Calendar No. 495

103D CONGRESS
2D SESSION

S. 1513

[Report No. 103–292]

A BILL

Entitled the ''Improving America's Schools Act of 1993''.

JUNE 24 (legislative day, JUNE 7), 1994

Reported with an amendment

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103D CONGRESS
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[Report No. 103–292]

Entitled the ''Improving America's Schools Act of 1993''.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4 (legislative day, SEPTEMBER 27), 1993

Mr. KENNEDY (for himself, Mr. PELL, Mrs. KASSEBAUM, and Mr. JEFFORDS) (by request) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

JUNE 24 (legislative day, JUNE 7), 1994

Reported by Mr. KENNEDY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

Entitled the ''Improving America's Schools Act of 1993''.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

~~That this Act may be cited as the ''Improving America's Schools Act of 1993''.~~

~~ORGANIZATION OF THE ACT~~

~~SEC. 2. This Act is organized into the following titles:~~

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

~~TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT~~

~~TITLE III—AMENDMENTS TO OTHER ACTS.~~

~~EFFECTIVE DATES; TRANSITION~~

~~SEC. 3. (a) EFFECTIVE DATES.—(1) The provisions of title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under title VIII of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.~~

~~(2) The provisions of title II of this Act shall be effective upon enactment, except that section 250 of such title shall be effective—~~

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

~~(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.~~

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

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

~~(b) TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as in effect prior to amendment by this Act, may use funds available to it under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act.~~

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

~~AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965~~

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

~~''SHORT TITLE~~

~~''SECTION 1. This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.~~

~~''TABLE OF CONTENTS~~

~~''SEC. 2. The table of contents for this Act is as 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.~~
~~''Sec. 3306. Definitions.~~

~~''PART D—CHARTER SCHOOLS~~

~~''Sec. 3401. Findings and purpose.~~
~~''Sec. 3402. Program authorized.~~
~~''Sec. 3403. Applications.~~
~~''Sec. 3404. Selection of grantees; waivers.~~
~~''Sec. 3405. Uses of funds.~~
~~''Sec. 3406. National activities.~~
~~''Sec. 3407. Definitions.~~
~~''Sec. 3408. Authorization of appropriations.~~

~~''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~~

~~''Sec. 4001. Findings.~~
~~''Sec. 4002. Purpose.~~
~~''Sec. 4003. Authorization of appropriations.~~

~~''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.~~

~~"PART D—GENERAL PROVISIONS~~

~~"Sec. 4401. Definitions.~~
~~"Sec. 4402. Materials.~~
~~"Sec. 4403. Prohibited uses of funds.~~

~~"TITLE V—PROMOTING EQUITY~~

~~"PART A—MAGNET SCHOOLS ASSISTANCE~~

~~"Sec. 5101. Findings.~~
~~"Sec. 5102. Statement of purpose.~~
~~"Sec. 5103. Program authorized.~~
~~"Sec. 5104. Definition.~~
~~"Sec. 5105. Eligibility.~~
~~"Sec. 5106. Applications and requirements.~~
~~"Sec. 5107. Priority.~~
~~"Sec. 5108. Use of funds.~~
~~"Sec. 5109. Prohibitions.~~
~~"Sec. 5110. Limitation on payments.~~
~~"Sec. 5111. Authorization of appropriations; reservation.~~

~~"PART B—EQUALIZATION ASSISTANCE~~

~~"Sec. 5201. Technical and other assistance regarding school finance equity.~~

~~"PART C—WOMEN'S EDUCATIONAL EQUITY~~

~~"Sec. 5301. Findings.~~
~~"Sec. 5302. Statement of purposes.~~
~~"Sec. 5303. Program authorized.~~
~~"Sec. 5304. Applications.~~
~~"Sec. 5305. Criteria and priorities.~~
~~"Sec. 5306. Report.~~
~~"Sec. 5307. Evaluation and dissemination.~~
~~"Sec. 5308. Authorization of appropriations.~~

~~"TITLE VI—INDIAN EDUCATION~~

~~"Sec. 6001. Findings.~~
~~"Sec. 6002. Purpose.~~

~~''PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES~~

~~''Sec. 6101. Purpose.~~
~~''Sec. 6102. Grants to local educational agencies.~~
~~''Sec. 6103. Amount of grants.~~
~~''Sec. 6104. Applications.~~
~~''Sec. 6105. Authorized services and activities.~~
~~''Sec. 6106. Student eligibility forms.~~
~~''Sec. 6107. Payments.~~

