS TO IMPROVE
2 EDUCATIONAL ACHIEVEMENT OF INDIAN CHILDREN

3 “GRANTS TO INDIAN-CONTROLLED SCHOOLS

4 “SEC. 6201. (a) PURPOSE.—It is the purpose of this
5 section to support Indian-controlled schools by providing
6 assistance to—

7 “(1) help Indian-controlled schools get started
8 and established; and

9 “(2) pay for supplemental services that will—

10 “(A) enable Indian students to meet the
11 same challenging State performance standards
12 that all students will be expected to meet; and

13 “(B) assist the Nation in reaching the Na-
14 tional Education Goals.

15 “(b) ELIGIBLE APPLICANTS.—Indian tribes and In-
16 dian organizations may apply under this section for grants
17 for schools for Indian children.

18 “(c) PRIORITY.—(1) In making grants under this
19 section, the Secretary shall give priority to applicants that
20 are—

21 “(A) starting new schools with the approval of
22 the Bureau of Indian Affairs; or

23 “(B) in the process of gaining control over a
24 school operated by the Bureau of Indian Affairs.

1 “(2) To qualify for the priority under paragraph (1),
2 an applicant must demonstrate to the Secretary’s satisfac-
3 tion that the school for which assistance is sought will—

4 “(A) receive funds under the Indian school
5 equalization program established under the Edu-
6 cation Amendments of 1978 within three years of
7 the beginning of its proposed project; and

8 “(B) have been under the control of the appli-
9 cant for less than three years as of the beginning of
10 its proposed project.

11 “(d) AUTHORIZED ACTIVITIES.—(1) Recipients of
12 grants under this section shall use grant funds to carry
13 out projects and activities that meet the purpose of this
14 section.

15 “(2) Such activities include, but are not limited to—

16 “(A) student assessments;

17 “(B) curriculum development;

18 “(C) staff development; and

19 “(D) community orientation.

20 “DEMONSTRATION GRANTS

21 “SEC. 6202. (a) PURPOSE; COORDINATION.—(1) It
22 is the purpose of this section to support projects that are
23 designed to develop, test, and demonstrate the effective-
24 ness of services and programs to improve educational
25 achievement of Indian children.

1 “(2) The Secretary shall ensure that projects under
2 this section are coordinated with projects under other pro-
3 visions of this Act.

4 “(b) ELIGIBLE APPLICANTS.—State educational
5 agencies, local educational agencies, Indian tribes, Indian
6 organizations, and institutions of higher education, includ-
7 ing Indian institutions of higher education, may apply for
8 grants under this section.

9 “(c) AUTHORIZED PROJECTS AND ACTIVITIES.—Re-
10 cipients of grants under this section shall use the grant
11 funds to carry out projects and activities that meet the
12 purpose of this section, such as—

13 “(1) instruction to raise the achievement of In-
14 dian children in one or more of the core curriculum
15 areas of English, mathematics, science, foreign lan-
16 guages, arts, history, and geography;

17 “(2) programs designed to reduce the incidence
18 of students dropping out of school and to increase
19 the rate of high school graduation;

20 “(3) partnership projects between local edu-
21 cational agencies and institutions of higher edu-
22 cation that allow high school students to enroll in
23 courses at the postsecondary level to aid them in the
24 transition from high school to postsecondary edu-
25 cation;

1 “(4) partnership projects between schools and
2 local businesses for school-to-work transition pro-
3 grams designed to provide Indian youth with the
4 knowledge and skills they need to make an effective
5 transition from school to a first job in a high-skill,
6 high-wage career;

7 “(5) family-based preschool programs that em-
8 phasize school readiness and parenting skills;

9 “(6) programs designed to encourage and assist
10 Indian students to work toward, and gain entrance
11 into, institutions of higher education; and

12 “(7) programs to meet the needs of gifted and
13 talented Indian students.

14 “(d) APPLICATIONS.—(1) Any eligible entity that de-
15 sires to receive a grant under this section shall submit an
16 application to the Secretary at such time and in such man-
17 ner as the Secretary may require.

18 “(2) Each such application shall contain—

19 “(A) a description of how parents of Indian
20 children and representatives of Indian tribes have
21 been, and will be, involved in developing and imple-
22 menting the project for which assistance is sought;

23 “(B) an assurance that the applicant will par-
24 ticipate, at the request of the Secretary, in any na-
25 tional evaluation of projects under this section; and

1 and retraining programs and to obtain and retain
2 productive employment; and

3 “(2) enable Indian adults who so desire to con-
4 tinue their education through the high school level
5 and beyond.

6 “(b) ELIGIBLE APPLICANTS.—Indian tribes, Indian
7 organizations, Indian institutions of higher education, and
8 other public and nonprofit private agencies and organiza-
9 tions may apply for grants under this section.

10 “(c) PROGRAM REQUIREMENTS.—Each recipient of a
11 grant under this section shall—

12 “(1) provide adult education, as defined in sec-
13 tion 6601(2), to Indian adults in a manner that sup-
14 plements State funds expended for adult education
15 for Indian adults;

16 “(2) coordinate its project with other adult edu-
17 cation programs, if any, in the same geographic
18 area, including programs funded under the Adult
19 Education Act and programs operated or funded by
20 the Bureau of Indian Affairs; and

21 “(3) collect, evaluate, and report on data con-
22 cerning such matters as the Secretary may require,
23 including the number of participants, the effect of
24 the project on the subsequent work experience of
25 participants, the progress of participants in achiev-

1 education, and other public and private agencies and insti-
2 tutions.

3 “GRANTS TO STATES

4 “SEC. 6402. (a) PURPOSE.—The purpose of this sec-
5 tion is to assist States in implementing comprehensive,
6 Statewide strategies for providing Indian children and
7 adults with greater opportunities to meet challenging
8 State standards.

9 “(b) ELIGIBILITY.—Each State is eligible for a grant
10 under this section if it has a State plan for education re-
11 form in the State that—

12 “(1) in the Secretary’s judgment, effectively
13 provides for the education of Indian children and
14 adults; and

15 “(2)(A) is integrated with the State’s plan, ei-
16 ther approved or being developed, under title III of
17 the Goals 2000: Educate America Act, and satisfies
18 the requirements of this section that are not already
19 addressed by that State plan; or

20 “(B) if the State does not have an approved
21 plan under title III of the Goals 2000: Educate
22 America Act and is not developing such a plan, is
23 integrated with other State plans under this Act.

24 “(c) GRANT AMOUNTS.—(1) From funds appro-
25 priated to carry out this section, the Secretary shall make
26 a grant to each State educational agency in an eligible

1 State whose application for assistance under this section
2 has been approved.

3 “(2)(A) The Secretary is authorized to deter-
4 mine the amount of each such grant on the basis
5 of—

6 “(i) the number of Indian individuals in
7 the State, as determined on the basis of the
8 most recent available data satisfactory to the
9 Secretary;

10 “(ii) the comprehensiveness and quality of
11 the State’s plan;

12 “(iii) the State’s commitment to high-qual-
13 ity education programs for Indian children and
14 adults; and

15 “(iv) other factors that the Secretary finds
16 appropriate.

17 “(B) Notwithstanding subparagraph (A), no
18 grant under this section shall be in an amount less
19 than the greater of—

20 “(i) \$50,000; or

21 “(ii) five percent of the total amount paid
22 to local educational agencies in the State for
23 that fiscal year under part A of this title.

24 “(d) AUTHORIZED ACTIVITIES.—Each State that re-
25 ceives a grant under this section shall use the grant funds

1 for activities to meet the purpose of this section, includ-
2 ing—

3 “(1) reviewing local educational agency applica-
4 tions under part A of this title;

5 “(2) collecting data;

6 “(3) providing technical assistance to local edu-
7 cational agencies;

8 “(4) measuring the achievement of Indian stu-
9 dents against the standards set out in the State’s
10 plan described in subsection (b); and

11 “(5) carrying out other activities and providing
12 other services designed to build the capacity of the
13 State to serve the educational needs of Indian chil-
14 dren and adults.

15 “(e) APPLICATIONS.—Each State that desires to re-
16 ceive a grant under this section shall submit an application
17 to the Secretary at such time, in such manner, and con-
18 taining such information and assurances as the Secretary
19 may require, including an assurance that the State will
20 submit to the Secretary, every two years, a report on its
21 activities under this section containing such data and
22 other information as the Secretary may require.

1 “PART E—FEDERAL ADMINISTRATION

2 “OFFICE OF INDIAN EDUCATION

3 “SEC. 6501. (a) OFFICE OF INDIAN EDUCATION.—

4 There shall be an Office of Indian Education (hereafter
5 in this section referred to as “the Office”) in the Depart-
6 ment of Education.

7 “(b) DIRECTOR.—(1) The Office shall be under the
8 direction of the Director, who shall be appointed by the
9 Secretary and who shall report directly to the Assistant
10 Secretary for Elementary and Secondary Education.

11 “(2) The Director shall—

12 “(A) be responsible for administering this title;

13 “(B) be involved in, and be primarily respon-
14 sible for, the development of all policies affecting In-
15 dian children and adults under programs adminis-
16 tered by the Office of Elementary and Secondary
17 Education; and

18 “(C) coordinate the development of policy and
19 practice for all programs in the Department relating
20 to Indian persons.

21 “(3) The Director of the Office shall be a member
22 of the career Senior Executive Service.

23 “(c) INDIAN PREFERENCE IN EMPLOYMENT.—(1)

24 The Secretary shall give a preference to Indian persons
25 in all personnel actions in the Office.

1 “(2) Such preference shall be implemented in the
2 same fashion as the preference given to any veteran under
3 section 2609 of the Revised Statutes, section 45 of title
4 25, United States Code.

5 “NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

6 “SEC. 6502. (a) MEMBERSHIP.—There shall be a
7 National Advisory Council on Indian Education (hereafter
8 in this section referred to as “the Council”), which shall—

9 “(1) consist of 15 Indian members, who shall
10 be appointed by the President from lists of nominees
11 furnished, from time to time, by Indian tribes and
12 organizations; and

13 “(2) represent different geographic areas of the
14 country.

15 “(b) DUTIES.—The Council shall—

16 “(1) advise the Secretary on the funding and
17 administration, including the development of regula-
18 tions and of administrative policies and practices, of
19 any program, including programs under this title,
20 for which the Secretary is responsible and in which
21 Indian children or adults participate or from which
22 they can benefit;

23 “(2) make recommendations to the Secretary
24 for filling the Director’s position whenever a vacancy
25 occurs in that position; and

1 “(3) submit to the Congress, by June 30 of
2 each year, a report on its activities, which shall in-
3 clude—

4 “(A) any recommendations it finds appro-
5 priate for the improvement of Federal education
6 programs in which Indian children or adults
7 participate, or from which they can benefit; and

8 “(B) its recommendations with respect to
9 the funding of any such programs.

10 “PEER REVIEW

11 “SEC. 6503. In reviewing applications under parts B,
12 C, and D of this title, the Secretary may use a peer review
13 process.

14 “PREFERENCE FOR INDIAN APPLICANTS

15 “SEC. 6504. In making grants under parts B and C
16 of this title, the Secretary shall give a preference to Indian
17 tribes, Indian organizations, and Indian institutions of
18 higher education under any program for which they are
19 eligible to apply.

20 “MINIMUM GRANT CRITERIA

21 “SEC. 6505. In making grants under parts B and C
22 of this title, the Secretary shall approve only projects that
23 are—

24 “(1) of sufficient size, scope, and quality to
25 achieve the purpose of the section under which as-
26 sistance is sought; and

1 “(2) based on relevant research findings.

2 “PART F—DEFINITIONS; AUTHORIZATIONS OF

3 APPROPRIATIONS

4 “DEFINITIONS

5 “SEC. 6601. The following definitions apply to terms

6 as used in this title:

7 “(1) The term ‘adult’ means an individual who

8 is either—

9 “(A) at least 16 years old; or

10 “(B) beyond the age of compulsory school

11 attendance under State law.

12 “(2) The term ‘adult education’ has the mean-

13 ing given that term in section 312(2) of the Adult

14 Education Act.

15 “(3) The term ‘free public education’ means

16 education that is—

17 “(A) provided at public expense, under

18 public supervision and direction, and without

19 tuition charge; and

20 “(B) provided as elementary or secondary

21 education in the applicable State or to preschool

22 children.

23 “(4) The term ‘Indian’ means an individual

24 who is—

1 “(A) a member of an Indian tribe or band,
2 as membership is defined by the tribe or band,
3 including—

4 “(i) tribes and bands terminated since
5 1940; and

6 “(ii) tribes and bands recognized by
7 the State in which they reside;

8 “(B) a descendant, in the first or second
9 degree, of an individual described in subpara-
10 graph (A);

11 “(C) considered by the Secretary of the In-
12 terior to be an Indian for any purpose; or

13 “(D) an Eskimo, Aleut, or other Alaska
14 Native.

15 “AUTHORIZATIONS OF APPROPRIATIONS

16 “SEC. 6602. (a) PART A.—For the purpose of carry-
17 ing out part A of this title, there are authorized to be
18 appropriated such sums as may be necessary for each of
19 the fiscal years 1995 through 1999.

20 “(b) PARTS B THROUGH D.—For the purpose of car-
21 rying out parts B, C, and D of this title, there are author-
22 ized to be appropriated such sums as may be necessary
23 for each of the fiscal years 1995 through 1999.

24 “(c) PART E.—For the purpose of carrying out part
25 E of this title, including section 6502, there are authorized

1 to be appropriated such sums as may be necessary for
2 each of the fiscal years 1995 through 1999.

3 “TITLE VII—BILINGUAL EDUCATION
4 PROGRAMS

5 “FINDINGS

6 “SEC. 7001. The Congress finds that—

7 “(1) there are large and growing numbers of
8 children and youth of limited English proficiency,
9 many of whom have a cultural heritage that differs
10 from that of their English proficient peers;

11 “(2) limited English proficient children and
12 youth face a number of challenges in receiving an
13 education that will enable them to participate fully
14 in American society, including segregated education
15 programs; disproportionate and improper placement
16 in special education and other special programs due
17 to the use of inappropriate evaluation procedures;
18 the limited English proficiency of their own parents,
19 which hinders the parents’ ability to fully participate
20 in the education of their children; a shortage of
21 teachers and educational personnel who are profes-
22 sionally trained and qualified to serve them;

23 “(3) the Federal government, as exemplified by
24 title VI of the Civil Rights Act of 1964 and section
25 204(f) of the Equal Education Opportunities Act of

1 1974, has a special and continuing obligation to en-
2 sure that States and local school districts take ap-
3 propriate action to provide equal educational oppor-
4 tunities to children and youth of limited English
5 proficiency;

6 “(4) The Federal government also, as exempli-
7 fied by its efforts under this title, has a special and
8 continuing obligation to assist States and local
9 school districts in developing the capacity to provide
10 programs of instruction that offer limited English
11 proficient children and youth an equal educational
12 opportunity;

13 “(5) in carrying out its responsibilities with re-
14 spect to ensuring equal educational opportunity for
15 children and youth of limited English proficiency,
16 the Federal government has learned that—

17 “(A) large numbers of these children and
18 youth have needs that must be met by a pro-
19 gram of instruction designed specifically for
20 them;

21 “(B) a primary purpose of such programs
22 must be developing the English language skills
23 of such children and youth;

24 “(C) the use of a child or youth’s native
25 language and culture in classroom instruction

1 can promote self-esteem and contribute to aca-
2 demic achievement and learning English by lim-
3 ited English proficient children and youth; ben-
4 efit English proficient children and youth who
5 also participate in such programs; and develop
6 our national language resources, thus promot-
7 ing the nation’s competitiveness in the global
8 economy;

9 “(D) parent and community participation
10 in bilingual education programs contributes to
11 program effectiveness; and

12 “(E) research, evaluation, and data-collec-
13 tion capabilities in the field of bilingual edu-
14 cation need to be strengthened so that edu-
15 cators can better identify and promote those
16 programs, program implementation strategies,
17 and instructional practices that result in effec-
18 tive education; and

19 “(6) providing the educational services that pre-
20 pare newly immigrated children and youth for full
21 participation in American society and to achieve
22 challenging State performance standards is a signifi-
23 cant problem for a number of local educational agen-
24 cies. Supplementary Federal assistance can help
25 such agencies meet their responsibilities.

1 “POLICY; AUTHORIZATION OF APPROPRIATIONS

2 “SEC. 7002. (a) POLICY.—The Congress declares it
3 to be the policy of the United States, in order to ensure
4 equal educational opportunity for all children and youth
5 and to promote educational excellence, to assist State and
6 local educational agencies to build their capacity to estab-
7 lish, implement, and sustain programs of instruction for
8 children and youth of limited English proficiency that—

9 “(1) develop their English and, to the extent
10 possible, their native language skills;

11 “(2) educate such children and youth to meet
12 the same rigorous standards for academic perform-
13 ance expected of all children and youth, including
14 meeting challenging State performance standards in
15 academic areas; and

16 “(3) develop bilingual skills and multi-cultural
17 understanding.

18 “(b) AUTHORIZATION OF APPROPRIATIONS.—(1) For
19 the purpose of carrying out this title, except for part D,
20 there are authorized to be appropriated such sums as may
21 be necessary for each of the fiscal years 1995 through
22 1999.

23 “(2) For the purpose of carrying out part D of this
24 title, there are authorized to be appropriated such sums

1 as may be necessary for each of the fiscal years 1995
2 through 1999.

3 “DEFINITIONS

4 “SEC. 7003. (a) DEFINITIONS.—For the purpose of
5 this title, the following terms have the following meanings:

6 “(1)(A) The term ‘bilingual education pro-
7 gram’—

8 “(i) means a program of instruction de-
9 signed specifically for children and youth of lim-
10 ited English proficiency at any grade level, in-
11 cluding the preschool, elementary, or secondary
12 school levels, that is intended to help them de-
13 velop proficiency in the English and, to the ex-
14 tent possible, the native language and achieve
15 to high academic standards in all courses of
16 study; and

17 “(ii) may include activities to assist the
18 parents of such children and youth enrolled in
19 bilingual education programs to participate in
20 the education of their children.

21 “(B)(i) A bilingual education program may be
22 conducted in English, the native language, or both
23 languages, except that all bilingual education pro-
24 grams must develop proficiency in the English lan-
25 guage. The native language may be used in the in-
26 structional program to facilitate the acquisition of

1 English; to develop overall linguistic competence;
2 and to develop competence in the academic curricu-
3 lum.

4 “(ii) A bilingual education program must, to
5 the extent possible, incorporate the cultural heritage
6 of the children or youth of limited English pro-
7 ficiency served by the program, as well as the cul-
8 tural heritage of other children in American society.

9 “(C) Children and youth proficient in English
10 may participate in a bilingual education program so
11 long as the primary purpose of the program is to
12 benefit children and youth of limited English pro-
13 ficiency.

14 “(2) The term ‘children and youth’ means indi-
15 viduals aged three through twenty-one.

16 “(3) The term ‘Director’ means the Director of
17 the Office of Bilingual Education and Minority Lan-
18 guages Affairs established under section 210 of the
19 Department of Education Organization Act.

20 “(4) The term ‘immigrant children and youth’
21 means individuals who—

22 “(A) are aged three through twenty-one;

23 “(B) were not born in any State; and

1 “(C) have not been attending one or more
2 schools in any one or more States for more
3 than 12 months.

4 “(5) The terms ‘limited English proficiency’
5 and ‘limited English proficient’, when used with ref-
6 erence to an individual, mean an individual—

7 “(A) who—

8 “(i) was not born in the United States
9 or whose native language is a language
10 other than English;

11 “(ii) comes from an environment
12 where a language other than English is
13 dominant; or

14 “(iii) is an American Indian or Alaska
15 Native and comes from an environment
16 where a language other than English has
17 had a significant impact on his or her level
18 of English language proficiency; and

19 “(B) who, by reason thereof, has sufficient
20 difficulty speaking, reading, writing, or under-
21 standing the English language to deny such in-
22 dividual the opportunity to learn successfully in
23 classrooms where the language of instruction is
24 English or to participate fully in our society.