~~''PART B—DISCRETIONARY PROGRAMS TO IMPROVE EDUCATIONAL ACHIEVEMENT OF INDIAN CHILDREN~~

~~''Sec. 6201. Grants to Indian-controlled schools.~~
~~''Sec. 6202. Demonstration grants.~~

~~''PART C—PROFESSIONAL DEVELOPMENT AND ADULT EDUCATION PROGRAMS~~

~~''Sec. 6301. Professional development.~~
~~''Sec. 6302. Adult education.~~

~~''PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES~~

~~''Sec. 6401. National activities.~~
~~''Sec. 6402. Grants to States.~~

~~''PART E—FEDERAL ADMINISTRATION~~

~~''Sec. 6501. Office of Indian Education.~~
~~''Sec. 6502. National Advisory Council on Indian Education.~~
~~''Sec. 6503. Peer review.~~
~~''Sec. 6504. Preference for Indian applicants.~~
~~''Sec. 6505. Minimum grant criteria.~~

~~''PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS~~

~~''Sec. 6601. Definitions.~~
~~''Sec. 6602. Authorizations of appropriations.~~

~~''TITLE VII—BILINGUAL EDUCATION PROGRAMS~~

~~''Sec. 7001. Findings.~~
~~''Sec. 7002. Policy; authorization of appropriations.~~
~~''Sec. 7003. Definitions.~~
~~''Sec. 7004. Indian children in school.~~

~~''PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION~~

~~''Sec. 7101. Financial assistance for bilingual education.~~

~~''PART B—RESEARCH AND EVALUATION~~

~~''Sec. 7201. Use of funds.~~
~~''Sec. 7202. Research.~~
~~''Sec. 7203. Academic excellence awards.~~
~~''Sec. 7204. State grant program.~~
~~''Sec. 7205. National Clearinghouse for Bilingual Education.~~
~~''Sec. 7206. Evaluations.~~

~~"PART C—PROFESSIONAL DEVELOPMENT~~

~~"SEC. 7301. Purpose.~~
~~"SEC. 7302. Professional development grants.~~
~~"SEC. 7303. Fellowships.~~
~~"SEC. 7304. Stipends.~~

~~"PART D—EMERGENCY IMMIGRANT EDUCATION PROGRAM~~

~~"SEC. 7401. Purpose.~~
~~"SEC. 7402. Emergency Immigrant Education Grants.~~

~~"PART E—ADMINISTRATION~~

~~"SEC. 7501. Coordination with related programs.~~
~~"SEC. 7502. Report on bilingual education.~~
~~"SEC. 7503. State educational agency recommendations; peer review.~~

~~"PART F—SPECIAL RULE~~

~~"SEC. 7601. Special rule.~~

~~"TITLE VIII—IMPACT AID~~

~~"SEC. 8001. Findings.~~
~~"SEC. 8002. Purpose.~~
~~"SEC. 8003. Payments for eligible children.~~
~~"SEC. 8004. Policies and procedures for children residing on Indian lands.~~
~~"SEC. 8005. Applications for payments under section 8003.~~
~~"SEC. 8006. Sudden and substantial increases in attendance of military dependents.~~
~~"SEC. 8007. Construction.~~
~~"SEC. 8008. Minimum school facilities assisted by the Secretary.~~
~~"SEC. 8009. State consideration of payments in providing State aid.~~
~~"SEC. 8010. Federal administration.~~
~~"SEC. 8011. Administrative hearings and judicial review.~~
~~"SEC. 8012. Definitions.~~
~~"SEC. 8013. Authorization of appropriations.~~

~~"TITLE IX—GENERAL PROVISIONS~~

~~"PART A—DEFINITIONS~~

~~"SEC. 9101. Definitions.~~
~~"SEC. 9102. Applicability of this title.~~

~~"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS~~

~~"SEC. 9201. Consolidation of State administrative funds for elementary and secondary education programs.~~
~~"SEC. 9202. Single local educational agency States.~~
~~"SEC. 9203. Consolidation of funds for local administration.~~
~~"SEC. 9204. Administrative funds study.~~
~~"SEC. 9205. Consolidated set-aside for Department of the Interior funds.~~
~~"SEC. 9206. Schoolwide programs.~~
~~"SEC. 9207. Availability of unneeded program funds.~~

~~"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS~~

~~"SEC. 9301. Purpose.~~
~~"SEC. 9302. Optional consolidated State application.~~
~~"SEC. 9303. General applicability of State educational agency assurances.~~
~~"SEC. 9304. Consolidated local applications.~~
~~"SEC. 9305. Other general assurances.~~

~~"PART D—WAIVERS~~

~~"SEC. 9401. Waivers of statutory and regulatory requirements.~~

~~"PART E—UNIFORM PROVISIONS~~

~~"SEC. 9501. Maintenance of effort.~~
~~"SEC. 9502. Prohibition regarding State aid.~~
~~"SEC. 9503. Participation by private school children and teachers.~~
~~"SEC. 9504. Standards for by-pass.~~
~~"SEC. 9505. Complaint process for participation of private school children.~~
~~"SEC. 9506. By-pass determination process.~~
~~"SEC. 9507. Prohibition against funds for religious worship or instruction.~~

~~"PART F—OTHER PROVISIONS~~

~~"SEC. 9601. State recognition of exemplary performance.~~
~~"SEC. 9604. International education activities.~~

~~"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS~~

~~"DECLARATION OF POLICY AND STATEMENT OF PURPOSE~~

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

~~"(1) are a societal good necessary for creating a vibrant future for our complex and diverse democracy and for meeting the challenge of an internationally competitive economy;~~

~~"(2) are a private good because individual opportunity is greatly enhanced by one's being well educated;~~

~~"(3) are a moral imperative in our society; simple justice demands that the opportunity to acquire skills and knowledge deemed necessary for basic citizenship and economic opportunity be equally available to all; and~~

~~"(4) improve the life of every citizen, because the quality of our individual lives ultimately depends on the quality of the lives of others.~~

~~"(b) RECOGNITION OF NEED.—The Congress recognizes that—~~

~~"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizeable gap remains, and many segments of our society lack the opportunity to become well educated;~~

~~"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families. Achieving the National Education Goals will not be possible without substantial improvement in these schools;~~

~~"(3) educational needs are particularly great for low-achieving children in our highest-poverty schools,~~

~~children with limited English proficiency, children of migrant workers, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and~~

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

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

~~"(1) All children can master challenging content and complex problem-solving skills; research clearly shows that children, including low-achieving children, can succeed when expectations are high and they are given the opportunity to learn challenging material.~~

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

~~"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.~~

~~"(4) Resources are less effective when they serve children through such practices as pull-out programs, instead of ensuring that children have full access to effective regular school programs and receive supplemental help through extended-time activities.~~

~~"(5) The disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.~~

~~"(6) Intensive and sustained professional development for teachers and other school staff—focused on teaching and learning and on helping children attain high standards—is too often not provided.~~

~~"(7) Insufficient attention and resources are directed toward the effective use of technology in~~

~~schools and the role it can play in professional development and improved teaching and learning.~~

~~"(8) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.~~

~~"(9) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and responsibility to design and implement effective strategies for bringing their children to high levels of performance and should accept responsibility to do so.~~

~~"(10) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.~~

~~"(11) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.~~

~~"(12) Resources provided under this title have not been adequately targeted on the highest-poverty~~

school districts and schools that have children most in need.

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

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

"(2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least all the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children—from the earliest grades—to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

~~''(4) significantly upgrading the quality of curricula and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development;~~

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

~~''(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;~~

~~''(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;~~

~~''(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children are achieving high State standards of performance expected of all children; and~~

~~''(9) providing greater decision-making authority and flexibility to schools in exchange for greater responsibility for student performance.~~

~~''AUTHORIZATION OF APPROPRIATIONS~~

~~''SEC. 1002. Appropriations are authorized for the following programs and activities under this title:~~

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

~~"(b) EVEN START.—For the purpose of carrying out part B of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.~~

~~"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.~~

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

~~"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1117(e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.~~

~~"(f) SCHOOL IMPROVEMENT.—For the purpose of carrying out the activities authorized in sections~~