1 “(6) The term ‘native language’, when used
2 with reference to an individual of limited English
3 proficiency, means the language normally used by
4 such individual, or in the case of a child or youth,
5 the language normally used by the parents of the
6 child or youth.

7 “(7) The term ‘other programs for persons of
8 limited English proficiency’ means any programs ad-
9 ministered by the Secretary that directly involve bi-
10 lingual education activities serving persons of limited
11 English proficiency.

12 “INDIAN CHILDREN IN SCHOOL

13 “SEC. 7004. (a) For the purpose of carrying out pro-
14 grams under this title for individuals served by elementary
15 and secondary schools operated predominately for Indian
16 or Alaska Native children and youth, an Indian tribe, a
17 tribally sanctioned educational authority, or an elementary
18 or secondary school that is operated or funded by the Bu-
19 reau of Indian Affairs shall be considered to be a local
20 educational agency as such term is used in this title, sub-
21 ject to the following qualifications:

22 “(1) The term ‘Indian tribe’ means any Indian
23 tribe, band, nation, or other organized group or com-
24 munity, including any Alaska Native village or re-
25 gional or village corporation as defined in or estab-
26 lished pursuant to the Alaska Native Claims Settle-

1 ment Act (43 U.S.C. 1601 et seq.), that is recog-
2 nized for the special programs and services provided
3 by the United States to Indians because of their sta-
4 tus as Indians.

5 “(2) The term ‘tribally sanctioned educational
6 authority’ means—

7 “(A) any department or division of edu-
8 cation operating within the administrative
9 structure of the duly constituted governing body
10 of an Indian tribe; and

11 “(B) any nonprofit institution or organiza-
12 tion that is—

13 “(i) chartered by the governing body
14 of an Indian tribe to operate any such
15 school or otherwise to oversee the delivery
16 of educational services to members of that
17 tribe; and

18 “(ii) approved by the Secretary for
19 the purpose of this section.

20 “PART A—FINANCIAL ASSISTANCE FOR BILINGUAL
21 EDUCATION

22 “FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

23 “SEC. 7101. (a) PURPOSE.—The purpose of this part
24 is to assist local educational agencies, through the grants
25 authorized by subsections (b), (c), and (d), to—

1 “(1) develop and enhance their capacity to pro-
2 vide high-quality instruction to children and youth of
3 limited English proficiency; and

4 “(2) to help such children and youth—

5 “(A) develop proficiency in English, and to
6 the extent possible, their native language; and

7 “(B) meet the same challenging State per-
8 formance standards expected for all children
9 and youth as required by section 1111(b) of
10 this Act.

11 “(b) ENHANCEMENT GRANTS.—(1) The Secretary is
12 authorized to make grants to local educational agencies
13 to—

14 “(A) develop new bilingual education programs;

15 “(B) enhance or expand existing bilingual edu-
16 cation programs to meet new conditions, such as the
17 need to serve additional language groups or different
18 age or grade levels; and

19 “(C) meet the short-term needs of local edu-
20 cational agencies without bilingual education pro-
21 grams to serve children and youth of limited English
22 proficiency.

23 “(2) Grants awarded under this subsection shall be
24 for a period of up to two years.

1 “(c) COMPREHENSIVE SCHOOL GRANTS.—(1) The
2 Secretary is authorized to make grants to local educational
3 agencies for the purpose of implementing school-wide bi-
4 lingual education programs that serve children and youth
5 of limited English proficiency in schools with significant
6 concentrations of such children and youth.

7 “(2) Grants awarded under this subsection shall be
8 for a period of up to five years.

9 “(d) COMPREHENSIVE DISTRICT GRANTS.—(1) The
10 Secretary is authorized to make grants to local educational
11 agencies for the purpose of implementing district-wide bi-
12 lingual education programs that serve children and youth
13 of limited English proficiency in districts with significant
14 concentrations of such children and youth.

15 “(2) Grants awarded under this subsection shall be
16 for a period of up to five years.

17 “(e) USE OF FUNDS.—(1) Recipients may use funds
18 for programs authorized by subsections (b), (c), and (d)
19 for—

20 “(A) identification and acquisition of curricular
21 materials, educational software, and technologies to
22 advance the education of children and youth of lim-
23 ited English proficiency;

1 “(B) parent outreach and training activities de-
2 signed to assist parents to become active partici-
3 pants in the education of their children;

4 “(C) salaries of personnel, including teacher
5 aides who have been specifically trained, or are being
6 trained, to provide services to children and youth of
7 limited English proficiency;

8 “(D) tutorials and academic or career counsel-
9 ing for children and youth of limited English pro-
10 ficiency; and

11 “(E) such other activities, related to the pur-
12 poses of this part, as the Secretary may approve.

13 “(2) Recipients of awards under subsections (c) and
14 (d) may—

15 “(A) use such funds for pre-service and in-serv-
16 ice professional development of staff participating,
17 or preparing to participate, in the program, includ-
18 ing those who will not directly participate in the bi-
19 lingual instructional program, if such activities are
20 directly related to serving children and youth of lim-
21 ited English proficiency and will help accomplish the
22 purposes of this title; and

23 “(B) during the first 12 months of such a
24 grant, engage exclusively in activities preparatory to
25 the delivery of services, which may include program

1 design, the development of materials and procedures,
2 and activities to involve parents in the educational
3 program and to enable parents and family members
4 to assist in the education of children and youth of
5 limited English proficiency.

6 “(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To
7 the extent possible, the Secretary shall award funds under
8 this section throughout the Nation in a manner that re-
9 flects the geographic distribution of children and youth of
10 limited English proficiency.

11 “(g) APPLICATIONS.—(1) Any local educational agen-
12 cy desiring to receive a grant under this section shall sub-
13 mit, through its State educational agency, an application
14 to the Secretary, in such form, at such time, and contain-
15 ing such information and assurances as the Secretary may
16 require.

17 “(2) Each application shall—

18 “(A) describe—

19 “(i) the need for the proposed program, in-
20 cluding data on the number of the children and
21 youth of limited English proficiency in the
22 school or district to be served and their charac-
23 teristics, such as language spoken, dropout
24 rates, proficiency in English and the native lan-
25 guage, academic standing in relation to their

1 English proficient peers, and, where applicable,
2 the recency of immigration; and

3 “(ii) the program to be implemented and
4 how its design—

5 “(I) relates to the linguistic and aca-
6 demic needs of the children and youth of
7 limited English proficiency to be served;
8 and

9 “(II) is consistent with, and promotes
10 the goals in, its plan under title III of the
11 Goals 2000: Educate America Act, if such
12 plan exists, and its plan under section
13 1112 of this Act, particularly as those
14 plans relate to the education of children
15 and youth of limited English proficiency;
16 and

17 “(B) provide an assurance that the applicant
18 will not reduce the level of State and local funds
19 that it expends for bilingual education programs if
20 it receives an award under this part.

21 “(3) Each application for a grant under subsections
22 (c) or (d) shall also—

23 “(A) describe—

1 “(i) current services the applicant provides
2 to children and youth of limited English pro-
3 ficiency;

4 “(ii) what services children and youth of
5 limited English proficiency would receive under
6 the grant that they would not otherwise receive;

7 “(iii) how funds received under this part
8 will be integrated with all other Federal, State,
9 local, and private resources that may be used to
10 serve children and youth of limited English pro-
11 ficiency; and

12 “(iv) specific achievement and school reten-
13 tion goals for the children and youth to be
14 served by the proposed program and how
15 progress toward achieving such goals will be
16 measured; and

17 “(B) provide assurances that—

18 “(i) the program funded will—

19 “(I) serve all (or virtually all) of the
20 children and youth of limited English pro-
21 ficiency in a school participating in a pro-
22 gram under subsection (c); or

23 “(II) serve a significant number of the
24 children and youth of limited English pro-

1 ficiency in the district participating in a
2 program under subsection (d);

3 “(ii) the program funded will be integrated
4 with the overall educational program; and

5 “(iii) the application has been developed in
6 consultation with an advisory council, the ma-
7 jority of whose members are parents and other
8 representatives of the children and youth to be
9 served in such programs.

10 “(h) LIMITATION ON FUNDING.—(1) No more than
11 25 percent of the total amount of funds that the Secretary
12 awards under subsection (b) for any fiscal year shall be
13 used to fund bilingual education programs that do not use
14 the native language.

15 “(2) No more than 25 percent of the total amount
16 of funds that the Secretary awards under subsection (c)
17 for any fiscal year shall be used to fund bilingual edu-
18 cation programs that do not use the native language.

19 “(i) STATE REVIEW OF APPLICATIONS UNDER PART
20 A.—In order for an eligible applicant to apply for funds
21 under this part, its State educational agency shall review
22 such application for funds and provide the Secretary with
23 timely comments on the need within the State for the pro-
24 posed program and whether the proposed program is con-
25 sistent with the State’s plan, either approved or being de-

1 veloped, under title III of the Goals 2000: Educate Amer-
2 ica Act, or, if the State does not have an approved plan
3 under title III of the Goals 2000: Educate America Act
4 and is not developing such a plan, with the State plan
5 under section 1111 of this Act.

6 “(j) CAPACITY BUILDING.—(1) Each recipient of a
7 grant under this section shall use its grant in ways that
8 will build its capacity to continue to offer high-quality bi-
9 lingual education programs and services to children and
10 youth of limited English proficiency once Federal assist-
11 ance is reduced or eliminated.

12 “(2) In making awards under this part for any fiscal
13 year, the Secretary shall, consistent with the quality of
14 applications and the funds available under this part, in-
15 crease the amount of funds used to support grants under
16 subsections (c) and (d) over the amount allotted to sub-
17 sections (c) and (d) in the previous fiscal year.

18 “(k) CONSORTIA.—A local educational agency that
19 receives a grant under this part may collaborate or form
20 a consortium with one or more local educational agencies,
21 institutions of higher education, and non-profit organiza-
22 tions to carry out the approved program.

23 “(l) SUBGRANTS.—A local educational agency that
24 receives a grant under this part may, with the approval
25 of the Secretary, make a subgrant to, or enter into a con-

1 tract with, an institution of higher education, a non-profit
2 organization, or a consortium of such entities to carry out
3 an approved program, including a program to serve out-
4 of-school youth.

5 “(m) PARENTAL NOTIFICATION.—(1) Parents of a
6 child or youth of limited English proficiency identified for
7 enrollment in bilingual education programs shall be in-
8 formed of the—

9 “(A) benefits and nature of the bilingual edu-
10 cational program and of the instructional alter-
11 natives; and

12 “(B) reasons for the selection of their child as
13 being in need of bilingual education.

14 “(2)(A) Parents shall also be informed that they have
15 the option of declining enrollment of their children in such
16 programs and shall be given an opportunity to do so if
17 they so choose.

18 “(B) Local educational agencies are not relieved of
19 any of their obligations under title VI of the Civil Rights
20 Act of 1964 because parents choose not to enroll their chil-
21 dren in bilingual education programs.

22 “(3) Parents must receive, in a manner and form un-
23 derstandable to them, including, if necessary and to the
24 extent feasible, in their native language, the information

1 required by this subsection. At a minimum, parents must
2 receive—

3 “(A) timely information about projects funded
4 under this part; and

5 “(B) if the parents of participating children so
6 desire, notice of opportunities for regular meetings
7 for the purpose of formulating and responding to
8 recommendations from such parents.

9 “(n) PROGRAMS IN PUERTO RICO.—Programs au-
10 thorized under this section in the Commonwealth of Puer-
11 to Rico may, notwithstanding any other provision of this
12 title, include programs of instruction, teacher training,
13 curriculum development, evaluation, and testing designed
14 for children and youth of limited Spanish proficiency.

15 “PART B—RESEARCH AND EVALUATION

16 “USE OF FUNDS

17 “SEC. 7201. The Secretary is authorized to conduct
18 data collection, dissemination, research, and evaluation ac-
19 tivities for the purpose of improving bilingual education
20 programs for children and youth of limited English pro-
21 ficiency.

22 “RESEARCH

23 “SEC. 7202. (a) AWARDS.—The Secretary may make
24 grants and award contracts and cooperative agreements
25 for research and evaluation activities related to improving

1 and maintaining high quality bilingual educational pro-
2 grams for persons of limited English proficiency.

3 “(b) CONSULTATION.—The Secretary shall consult
4 with agencies and organizations that are engaged in bilin-
5 gual education research and practice, or related research,
6 and bilingual education researchers and practitioners to
7 identify areas of study and activities to be funded under
8 this section.

9 “ACADEMIC EXCELLENCE AWARDS

10 “SEC. 7203. (a) AWARDS.—The Secretary may make
11 grants to, and enter into contracts and cooperative agree-
12 ments with, State and local educational agencies, non-
13 profit organizations, and institutions of higher education
14 to promote the adoption and implementation of bilingual
15 education programs that demonstrate great promise of as-
16 sisting children and youth of limited English proficiency
17 to meet challenging State standards.

18 “(b) APPLICATIONS.—(1) An entity desiring to re-
19 ceive an award under this section shall submit an applica-
20 tion to the Secretary in such form, at such time, and con-
21 taining such information and assurances as the Secretary
22 may require.

23 “(2) The Secretary shall use a peer review process,
24 using effectiveness criteria that the Secretary shall estab-
25 lish, to review applications under this section.

1 “(c) USE OF FUNDS.—Funds under this section shall
2 be used to enhance the capacity of States and local edu-
3 cation agencies to provide high quality academic programs
4 for children and youth of limited English proficiency,
5 which may include—

6 “(1) completing the development of such pro-
7 grams;

8 “(2) professional development of staff partici-
9 pating in bilingual education programs;

10 “(3) sharing strategies and materials; and

11 “(4) supporting professional networks.

12 “(d) COORDINATION.—Recipients of funds under this
13 section shall coordinate their activities with those carried
14 out by comprehensive regional centers under section 2205
15 of this Act.

16 “STATE GRANT PROGRAM

17 “SEC. 7204. (a) STATE GRANT PROGRAM.—The Sec-
18 retary is authorized to make an award to a State edu-
19 cational agency that demonstrates, to the satisfaction of
20 the Secretary, that its approved plan under title III of the
21 Goals 2000: Educate America Act (by amendment, if nec-
22 essary), if such plan exists, or, if such plan does not exist,
23 its plan under section 1111 of this Act, effectively provides
24 for the education of children and youth of limited English
25 proficiency within the State.

1 “(b) PAYMENTS.—The amount paid to a State edu-
2 cational agency under subsection (a) shall not exceed 10
3 percent of the total amount awarded to local educational
4 agencies within the State under part A of this title for
5 the previous fiscal year.

6 “(c) USE OF FUNDS.—(1) A State educational agen-
7 cy may use funds for programs authorized by this section
8 to—

9 “(A) assist local educational agencies in the
10 State with program design, capacity building, assess-
11 ment of student performance, and program evalua-
12 tion;

13 “(B) operate a bilingual education advisory
14 panel under subsection (d); and

15 “(C) collect data concerning children and youth
16 of limited English proficiency.

17 “(2) Recipients of awards under this section shall not
18 restrict the provision of services under this section to fed-
19 erally-funded programs.

20 “(d) STATE BILINGUAL EDUCATION ADVISORY
21 PANEL.—Each State educational agency that receives
22 funds under this section shall appoint a broad-based bilin-
23 gual education advisory panel, with substantial represen-
24 tation from persons knowledgeable about the education of
25 limited English proficient students, to develop and rec-

1 commend to the State educational agency guidelines for re-
2 viewing, and providing the Secretary with comments re-
3 garding, applications for funds under parts A and C of
4 this title that come from within the State.

5 “(e) APPLICATIONS.—A State educational agency de-
6 siring to receive an award under this section shall submit
7 an application to the Secretary in such form, at such time,
8 containing such information and assurances as the Sec-
9 retary may require.

10 “NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION

11 “SEC. 7205. (a) ESTABLISHMENT.—The Secretary
12 shall establish and support the operation of a National
13 Clearinghouse for Bilingual Education, which shall collect,
14 analyze, synthesize, and disseminate information about bi-
15 lingual education and related programs.

16 “(b) FUNCTIONS.—The National Clearinghouse for
17 Bilingual Education shall—

18 “(1) coordinate its activities with Federal data
19 and information clearinghouses and dissemination
20 networks and systems; and

21 “(2) develop a data base management and mon-
22 itoring system for improving the operation and effec-
23 tiveness of funded programs.

24 “EVALUATIONS

25 “SEC. 7206. (a) PROGRAM EVALUATIONS UNDER
26 PART A.—(1) Each recipient of funds under part A of

1 this title shall provide the Secretary with an evaluation,
2 in the form prescribed by the Secretary, of its program
3 every two years.

4 “(2) Such evaluation shall be used by a grantee—

5 “(A) for program improvement;

6 “(B) to further define the local program’s goals
7 and objectives; and

8 “(C) to determine program effectiveness.

9 “(3) Evaluations shall include—

10 “(A) student outcome indicators that measure
11 progress toward the performance standards set out
12 in the State’s plan, either approved or being devel-
13 oped, under title III of the Goals 2000: Educate
14 America Act, or, if the State does not have an ap-
15 proved plan under title III of the Goals 2000: Edu-
16 cate America Act and is not developing such a plan,
17 with the State plan approved or being developed
18 under section 1111 of this Act, including data com-
19 paring children and youth of limited English pro-
20 ficiency with non-limited English proficient children
21 and youth with regard to school retention, academic
22 achievement, and gains in English (and, where appli-
23 cable, native language) proficiency;

24 “(B) program implementation indicators that
25 provide information for informing and improving

1 program management and effectiveness, including
2 data on appropriateness of curriculum in relation-
3 ship to grade and course requirements, appropriate-
4 ness of program management, appropriateness of
5 the program's staff professional development, and
6 appropriateness of the language of instruction;

7 “(C) program context indicators that describe
8 the relationship of the activities funded under the
9 grant to the overall school program and other Fed-
10 eral, State, or local programs serving children and
11 youth of limited English proficiency; and

12 “(D) such other information as the Secretary
13 may require.

14 “(b) PROGRAM EVALUATIONS UNDER PART C.—(1)
15 Each recipient of funds under part C of this title shall
16 provide the Secretary with an evaluation of its program
17 every two years.

18 “(2) Such evaluation shall include data on—

19 “(A) post-program placement of persons
20 trained;

21 “(B) how the training relates to the employ-
22 ment of persons served by the program;

23 “(C) program completion; and

24 “(D) such other information as the Secretary
25 may require.

1 “PART C—PROFESSIONAL DEVELOPMENT

2 “PURPOSE

3 “SEC. 7301. The purpose of this part is to improve
4 the quality of instruction for children and youth of limited
5 English proficiency—

6 “(1) through professional development pro-
7 grams designed—

8 “(A) for persons preparing to provide serv-
9 ices for children and youth of limited English
10 proficiency;

11 “(B) to improve the skills of persons cur-
12 rently providing services to children and youth
13 of limited English proficiency; and

14 “(C) for other staff in schools serving chil-
15 dren and youth of limited English proficiency;
16 and

17 “(2) by disseminating information on appro-
18 priate instructional practices and activities for chil-
19 dren and youth of limited English proficiency to
20 other school personnel, including teachers not cur-
21 rently serving such children and youth.

22 “PROFESSIONAL DEVELOPMENT GRANTS

23 “SEC. 7302. (a) GRANTS TO INSTITUTIONS OF HIGH-
24 ER EDUCATION.—(1) The Secretary is authorized to make
25 grants to institutions of higher education for—

1 “(A) pre-service and in-service professional de-
2 velopment for individuals who are either involved in,
3 or preparing to be involved in, the provision of edu-
4 cational services for children and youth of limited
5 English proficiency; and

6 “(B) national professional development insti-
7 tutes that assist schools or departments of education
8 in institutions of higher education to improve the
9 quality of professional development programs for
10 personnel serving, preparing to serve, or who may
11 serve, children and youth of limited English pro-
12 ficiency.

13 “(b) GRANTS TO STATE AND LOCAL EDUCATIONAL
14 AGENCIES.—The Secretary may make grants to State and
15 local educational agencies for in-service professional devel-
16 opment programs that prepare current school personnel
17 to provide effective services to limited English proficient
18 students.