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

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

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

~~''PART A—MAKING HIGH-POVERTY SCHOOLS WORK~~

~~''Subpart 1—Basic Program Requirements~~

~~''STATE PLANS~~

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

~~''(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or~~

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

~~"(2) A State plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.~~

~~"(b) STANDARDS AND ASSESSMENT PROVISIONS.—(1)(A) Each State plan shall contain a description of the high-quality standards for all children that will be used by the State, its local educational agencies, and its schools to carry out this Act, which shall include—~~

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

~~"(I) specify what all children are expected to know and be able to do; and~~

~~"(II) contain coherent and rigorous content; and~~

~~"(ii) challenging performance standards that—~~

~~"(I) are aligned with the State's content standards;~~

~~"(II) describe two levels of high performance—'proficient' and 'advanced'—that deter-~~

~~mine how well children are mastering the material in the content standards; and~~

~~''(III) include a third benchmark below proficient, if necessary, to provide complete information about the progress of the lower-performing children toward achieving to the high 'proficient' and 'advanced' performance standards.~~

~~''(B) If a State has not adopted challenging content and performance standards in all of its core academic subjects, the State plan shall include content and performance standards for elementary and secondary school children in those core subjects that it has adopted (which must include at least mathematics and reading/language arts), and the State shall add other content and performance standards as it adopts them under a schedule that it shall include in the State plan.~~

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

~~''(i) any school served under this part toward enabling all children to meet the State's 'proficient' and 'advanced' performance standards; and~~

~~''(ii) any local educational agency that receives funds under this part toward enabling all children~~

~~within its jurisdiction to meet the State's 'proficient' and 'advanced' performance standards.~~

~~''(B) Adequate yearly progress shall be defined in a manner that results in continuous and substantial yearly improvement of each school and local educational agency toward the goal of all children meeting the State's challenging 'advanced' performance standards.~~

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

~~''(A) be aligned with the State's challenging content and performance standards and provide coherent information about student attainment;~~

~~''(B) be used for purposes for which they are valid and reliable and be consistent with relevant, nationally recognized, professional and technical standards of assessment;~~

~~''(C) be comprised of multiple, up-to-date measures of student performance;~~

~~''(D) include, except under the most extreme conditions, children with disabilities and limited English proficient children who, to the extent prac-~~

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

~~''(E) provide individual student scores; and~~

~~''(F) provide for disaggregated results for educationally meaningful categories of children, when results for those categories would be reliable.~~

~~''(4) If a State has adopted challenging content and performance standards and an aligned set of assessments for all students under title III of the Goals 2000: Educate America Act, the State shall use those standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(ii), (2), and (3).~~

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

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

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

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

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

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

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

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

~~agencies and schools to carry out their responsibilities under this part;~~

~~"(3) how the State educational agency will fulfill its district and school improvement responsibilities under section 1118, including the corrective actions it will take under section 1118(d)(6); and~~

~~"(4) how the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114.~~

~~"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—~~

~~"(1) establish a peer review process to assist in the review and revision of State plans;~~

~~"(2) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c); and~~

~~"(3)(A) if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of that determination and the reasons for it.~~

~~"(B) The Secretary may withhold funds until he or she determines that the plan meets the requirements.~~

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~~

such a plan, is integrated with its other plans under this Act and satisfies the requirements of this section.

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

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

"(1) a description of its challenging content and performance standards, if any, in the core subjects, in addition to the content and performance standards adopted by the State under section 1111, that the local educational agency expects all children to meet; and

"(2) a description of additional high-quality student assessments, if any, other than those described in the State plan under section 1111, that the local educational agency and schools served under this part will use to determine—

"(A) the success of children in schools served under this part in meeting the State's performance standards; and

~~"(B) what revisions are needed to projects under this part so that such children will meet the State's performance standards.~~

~~"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—(1) To ensure high-quality instruction to enable participating children to meet the State's challenging performance standards expected of all students, each local educational agency plan shall describe a coherent strategy for intensive and sustained professional development for teachers, administrators, and other staff, including district-level staff, that—~~

~~"(A) takes into account the needs and activities across and within schools; and~~

~~"(B) draws on resources available under this part and from other sources.~~

~~"(2) Each local educational agency plan shall describe how the local educational agency will—~~

~~"(A) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1115 and assist schools as they implement those plans so that each school can make adequate yearly progress toward meeting the State's standards;~~

~~"(B) support and encourage schoolwide programs; and~~

~~"(C) fulfill its school improvement responsibilities under section 1118, including the corrective actions it will take under section 1118(c)(4).~~

~~"(3) To address the comprehensive needs of children, each local educational agency plan shall describe how the local educational agency will—~~

~~"(A) coordinate and integrate services provided under this part with other educational services, including—~~

~~"(i) Even Start, Head Start, and other preschool programs, and school-to-work transition programs; and~~

~~"(ii) services for children with limited English proficiency or with disabilities, migratory children served under part C of this title, neglected or delinquent children served under part D of this title, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;~~

~~"(B) coordinate and collaborate, to the extent feasible, with other agencies providing services to children, youth, and families, including, but not limited to, health and social services; and~~

~~"(C) establish a procedure to ensure that all children in participating elementary schools in which the percentage of children from low-income families is 50 percent or more receive, at a minimum, two health screenings during the elementary school years at appropriate intervals based on reasonable pediatric standards. Funds under this part may be used to provide such health screenings only if funds from other public or private sources, including, but not limited to, Medicaid; Early Periodic Screening, Diagnosis, and Treatment (EPSDT); private insurance; or other community health resources, are not reasonably available to pay for such screening.~~

~~"(4) The local educational agency plan shall also include a description of—~~

~~"(A) the poverty criteria that will be used to select school attendance areas under section 1113;~~

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

~~"(C) a general description of the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside those schools for children living in local institutions for ne-~~

~~glected or delinquent children and for eligible homeless children; and~~

~~"(D) a description of how the local educational agency will provide services to eligible children attending private elementary and secondary schools in accordance with section 1117, and how timely and meaningful consultation with private school officials regarding such services will occur.~~

~~"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall be—~~

~~"(1) developed in consultation with teachers and parents of children in schools served under this part; and~~

~~"(2) periodically reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.~~

~~"(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the plan will enable schools served under this part to substantially help all children served meet the State's challenging performance standards expected of all children.~~

~~"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility~~

of schools and the local educational agency in making decisions required under sections 1114 and 1115.

"ELIGIBLE SCHOOL ATTENDANCE AREAS

"SEC. 1113. (a) GENERAL.—(1)(A)(i) A local educational agency shall use funds received under this part only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as 'eligible school attendance areas'.

"(ii) For the purposes of this part—

"(I) 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

"(II) 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

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

"(i) annually rank, without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest ac-

~~cording to the percentage of children from low-income families; and~~

~~"(ii) serve such eligible school attendance areas in rank order.~~

~~"(C) If funds remain after serving all eligible school attendance areas under subparagraph (B), a local educational agency shall—~~

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

~~"(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.~~

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

~~"(A) identify eligible school attendance areas;~~

~~"(B) determine the ranking of each area; and~~

~~"(C) determine allocations under subsection (c).~~

~~"(3) This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.~~

~~"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may—~~

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

~~"(2) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency; and~~

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

~~"(i) the school meets the comparability requirements of section 1119(c);~~

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

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

~~"(B) Notwithstanding subparagraph (A), the number of children to receive services attending private elementary and secondary schools, and the assistance they receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is skipped under this paragraph.~~

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

~~"(2)(A) Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 80 percent of the per-pupil amount of funds the local educational agency received for that year under sections 1123 and 1124.~~

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

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

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

~~"(A) eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters, where appropriate; and~~

~~"(B) children living in local institutions for neglected or delinquent children.~~

~~"SCHOOLWIDE PROGRAMS~~

~~"SEC. 1114. (a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS. (1) A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, to upgrade the entire educational program in an eligible school if, for the initial year of the schoolwide program, the school meets the following criteria:~~

~~"(A) For school year 1995–96—~~

~~"(i) the school serves an eligible school attendance area in which at least 65 percent of the children are from low-income families; or~~

~~"(ii) at least 65 percent of the children enrolled in the school are from such families.~~

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

~~"(2)(A) No schoolwide program school shall be required to identify particular children as eligible to participate or to provide supplemental services to them.~~