19 “(c) USE OF FUNDS FOR SECOND LANGUAGE COM-
20 PETENCE.—Awards under this section may be used to de-
21 velop a program participant’s competence in a second lan-
22 guage.

23 “(d) APPLICATIONS.—(1) An institution of higher
24 education, or a state or local educational agency desiring
25 to receive an award under this section shall submit,

1 through its State educational agency, an application to the
2 Secretary, in such form, at such time, and containing such
3 information and assurances as the Secretary may require.

4 “(2) Each application shall contain a description of
5 how the applicant has consulted with, and assessed the
6 needs of, public and private schools serving children and
7 youth of limited English proficiency to determine their
8 need for and the design of the program for which funds
9 are sought.

10 “(3)(A) An application for a grant under subsection
11 (a) from an applicant who proposes to conduct a masters
12 or doctoral-level program with funds received under this
13 section shall provide an assurance that such program will
14 include, as a part of the program, a training practicum
15 in a local school program serving children and youth of
16 limited English proficiency.

17 “(B) A recipient of a grant under subsection (a) may
18 waive the requirement of a training practicum for a degree
19 candidate with significant experience in a local school pro-
20 gram serving children and youth of limited English pro-
21 ficiency.

22 “(4) In order for an institution of higher education
23 or a local educational agency to apply for funds under this
24 section, its State educational agency shall review such ap-
25 plication for funds and provide the Secretary with timely

1 comments on the need within the State for the proposed
2 program and whether the proposed program is consistent
3 with the State's plan, either approved or being developed,
4 under title III of the Goals 2000: Educate America Act,
5 or, if the State does not have an approved plan under title
6 III of the Goals 2000: Educate America Act and is not
7 developing such a plan, with the State plans under sec-
8 tions 1111 and 2125(b) of this Act.

9 "FELLOWSHIPS

10 "SEC. 7303. (a) ACADEMIC FELLOWSHIPS.—The
11 Secretary may award fellowships for masters, doctoral,
12 and post-doctoral study related to instruction of children
13 and youth of limited English proficiency in such areas as
14 teacher training, program administration, research and
15 evaluation, and curriculum development, and for the sup-
16 port of dissertation research related to such study.

17 "(b) REPAYMENT.—(1) Any person receiving a fel-
18 lowship under this section shall agree to—

19 "(A) work in an activity related to the program
20 or in an activity such as those authorized under the
21 program for a period of time equivalent to the period
22 of time during which such person receives assistance
23 under this title; or

24 "(B) repay such assistance.

25 "(2) The Secretary shall establish in regulations such
26 terms and conditions for such agreement as he or she

1 deems reasonable and necessary and may waive the re-
2 quirement of paragraph (1) in extraordinary cir-
3 cumstances.

4 “STIPENDS

5 “SEC. 7304. The Secretary shall provide for the pay-
6 ment of such stipends (including allowances for subsist-
7 ence and other expenses for such persons and their de-
8 pendants), as the Secretary determines to be appropriate,
9 to persons participating in training programs under this
10 part.

11 “PART D—EMERGENCY IMMIGRANT EDUCATION
12 PROGRAM

13 “PURPOSE

14 “SEC. 7401. The purpose of this part is to assist eli-
15 gible local educational agencies that experience unexpect-
16 edly large increases in their student population due to im-
17 migration to—

18 “(1) provide high-quality instruction to immi-
19 grant children and youth; and

20 “(2) help such children and youth—

21 “(A) with their transition into American
22 society; and

23 “(B) meet the same challenging State per-
24 formance standards expected of all children and
25 youth.

1 “EMERGENCY IMMIGRANT EDUCATION GRANTS

2 “SEC. 7402. (a) GRANTS AUTHORIZED.—(1) The
3 Secretary is authorized to make grants to eligible local
4 educational agencies to—

5 “(A) develop new instructional programs for
6 immigrant children and youth;

7 “(B) enhance or expand existing instructional
8 programs for immigrant children and youth; and

9 “(C) meet the short-term needs of local edu-
10 cational agencies without instructional programs for
11 immigrant children and youth.

12 “(2) Grants awarded under this part shall be for a
13 period of up to two years.

14 “(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For
15 the purpose of this part, an eligible local educational agen-
16 cy is a local educational agency that has enrolled, in the
17 aggregate, over the current school year and the preceding
18 school year—

19 “(1) at least 1,000 immigrant children and
20 youth; or

21 “(2) immigrant children and youth in numbers
22 that represent at least 10 percent of the local edu-
23 cational agency’s total enrollment.

24 “(c) APPLICATIONS.—(1) Any eligible local edu-
25 cational agency desiring to receive a grant under this part

1 shall submit to the Secretary an application in such form,
2 at such time, and containing such information and assur-
3 ances as the Secretary may require.

4 “(2) Each application shall—

5 “(A) describe—

6 “(i) the need for the proposed program, in-
7 cluding data on the number of the immigrant
8 children and youth in the districts to be served
9 and their characteristics, such as language spo-
10 ken, dropout rates, proficiency in English and
11 the native language, and academic standing in
12 relation to their English proficient peers; and

13 “(ii) the program to be implemented and
14 how its design—

15 “(I) relates to the linguistic and aca-
16 demic needs of the immigrant children and
17 youth to be served; and

18 “(II) is consistent with, and promotes
19 the goals in, its plan under title III of the
20 Goals 2000: Educate America Act, if such
21 plan exists, and its plan under section
22 1112 of this Act, particularly as those
23 plans relate to the education of immigrant
24 children and youth; and

1 “(B) provide an assurance that the applicant
2 will not reduce the level of State and local funds
3 that it expends for instructional programs for immi-
4 grant children and youth if it receives an award
5 under this part.

6 “(d) USE OF FUNDS.—Funds awarded under this
7 part shall be used to pay for enhanced instructional oppor-
8 tunities for immigrant children and youth, which may in-
9 clude—

10 “(1) parent outreach and training activities de-
11 signed to assist parents to become active partici-
12 pants in the education of their children;

13 “(2) salaries of personnel, including teacher
14 aides who have been specifically trained, or are being
15 trained, to provide services to immigrant children
16 and youth;

17 “(3) tutorials and academic or career counsel-
18 ing for immigrant children and youth;

19 “(4) identification and acquisition of curricular
20 materials, educational software, and technologies to
21 be used in the program; and

22 “(5) such other activities, related to the pur-
23 poses of this part, as the Secretary may authorize.

24 “(e) CONSORTIA.—A local educational agency that
25 receives a grant under this part may collaborate or form

1 a consortium with one or more local educational agencies,
2 institutions of higher education, and non-profit organiza-
3 tions to carry out the approved program.

4 “(f) SUBGRANTS.—A local educational agency that
5 receives a grant under this part may, with the approval
6 of the Secretary, make a subgrant to, or enter into a con-
7 tract with, an institution of higher education, a non-profit
8 organization, or a consortium of such entities to carry out
9 an approved program, including a program to serve out-
10 of-school youth.

11 “PART E—ADMINISTRATION

12 “COORDINATION WITH RELATED PROGRAMS

13 “SEC. 7501. In order to maximize the effectiveness
14 of Federal efforts aimed at serving the educational needs
15 of children and youth of limited English proficiency, the
16 Secretary shall coordinate and ensure close cooperation
17 with other programs administered by the Department of
18 Education, including programs in such areas as teacher
19 training, program content, research, and curriculum.

20 “REPORT ON BILINGUAL EDUCATION

21 “SEC. 7502. The Secretary shall, within three years
22 from the date of enactment of the Improving America’s
23 Schools Act of 1993, and every third year thereafter, sub-
24 mit to the Congress a report on the condition of bilingual
25 education. The report shall include—

26 “(1) information on—

1 “(b) PEER REVIEW.—(1) In making awards under
2 parts A, C, and D of this title and in making funding
3 decisions for continuation grants under parts A and C of
4 this title, the Secretary may solicit recommendations from
5 peer review panels composed of individuals experienced in
6 aspects of the education of limited English proficient stu-
7 dents.

8 “(2) The Secretary may use up to 0.2 percent of the
9 total amount of funds appropriated for each fiscal year
10 for programs authorized under this title for peer review.

11 “PART F—SPECIAL RULE

12 “SPECIAL RULE

13 “SEC. 7601. Notwithstanding any other provision of
14 this title, no recipient of a grant under title VII of this
15 Act as in effect prior to the enactment of the Improving
16 America’s Schools Act of 1993 shall be eligible for fourth-
17 and fifth-year renewals authorized by section
18 7021(d)(1)(C) of this title as in effect prior to such enact-
19 ment.

20 “TITLE VIII—IMPACT AID

21 “FINDINGS

22 “SEC. 8001. The Congress finds that—

23 “(1) certain activities of the Federal Govern-
24 ment place a financial burden on the local edu-

1 cational agencies serving areas where such activities
2 are carried out; and

3 “(2) it is the shared responsibility of the Fed-
4 eral Government, the States, and local educational
5 agencies to provide for the education of children con-
6 nected to those activities.

7 “PURPOSE

8 “SEC. 8002. In order to fulfill the Federal respon-
9 sibility to assist with the provision of educational services
10 to federally connected children, and to help them meet
11 challenging State standards, it is the purpose of this title
12 to provide financial assistance to local educational agen-
13 cies that—

14 “(1) educate children who reside on Federal
15 property and whose parents are employed on Federal
16 property;

17 “(2) experience sudden and substantial in-
18 creases in enrollments because of military
19 realignments; or

20 “(3) need special assistance with capital ex-
21 penditures for construction activities because of the
22 enrollments of substantial numbers of children who
23 reside on Indian lands.

24 “PAYMENTS FOR ELIGIBLE CHILDREN

25 “SEC. 8003. (a) ELIGIBLE CHILDREN.—For the pur-
26 pose of computing the amount that a local educational

1 agency is eligible to receive under subsection (b) or (c)
2 of this section for any fiscal year, the Secretary shall de-
3 termine the number of children who were in average daily
4 attendance in the schools of such agency, and for whom
5 such agency provided free public education, during the
6 preceding school year and who, while in attendance at
7 such schools—

8 “(1) resided on Federal property with a parent
9 employed on Federal property located, in whole or in
10 part, within the boundaries of the school district of
11 such agency;

12 “(2) resided on Federal property and had a
13 parent on active duty in the uniformed services (as
14 defined in section 101 of title 37, United States
15 Code); or

16 “(3) resided on Indian lands, as defined in sec-
17 tion 8012(6) of this title.

18 “(b) BASIC SUPPORT PAYMENTS.—(1) From the
19 amount appropriated under section 8013(a) for any fiscal
20 year, the Secretary is authorized to make payments to
21 local educational agencies with children described in sub-
22 section (a).

23 “(2) The maximum amount that a local educational
24 agency is eligible to receive under this subsection for any
25 fiscal year is—

1 “(A) the total number of children determined
2 under subsection (a) (1) and (2), plus 1.25 times the
3 number of children determined under subsection
4 (a)(3), for such agency; multiplied by

5 “(B) the average per-pupil expenditure of local
6 educational agencies in such agency’s State for the
7 third preceding fiscal year, as determined by the
8 Secretary; multiplied by

9 “(C) the local contribution percentage for the
10 third preceding fiscal year, as determined by the
11 Secretary.

12 “(3) If the amount appropriated under section
13 8013(a) for any fiscal year is insufficient to pay to each
14 local educational agency the amount determined under
15 paragraph (2), the Secretary shall ratably reduce each
16 such payment.

17 “(c) SUPPLEMENTAL PAYMENTS FOR CERTAIN
18 CHILDREN WITH DISABILITIES.—(1) From the amount
19 appropriated under section 8013(b) for any fiscal year, the
20 Secretary shall make supplemental payments to local edu-
21 cational agencies that receive basic support payments
22 under subsection (b).

23 “(2) The maximum amount that a local educational
24 agency is eligible to receive under this subsection for any
25 fiscal year is—

1 “(A) the number of children with disabilities, as
2 defined in section 602(a)(1) of the Individuals with
3 Disabilities Education Act, described in paragraphs
4 (2) and (3) of subsection (a), to whom the local edu-
5 cational agency provided a free appropriate public
6 education in accordance with such Act in the preced-
7 ing school year; multiplied by

8 “(B) 50 percent of the average per-pupil ex-
9 penditure determined under subsection (b)(2)(B);
10 multiplied by

11 “(C) the local contribution percentage deter-
12 mined by the Secretary under subsection (b)(2)(C).

13 “(3) If the amount appropriated under section
14 8013(b) for any fiscal year is insufficient to pay to each
15 local educational agency the amount determined under
16 paragraph (2), the Secretary shall ratably reduce each
17 such payment.

18 “(4) A local educational agency shall use any funds
19 it receives under this subsection to provide a free appro-
20 priate public education to children described in paragraph
21 (2), in accordance with part B of the Individuals with Dis-
22 abilities Education Act.

23 “(d) HOLD-HARMLESS AMOUNTS.—(1) Notwith-
24 standing any other provision of this section, the total

1 amount that the Secretary shall pay a local educational
2 agency under subsections (b) and (c) of this section—

3 “(A) for fiscal year 1995, shall not be less than
4 80 percent of the payment such agency received for
5 fiscal year 1994 under section 3(a) of Public Law
6 81–874, as in effect for fiscal year 1994;

7 “(B) for fiscal year 1996, shall not be less than
8 60 percent of such fiscal year 1994 payment; and

9 “(C) for fiscal year 1997, shall not be less than
10 40 percent of such fiscal year 1994 payment.

11 “(2) If necessary in order to make payments to local
12 educational agencies in accordance with paragraph (1),
13 the Secretary shall reduce payments to other local edu-
14 cational agencies determined under subsection (b).

15 “POLICIES AND PROCEDURES FOR CHILDREN RESIDING
16 ON INDIAN LANDS

17 “SEC. 8004. (a) POLICIES AND PROCEDURES RE-
18 QUIRED.—Any local educational agency that claims chil-
19 dren residing on Indian lands for the purpose of receiving
20 funds under section 8003 of this title shall establish poli-
21 cies and procedures to ensure that—

22 “(1) such children participate in programs and
23 activities supported by such funds on an equal basis
24 with all other children;

25 “(2) parents of such children and Indian tribes
26 are afforded an opportunity to present their views on

1 such programs and activities, including an oppor-
2 tunity to make recommendations on the needs of
3 those children and how they may help those children
4 realize the benefits of those programs and activities;

5 “(3) parents and Indian tribes are consulted
6 and involved in planning and developing such pro-
7 grams and activities;

8 “(4) relevant applications, evaluations, and pro-
9 gram plans are disseminated to the parents and In-
10 dian tribes; and

11 “(5) parents and Indian tribes are afforded an
12 opportunity to present their views on the agency’s
13 general educational program.

14 “(b) RECORDS.—Each such agency shall maintain
15 records demonstrating its compliance with subsection (a).

16 “(c) WAIVER.—Any such agency is excused from the
17 requirements of subsections (a) and (b) for any year with
18 respect to any Indian tribe from which it has received a
19 written statement that the agency need not comply with
20 those subsections because the tribe is satisfied with the
21 agency’s provision of educational services to such children.

22 “(d) TECHNICAL ASSISTANCE AND ENFORCE-
23 MENT.—The Secretary shall—

1 “(1) provide technical assistance to local edu-
2 cational agencies, parents, and Indian tribes to en-
3 able them to carry out this section; and

4 “(2) enforce this section through such actions,
5 which may include the withholding of funds, as the
6 Secretary finds appropriate, after affording the local
7 educational agency, parents, and affected Indian
8 tribes an opportunity to present their views.

9 “APPLICATIONS FOR PAYMENTS UNDER SECTION 8003

10 “SEC. 8005. (a) APPLICATIONS REQUIRED.—Any
11 local educational agency wishing to receive a payment
12 under section 8003 of this title shall—

13 “(1) file an application therefor with the Sec-
14 retary; and

15 “(2) provide a copy of its application to the
16 State educational agency.

17 “(b) APPLICATION CONTENTS.—Each such applica-
18 tion shall be submitted in such form and manner, and
19 shall contain such information, as the Secretary may re-
20 quire, including—

21 “(1) information to determine such agency’s eli-
22 gibility for a payment and the amount of any such
23 payment; and

24 “(2) where applicable, an assurance that such
25 agency is in compliance with section 8004 of this
26 title, relating to children residing on Indian lands.

1 “(2) the number of children in average daily at-
2 tendance with a parent on active duty (as defined in
3 section 101(18) of title 37, United States Code) in
4 the Armed Forces who are in attendance at such
5 agency because of the assignment of their parent to
6 a new duty station between July 1 and September
7 30, inclusive, of the current year, as certified by an
8 appropriate local official of the Department of De-
9 fense, is at least ten percent or 100 more than the
10 number of children in average daily attendance in
11 the preceding school year.

12 “(b) APPLICATION.—Any local educational agency
13 that wishes to receive a payment under this section shall
14 file an application therefor with the Secretary by October
15 15 of the current school year, in such manner and contain-
16 ing such information as the Secretary may prescribe, in-
17 cluding information demonstrating that it is eligible for
18 such a payment.

19 “(c) CHILDREN TO BE COUNTED.—For each eligible
20 local educational agency that applies for a payment under
21 this section, the Secretary shall determine the lesser of—

22 “(1) the increase in the number of children in
23 average daily attendance from the preceding year;
24 and

1 “(2) the number of children described in sub-
2 section (a)(2).

3 “(d) PAYMENTS.—The Secretary shall pay each local
4 educational agency with an approved application an
5 amount, not to exceed \$200 per eligible child, equal to—

6 “(1) the amount available to carry out this sec-
7 tion, including any funds carried over from prior
8 years, divided by the number of children determined
9 under subsection (c) for all such local educational
10 agencies; multiplied by

11 “(2) the number of such children determined
12 for that local educational agency.

13 “CONSTRUCTION

14 “SEC. 8007. (a) PAYMENTS AUTHORIZED.—From
15 the amount appropriated for each fiscal year under section
16 8013(d), the Secretary shall make payments to each local
17 educational agency—

18 “(1) that receives a basic payment under sec-
19 tion 8003(b); and

20 “(2) in which the number of children deter-
21 mined under section 8003(a) who resided on Indian
22 lands constituted at least 50 percent of the number
23 of children who were in average daily attendance in
24 the schools of such agency during the preceding
25 school year.

1 the right, title, and interest of the United States in and
2 to each facility provided under section 10 of Public Law
3 81–815, or under sections 204 or 310 of Public Law 81–
4 874 as in effect on January 1, 1958.

5 “(2) Any such transfer shall be without charge to
6 such agency or entity and shall be subject to such terms
7 and conditions as the Secretary finds appropriate.

8 “STATE CONSIDERATION OF PAYMENTS IN PROVIDING
9 STATE AID

10 “SEC. 8009. (a) GENERAL PROHIBITION ON STATE
11 CONSIDERATION.—Except as provided in subsection (b),
12 no State shall—

13 “(1) consider payments under this title or
14 under Public Law 81–874 in determining, for any
15 fiscal year—

16 “(A) the eligibility of any local educational
17 agency for State aid for free public education;
18 or

19 “(B) the amount of such aid; or

20 “(2) make such aid available to local edu-
21 cational agencies in a manner that results in less
22 State aid to any local educational agency that is eli-
23 gible for such payment than it would receive if it
24 were not so eligible.

25 “(b) STATE EQUALIZATION PLANS.—(1) Notwith-
26 standing subsection (a), a State may reduce State aid to

1 a local educational agency that receives a payment under
2 section 8003(b) of this title or under Public Law 81–874
3 (other than a payment under section 2 or an increase in
4 payments described in paragraphs (2)(B), (2)(C), (2)(D),
5 or (3)(B)(ii) of section 3(d)) for any fiscal year if the Sec-
6 retary determines, and certifies under subsection
7 (c)(3)(A), that the State has in effect a program of State
8 aid that equalizes expenditures for free public education
9 among local educational agencies in the State.