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

~~"(3) A school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except such a program under the Individuals With Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.~~

~~"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—(1) A schoolwide program shall include the following components:~~

~~"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State's standards.~~

~~"(B) Schoolwide reform strategies that—~~

~~"(i) provide opportunities for all children to meet the State's 'proficient' and 'advanced' performance standards expected of all children;~~

~~"(ii) are based on research on effective means of improving the achievement of children;~~

~~"(iii) use effective instructional strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum rather than remedial drill and practice;~~

~~"(iv) address the needs of all children in the school, but particularly the needs of low-achieving children, children with limited English proficiency, children from migratory families, and children who are members of the target population of any program that is included in~~

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

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

~~''(C) Instruction by highly qualified professional staff.~~

~~''(D) Intensive and sustained professional development for teachers, principals, and other staff to enable all children in the school to meet the State's performance standards.~~

~~''(E) Parental involvement in accordance with section 1116.~~

~~''(F) Additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—~~

~~''(i) counseling and mentoring services;~~

~~''(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and~~

~~''(iii) services to prepare students for the transition from school to work.~~

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

~~"(i) incorporates the components described in paragraph (1);~~

~~"(ii) describes how the school will use resources under this part and from other sources to implement those components;~~

~~"(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program; and~~

~~"(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).~~

~~"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of students in the school and a review of the school's instructional practices~~

~~in the context of available research on effective instructional and school improvement practices.~~

~~''(C) The comprehensive plan shall be—~~

~~''(i) developed over a one-year period, unless—~~

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

~~''(II) the school is operating a schoolwide program at the time this section takes effect, in which case it may continue to operate that program, but shall develop a new plan during the first year to reflect the provisions of this section;~~

~~''(ii) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;~~

~~''(iii) reviewed and revised, as necessary, by the school; and~~

~~''(iv) available to the local educational agency, parents, and the public. The information contained therein shall be translated, to the extent feasible,~~

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

~~"(c) SCHOOL SUPPORT TEAMS.—(1) Each State educational agency shall establish a system of school support teams to provide information and assistance to each schoolwide program to ensure that schoolwide programs provide the opportunity for all children to meet the State's challenging performance standards.~~

~~"(2) Each such team shall be composed of persons, including teachers, knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low-achieving children.~~

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

~~"(4) During the operation of the schoolwide program, a school support team shall—~~

~~"(A) periodically review the progress of the school in enabling children in the school to meet the State's performance standards;~~

~~"(B) identify problems in the design and operation of the instructional program; and~~

~~"(C) make suggestions for improvement to the school and the local educational agency.~~

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

~~"TARGETED ASSISTANCE SCHOOLS~~

~~"SEC. 1115. (a) GENERAL.—In all schools selected to participate under section 1113 that are ineligible for a schoolwide program, or that choose not to operate a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children identified as having the greatest need for special assistance.~~

~~"(b) ELIGIBLE CHILDREN—(1)(A) The eligible population for services under this part is—~~

~~"(i) those children up to age 21 who are entitled to a free public education through grade 12; and~~

~~"(ii) those children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which they can benefit from an organized instructional program provided in a school or other educational setting.~~

~~"(B) From the population described in subparagraph (A), eligible children are children identified by the school~~

as failing, or most at risk of failing, to meet the State's challenging performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

''(2)(A)(i) Children receiving services to overcome a disability or limited English proficiency are eligible for services under this part on the same basis as other children selected to receive services under this part.

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

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

''(C) A local educational agency shall use funds received under this part to serve eligible homeless children who attend any school in the local educational agency.

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

~~schools and local educational agencies to meet their responsibility to provide for all their students the opportunity to meet the State's challenging performance standards, each targeted assistance program under this section shall—~~

~~"(A) use its resources under this part to help participating children meet the challenging performance standards expected for all children;~~

~~"(B) be based on research on effective means for improving achievement of children;~~

~~"(C) use effective instructional strategies that—~~

~~"(i) give primary consideration to providing extended learning time;~~

~~"(ii) involve an accelerated, high-quality curriculum, rather than remedial drill and practice; and~~

~~"(iii) minimize removing children from the regular classroom for instruction provided under this part;~~

~~"(D) be coordinated with and support the regular program in providing an enriched and accelerated curriculum for eligible children;~~

~~"(E) provide instruction by highly qualified professional staff;~~

~~"(F) provide opportunities for intensive and sustained professional development with resources under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program;~~

~~"(G) provide opportunities for parental involvement in accordance with section 1116; and~~

~~"(H) include, additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—~~

~~"(i) counseling and mentoring;~~

~~"(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and~~

~~"(iii) services to prepare students for the transition from school to work.~~

~~"(2)(A) Each school conducting a program under this section shall develop, in consultation with the local educational agency, a plan to assist participating children to meet the State's 'proficient' and 'advanced' performance standards that describes—~~

~~"(i) the selection of children to participate in accordance with subsection (b);~~

~~"(ii) the program to be conducted that incorporates the components described in paragraph (1) and how the resources provided under this part will be coordinated with other resources to enable the children served to meet the State's standards;~~

~~"(iii) how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable such children to meet the State's challenging performance standards;~~

~~"(iv) how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3); and~~

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

~~"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria of section 1111(b)(1) and (3) shall be based on an analysis of available data on the achievement of participating children and a review of the school's instructional practices~~

~~in the context of available research on effective instructional practices.~~

~~"(C) Each plan shall be—~~

~~"(i) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, administrators, other staff, parents, and, if the plan relates to a secondary school, students from the school;~~

~~"(ii) available to the local educational agency, parents, and the public, and the information contained therein shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and~~

~~"(iii) reviewed and revised, as necessary, by the school.~~

~~"(d) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—~~

~~"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not ben-~~

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

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

''(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

''PARENTAL INVOLVEMENT

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

''(A) involve parents in the development of the plan described under section 1112, and the process of school review and improvement described under section 1118;

''(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

~~"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);~~

~~"(D) coordinate and integrate parent involvement strategies in this part with those under other programs; and~~

~~"(E) ensure that participating schools review their parent involvement activities on an ongoing basis and use the findings of the reviews in designing strategies for school improvement.~~

~~"(2) If the local educational agency has a district-level parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.~~

~~"(b) SCHOOL PARENTAL INVOLVEMENT PLAN.—(1) Each school served under this part shall jointly develop with, and make available to, parents of participating children a written parent involvement plan that shall be incorporated into the school plan developed under section 1114 or 1115 and shall describe the means for carrying out the requirements of subsections (c) through (f).~~

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

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

~~"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;~~

~~"(2) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the development of the school plan under section 1114 or 1115. If a school has in place a process for involving parents in the planning and design of its programs, the school may use that process, provided that it includes an adequate representation of parents of participating children; and~~

~~"(3) provide parents of participating children—~~

~~"(A) timely information about programs under this part;~~

~~"(B) school performance profiles required under section 1118(a)(2);~~

~~"(C) opportunities for regular meetings to formulate suggestions, if such parents so desire; and~~

~~"(D) timely responses to their recommendations.~~

~~"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement plan developed under subsection (b), each school served under this part shall jointly develop with parents for all children a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—~~

~~"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enable the children to meet the State's challenging performance standards, and the ways in which each parent will be responsible for supporting his or her children's learning, including monitoring attendance, homework completion, television watching, and positive use of extracurricular time; and~~

~~"(2) address the importance of communication between teachers and parents on an ongoing basis through at least—~~

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

~~"(B) frequent reports to parents on their children's progress; and~~

~~"(C) reasonable access to staff and observation of classroom activities.~~

~~"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—~~

~~"(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content and performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children;~~

~~"(2) provide materials and training, including necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;~~

~~"(3) educate teachers, principals and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school; and~~

~~"(4) develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for them to work with parents and schools.~~

~~"(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools shall, to the extent practicable, provide full opportunities for participation to parents with limited English proficiency or with disabilities, including providing information in a language and form they understand.~~

~~"PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS~~

~~"SEC. 1117. (a) GENERAL REQUIREMENT.—(1) To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate pri-~~