10 “(2)(A) For the purpose of paragraph (1), a program
11 of State aid equalizes expenditures among local edu-
12 cational agencies if, in the second preceding fiscal year,
13 the amount of per-pupil expenditures made by, or per-
14 pupil revenues available to, the local educational agency
15 in the State with the highest such per-pupil expenditures
16 or revenues did not exceed the amount of such per-pupil
17 expenditures made by, or per-pupil revenues available to,
18 the local educational agency in the State with the lowest
19 such expenditures or revenues by more than 25 percent.

20 “(B) In making a determination under this sub-
21 section, the Secretary shall—

22 “(i) disregard local educational agencies with
23 per-pupil expenditures or revenues above the 95th
24 percentile of such expenditures or revenues in the
25 State; and

1 “(ii) take into account the extent to which a
2 program of State aid reflects the additional cost of
3 providing free public education in particular types of
4 local educational agencies, such as those that are
5 geographically isolated, or to particular types of stu-
6 dents, such as children with disabilities.

7 “(3) Notwithstanding paragraph (2), if the Secretary
8 determines that the State has substantially revised its pro-
9 gram of State aid, the Secretary may certify such program
10 for any fiscal year only if—

11 “(A) the Secretary determines, on the basis of
12 projected data, that the State’s program will meet
13 the 25 percent disparity standard described in para-
14 graph (2) in that fiscal year; and

15 “(B) the State provides an assurance to the
16 Secretary that, if final data do not demonstrate that
17 the State’s program met such standard for that year
18 (or that it met such standard with a greater percent-
19 age of disparity than anticipated), the State will pay
20 to each affected local educational agency the amount
21 by which it reduced State aid to the local edu-
22 cational agency on the basis of such certification, or
23 a proportionate share thereof, as the case may be.

24 “(c) PROCEDURES FOR REVIEW OF STATE EQUALI-
25 ZATION PLANS.—(1)(A) Any State that wishes to consider

1 payments described in subsection (b)(1) in providing State
2 aid to local educational agencies shall submit to the Sec-
3 retary, not later than 120 days before the beginning of
4 the State's fiscal year, a written notice of its intention to
5 do so.

6 “(B) Such notice shall be in the form and contain
7 the information the Secretary requires, including evidence
8 that the State has notified each local educational agency
9 in the State of its intention to consider such payments
10 in providing State aid.

11 “(2) Before making a determination under subsection
12 (b), the Secretary shall afford the State, and local edu-
13 cational agencies in the State, an opportunity to present
14 their views.

15 “(3)(A) If the Secretary determines that a program
16 of State aid qualifies under subsection (b), the Secretary
17 shall—

18 “(i) certify the program and so notify the State;

19 and

20 “(ii) afford an opportunity for a hearing, in ac-
21 cordance with section 8011(a), to any local edu-
22 cational agency adversely affected by such certifi-
23 cation.

1 “(B) If the Secretary determines that a program of
2 State aid does not qualify under subsection (b), the Sec-
3 retary shall—

4 “(i) so notify the State; and

5 “(ii) afford an opportunity for a hearing, in ac-
6 cordance with section 8011(a), to the State, and to
7 any local educational agency adversely affected by
8 such determination.

9 “(d) REDUCTIONS OF STATE AID.—(1) A State
10 whose program of State aid has been certified by the Sec-
11 retary under subsection (c)(3)(A) may reduce the amount
12 of such aid provided to a local educational agency that
13 receives a payment described in subsection (b)(1) by any
14 amount up to—

15 “(A) the amount of such payment; multiplied
16 by

17 “(B) 100 percent minus the percentage of dis-
18 parity determined under subsection (b).

19 “(2) No State may make such reductions before its
20 program of State aid has been certified by the Secretary
21 under subsection (c)(3)(A).

22 “(e) REMEDIES FOR STATE VIOLATIONS.—(1) The
23 Secretary or any aggrieved local educational agency may,
24 without exhausting administrative remedies, bring an ac-
25 tion in United States district court against any State that

1 violates subsection (a) or subsection (d)(2) of this section
2 or fails to carry out an assurance provided under sub-
3 section (b)(3)(B) of this section.

4 “(2) A State shall not be immune under the eleventh
5 amendment to the Constitution of the United States from
6 such action.

7 “(3) The court shall grant such relief, other than
8 monetary damages, as it determines is appropriate, which
9 may include attorney’s fees to a prevailing local edu-
10 cational agency.

11 “FEDERAL ADMINISTRATION

12 “SEC. 8010. (a) PAYMENTS IN WHOLE DOLLAR
13 AMOUNTS—The Secretary shall round any payments
14 under this title to the nearest whole dollar amount.

15 “(b) OTHER AGENCIES.—Each Federal agency ad-
16 ministering Federal property on which children reside, and
17 each agency principally responsible for an activity that
18 may occasion assistance under this title, shall, to the maxi-
19 mum extent practicable, comply with requests of the Sec-
20 retary for information the Secretary may need to carry
21 out this title.

22 “ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW

23 “SEC. 8011. (a) ADMINISTRATIVE HEARINGS.—Any
24 local educational agency and any State that is adversely
25 affected by any action of the Secretary under this title
26 shall be entitled to a hearing on such action in the same

1 manner as if such agency were a person under chapter
2 5 of title 5, United States Code.

3 “(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—

4 (1) Any local educational agency or any State aggrieved
5 by the Secretary’s final decision following an agency pro-
6 ceeding under subsection (a) may, within 60 days after
7 receiving notice of such decision, file with the United
8 States court of appeals for the circuit in which such agen-
9 cy or State is located a petition for review of that action.
10 The clerk of the court shall promptly transmit a copy of
11 the petition to the Secretary. The Secretary shall then file
12 in the court the record of the proceedings on which the
13 Secretary’s action was based, as provided in section 2112
14 of title 28, United States Code.

15 “(2) The findings of fact by the Secretary, if sup-
16 ported by substantial evidence, shall be conclusive, but the
17 court, for good cause shown, may remand the case to the
18 Secretary to take further evidence. The Secretary may
19 thereupon make new or modified findings of fact and may
20 modify the Secretary’s previous action, and shall file in
21 the court the record of the further proceedings. Such new
22 or modified findings of fact shall likewise be conclusive if
23 supported by substantial evidence.

24 “(3) The court shall have exclusive jurisdiction to af-
25 firm the action of the Secretary or to set it aside, in whole

1 or in part. The judgment of the court shall be subject to
2 review by the Supreme Court of the United States upon
3 certiorari or certification as provided in section 1254 of
4 title 28, United States Code.

5 “DEFINITIONS

6 “SEC. 8012. As used in this title, the following
7 terms have the following meanings:

8 “(1) ARMED FORCES.—The term ‘Armed
9 Forces’ means the Army, Navy, Air Force, and Ma-
10 rine Corps.

11 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
12 term ‘average per-pupil expenditure’ means—

13 “(A) the aggregate current expenditures of
14 all local educational agencies in the State; di-
15 vided by

16 “(B) the total number of children in aver-
17 age daily attendance for whom such agencies
18 provided free public education.

19 “(3) CONSTRUCTION.—The term ‘construction’
20 means—

21 “(A) the preparation of drawings and spec-
22 ifications for school facilities;

23 “(B) erecting, building, acquiring, altering,
24 remodeling, repairing, or extending school facili-
25 ties;

1 “(C) inspecting and supervising the con-
2 struction of school facilities; and

3 “(D) debt service for such activities.

4 “(4) FEDERAL PROPERTY.—(A) Except as oth-
5 erwise described in paragraphs (B) through (E) of
6 this paragraph, the term ‘Federal property’ means
7 real property that is not subject to taxation by any
8 State or any political subdivision of a State due to
9 Federal agreement, law, or policy, and that is—

10 “(i) owned by the United States or leased
11 by the United States from another entity;

12 “(ii)(I) held in trust by the United States
13 for individual Indians or Indian tribes;

14 “(II) held by individual Indians or Indian
15 tribes subject to restrictions on alienation im-
16 posed by the United States;

17 “(III) conveyed at any time under the
18 Alaska Native Claims Settlement Act (Public
19 Law 92–203, 43 U.S.C. 1601 et seq.) to a Na-
20 tive individual, Native group, or Village or Re-
21 gional corporation;

22 “(IV) public land owned by the United
23 States that is designated for the sole use and
24 benefit of individual Indians or Indian tribes;

1 “(V) used for low-rent housing, as other-
2 wise described in this paragraph, that is located
3 on land described in clauses (I), (II), (III), (IV)
4 of this subparagraph or on land that met one
5 of those descriptions immediately before its use
6 for such housing; or

7 “(iii) part of a low-rent housing project as-
8 sisted under the United States Housing Act of
9 1937; or

10 “(iv) owned by a foreign government or by
11 an international organization.

12 “(B) ‘Federal property’ includes, so long as not
13 subject to taxation by any State or any political sub-
14 division of a State, and whether or not that tax ex-
15 emption is due to Federal agreement, law, or pol-
16 icy—

17 “(i) any school providing flight training to
18 members of the Air Force under contract with
19 the Air Force at an airport owned by a State
20 or political subdivision of a State; and

21 “(ii) real property that is part of a low-
22 rent housing project assisted under—

23 “(I) section 516 of the Housing Act
24 of 1949, 42 U.S.C. 1486 (domestic farm
25 labor low-rent housing); or

1 “(II) part B of title III of the Eco-
2 nomic Opportunity Act of 1964, formerly
3 42 U.S.C. 2861 et seq. (migrant and other
4 seasonally employed farmworker low-rent
5 housing).

6 “(C) ‘Federal property’ includes, whether or
7 not subject to taxation by a State or a political sub-
8 division of a State—

9 “(i) any non-Federal easement, lease, li-
10 cense, permit, or other such interest in Federal
11 property as otherwise described in this para-
12 graph, but not including any non-Federal fee-
13 simple interest;

14 “(ii) any improvement on Federal property
15 as otherwise described in this paragraph; and

16 “(iii) real property that, immediately be-
17 fore its sale or transfer to a non-Federal party,
18 was owned by the United States and otherwise
19 qualified as Federal property described in this
20 paragraph, but only for one year beyond the
21 end of the fiscal year of such sale or transfer.

22 “(D) Notwithstanding any other provision of
23 this paragraph, ‘Federal property’ does not in-
24 clude—

1 “(i) any real property under the jurisdic-
2 tion of the United States Postal Service that is
3 used primarily for the provision of postal serv-
4 ices; or

5 “(ii) pipelines and utility lines.

6 “(E) Notwithstanding any other provision of
7 this paragraph, ‘Federal property’ does not include
8 any property on which children reside that is other-
9 wise described in this paragraph if—

10 “(i) no tax revenues of the State or of any
11 political subdivision of the State may be ex-
12 pended for the free public education of children
13 who reside on that Federal property; or

14 “(ii) no tax revenues of the State are allo-
15 cated or available for the free public education
16 of such children.

17 “(5) FREE PUBLIC EDUCATION.—The term
18 ‘free public education’ means education that is pro-
19 vided—

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

23 “(B) as elementary or secondary edu-
24 cation, as determined under State law, except
25 that, notwithstanding State law, such term—

1 “(i) includes preschool education; and

2 “(ii) does not include any education
3 provided beyond grade 12.

4 “(6) INDIAN LANDS.—The term ‘Indian lands’
5 means any Federal property described in paragraph
6 (4)(A)(ii) of this section.

7 “(7) LOCAL CONTRIBUTION PERCENTAGE.—(A)
8 The term ‘local contribution percentage’ means the
9 percentage of current expenditures in the State de-
10 rived from local and intermediate sources, as re-
11 ported to and verified by the National Center for
12 Education Statistics.

13 “(B) Notwithstanding subparagraph (A), the
14 local contribution percentage for Hawaii and for the
15 District of Columbia shall be the local contribution
16 percentage computed for the Nation as a whole.

17 “(8) LOCAL EDUCATIONAL AGENCY.—(A) The
18 term ‘local educational agency’ means a board of
19 education or other legally constituted local school
20 authority having administrative control and direction
21 of free public education in a county, township, inde-
22 pendent school district, or other school district.

23 “(B) ‘Local educational agency’ includes any
24 State agency that directly operates and maintains
25 facilities for providing free public education.

1 “(C) ‘Local educational agency’ does not in-
2 clude any agency or school authority that the Sec-
3 retary determines, on a case-by-case basis—

4 “(i) was constituted or reconstituted pri-
5 marily for the purpose of receiving assistance
6 under this title or under Public Law 81–874 or
7 increasing the amount of such assistance; or

8 “(ii) is not constituted or reconstituted for
9 legitimate educational purposes.

10 “(9) SCHOOL FACILITIES.—The term ‘school
11 facilities’ includes classrooms and related facilities,
12 and equipment, machinery, and utilities necessary or
13 appropriate for school purposes.

14 “AUTHORIZATION OF APPROPRIATIONS

15 “SEC. 8013. (a) BASIC PAYMENTS.—For the pur-
16 pose of making payments under section 8003(b), there are
17 authorized to be appropriated such sums as may be nec-
18 essary for each of the fiscal years 1995 through 1999.

19 “(b) SUPPLEMENTAL PAYMENTS FOR CHILDREN
20 WITH DISABILITIES.—For the purpose of making pay-
21 ments under section 8003(c), there are authorized to be
22 appropriated such sums as may be necessary for each of
23 the fiscal years 1995 through 1999.

24 “(c) PAYMENTS FOR INCREASES IN MILITARY CHIL-
25 DREN.—For the purpose of making payments under sec-
26 tion 8006, there are authorized to be appropriated such

1 sums as may be necessary for each of the fiscal years 1995
2 through 1999.

3 “(d) CONSTRUCTION.—For the purpose of making
4 payments under section 8007, there are authorized to be
5 appropriated such sums as may be necessary for each of
6 the fiscal years 1995 through 1999.

7 “(e) FACILITIES MAINTENANCE.—For the purpose of
8 carrying out section 8008, there are authorized to be ap-
9 propriated such sums as may be necessary for each of the
10 fiscal years 1995 through 1999.

11 “TITLE IX—GENERAL PROVISIONS

12 “PART A—DEFINITIONS

13 “DEFINITIONS

14 “SEC. 9101. Except as otherwise provided, for the
15 purposes of this Act, the following terms have the follow-
16 ing meanings:

17 “(1)(A) Except as provided otherwise by State
18 law or this paragraph, the term ‘average daily at-
19 tendance’ means—

20 “(i) the aggregate number of days of at-
21 tendance of all students during a school year;
22 divided by

23 “(ii) the number of days school is in ses-
24 sion during such school year.

1 “(B) The Secretary shall permit the conversion
2 of average daily membership (or other similar data)
3 to average daily attendance for local educational
4 agencies in States that provide State aid to local
5 educational agencies on the basis of average daily
6 membership or such other data.

7 “(C) If the local educational agency in which a
8 child resides makes a tuition or other payment for
9 the free public education of the child in a school lo-
10 cated in another school district, the Secretary shall,
11 for purposes of this Act—

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

15 “(ii) not consider the child to be in attend-
16 ance at a school of the agency receiving such
17 payment.

18 “(D) If a local educational agency makes a tui-
19 tion payment to a private school or to a public
20 school of another local educational agency for a child
21 with disabilities, as defined in section 602(a)(1) of
22 the Individuals with Disabilities Education Act, the
23 Secretary shall, for the purposes of this Act, con-
24 sider such child to be in attendance at a school of
25 the agency making such payment.

1 “(2) The term ‘average per-pupil expenditure’
2 means, in the case of a State or of the United
3 States—

4 “(A) without regard to the source of
5 funds—

6 “(i) the aggregate current expendi-
7 tures, during the third preceding fiscal
8 year (or, if satisfactory data for that year
9 are not available, during the most recent
10 preceding fiscal year for which satisfactory
11 data are available) of all local educational
12 agencies in the State or, in the case of the
13 United States for all States (which, for the
14 purpose of this paragraph, means the 50
15 States and the District of Columbia); plus

16 “(ii) any direct current expenditures
17 by the State for operation of such agen-
18 cies; divided by

19 “(B) the aggregate number of children in
20 average daily attendance to whom such agencies
21 provided free public education during such pre-
22 ceding year.

23 “(3) The term ‘child’ means any person within
24 the age limits for which the applicable State provides
25 free public education.

1 “(4) The term ‘community-based organization’
2 means a private nonprofit organization that—

3 “(A) is representative of a community or
4 significant segments of a community; and

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

7 “(5) The term ‘consolidated State application’
8 means an application submitted by a State edu-
9 cational agency pursuant to section 9302 of this Act.

10 “(6) The term ‘county’ means one of those divi-
11 sions of a State used by the Secretary of Commerce
12 in compiling and reporting data regarding counties.

13 “(7) The term ‘covered program’ means each of
14 the programs authorized by—

15 “(A) part A of title I of this Act (making
16 high-poverty schools work);

17 “(B) part C of title I of this Act (edu-
18 cation of migratory children);

19 “(C) part A of title II of this Act (profes-
20 sional development); and

21 “(D) part A of title IV of this Act (safe
22 and drug-free schools) except section 4104.

23 “(8) The term ‘current expenditures’ means ex-
24 penditures for free public education—

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

7 “(B) not including expenditures for com-
8 munity services, capital outlay, and debt serv-
9 ice, or any expenditures made from funds re-
10 ceived under title I and part A of title II of this
11 Act.

12 “(9) The term ‘Department’ means the Depart-
13 ment of Education.

14 “(10) The term ‘elementary school’ means a
15 day or residential school that provides elementary
16 education, as determined under State law.

17 “(11) The term ‘free public education’ means
18 education that is provided—

19 “(A) at public expense, under public super-
20 vision and direction, and without tuition charge;
21 and

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

1 “(12) The term ‘institution of higher education’
2 has the meaning given that term in section 1201(a)
3 of the Higher Education Act of 1965.

4 “(13)(A) The term ‘local educational agency’
5 means a public board of education or other public
6 authority legally constituted within a State for either
7 administrative control or direction of, or to perform
8 a service function for, public elementary or second-
9 ary schools in a city, county, township, school dis-
10 trict, or other political subdivision of a State, or for
11 such combination of school districts or counties as
12 are recognized in a State as an administrative agen-
13 cy for its public elementary or secondary schools.

14 “(B) The term includes any other public insti-
15 tution or agency having administrative control and
16 direction of a public elementary or secondary school.

17 “(14) The term ‘outlying area’ means the Vir-
18 gin Islands, Guam, American Samoa, the Common-
19 wealth of the Northern Mariana Islands, and Palau
20 (until the effective date of the Compact of Free As-
21 sociation with the Government of Palau).

22 “(15) The term ‘parent’ includes a legal guard-
23 ian or other person standing in loco parentis.

24 “(16) The terms ‘pupil-services personnel’ and
25 ‘pupil services’ mean, respectively—

1 “(A) school counselors, school social work-
2 ers, school psychologists, and other qualified
3 professional personnel involved in providing as-
4 sessment, diagnosis, counseling, educational,
5 therapeutic, and other necessary services as
6 part of a comprehensive program to meet stu-
7 dent needs; and

8 “(B) the services provided by such individ-
9 uals.

10 “(17) The term ‘secondary school’ means a day
11 or residential school that provides secondary edu-
12 cation, as determined under State law, except that
13 it does not include any education beyond grade 12.

14 “(18) The term ‘Secretary’ means the Secretary
15 of Education.

16 “(19) The term ‘State’ means each of the 50
17 States, the District of Columbia, the Commonwealth
18 of Puerto Rico, and each of the outlying areas.

19 “(20) The term ‘State educational agency’
20 means the agency primarily responsible for the State
21 supervision of public elementary and secondary
22 schools.

23 “APPLICABILITY OF THIS TITLE

24 “SEC. 9102. Parts B through F of this title do not
25 apply to title VIII of this Act.

1 “PART B—FLEXIBILITY IN THE USE OF
2 ADMINISTRATIVE AND OTHER FUNDS

3 “CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR
4 ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

5 “SEC. 9201. (a) CONSOLIDATION OF ADMINISTRA-
6 TIVE FUNDS.—(1) A State educational agency may con-
7 solidate the amounts specifically made available to it for
8 State administration under one or more of the programs
9 specified under paragraph (2).

10 “(2) This section applies to title I of this Act and
11 the covered programs specified in sections 9101(7)(C) and
12 (D).

13 “(b) USE OF FUNDS.—(1) A State educational agen-
14 cy shall use the amount available under this section for
15 the administration of the programs included in the consoli-
16 dation under subsection (a).

17 “(2) A State educational agency may also use funds
18 available under this section for administrative activities
19 designed to enhance the effective and coordinated use of
20 funds under such programs, such as—

21 “(A) the coordination of programs specified in
22 subsection (a)(2) with other Federal and non-Fed-
23 eral programs;

24 “(B) the establishment and operation of peer-
25 review mechanisms under this Act;

1 “(C) the administration of this title;

2 “(D) the dissemination of information regard-
3 ing model programs and practices; and

4 “(E) technical assistance under programs speci-
5 fied in subsection (a)(2).

6 “(c) RECORDS.—A State educational agency that
7 consolidates administrative funds under this section shall
8 not be required to keep separate records, by individual
9 program, to account for costs relating to the administra-
10 tion of programs included in the consolidation under sub-
11 section (a).

12 “(d) REVIEW.—To determine the effectiveness of
13 State administration under this section, the Secretary may
14 periodically review the performance of State educational
15 agencies in using consolidated administrative funds under
16 this section and take such steps as the Secretary finds
17 appropriate to ensure the effectiveness of such administra-
18 tion.

19 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
20 educational agency does not use all of the funds available
21 to it under this section for administration, it may use such
22 funds during the applicable period of availability as funds
23 available under one or more programs included in the con-
24 solidation under subsection (a).

1 “SINGLE LOCAL EDUCATIONAL AGENCY STATES

2 “SEC. 9202. A State educational agency that also
3 serves as a local educational agency shall, in its applica-
4 tions or State plans under this Act, describe how it will
5 eliminate duplication in the conduct of administrative
6 functions.

7 “CONSOLIDATION OF FUNDS FOR LOCAL
8 ADMINISTRATION

9 “SEC. 9203. (a) GENERAL AUTHORITY.—In accord-
10 ance with regulations of the Secretary, a local educational
11 agency, with the approval of its State educational agency,
12 may consolidate and use for the administration of one or
13 more covered programs for any fiscal year not more than
14 the percentage, determined by its State educational agen-
15 cy, of the total amount available to that local educational
16 agency under those covered programs.

17 “(b) STATE PROCEDURES.—Within one year from
18 the date of enactment of the Improving America’s Schools
19 Act of 1993, a State educational agency shall, in collabora-
20 tion with local educational agencies in the State, establish
21 procedures for responding to requests from local edu-
22 cational agencies to consolidate administrative funds
23 under subsection (a) and for establishing limitations on
24 the amount of funds under covered programs that may
25 be used for administration on a consolidated basis.

1 “(c) CONDITIONS.—A local educational agency that
2 consolidates administrative funds under this section for
3 any fiscal year shall not use any other funds under the
4 programs included in the consolidation for administration
5 for that fiscal year.

6 “(d) USES OF ADMINISTRATIVE FUNDS.—A local
7 educational agency that consolidates administrative funds
8 under this section may use these consolidated funds for
9 the administration of covered programs and for the pur-
10 poses described in section 9201(b)(2).

11 “(e) RECORDS.—A local educational agency that con-
12 solidates administrative funds under this section shall not
13 be required to keep separate records, by individual covered
14 program, to account for costs relating to the administra-
15 tion of covered programs included in the consolidation.

16 “ADMINISTRATIVE FUNDS STUDY

17 “SEC. 9204. (a) STUDY.—(1) The Secretary may
18 conduct a study of the use of funds under this Act for
19 the administration, by State and local educational agen-
20 cies, of covered programs, including the percentage of
21 grant funds used for such purpose in covered programs.

22 “(2) Based on the results of such study, the Sec-
23 retary may publish regulations or guidelines regarding the
24 use of funds for administration under those programs, in-
25 cluding the use of such funds on a consolidated basis and

1 limitations on the amount of such funds that may be used
2 for administration.

3 “(b) REPORT.—The Secretary shall submit to the
4 President and the appropriate committees of the Congress
5 a report regarding the study, if any, conducted under this
6 section within 30 days of its completion.

7 “CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE
8 INTERIOR FUNDS

9 “SEC. 9205. (a) GENERAL AUTHORITY.—(1) The
10 Secretary shall transfer to the Department of the Interior,
11 as a consolidated amount for covered programs, the Indian
12 education programs under part A of title VI of this Act,
13 and the education for homeless children and youth pro-
14 gram under subtitle B of title VII of the Stewart B.
15 McKinney Homeless Assistance Act, the amounts allotted
16 to the Department of the Interior under those programs.

17 “(2)(A) The Secretary and the Secretary of the Inte-
18 rior shall enter into an agreement, consistent with the re-
19 quirements of the programs specified in paragraph (1), for
20 the distribution and use of those funds under terms that
21 the Secretary determines best meet the purposes of those
22 programs.

23 “(B) The agreement shall—

24 “(i) set forth the plans of the Secretary of the
25 Interior for the use of the amount transferred, the
26 steps to be taken to achieve the National Education

1 Goals, and performance measures to assess program
2 effectiveness, including measurable goals and objec-
3 tives; and

4 “(ii) be developed in consultation with Indian
5 tribes.

6 “(b) ADMINISTRATION.—The Department of the In-
7 terior may use up to 1.5 percent of the funds consolidated
8 under this section for its costs related to the administra-
9 tion of the funds transferred under this section.

10 “SCHOOLWIDE PROGRAMS

11 “SEC. 9206. In accordance with section 1114 of this
12 Act, a school may use funds received under any non-
13 competitive, formula-grant program administered by the
14 Secretary, except a program under the Individuals with
15 Disabilities Education Act, and any discretionary program
16 contained on a list (updated as necessary) issued by the
17 Secretary, to support a schoolwide program, notwithstand-
18 ing any provision of the statute or regulations governing
19 any such program.

20 “AVAILABILITY OF UNNEEDED PROGRAM FUNDS

21 “SEC. 9207. With the approval of its State edu-
22 cational agency, a local educational agency that deter-
23 mines for any fiscal year that funds under a covered
24 program other than part A of title I of this Act are not
25 needed for the purpose of that covered program may use
26 such funds, not to exceed five percent of the total amount

1 of its funds under that covered program, for the purpose
2 of another covered program.

3 “PART C—COORDINATION OF PROGRAMS;
4 CONSOLIDATED STATE AND LOCAL APPLICATIONS
5 “PURPOSE

6 “SEC. 9301. It is the purpose of this part to improve
7 teaching and learning by encouraging greater cross-pro-
8 gram coordination, planning, and service delivery under
9 this Act and enhanced integration of programs under this
10 Act with educational activities carried out with State and
11 local funds.

12 “OPTIONAL CONSOLIDATED STATE APPLICATION
13 “SEC. 9302. (a) GENERAL AUTHORITY.—(1) In
14 order to simplify application requirements and reduce bur-
15 den for State educational agencies under this Act, the Sec-
16 retary shall, in accordance with subsection (b), establish
17 procedures and criteria under which a State educational
18 agency may submit a consolidated State application meet-
19 ing the requirements of this section for each of the covered
20 programs in which the State participates.

21 “(2) A State educational agency may also include in
22 its consolidated application—

23 “(A) the Even Start program under part B of
24 title I of this Act;

25 “(B) the education of neglected and delinquent
26 youth program under part D of title I of this Act;

1 Act, whether separately or under section 9302, shall have
2 on file with the Secretary a single set of assurances, appli-
3 cable to each program for which a plan or application is
4 submitted, that provides that—

5 “(1) each such program will be administered in
6 accordance with all applicable statutes, regulations,
7 program plans, and applications;

8 “(2)(A) the control of funds provided under
9 each such program and title to property acquired
10 with program funds will be in a public agency, in a
11 nonprofit private agency, institution, or organiza-
12 tion, or in an Indian tribe if the statute authorizing
13 the program provides for assistance to such entities;
14 and

15 “(B) the public agency, nonprofit private agen-
16 cy, institution, or organization, or Indian tribe will
17 administer such funds and property to the extent re-
18 quired by the authorizing statutes;

19 “(3) the State will adopt and use proper meth-
20 ods of administering each such program, including—

21 “(A) the enforcement of any obligations
22 imposed by law on agencies, institutions, orga-
23 nizations and other recipients responsible for
24 carrying out each program;

1 “(B) the correction of deficiencies in pro-
2 gram operations that are identified through au-
3 dits, monitoring, or evaluation; and

4 “(C) the adoption of written procedures for
5 the receipt and resolution of complaints alleging
6 violations of law in the administration of such
7 programs;

8 “(4) the State will cooperate in carrying out
9 any evaluation of each such program conducted by
10 or for the Secretary or other Federal officials;

11 “(5) the State will use such fiscal control and
12 fund accounting procedures as will ensure proper
13 disbursement of, and accounting for, Federal funds
14 paid to the State under each such program;

15 “(6) the State will—

16 “(A) make reports to the Secretary as may
17 be necessary to enable the Secretary to perform
18 the Secretary’s duties under each such pro-
19 gram; and

20 “(B) maintain such records, provide such
21 information to the Secretary, and afford access
22 to the records as the Secretary may find nec-
23 essary to carry out the Secretary’s duties; and

24 “(7) before the application was submitted to the
25 Secretary, the State has afforded a reasonable op-

1 portunity for public comment on the application and
2 has considered such comment.

3 “(b) GEPA PROVISION.—Section 435 of the General
4 Education Provisions Act does not apply to programs
5 under this Act.

6 “CONSOLIDATED LOCAL APPLICATIONS

7 “SEC. 9304. (a) GENERAL AUTHORITY.—A local
8 educational agency receiving funds under more than one
9 covered program may submit applications to the State
10 educational agency under such programs on a consolidated
11 basis.

12 “(b) REQUIRED CONSOLIDATED APPLICATIONS.—A
13 State educational agency that has submitted and had ap-
14 proved a consolidated State application under section
15 9302 may require local educational agencies in the State
16 receiving funds under more than one program included in
17 the consolidated State application to submit consolidated
18 local applications under such programs.

19 “(c) COLLABORATION.—A State educational agency
20 shall collaborate with local educational agencies in the
21 State in establishing procedures for the submission of the
22 consolidated applications under this section.

23 “OTHER GENERAL ASSURANCES

24 “SEC. 9305. (a) ASSURANCES.—Any applicant other
25 than a State educational agency that submits an applica-
26 tion under this Act, whether separately or pursuant to sec-

1 tion 9304, shall have on file with the State educational
2 agency a single set of assurances, applicable to each pro-
3 gram for which an application is submitted, that provides
4 that—

5 “(1) each such program will be administered in
6 accordance with all applicable statutes, regulations,
7 program plans, and applications;

8 “(2)(A) the control of funds provided under
9 each such program and title to property acquired
10 with program funds will be in a public agency or in
11 a nonprofit private agency, institution, organization,
12 or Indian tribe, if the statute authorizing the pro-
13 gram provides for assistance to such entities; and

14 “(B) the public agency, nonprofit private agen-
15 cy, institution, or organization, or Indian tribe will
16 administer such funds and property to the extent re-
17 quired by the authorizing statutes;

18 “(3) the applicant will adopt and use proper
19 methods of administering each such program, in-
20 cluding—

21 “(A) the enforcement of any obligations
22 imposed by law on agencies, institutions, orga-
23 nizations, and other recipients responsible for
24 carrying out each program; and

1 “(B) the correction of deficiencies in pro-
2 gram operations that are identified through au-
3 dits, monitoring, or evaluation;

4 “(4) the applicant will cooperate in carrying out
5 any evaluation of each such program conducted by
6 or for the State educational agency or the Secretary
7 or other Federal officials;

8 “(5) the applicant will use such fiscal control
9 and fund accounting procedures as will ensure prop-
10 er disbursement of, and accounting for, Federal
11 funds paid to such applicant under each such pro-
12 gram;

13 “(6) the applicant will—

14 “(A) make reports to the State educational
15 agency and the Secretary as may be necessary
16 to enable such agency and the Secretary to per-
17 form their duties under each such program; and

18 “(B) maintain such records, provide such
19 information, and afford access to the records as
20 the State educational agency or the Secretary
21 may find necessary to carry out the State edu-
22 cational agency’s or the Secretary’s duties; and

23 “(7) before the application was submitted, the
24 applicant afforded a reasonable opportunity for pub-

1 lic comment on the application and has considered
2 such comment.

3 “(b) GEPA PROVISION.—Section 436 of the General
4 Education Provisions Act does not apply to programs
5 under this Act.

6 “PART D—WAIVERS

7 “WAIVERS OF STATUTORY AND REGULATORY

8 REQUIREMENTS

9 “SEC. 9401. (a) GENERAL.—Except as provided
10 insubsection (c), the Secretary may waive any requirement
11 of this Act or of the General Education Provisions Act,
12 or of the regulations issued under such Acts, for a State
13 educational agency, Indian tribe, or other agency, organi-
14 zation, or institution that receives funds under a program
15 authorized by this Act from the Department and that re-
16 quests such a waiver if—

17 “(1) the Secretary determines that such re-
18 quirement impedes the ability of the State edu-
19 cational agency or other recipient to achieve more ef-
20 fectively the purposes of this Act; and

21 “(2) in the case of a waiver proposal submitted
22 by a State educational agency, the State educational
23 agency—

24 “(A) provides all interested local edu-
25 cational agencies in the State with notice and

1 an opportunity to comment on the proposal;
2 and

3 “(B) submits the comments to the Sec-
4 retary; and

5 “(3) in the case of a waiver proposal submitted
6 by a local educational agency or other agency, insti-
7 tution, or organization that receives funds under this
8 Act from the State educational agency, such request
9 has been reviewed by the State educational agency
10 and is accompanied by the comments, if any, of such
11 agency.

12 “(b) WAIVER PERIOD.—(1) A waiver under this sec-
13 tion shall be for a period not to exceed three years.

14 “(2) The Secretary may extend such period if the
15 Secretary determines that—

16 “(A) the waiver has been effective in enabling
17 the State or affected recipients to carry out the ac-
18 tivities for which it was requested and has contrib-
19 uted to improved performance; and

20 “(B) such extension is in the public interest.

21 “(c) WAIVERS NOT AUTHORIZED.—The Secretary
22 may not waive, under this section, any statutory or regu-
23 latory requirement relating to—

24 “(1) comparability of services;

25 “(2) maintenance of effort;

1 “(3) the equitable participation of students at-
2 tending private schools;

3 “(4) parental participation and involvement;

4 “(5) the distribution of funds to States or to
5 local educational agencies or other recipients of
6 funds under this Act;

7 “(6) maintenance of records;

8 “(7) applicable civil rights requirements; or

9 “(8) the requirements of sections 438 and 439
10 of the General Education Provisions Act.

11 “(d) TERMINATION OF WAIVERS.—The Secretary
12 shall terminate a waiver under this section if the Secretary
13 determines that the performance of the State or other re-
14 cipient affected by the waiver has been inadequate to jus-
15 tify a continuation of the waiver or if it is no longer nec-
16 essary to achieve its original purposes.

17 “PART E—UNIFORM PROVISIONS

18 “MAINTENANCE OF EFFORT

19 “SEC. 9501. (a) GENERAL.—A local educational
20 agency may receive funds under a covered program for
21 any fiscal year only if the State educational agency finds
22 that either the combined fiscal effort per student or the
23 aggregate expenditures of that agency and the State with
24 respect to the provision of free public education by that
25 agency for the preceding fiscal year was not less than 90

1 percent of such combined fiscal effort or aggregate ex-
2 penditures for the second preceding fiscal year.

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

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

11 “(2) No such lesser amount shall be used for comput-
12 ing the effort required under subsection (a) for subsequent
13 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 “PROHIBITION REGARDING STATE AID

22 “SEC. 9502. No State shall take into consideration
23 payments under this Act in determining the eligibility of
24 any local educational agency in that State for State aid,
25 or the amount of State aid, with respect to free public
26 education of children.

1 “(4) Expenditures for educational services and other
2 benefits provided under this section to eligible private
3 school children, their teachers, and other educational per-
4 sonnel serving them shall be equal, taking into account
5 the number and educational needs of the children to be
6 served, to the expenditures for participating public school
7 children.

8 “(5) Such agency or consortium may provide such
9 services directly or through contracts with public and pri-
10 vate agencies, organizations, and institutions.

11 “(b) APPLICABILITY.—(1) This section applies to—

12 “(A) each covered program;

13 “(B) programs under title VII of this Act; and

14 “(C) any other program under this Act speci-
15 fied by the Secretary, subject to such conditions as
16 the Secretary may prescribe.

17 “(2) For the purposes of this section, the term ‘eligi-
18 ble children’ mean children eligible for services under a
19 program described in paragraph (1).

20 “(c) CONSULTATION.—(1) To ensure timely and
21 meaningful consultation, such agency or consortium shall
22 consult with appropriate private school officials during the
23 design and development of the programs under this Act,
24 on issues such as—

25 “(A) how the children’s needs will be identified;

1 “(B) what services will be offered;

2 “(C) how and where the services will be pro-
3 vided; and

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

5 “(2) Such consultation shall occur before the agency
6 or consortium makes any decision that affects the oppor-
7 tunities of eligible private school children, teachers, and
8 other educational personnel to participate in programs
9 under this Act.

10 “(3) Such consultation shall include a discussion of
11 the full range of service delivery mechanisms that an agen-
12 cy or consortium could use to provide equitable services
13 to eligible private school children, teachers, and other edu-
14 cational personnel, including, but not limited to—

15 “(A) instruction provided at public school sites,
16 at neutral sites, or in mobile vans;

17 “(B) computer-assisted instruction;

18 “(C) extended-day services;

19 “(D) home tutoring; and

20 “(E) take-home computers.

21 “(d) PUBLIC CONTROL OF FUNDS.—(1) The control
22 of funds used to provide services under this section, and
23 title to materials, equipment, and property purchased with
24 these funds, shall be in a public agency for the uses and

1 purposes provided in this Act, and a public agency shall
2 administer such funds and property.

3 “(2)(A) The provision of services under this section
4 shall be provided—

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

6 “(ii) through contract by such public agency
7 with an individual, association, agency, or organiza-
8 tion.

9 “(B) In the provision of such services, such employee,
10 person, association, agency, or organization shall be inde-
11 pendent of such private school and of any religious organi-
12 zation, and such employment or contract shall be under
13 the control and supervision of such public agency.

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

16 “STANDARDS FOR BY-PASS

17 “SEC. 9504. If, by reason of any provision of law,
18 a State, local, or intermediate educational agency or con-
19 sortium is prohibited from providing for the participation
20 in programs of children enrolled in, or teachers or other
21 educational personnel from, private elementary and sec-
22 ondary schools, on an equitable basis, or if the Secretary
23 determines that such agency or consortium has substan-
24 tially failed or is unwilling to provide for such participa-
25 tion, as required by section 9503, the Secretary shall—

1 each such appeal within 120 days after receipt of the ap-
2 peal.

3 “BY-PASS DETERMINATION PROCESS

4 “SEC. 9506. (a) REVIEW.—(1)(A) The Secretary
5 shall not take any final action under section 9504 until
6 the agency or consortium affected by such action has had
7 an opportunity, for at least 45 days after receiving written
8 notice thereof, to submit written objections and to appear
9 before the Secretary to show cause why that action should
10 not be taken.

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

17 “(2)(A) If such affected agency or consortium is dis-
18 satisfied with the Secretary’s final action after a proceed-
19 ing under paragraph (1), it may, within 60 days after no-
20 tice of such action, file with the United States court of
21 appeals for the circuit in which such State is located a
22 petition for review of that action.

23 “(B) A copy of the petition shall be forthwith trans-
24 mitted by the clerk of the court to the Secretary.

25 “(C) The Secretary thereupon shall file in the court
26 the record of the proceedings on which the Secretary based

1 this action, as provided in section 2112 of title 28, United
2 States Code.

3 “(3)(A) The findings of fact by the Secretary, if sup-
4 ported by substantial evidence, shall be conclusive, but the
5 court, for good cause shown, may remand the case to the
6 Secretary to take further evidence and the Secretary may
7 thereupon make new or modified findings of fact and may
8 modify the Secretary’s previous action, and shall file in
9 the court the record of the further proceedings.

10 “(B) Such new or modified findings of fact shall like-
11 wise be conclusive if supported by substantial evidence.

12 “(4)(A) Upon the filing of such petition, the court
13 shall have jurisdiction to affirm the action of the Secretary
14 or to set it aside, in whole or in part.

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

19 “(b) DETERMINATION.—Any determination by the
20 Secretary under this section shall continue in effect until
21 the Secretary determines, in consultation with such agency
22 or consortium and representatives of the affected private
23 school children, teachers, or other educational personnel
24 that there will no longer be any failure or inability on the
25 part of such agency or consortium to meet the applicable

1 requirements of section 9503 or any other provision of this
2 Act.

3 “(c) PAYMENT FROM STATE ALLOTMENT.—When
4 the Secretary arranges for services pursuant to this sec-
5 tion, the Secretary shall, after consultation with the ap-
6 propriate public and private school officials, pay the cost
7 of such services, including the administrative costs of ar-
8 ranging for those services, from the appropriate allocation
9 or allocations under this Act.

10 “(d) PRIOR DETERMINATION.—Any by-pass deter-
11 mination by the Secretary under this Act as in effect on
12 the day before enactment of the Improving America’s
13 Schools Act of 1993 shall remain in effect to the extent
14 the Secretary determines that it is consistent with the pur-
15 pose of this section.

16 “PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP
17 OR INSTRUCTION

18 “SEC. 9507. Nothing contained in this Act shall be
19 construed to authorize the making of any payment under
20 this Act for religious worship or instruction.

21 “PART F—OTHER PROVISIONS

22 “STATE RECOGNITION OF EXEMPLARY PERFORMANCE

23 “SEC. 9601. (a) GENERAL AUTHORITY.—(1) A State
24 educational agency may implement a program of State
25 recognition awards under one or more covered programs

1 (other than part A of title I of this Act) and part B of
2 title I of this Act.

3 “(2) Such recognition awards shall be made by the
4 State educational agency to recipients of assistance under
5 this Act in the State that the State educational agency
6 determines have carried out grant-related activities in an
7 exemplary fashion and have demonstrated outstanding
8 performance measured in accordance with this section.

9 “(3) A State desiring to make monetary awards
10 under this section may reserve a portion of the total
11 amount available for grants within the State under such
12 program for any fiscal year, not to exceed one percent,
13 for the purpose of making recognition awards to qualifying
14 recipients under such programs. In implementing this sec-
15 tion, a State may reduce the amount of funds it would
16 otherwise allocate to recipients in accordance with the ap-
17 plicable statute governing such allocation to the extent
18 necessary.

19 “(b) CONDITIONS.—A State educational agency may
20 make recognition awards under this section if—

21 “(1) in selecting awardees, it takes into account
22 improvements in performance (rather than compari-
23 sons with other schools and school districts), and
24 successful cooperative efforts among teachers, ad-

1 administrators, and other school personnel in achieving
2 educational reform;

3 “(2) it employs peer review procedures in iden-
4 tifying recipients eligible for awards, the identity of
5 the awardees, and the amount of the awards;

6 “(3) it determines that the awardee is in com-
7 pliance with applicable civil rights requirements; and

8 “(4) it submits to the Secretary a description of
9 the criteria used in making such awards.

10 “INTERNATIONAL EDUCATION ACTIVITIES

11 “SEC. 9602. (a) GENERAL AUTHORITY.—In order to
12 enhance education in the United States and to encourage
13 cooperative efforts with foreign governments and inter-
14 national organizations, the Secretary is authorized directly
15 or through grants, contracts, or cooperative agreements
16 to carry out the activities in subsection (b).

17 “(b) AUTHORIZED ACTIVITIES.—Funds under this
18 section may be used for—

19 “(1) activities to improve international under-
20 standing through the exchange of technical assist-
21 ance, information, and training opportunities;

22 “(2) activities to improve our understanding of
23 how educational systems in other countries work in
24 order to better carry out reform efforts;

25 “(3) joint conferences with foreign countries to
26 focus on specific content areas; and

1 “(4) other joint efforts designed to foster inter-
2 national collaboration and cooperation in education.

3 “(c) AUTHORIZATION.—For the purpose of carrying
4 out this section, there are authorized to be appropriated
5 such sums as may be necessary for each of the fiscal years
6 1995 through 1999.”.

7 TITLE II—AMENDMENTS TO THE GENERAL
8 EDUCATION PROVISIONS ACT
9 PART A—APPLICABILITY OF THE GENERAL EDUCATION
10 PROVISIONS ACT

11 TITLE; APPLICABILITY; DEFINITIONS

12 SEC. 211. Section 400 of the General Education Pro-
13 visions Act (20 U.S.C. 1221 *et seq.*; hereafter in this title
14 referred to as “the Act”) is amended to read as follows:

15 “TITLE; APPLICABILITY; DEFINITIONS

16 “SEC. 400. (a) This title may be cited as the ‘General
17 Education Provisions Act’.

18 “(b)(1) Except as otherwise provided, this title ap-
19 plies to each applicable program of the Department of
20 Education.

21 “(2) Except as otherwise provided, this title does not
22 apply to any contract made by the Department of Edu-
23 cation.

24 “(c) As used in this title, the following terms have
25 the following meanings:

1 “(1) The term ‘applicable program’ means any
2 program for which the Secretary or the Department
3 has administrative responsibility as provided by law
4 or by delegation of authority pursuant to law. The
5 term includes each program for which the Secretary
6 or the Department has administrative responsibility
7 under the Department of Education Organization
8 Act or under statutes effective after the effective
9 date of that Act.

10 “(2) The term ‘applicable statute’ means—

11 “(A) the Act or the title, part, section, or
12 any other subdivision of an Act, as the case
13 may be, that authorizes the appropriation for
14 an applicable program;

15 “(B) this title; and

16 “(C) any other statute that by its terms
17 expressly controls the administration of an ap-
18 plicable program.

19 “(3) The term ‘Department’ means the Depart-
20 ment of Education.

21 “(4) The term ‘Secretary’ means the Secretary
22 of Education.

23 “(d) Nothing in this title shall be construed to affect
24 the applicability of title VI of the Civil Rights Act of 1964,
25 title IX of the Education Amendments of 1972, title V

1 of the Rehabilitation Act of 1973, the Age Discrimination
2 Act, or other statutes prohibiting discrimination, to any
3 applicable program.”.

4 REPEAL

5 SEC. 212. Section 400A of the Act is repealed.

6 PART B—THE DEPARTMENT OF EDUCATION

7 NEW HEADING FOR PART A

8 SEC. 221. The heading for Part A of the Act is
9 amended to read as follows: “PART A—FUNCTIONS OF
10 THE DEPARTMENT OF EDUCATION”.

11 GENERAL AUTHORITY OF THE SECRETARY

12 SEC. 222. Section 408 of the Act is amended to read
13 as follows:

14 “GENERAL AUTHORITY OF THE SECRETARY

15 “SEC. 408. The Secretary, in order to carry out func-
16 tions otherwise vested in him by law or by delegation of
17 authority pursuant to law, and subject to limitations as
18 may be otherwise imposed by law, is authorized to make,
19 promulgate, issue, rescind, and amend rules and regula-
20 tions governing the manner of operation of, and governing
21 the applicable programs administered by, the Depart-
22 ment.”.

23 OFFICE OF PRIVATE EDUCATION

24 SEC. 223. Section 409 of the Act is repealed and a
25 new section 409 is inserted in lieu thereof to read as fol-
26 lows:

1 “OFFICE OF PRIVATE EDUCATION

2 “SEC. 409. Subject to section 413 of the Department
3 of Education Organization Act, there is established in the
4 Department an Office of Private Education to ensure the
5 maximum participation of nonpublic school students in all
6 applicable programs for which such children are eligible.”.

7 REPEALS

8 SEC. 224. Sections 401, 402, 403, 406A, 406B,
9 406C, and 407 of the Act are repealed.

10 PART C—APPROPRIATIONS AND EVALUATIONS

11 AVAILABILITY OF APPROPRIATIONS

12 SEC. 231. (a) The heading for section 412 of the Act
13 is amended to read as follows: “AVAILABILITY OF APPRO-
14 PRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDI-
15 TIONAL PERIOD FOR OBLIGATION OF FUNDS”.

16 (b) Section 412 of the Act is further amended—

17 (1) in subsection (a)—

18 (A) by striking out “to educational agen-
19 cies or institutions”;

20 (B) by striking out “expenditure” and in-
21 serting in lieu thereof “obligations”; and

22 (C) by striking out “by the agency or insti-
23 tution concerned” and inserting in lieu thereof
24 “by the recipient”;

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

1 “(b)(1)(A) Notwithstanding any other provision of
2 law, unless enacted in express limitation of this subsection,
3 any funds from appropriations to carry out any applicable
4 State formula grant program that are not obligated by a
5 recipient by the end of the fiscal year for which such funds
6 were appropriated shall remain available for obligation by
7 such recipient during the succeeding fiscal year.

8 “(B) As used in this subsection, the term ‘applicable
9 State formula grant program’ means an applicable pro-
10 gram whose authorizing statute or implementing regula-
11 tions provide a formula for allocating program funds
12 among eligible States.”;

13 (3) in subsection (b)(2)—

14 (A) by striking out “applicable program”
15 and inserting in lieu thereof “applicable State
16 formula grant program”;

17 (B) by striking out “and expenditure” and
18 “and expended”; and

19 (C) in subparagraph (B), by striking out
20 “educational agencies or institutions” and in-
21 serting in lieu thereof “recipients”; and

22 (4) by striking out subsection (c).

23 CONTINGENT EXTENSION OF PROGRAMS

24 SEC. 232. Section 414 of the Act is amended to read
25 as follows:

1 “CONTINGENT EXTENSION OF PROGRAMS

2 “SEC. 414. (a) The authorization of appropriations
3 for, or duration of, an applicable program shall be auto-
4 matically extended for one additional fiscal year unless
5 Congress, in the regular session that ends prior to the ter-
6 minal fiscal year of such authorization or duration—

7 “(1) has passed legislation that becomes law
8 and extends, or has formally rejected legislation that
9 would have extended, the authorization or duration
10 of such program; or

11 “(2) approves a resolution, by action of either
12 the House of Representatives or the Senate, stating
13 that this section shall not apply to such program.

14 “(b) The amount authorized to be appropriated for
15 the period of automatic extension of an applicable program
16 under subsection (a) shall be the amount that was author-
17 ized to be appropriated for that program during its termi-
18 nal fiscal year.

19 “(c) If the Secretary is required, in the terminal fiscal
20 year of an applicable program, to carry out certain acts
21 or make certain determinations that are necessary for the
22 continuation of such program, such acts or determinations
23 shall be required to be carried out or made during the
24 period of automatic extension under subsection (a).”.

1 BIENNIAL EVALUATION REPORT

2 SEC. 233. Section 417 of the Act is amended to read
3 as follows:

4 “BIENNIAL EVALUATION REPORT

5 “SEC. 417. Not later than March 31 of each second
6 year beginning with 1995, the Secretary shall transmit to
7 the Committee on Education and Labor of the House of
8 Representatives and the Committee on Labor and Human
9 Resources of the Senate an evaluation report on the effec-
10 tiveness of applicable programs during the two preceding
11 fiscal years in achieving their legislated purposes. Such re-
12 port shall—

13 “(1) contain program profiles that include legis-
14 lative citations, multi-year funding histories, and leg-
15 islated purposes;

16 “(2) contain recent evaluation information on
17 the progress being made toward the achievement of
18 program objectives, including listings of program
19 performance indicators, data from performance
20 measurement based on the indicators, and evaluation
21 information on the costs and benefits of the applica-
22 ble programs being evaluated;

23 “(3) contain selected significant program activi-
24 ties, such as initiatives for program improvement,
25 regulations, and program monitoring and evaluation;

1 “JOINT FUNDING OF PROGRAMS

2 “SEC. 421A. (a)(1) The Secretary is authorized to
3 enter into arrangements with other Federal agencies to
4 jointly carry out projects of common interest, to transfer
5 to such agencies funds appropriated under any applicable
6 program, and to receive and use funds from such agencies,
7 for projects of common interest.

8 “(2) Funds so transferred or received shall be used
9 only in accordance with the statutes authorizing the ap-
10 propriation of such funds and the statutes appropriating
11 such funds, and shall be made available only to parties
12 eligible to receive such funds under such statutes.

13 “(3) If the Secretary enters into a agreement under
14 this subsection for the administration of a project, the
15 agency administering the project shall use its procedures
16 to select awardees and to administer the awards, unless
17 the parties to the agreement specify the use of procedures
18 of another agency that is a party to the agreement.

19 “(4) If the Secretary has entered into an agreement
20 authorized under subsection (a) of this section and the
21 Secretary and the heads of the other agencies participat-
22 ing in the agreement determine that joint funding is nec-
23 essary to address a special need consistent with the
24 purposes and authorized activities of each program that
25 provides funding, the Secretary and the heads of the other

1 participating agencies may develop a single set of criteria
2 for jointly funded projects and require each applicant for
3 those projects to submit a single application for review by
4 the participating agencies.

5 “(b) The Secretary may develop the criteria for, and
6 require the submission of, joint applications under two or
7 more applicable programs under which awards are made
8 on a competitive basis, and may jointly review and approve
9 such applications separately from other applications under
10 such programs, when the Secretary determines that such
11 joint awards are necessary to address a special need con-
12 sistent with the purposes and authorized activities of each
13 such program. Any applicant for such a joint award must
14 meet the eligibility requirements of each such program.”.

15 COLLECTION AND DISSEMINATION OF INFORMATION

16 SEC. 242. Section 422 of the Act is amended to read
17 as follows:

18 “COLLECTION AND DISSEMINATION OF INFORMATION

19 “SEC. 422. The Secretary shall—

20 “(1) prepare and disseminate to State and local
21 educational agencies and institutions information
22 concerning applicable programs and cooperate with
23 other Federal officials who administer programs af-
24 fecting education in disseminating information con-
25 cerning such programs;

1 “(2) inform the public on federally supported
2 education programs; and

3 “(3) collect data and information on applicable
4 programs for the purpose of obtaining objective
5 measurements of the effectiveness of such programs
6 in achieving their purposes.”.

7 REVIEW OF APPLICATIONS

8 SEC. 243. Section 425 of the Act is amended—

9 (1) in subsection (a)—

10 (A) by striking out “Commissioner” and
11 inserting in lieu thereof “Secretary”;

12 (B) by striking out “and in the case of the
13 program provided for in title I of the Elemen-
14 tary and Secondary Education Act of 1965,”;

15 (C) in the third sentence thereof, by insert-
16 ing a comma after “the hearing”; and

17 (D) in the fourth sentence thereof—

18 (i) by striking out the comma after
19 “guidelines”; and

20 (ii) by inserting a comma after “pro-
21 gram”;

22 (2) in subsection (b), by striking out “Commis-
23 sioner” each place it appears and inserting in lieu
24 thereof “Secretary”; and

25 (3) in subsection (d), by striking out “Commis-
26 sioner” each time it appears and inserting in lieu

1 thereof “Secretary” and by inserting before the pe-
2 riod “or issue such other orders as the Secretary
3 may deem appropriate to achieve such compliance”.

4 USE OF FUNDS WITHHELD

5 SEC. 244. Section 428 of the Act is amended to read
6 as follows:

7 “USE OF FUNDS WITHHELD

8 “SEC. 428. (a) At any time that the Secretary makes
9 an allotment or reallocation to any State under any appli-
10 cable program, the Secretary shall reduce such allotment
11 or reallocation by such amount as the Secretary deter-
12 mines it would have been reduced, had the data on which
13 the allotment or reallocation is based excluded all data re-
14 lating to local educational agencies of the State that, on
15 the date of the Secretary’s action, are ineligible to receive
16 the Federal financial assistance involved because of failure
17 to comply with title VI of the Civil Rights Act of 1964,
18 title IX of the Education Amendments of 1972, section
19 504 of the Rehabilitation Act of 1973, or the Age Dis-
20 crimination Act of 1975.

21 “(b) The Secretary may use any funds withheld
22 under subsection (a)—

23 “(1) to increase the allotments of other local
24 educational agencies within the State, or the allot-
25 ments of all States, in accordance with the statutes
26 governing the program; or

1 (C) by striking out the last sentence there-
2 of; and

3 (2) in subsection (b), by striking out “to any
4 records of a recipient which may be related, or perti-
5 nent to, the grants, subgrants, contracts, sub-
6 contracts, loans, or other arrangements” and insert-
7 ing in lieu thereof “to any records currently main-
8 tained by a recipient that may be related, or perti-
9 nent to, grants, subgrants, cooperative agreements,
10 loans, or other arrangements”.

11 TECHNICAL AMENDMENTS

12 SEC. 248. (a) The heading for Part C of the Act is
13 amended by striking out “COMMISSIONER OF EDU-
14 CATION” and inserting in lieu thereof “SECRETARY”.

15 (b) Section 427 of the Act is amended—

16 (1) by striking out “Commissioner” and insert-
17 ing in lieu thereof “Secretary”; and

18 (2) in the second sentence thereof, by inserting
19 “is made” after “such determination”.

20 (c) Section 430 of the Act is amended by striking
21 out “Commissioner” each place it appears and inserting
22 in lieu thereof “Secretary”.

23 (d) Section 433 of the Act is amended by striking
24 out “Except for emergency relief” and inserting in lieu
25 thereof “All laborers”.

1 (e)(1) The heading of section 434 of the Act is
2 amended by striking out “EDUCATIONAL”.

3 (2) Section 434 of the Act is amended—

4 (A) by striking out “Commissioner” each place
5 it appears and inserting in lieu thereof “Secretary”;
6 and

7 (B) by inserting “(c)” before the last sentence
8 and by deleting “paragraph (3)” in such sentence
9 and inserting in lieu thereof “subsection (b)(3)”.

10 (f) Section 435 of the Act is amended—

11 (1) by striking out “Commissioner” each place
12 it appears and inserting in lieu thereof “Secretary”;
13 and

14 (2) in subsection (a)—

15 (A) by striking out the comma after “sub-
16 mits a plan”; and

17 (B) by striking out “(subject, in the case
18 of programs under chapter 1 and chapter 2 of
19 title I of the Elementary and Secondary Edu-
20 cation Act of 1965)”.

21 (g) Section 436 of the Act is amended—

22 (1) in subsection (a), by striking out “that local
23 education agency” and inserting in lieu thereof “that
24 local educational agency”; and

25 (2) in subsection (b)—

1 (A) in paragraph (2), by inserting a
2 comma after “program”;

3 (B) in paragraph (4), by striking out
4 “Commissioner” each place it appears and in-
5 serting in lieu thereof “Secretary”; and

6 (C) in paragraph (7), by striking out
7 “handicapped individuals” and inserting in lieu
8 thereof “individuals with disabilities”.

9 (h) Section 438 of the Act is amended—

10 (1) in subsection (a)(4)(B)(ii), by striking out
11 the period at the end thereof and inserting in lieu
12 thereof a semicolon;

13 (2) in subsection (b)—

14 (A) in paragraph (1)(C), by striking out
15 “(iii) an administrative head of an education
16 agency (as defined in section 408(c)), or (iv)”
17 and inserting in lieu thereof “or (iii)”;

18 (B) in paragraph (1)(H), by striking out
19 “1954” and inserting in lieu thereof “1986”;
20 and

21 (C) in paragraph (3)—

22 (i) by striking out “(C) an adminis-
23 trative head of an education agency or
24 (D)” and inserting in lieu thereof “or
25 (C)”;

1 (ii) by striking out “education pro-
2 gram” and inserting in lieu thereof “edu-
3 cation programs”;

4 (3) in subsection (d), by inserting a comma
5 after “education”;

6 (4) in subsection (f)—

7 (A) by striking out “The Secretary, or an
8 administrative head of an education agency,”
9 and inserting in lieu thereof “The Secretary”;

10 (B) by striking out “provisions of” after
11 “enforce”;

12 (C) by striking out “according to the provi-
13 sions of” and inserting in lieu thereof “in ac-
14 cordance with”; and

15 (D) by striking out “the provisions of”
16 after “with”; and

17 (5) in subsection (g)—

18 (A) by striking out “Health, Education,
19 and Welfare” and inserting in lieu thereof
20 “Education”; and

21 (B) by striking out “the provisions of”.

22 REPEALS

23 SEC. 249. (a) Sections 421, 423, 424, 426, 426A,
24 and 429 of the Act are repealed.

1 EQUITY FOR STUDENTS, TEACHERS, AND OTHER
2 PROGRAM BENEFICIARIES

3 SEC. 250. The Act is further amended by inserting
4 after section 425 a new section 426 to read as follows:

5 “EQUITY FOR STUDENTS, TEACHERS, AND OTHER
6 PROGRAM BENEFICIARIES

7 “SEC. 426. (a) The purpose of this section is to assist
8 the Department in implementing its mission to ensure
9 equal access to education and to promote educational ex-
10 cellence throughout the Nation, by ensuring equal oppor-
11 tunities to participate for all eligible students, teachers
12 and other program beneficiaries in any project or activity
13 carried out under an applicable program and promoting
14 their ability to meet high standards.

15 “(b) The Secretary shall require each applicant for
16 assistance under an applicable program (other than an in-
17 dividual) to develop and describe in its application the
18 steps it proposes to take to ensure equitable access to, and
19 equitable participation in, the project or activity to be con-
20 ducted with such assistance, by addressing the special
21 needs of students, teachers, and other program bene-
22 ficiaries in order to overcome barriers to equitable partici-
23 pation, including barriers based on gender, race, color, na-
24 tional origin, disability, and age.

1 “(c) The Secretary may establish criteria and provide
2 technical assistance for meeting the requirements of this
3 section.

4 “(d) Nothing in this section is intended to alter in
5 any way the rights or responsibilities established under the
6 statutes cited in section 400(d) of this Act.”.

7 PART E—ADVISORY COMMITTEES

8 REPEAL

9 SEC. 251. Part D of the Act is repealed.

10 PART F—ENFORCEMENT

11 REPEAL OF GRANTBACK PROVISION

12 SEC. 261. Section 459 of the Act is repealed.

13 PART G—RELATED AMENDMENTS TO OTHER ACTS

14 DEPARTMENT OF EDUCATION ORGANIZATION ACT

15 SEC. 271. The Department of Education Organiza-
16 tion Act is amended—

17 (1) in section 414, by striking out “(a)” and
18 subsection (b);

19 (2) in section 417, by adding a new subsection
20 (d) to read as follows:

21 “(d) The Secretary is authorized, with funds ex-
22 pressly appropriated for such purpose, to construct such
23 facilities as may be necessary to carry out functions of
24 the Secretary or the Department and to acquire and dis-
25 pose of such property.”;

1 (3) in section 421, by inserting “and to accept
2 donations of services” after “personal”; and

3 (4) by striking out section 427.

4 HIGHER EDUCATION ACT OF 1965

5 SEC. 272. Sections 432(d) and 482(c) of the Higher
6 Education Act of 1965 are repealed.

7 PART H—CONFORMING AMENDMENTS

8 CONFORMING AMENDMENTS TO OTHER ACTS

9 SEC. 281. (a) The Rehabilitation Act of 1973 is
10 amended—

11 (1) by repealing section 9; and

12 (2) in section 100, by striking out subsection
13 (d).

14 (b) Section 491(b) of the Higher Education Act of
15 1965 (20 U.S.C. 1001 et seq.) is amended by striking out
16 the last sentence thereof.

17 TITLE III—AMENDMENTS TO OTHER ACTS

18 PART A—AMENDMENTS TO THE INDIVIDUALS WITH

19 DISABILITIES EDUCATION ACT

20 ALLOCATIONS UNDER SECTION 611 OF THE IDEA

21 SEC. 311. (a) Section 611(a) of the Individuals with
22 Disabilities Education Act (hereafter in this title referred
23 to as the “IDEA”) is amended—

24 (1) by amending paragraph (1) to read as fol-
25 lows:

1 “(1) Except as provided in paragraph (5), the
2 maximum amount of the grant for which a State is
3 eligible under this section for any fiscal year is—

4 “(A) the sum of—

5 “(i) the number of children with dis-
6 abilities in the State, aged six through 21,
7 who are receiving special education and re-
8 lated services, as determined under para-
9 graph (3); and

10 “(ii) the number of such children in
11 the State, aged three through five, if the
12 State is eligible for a grant under section
13 619; multiplied by

14 “(B) 40 percent of the average per-pupil
15 expenditure in public elementary and secondary
16 schools in the United States.”;

17 (2) by amending paragraph (2) to read as fol-
18 lows:

19 “(2) For the purpose of this section, the term
20 ‘State’ means each of the 50 States, the District of
21 Columbia, and the Commonwealth of Puerto Rico.”;

22 and

23 (3) in paragraph (5)(A)—

24 (A) in clause (i), by striking out “and the
25 State” and inserting in lieu thereof “or the

1 combined percentage of such children counted
2 by the Secretary for the purpose of making fis-
3 cal year 1994 allocations under this section and
4 under subpart 2 of part D of chapter 1 of title
5 I of the Elementary and Secondary Education
6 Act of 1965, whichever is greater, if the State”;

7 (B) in clause (ii)—

8 (i) by striking out “and the State”
9 and inserting in lieu thereof “or the com-
10 bined percentage of such children counted
11 by the Secretary for the purpose of making
12 fiscal year 1994 allocations under this sec-
13 tion and under subpart 2 of part D of
14 chapter 1 of title I of the Elementary and
15 Secondary Education Act of 1965, which-
16 ever is greater, if the State”; and

17 (ii) by striking out the semicolon and
18 “and” at the end thereof and inserting in
19 lieu thereof a period; and

20 (C) by striking out clause (iii).

21 (b) Section 611(b) of the IDEA is amended to read
22 as follows:

23 “(b)(1) Notwithstanding subsections (a) and (g) of
24 this section, no State shall receive an amount under this
25 section for any of the fiscal years 1995 through 1999 that

1 is less than the combined amount it received for fiscal year
2 1994 under—

3 “(A) this section; and

4 “(B) subpart 2 of part D of chapter 1 of title
5 I of the Elementary and Secondary Education Act
6 of 1965 for children with disabilities aged three
7 through 21.

8 “(2) If, for fiscal year 1998 or 1999, the number of
9 children determined under subsection (a)(3) for any State
10 is less than the total number of children with disabilities,
11 aged three through 21, counted for that State’s fiscal year
12 1994 grants under this section and under subpart 2 of
13 part D of chapter 1 of title I of the Elementary and Sec-
14 ondary Education Act of 1965, the amount determined
15 under paragraph (1) for that State shall be reduced by
16 the same percentage by which the number of those chil-
17 dren so declined.”.

18 (c) Section 611(c) of the IDEA is amended—

19 (1) by amending paragraph (1) to read as fol-
20 lows:

21 “(1) Of the funds received under subsection (a)
22 by any State for any fiscal year—

23 “(A) the State may use up to 25 percent
24 in accordance with paragraph (2); and

1 “(B) except as provided in paragraph (4),
2 the State shall distribute at least 75 percent to
3 local educational agencies and intermediate edu-
4 cational units, in accordance with subsection
5 (d), for use in accordance with priorities estab-
6 lished under section 612(3).”;

7 (2) in paragraph (2), by amending subpara-
8 graph (A) to read as follows:

9 “(A) From the funds that any State may
10 use under paragraph (1)(A) for any fiscal year,
11 the State—

12 “(i) may use five percent of the funds
13 received under this section or \$450,000,
14 whichever is greater, for administrative
15 costs related to carrying out sections 612
16 and 613; and

17 “(ii) shall use the remainder—

18 “(I) to provide support services
19 and direct services, subject to sub-
20 paragraph (B), in accordance with
21 priorities established under section
22 612(3); and

23 “(II) for the administrative costs
24 of monitoring and complaint inves-
25 tigation, but only to the extent that

1 such costs exceed the costs of admin-
2 istration incurred during fiscal year
3 1985.”.

4 (d) Section 611(d) of the IDEA is amended to read
5 as follows:

6 “(d)(1) From the total amount of funds available for
7 any fiscal year under subsection (c)(1)(B), the State shall
8 provide to each local educational agency or intermediate
9 educational unit an amount that bears the same ratio to
10 such total amount as the number of children, aged 3
11 through 21, determined under subsection (a)(3) for such
12 agency or unit bears to the total number of such children
13 determined for all such agencies and units that apply for
14 such funds.

15 “(2)(A) To the extent necessary, the State—

16 “(i) shall use funds available under subsection
17 (c)(2)(A)(ii) to ensure that each State agency that
18 received fiscal year 1994 funds under subpart 2 of
19 part D of chapter 1 of title I of the Elementary and
20 Secondary Education Act of 1965 receives, from the
21 combination of such funds and funds provided under
22 paragraph (1), an amount equal to—

23 “(I) the number of children, aged 6
24 through 21, determined under subsection (a)(3)
25 for such agency; multiplied by

1 “(II) the per-child amount provided under
2 such subpart for fiscal year 1994; and

3 “(ii) may use such funds to ensure that each
4 local educational agency that received fiscal year
5 1994 funds under such subpart for children who had
6 transferred from a State-operated or State-sup-
7 ported school or program assisted under such sub-
8 part receives, from the combination of such funds
9 and funds provided under paragraph (1), an amount
10 for each such child, aged 3 through 21, determined
11 under subsection (a)(3) for such agency, equal to the
12 per-child amount the agency received under such
13 subpart for fiscal year 1994.

14 “(B) For the purpose of subparagraph (A), the num-
15 ber of children determined under subsection (a)(3) for any
16 State agency or local educational agency shall not exceed
17 the number of children aged 3 through 21 for whom such
18 agency received funds under such subpart for such fiscal
19 year.”.

20 (e) Section 611(e)(1) of the IDEA is amended to read
21 as follows:

22 “(1) The jurisdictions to which this subsection
23 applies are Guam, American Samoa, the Virgin Is-
24 lands, the Commonwealth of the Northern Mariana
25 Islands, and Palau (until the effective date of the

1 Compact of Free Association with the Government
2 of Palau).”.

3 (f) Section 611(g) of the IDEA is amended to read
4 as follows:

5 “(g)(1)(A) If the sums appropriated under subsection
6 (h) for any fiscal year are not sufficient to pay in full the
7 total of the amounts that all States are eligible to receive
8 under subsection (a), each such amount shall be ratably
9 reduced.

10 “(B) If additional funds become available for making
11 such payments for any fiscal year, such reduced amounts
12 shall be increased on the same basis as they were reduced.

13 “(C) Any State that receives any such additional
14 funds shall distribute them in accordance with this section,
15 except that any State that has used funds available under
16 subsection (c)(2)(A)(ii) for the purposes described in sub-
17 section (d)(2) may—

18 “(i) deduct, from the amount that it would oth-
19 erwise be required to make available to local edu-
20 cational agencies and intermediate educational units,
21 the same amount of such additional funds as it so
22 used; and

23 “(ii) use such funds in accordance with sub-
24 section (c)(2)(A)(ii).

1 “(2)(A) In any fiscal year for which payments have
2 been reduced and additional funds have not been made
3 available under paragraph (1) to pay in full the amounts
4 for which all States are eligible under this section, each
5 State educational agency shall fix dates by which each
6 local educational agency or intermediate educational unit
7 shall report to the State agency the amount of funds avail-
8 able to it under this section that it estimates it will ex-
9 pend.

10 “(B) The State educational agency shall, in accord-
11 ance with this section, reallocate any funds that it deter-
12 mines will not be used during the period of availability
13 by such local educational agencies and intermediate edu-
14 cational units, and by any such agency or unit to which
15 such funds would be available if it applied for them under
16 this part, to those local educational agencies and inter-
17 mediate educational units that the State educational agen-
18 cy determines will need, and be able to use, additional
19 funds to carry out approved programs.”.

20 TREATMENT OF CHAPTER 1 STATE AGENCIES

21 SEC. 312. Part B of the IDEA is further amended
22 by inserting after section 614 the following new section:

23 “TREATMENT OF CHAPTER 1 STATE AGENCIES

24 “SEC. 614A. (a) For the purpose of making pay-
25 ments under sections 611 and 619 of this Act, any State
26 agency that received funds for fiscal year 1994 under sub-

1 part 2 of part D of chapter 1 of title I of the Elementary
2 and Secondary Education Act of 1965 shall be treated as
3 if it were a local educational agency.

4 “(b) The State educational agency shall ensure that
5 each State agency that operates or supports a program
6 or school for children with disabilities with funds under
7 this part—

8 “(1) provides each child with a disability in that
9 school or program a free appropriate public edu-
10 cation in accordance with this part, including the
11 due process protections of section 615, as if it were
12 a local educational agency; and

13 “(2) has on file with the State educational
14 agency an application that meets those requirements
15 of section 614 that the Secretary finds appropriate.

16 “(c) Section 611(c)(4) shall not apply with respect
17 to a State agency that is eligible for a payment under this
18 part by virtue of this section.”.

19 INFANTS AND TODDLERS WITH DISABILITIES

20 SEC. 313. (a) Section 684(c) of the IDEA is amend-
21 ed—

22 (1) by redesignating paragraph (2) as para-
23 graph (5); and

24 (2) by striking out paragraph (1) and inserting
25 in lieu thereof paragraphs (1) through (4) to read
26 as follows:

1 “(1) Except as provided in paragraphs (3) and
2 (4), from the funds remaining for each fiscal year
3 after the reservation and payments under sub-
4 sections (a) and (b), the Secretary shall first allot to
5 each State an amount that bears the same ratio to
6 the amount of such remainder as the number of in-
7 fants and toddlers in the State bears to the number
8 of infants and toddlers in all States.

9 “(2) For fiscal year 1995 only, the Secretary
10 shall allot \$34,000,000 of the remaining funds de-
11 scribed in paragraph (1) among the States in pro-
12 portion to their relative numbers of infants and tod-
13 dlers with disabilities who—

14 “(A) are counted on December 1, 1994;
15 and

16 “(B) would have been eligible to be count-
17 ed under section 1221(c)(1) of the Elementary
18 and Secondary Education Act of 1965 as in ef-
19 fect before the enactment of the Improving
20 America’s Schools Act of 1993.

21 “(3) Except as provided in paragraph (4), no
22 State shall receive an amount under this section for
23 any fiscal year that is less than the greater of—

24 “(A) one-half of one percent of the remain-
25 ing amount described in paragraph (1), not in-

1 cluding any amounts allotted under paragraph
2 (2); or

3 “(B) \$500,000.

4 “(4)(A) No State shall receive an amount under
5 this section for any of the fiscal years 1995 through
6 1999 that is less than the combined amount it re-
7 ceived for fiscal year 1994 under—

8 “(i) this part; and

9 “(ii) subpart 2 of part D of chapter 1 of
10 title I of the Elementary and Secondary Edu-
11 cation Act of 1965 for children with disabilities
12 from birth through age two.

13 “(B) If, for fiscal year 1998 or 1999, the num-
14 ber of infants and toddlers in any State, as deter-
15 mined under paragraph (1), is less than the number
16 of infants and toddlers so determined for fiscal year
17 1994, the amount determined under subparagraph
18 (A) for that State shall be reduced by the same per-
19 centage by which the number of those infants and
20 toddlers so declined.”.

21 (b) The amendments made by subsection (a) shall
22 take effect beginning with fiscal year 1995.

1 PART B—AMENDMENTS TO THE STEWART B. MCKINNEY
2 HOMELESS ASSISTANCE ACT
3 STATE LITERACY INITIATIVES

4 SEC. 321. Section 702 of the Stewart B. McKinney
5 Homeless Assistance Act (42 U.S.C. 11301 et seq.; herein-
6 after in this title referred to as “the Act”) is amended
7 to read as follows:

8 “STATE LITERACY INITIATIVES

9 “SEC. 702. (a) GENERAL AUTHORITY.—(1) The Sec-
10 retary of Education is authorized to make grants to State
11 educational agencies to enable each such agency to imple-
12 ment, either directly or through contracts and grants, a
13 program of literacy training and academic remediation for
14 adult homeless individuals within the State, which pro-
15 gram shall—

16 “(A) include outreach activities; and

17 “(B) be coordinated with other agencies or or-
18 ganizations, such as community-based organizations,
19 nonprofit literacy-action organizations, and funding
20 recipients under the Adult Education Act, title II of
21 the Job Training Partnership Act, the Youth Fair
22 Chance program under title IV of the Job Training
23 Partnership Act, the Volunteers in Service to Amer-
24 ica program under the Domestic Volunteers Service
25 Act, part C of this title, or the Job Opportunity and
26 Basic Skills program under the Social Security Act.

1 “(2) The Secretary of Education shall, in awarding
2 grants under this section, give special consideration to the
3 estimates submitted in the application submitted under
4 subsection (b) and make such awards in whatever amounts
5 he or she determines would best serve the purposes of this
6 section.

7 “(b) APPLICATION.—Each State educational agency
8 desiring to receive a grant under this section shall submit
9 to the Secretary of Education an application at such time,
10 in such manner, and containing such information as the
11 Secretary may reasonably require. Each such application
12 shall include an estimate of the number of homeless indi-
13 viduals in the State and the number of such individuals
14 expected to be served.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—(1) For
16 the purpose of carrying out the adult literacy and aca-
17 demic remediation programs authorized by this section,
18 there are authorized to be appropriated such sums as may
19 be necessary for each of the fiscal years 1995 through
20 1999.

21 “(d) DEFINITION.—As used in this section, the term
22 ‘State’ means each of the 50 States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Virgin Islands,
24 Guam, American Samoa, the Commonwealth of the North-
25 ern Mariana Islands, and Palau (until the effective date

1 of the Compact of Free Association with the Government
2 of Palau).”.

3 EDUCATION FOR HOMELESS CHILDREN AND YOUTH

4 Sec. 322. Subtitle B of title VII of the Act is amend-
5 ed to read as follows:

6 “SUBTITLE B—EDUCATION FOR HOMELESS CHILDREN
7 AND YOUTH

8 “STATEMENT OF POLICY

9 “SEC. 721. It is the policy of the Congress that—

10 “(1) each State educational agency shall ensure
11 that each child of a homeless individual and each
12 homeless youth has equal access to the same free,
13 appropriate public education, including a public pre-
14 school education, as provided to other children and
15 youth;

16 “(2) in any State that has a compulsory resi-
17 dency requirement as a component of its compulsory
18 school attendance laws or other laws, regulations,
19 practices, or policies that may act as a barrier to the
20 enrollment, attendance, or success in school of home-
21 less children and youth, the State will review and
22 undertake steps to revise such laws, regulations,
23 practices, or policies to ensure that homeless chil-
24 dren and youth are afforded the same free, appro-
25 priate public education as provided to other children
26 and youth;

1 “(3) homelessness alone should not be sufficient
2 reason to separate students from the mainstream
3 school environment; and

4 “(4) homeless children and youth should have
5 access to the education and other services that they
6 need to ensure that they have an opportunity to
7 meet the same challenging State performance stand-
8 ards to which all students are held.

9 “GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE
10 EDUCATION OF HOMELESS CHILDREN AND YOUTH

11 “SEC. 722. (a) GENERAL AUTHORITY.—The Sec-
12 retary is, in accordance with the provisions of this section,
13 authorized to make grants to States to carry out the ac-
14 tivities described in subsections (d), (e), (f), and (g).

15 “(b) APPLICATION.—No State may receive a grant
16 under this section unless the State educational agency
17 submits an application to the Secretary at such time, in
18 such manner, and containing or accompanied by such in-
19 formation as the Secretary may reasonably require.

20 “(c) ALLOCATION AND RESERVATIONS.—(1) Subject
21 to paragraph (2) and section 724(c), from the amounts
22 appropriated for each fiscal year pursuant to section 726,
23 the Secretary is authorized to allot to each State an
24 amount that bears the same ratio to the amount appro-
25 priated in each such year as the amount allocated under
26 section 1122 of the Elementary and Secondary Education

1 Act of 1965 to the State in that year bears to the total
2 amount allocated to all States, except that no State shall
3 receive less than \$100,000.

4 “(2)(A) The Secretary is authorized to reserve 0.1
5 percent of the amount appropriated for each fiscal year
6 pursuant to section 726 to be allocated by the Secretary
7 among the Virgin Islands, Guam, American Samoa, the
8 Commonwealth of the Northern Mariana Islands, and
9 Palau (until the effective date of the Compact of Free As-
10 sociation with the Government of Palau), according to
11 their respective need, as determined by the Secretary.

12 “(B)(i) The Secretary is authorized to transfer one
13 percent of the amount appropriated for each fiscal year
14 under section 726 to the Department of the Interior for
15 programs for Indian students served by schools funded by
16 the Secretary of the Interior, as determined under the In-
17 dian Self-Determination and Education Assistance Act,
18 that are consistent with the purposes of this Act.

19 “(ii) The Secretary and the Secretary of the Interior
20 shall enter into an agreement, consistent with the require-
21 ments of this part, for the distribution and use of these
22 funds under terms that the Secretary determines best
23 meet the purposes of the covered programs. Such agree-
24 ment shall set forth the plans of the Secretary of the Inte-

1 rior for the use of the amounts transferred, including ap-
2 propriate goals, objectives and milestones.

3 “(3) As used in this subsection, the term ‘State’ shall
4 not include the Virgin Islands, Guam, American Samoa,
5 the Commonwealth of the Northern Mariana Islands, or
6 Palau.

7 “(d) MANDATED ACTIVITIES.—Grants under this
8 section shall be used—

9 “(1) to carry out the policies set forth in sec-
10 tion 721 in the State;

11 “(2) to provide activities for, and services to,
12 homeless children, including preschool-aged children,
13 and homeless youth that enable such children and
14 youth to enroll in, attend, and succeed in school, or,
15 if appropriate, in preschool programs;

16 “(3) to establish or designate an Office of Coor-
17 dinator of Education of Homeless Children and
18 Youth in the State educational agency in accordance
19 with subsection (f);

20 “(4) to prepare and carry out the State plan
21 described in subsection (g); and

22 “(5) to develop and implement professional de-
23 velopment programs for school personnel to heighten
24 their awareness of, and capacity to respond to, spe-

1 cific problems in the education of homeless children
2 and youth.

3 “(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to
4 subparagraph (B), if the amount allotted to the State edu-
5 cational agency for any fiscal year under this subtitle ex-
6 ceeds the amount such agency received for fiscal year
7 1990 under this subtitle, such agency shall provide grants
8 to local educational agencies for purposes of section 723.

9 “(B) The State educational agency may reserve not
10 more than the greater of five percent of the amount it
11 receives under this subtitle for any fiscal year, or the
12 amount such agency received under this subtitle for fiscal
13 year 1990, to conduct activities under subsection (f) di-
14 rectly or through grants or contracts.

15 “(2) If the amount allotted to a State educational
16 agency for any fiscal year under this subtitle is less than
17 the amount such agency received for fiscal year 1990
18 under this subtitle, such agency, at its discretion, may pro-
19 vide such grants or may conduct activities under sub-
20 section (f) directly or through grants or contracts.

21 “(f) FUNCTIONS OF THE OFFICE OF COORDINA-
22 TOR.—The Coordinator of Education of Homeless Chil-
23 dren and Youth established in each State shall—

24 “(1) estimate the number of homeless children
25 and youth in the State and the number of such chil-

1 dren and youth served with assistance provided
2 under the grants under this subtitle;

3 “(2) gather, to the extent possible, reliable,
4 valid, and comprehensive information on the nature
5 and extent of the problems homeless children and
6 youth have in gaining access to public preschool pro-
7 grams and to public elementary and secondary
8 schools, the difficulties in identifying the special
9 needs of such children and youth, any progress made
10 by the State educational agency and local edu-
11 cational agencies in the State in addressing such
12 problems and difficulties, and the success of the pro-
13 gram under this subtitle in allowing homeless chil-
14 dren and youth to enroll in, attend, and succeed in
15 school;

16 “(3) develop and carry out the State plan de-
17 scribed in subsection (g);

18 “(4) prepare and submit to the Secretary not
19 later than October 1, 1997, and on October 1 of
20 every third year thereafter, a report on the informa-
21 tion gathered pursuant to paragraphs (1) and (2)
22 and such additional information as the Secretary
23 may require to carry out his or her responsibilities
24 under this subtitle;

1 “(5) facilitate coordination between the State
2 educational agency, the State social services agency,
3 and other agencies providing services to homeless
4 children and youth and their families; and

5 “(6) develop relationships and coordinate with
6 other relevant education, child development, or pre-
7 school programs and providers of services to home-
8 less children, homeless families, and runaway and
9 homeless youth (including domestic violence agen-
10 cies, shelter operators, transitional housing facilities,
11 runaway and homeless youth centers, and transi-
12 tional living programs for homeless youth), to im-
13 prove the provision of comprehensive services to
14 homeless children and youth and their families.

15 “(g) STATE PLAN.—(1) Each State shall submit to
16 the Secretary a plan to provide for the education of home-
17 less children and youth within the State, which plan shall
18 describe how such children and youth are or will be given
19 the opportunity to meet the same challenging State per-
20 formance standards all students are expected to meet,
21 shall describe the procedures the State educational agency
22 will use to identify such children and youth in the State
23 and to assess their special needs, and shall—

1 “(A) describe procedures for the prompt resolu-
2 tion of disputes regarding the educational placement
3 of homeless children and youth;

4 “(B) describe programs for school personnel
5 (including principals, attendance officers, teachers
6 and enrollment personnel), to heighten the aware-
7 ness of such personnel of the specific needs of run-
8 away and homeless youth;

9 “(C) describe procedures that ensure that
10 homeless children and youth who meet the relevant
11 eligibility criteria are able to participate in Federal,
12 State, or local food programs;

13 “(D) describe procedures that ensure that—

14 “(i) homeless children have equal access to
15 the same public preschool programs as provided
16 to other children; and

17 “(ii) homeless children and youth who
18 meet the relevant eligibility criteria are able to
19 participate in Federal, State, or local before-
20 and after-school care programs;

21 “(E) address problems set forth in the report
22 provided to the Secretary under subsection (f)(4);

23 “(F) address other problems with respect to the
24 education of homeless children and youth, including
25 problems caused by—

1 “(i) transportation issues; and

2 “(ii) enrollment delays that are caused

3 by—

4 “(I) immunization requirements;

5 “(II) residency requirements;

6 “(III) lack of birth certificates, school

7 records, or other documentation; or

8 “(IV) guardianship issues;

9 “(G) demonstrate that the State educational
10 agency and local educational agencies in the State
11 have developed, and will review and revise, policies
12 to remove barriers to the enrollment and retention
13 of homeless children and youth in schools in the
14 State; and

15 “(H) contain an assurance that the State edu-
16 cational agency and local educational agencies in the
17 State will adopt policies and practices to ensure that
18 homeless children and youth are not isolated or stig-
19 matized.

20 “(2) Each plan adopted under this subsection shall
21 also show how the State will ensure that local educational
22 agencies in the State will comply with the requirements
23 of paragraphs (3) through (9).

1 “(3)(A) The local educational agency of each home-
2 less child and youth shall, according to the child’s or
3 youth’s best interest, either—

4 “(i) continue the child’s or youth’s education in
5 the school of origin—

6 “(I) for the remainder of the academic
7 year; or

8 “(II) in any case in which a family be-
9 comes homeless between academic years, for the
10 following academic year; or

11 “(ii) enroll the child or youth in any school that
12 nonhomeless students who live in the attendance
13 area in which the child or youth is actually living are
14 eligible to attend.

15 “(B) In determining the best interests of the child
16 or youth under subparagraph (A), the local educational
17 agency shall comply with the request made by a parent
18 or guardian regarding school selection unless the local
19 educational agency has a compelling reason for not com-
20 plying with the request.

21 “(C) For purposes of this paragraph, the term ‘school
22 of origin’ means the school that the child or youth at-
23 tended when permanently housed, or the school in which
24 the child or youth was last enrolled.

1 “(D) The choice regarding placement shall be made
2 regardless of whether the child or youth lives with the
3 homeless parents or has been temporarily placed elsewhere
4 by the parents.

5 “(4) Each homeless child or youth shall be provided
6 services comparable to services offered to other students
7 in the school selected according to the provisions of para-
8 graph (3), including—

9 “(A) transportation services, except as required
10 by paragraph (9);

11 “(B) educational services for which the child or
12 youth meets the eligibility criteria, such as services
13 provided under title I of the Elementary and Sec-
14 ondary Education Act of 1965 or similar State or
15 local programs, educational programs for children
16 with disabilities, and educational programs for stu-
17 dents with limited English proficiency;

18 “(C) programs in vocational education;

19 “(D) programs for gifted and talented students;

20 and

21 “(E) school meals programs.

22 “(5) Any record ordinarily kept by the school, includ-
23 ing immunization records, academic records, birth certifi-
24 cates, guardianship records, and evaluations for special

1 services or programs, of each homeless child or youth shall
2 be maintained—

3 “(A) so that the records are available, in a
4 timely fashion, when a child or youth enters a new
5 school district; and

6 “(B) in a manner consistent with section 438 of
7 the General Education Provisions Act.

8 “(6) Each local educational agency serving homeless
9 children and youth that receives assistance under this sub-
10 title shall coordinate with local social services agencies and
11 other agencies or programs providing services to such chil-
12 dren or youth and their families.

13 “(7)(A) Each local educational agency in which
14 homeless children or youth live or attend school in a State
15 that receives a grant under this subtitle shall designate
16 a homelessness liaison to ensure that—

17 “(i) homeless children and youth enroll and suc-
18 ceed in the schools of that agency; and

19 “(ii) homeless families, children, and youth re-
20 ceive educational services for which they are eligible,
21 including preschool programs, and referrals to health
22 care services, dental services, mental health services,
23 and other appropriate services.

24 “(B) State coordinators and local educational agen-
25 cies shall inform school personnel, service providers, and

1 advocates working with homeless families of the duties of
2 the liaisons.

3 “(8) Each State educational agency and local edu-
4 cational agency shall review and revise any policies that
5 may act as barriers to the enrollment of homeless children
6 and youth in schools selected in accordance with para-
7 graph (3). In reviewing and revising such policies, consid-
8 eration shall be given to issues concerning transportation,
9 immunization, residency, birth certificates, school records,
10 and other documentation, and guardianship. Special at-
11 tention shall be given to ensuring the enrollment and at-
12 tendance of homeless children and youth who are not cur-
13 rently attending school.

14 “(9) Each plan adopted under this subsection shall—

15 “(A) demonstrate that transportation, to the
16 extent possible, will be provided at no cost to home-
17 less children and youth attending the school in which
18 they are enrolled; and

19 “(B) contain procedures for resolving disputes
20 between local educational agencies or within a local
21 educational agency concerning transportation costs
22 for such children and youth.

23 “LOCAL EDUCATIONAL AGENCY GRANTS FOR THE
24 EDUCATION OF HOMELESS CHILDREN AND YOUTH

25 “SEC. 723. (a) GENERAL AUTHORITY.—(1) The
26 State educational agency shall, in accordance with section

1 722(e) and with amounts made available to such agency
2 under section 726, make grants to local educational agen-
3 cies for the purpose of facilitating the enrollment, attend-
4 ance, and success in school of homeless children and
5 youth.

6 “(2) Unless otherwise specified, services under para-
7 graph (1) may be provided through programs on school
8 grounds or at other facilities. Where services are provided
9 through programs on school grounds, such services may
10 also be made available to children and youth who are de-
11 termined by the local educational agency to be at risk of
12 failing in, or dropping out of, schools, except that priority
13 for such services shall be given to homeless children and
14 youth. To the maximum extent practicable, services shall
15 be provided through existing programs and mechanisms
16 that integrate homeless individuals with nonhomeless indi-
17 viduals.

18 “(3) Services provided under this section shall be de-
19 signed to expand upon or improve services provided as
20 part of the school’s regular academic program.

21 “(b) APPLICATION.—A local educational agency that
22 desires to receive a grant under this section shall submit
23 an application to the State educational agency at such
24 time, in such manner, and containing or accompanied by
25 such information as the State educational agency may rea-

1 sonably require according to guidelines issued by the Sec-
2 retary. Each such application shall include—

3 “(1) a description of the services and programs
4 for which assistance is sought and the problems to
5 be addressed through the provision of such services
6 and programs;

7 “(2) an assurance that the local educational
8 agency’s combined fiscal effort per student or the
9 aggregate expenditures of that agency and the State
10 with respect to the provision of free public education
11 by that agency for the preceding fiscal year was not
12 less than 90 percent of such combined fiscal effort
13 or aggregate expenditures for the second preceding
14 fiscal year;

15 “(3) an assurance that the applicant complies
16 with, or will use requested funds to come into com-
17 pliance with, paragraphs (3) through (9) of section
18 722(g); and

19 “(4) a description of policies and procedures
20 that the agency will implement to ensure that activi-
21 ties carried out by the agency will not isolate or stig-
22 matize homeless children and youth.

23 “(c) AWARDS.—(1) The State educational agency
24 shall, in accordance with section 722(g) and with amounts
25 made available to such agency under section 726, award

1 grants under this section to local educational agencies sub-
2 mitting an application under subsection (b) on the basis
3 of the need of such agencies.

4 “(2) In determining need under paragraph (1), the
5 State educational agency may consider the number of
6 homeless children and youth enrolled in preschool, elemen-
7 tary, and secondary schools within the area served by the
8 agency, and shall consider the needs of such children and
9 youth and the ability of the agency to meet such needs.
10 Such agency may also consider—

11 “(A) the extent to which the proposed use of
12 funds would facilitate the enrollment, retention, and
13 educational success of homeless children and youth;

14 “(B) the extent to which the application reflects
15 coordination with other local and State agencies that
16 serve homeless children and youth, as well as the
17 State plan required by section 722(g);

18 “(C) the extent to which the applicant exhibits
19 in the application and in current practice a commit-
20 ment to education for all homeless children and
21 youth; and

22 “(D) such other criteria as the agency deter-
23 mines appropriate.

24 “(3) Grants awarded under this section shall be for
25 terms not to exceed three years.

1 “(d) AUTHORIZED ACTIVITIES.—(1) A local edu-
2 cational agency may use funds awarded under this section
3 for activities to carry out the purpose of this subtitle, in-
4 cluding—

5 “(A) the provision of tutoring and supple-
6 mentary educational services that are linked to the
7 achievement of the same challenging standards the
8 State establishes for other children or youth;

9 “(B) the provision of expedited evaluations of
10 the strengths and needs of homeless children and
11 youth, including needs and eligibility for programs
12 and services (such as educational programs for gift-
13 ed and talented students, children with disabilities,
14 and students with limited English proficiency, serv-
15 ices provided under title I of the Elementary and
16 Secondary Education Act of 1965 or similar State
17 or local programs, programs in vocational education,
18 and school meals programs);

19 “(C) professional development and other activi-
20 ties for educators and other school personnel that is
21 designed to heighten the understanding and sensitiv-
22 ity of such personnel to the needs of homeless chil-
23 dren and youth, the rights of such children and
24 youth under this Act, and the specific educational
25 needs of runaway and homeless youth;

1 “(D) the provision of referral services to home-
2 less children and youth for medical, dental, mental,
3 and other health services;

4 “(E) the provision of assistance to defray the
5 excess cost of transportation for students pursuant
6 to sections 722(g)(4) or 722(g)(9), not otherwise
7 provided through Federal, State, or local funding,
8 where necessary to enable students to attend the
9 school selected under section 722(g)(3);

10 “(F) the provision of developmentally appro-
11 priate early childhood education programs, not oth-
12 erwise provided through Federal, State, or local
13 funding, for preschool-aged children;

14 “(G) the provision of before- and after-school
15 and summer programs for homeless children and
16 youth in which a teacher or other qualified individ-
17 ual provides tutoring, homework assistance, and su-
18 pervision of educational activities;

19 “(H) where necessary, the payment of fees and
20 other costs associated with tracking, obtaining, and
21 transferring records necessary to enroll homeless
22 children and youth in school, including birth certifi-
23 cates, immunization records, academic records,
24 guardianship records, and evaluations for special
25 programs or services;

1 “(I) the provision of education and training to
2 the parents of homeless children and youth about
3 the rights of, and resources available to, such chil-
4 dren and youth;

5 “(J) the development of coordination between
6 schools and agencies providing services to homeless
7 children and youth;

8 “(K) the provision of counseling (including vio-
9 lence prevention counseling), social work, and psy-
10 chological services, and referrals for such services;

11 “(L) activities to address the particular needs
12 of homeless children and youth that may arise from
13 domestic violence;

14 “(M) the adaptation of space and purchase of
15 supplies for nonschool facilities made available
16 undersubsection (a)(2) to provide services under this
17 subsection;

18 “(N) the provision of school supplies to be dis-
19 tributed at shelters or temporary housing facilities;
20 and

21 “(O) the provision of other extraordinary or
22 emergency assistance needed to enable homeless chil-
23 dren and youth to attend school.

24 “SECRETARIAL RESPONSIBILITIES

25 “SEC. 724. (a) REVIEW OF PLANS.—In reviewing the
26 State plans submitted by the State educational agencies

1 under section 722(g), the Secretary shall use a peer review
2 process and shall evaluate whether State laws, policies,
3 and practices described in such plans adequately address
4 the problems of homeless children and youth relating to
5 access to education and placement as described in such
6 plans.

7 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
8 provide support and technical assistance to the State edu-
9 cational agencies to assist such agencies to carry out their
10 responsibilities under this subtitle.

11 “(c) EVALUATION AND DISSEMINATION.—The Sec-
12 retary shall conduct evaluation and dissemination activi-
13 ties of programs designed to meet the educational needs
14 of homeless elementary and secondary school students,
15 and may use funds appropriated under section 726 to con-
16 duct such activities.

17 “(d) REPORTS.—The Secretary shall prepare and
18 submit a report to Congress on the programs and activi-
19 ties authorized by this subtitle by December 31, 1997, and
20 every third year thereafter.

21 “DEFINITIONS

22 “SEC. 725. For the purpose of this subtitle, the fol-
23 lowing terms have the following meanings.

24 “(1) The term ‘Secretary’ means the Secretary
25 of Education.

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

4 “AUTHORIZATION OF APPROPRIATIONS

5 “SEC. 726. For the purpose of carrying out this sub-
6 title, there are authorized to be appropriated such sums
7 as may be necessary for each of the fiscal years 1995
8 through 1999.”.

9 PART C—REPEAL OF IMPACT AID STATUTES

10 REPEAL OF IMPACT AID STATUTES

11 SEC. 331. Public Laws 81–815 and 81–874 are re-
12 pealed.

○

13 HR 3130 IH—2

14 HR 3130 IH—3

15 HR 3130 IH—4

16 HR 3130 IH—5

17 HR 3130 IH—6

18 HR 3130 IH—7

19 HR 3130 IH—8

20 HR 3130 IH—9

21 HR 3130 IH—10

22 HR 3130 IH—11

23 HR 3130 IH—12

24 HR 3130 IH—13

25 HR 3130 IH—14

- 1 HR 3130 IH—15
- 2 HR 3130 IH—16
- 3 HR 3130 IH—17
- 4 HR 3130 IH—18
- 5 HR 3130 IH—19
- 6 HR 3130 IH—20
- 7 HR 3130 IH—21
- 8 HR 3130 IH—22
- 9 HR 3130 IH—23
- 10 HR 3130 IH—24
- 11 HR 3130 IH—25
- 12 HR 3130 IH—26