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

~~''(2) The educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.~~

~~''(3) Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.~~

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

~~''(5) The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.~~

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

~~''(A) how the children's needs will be identified;~~

~~''(B) what services will be offered;~~

~~"(C) how and where the services will be provided; and~~

~~"(D) how the services will be assessed.~~

~~"(2) Consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.~~

~~"(3) Consultation shall include a discussion of the full range of service delivery mechanisms a local educational agency could use to provide equitable services to eligible private school children including, but not limited to, instruction provided at public school sites, at neutral sites, and in mobile vans, computer-assisted instruction, extended-day services, home tutoring, and instruction provided with take-home computers.~~

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

~~"(2)(A) The provision of services under this section shall be provided—~~

~~"(i) by employees of a public agency; or~~

~~"(ii) through contract by such public agency with an individual, association, agency, or organization.~~

~~"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.~~

~~"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—~~

~~"(1) waive the requirements of this section for such local educational agency; and~~

~~"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 9505 and 9506 of this Act.~~

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

that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

''(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

''(2)(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

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

''(3) Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

''(4) For the purpose of this subsection, the term 'capital expenses' is limited to—

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

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

''(B) insurance and maintenance costs;

''(C) transportation; and

''(D) other comparable goods and services.

''ASSESSMENT AND SCHOOL AND DISTRICT IMPROVEMENT

''SEC. 1118. (a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

''(1) use the State assessments described in the State plan and any additional measures described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet, the State's performance standards;

''(2) publicize and disseminate to teachers, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(F); and

''(3) provide the results of the local annual review to schools so that they can continually refine the program of instruction to help all children in

~~those schools meet the State's high performance standards.~~

~~"(b) DISTINGUISHED SCHOOLS.—(1) Each State shall designate as a Distinguished School—~~

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

~~"(B) any school in which virtually all students have met the State's 'advanced' performance standards.~~

~~"(2)(A) A State shall use funds available under section 1002(f) to recognize Distinguished Schools, including making monetary awards.~~

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

~~"(3) A local educational agency may also recognize the success of a Distinguished School by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or in-~~

~~crease success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.~~

~~''(4) Schools designated as Distinguished Schools under paragraph (1) may serve as models and provide additional assistance to other schools served under this part that are not making adequate progress.~~

~~''(c) SCHOOL IMPROVEMENT.—(1) A local educational agency shall identify for school improvement any school served under this part that—~~

~~''(A) has been in program improvement under section 1020 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect before the effective date of the Improving America's Schools Act of 1993, for at least two consecutive school years prior to that date;~~

~~''(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years and if it does not have virtually all students meeting the State's 'advanced' performance standards; or~~

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

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

~~"(i) in consultation with parents, the local educational agency, and, for schoolwide programs, the school support team, revise its school plan under section 1114 or 1115 in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's performance standards; and~~

~~"(ii) submit the revised plan to the local educational agency for approval.~~

~~"(B) During the first year immediately following identification under paragraph (1), the school shall implement its revised plan.~~

~~"(3) For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its revised plan.~~

~~"(4)(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.~~

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

~~"(5) The State educational agency shall—~~

~~"(A) make assistance from Distinguished Educators under subsection (e) available to the schools farthest from meeting the State's standards, if requested by the school or local educational agency; and~~

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

~~"(6) Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's 'proficient' and 'advanced' performance standards no longer need to be identified for school improvement.~~

~~"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—(1) A State educational agency shall—~~

~~"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether it is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; and~~

~~"(B) publicize and disseminate to teachers, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).~~

~~"(2) In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in subsection (b)(3).~~

~~"(3) A State educational agency shall identify for improvement any local educational agency that—~~

~~"(A) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; or~~

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

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

~~"(5) For each local educational agency identified under paragraph (3), the State educational agency shall—~~

~~"(A) provide technical assistance to better enable the local educational agency to develop and implement its revised plan and work with schools needing improvement; and~~

~~"(B) make available to the districts farthest from meeting the State's standards, if requested, assistance from Distinguished Educators under subsection (e).~~

~~"(6)(A) The State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.~~

~~"(B) Corrective actions are those listed in the local educational agency plan, which may include, but are not limited to, reconstitution of district personnel; appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board; removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for governing and supervising such schools; the abolition or restructuring of the local educational agency; authorizing students to transfer from one local educational agency to another, including paying the cost of transportation; and the withholding of funds.~~

~~"(7) Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for district improvement.~~

~~"(e) DISTINGUISHED EDUCATORS.—(1) In order to provide assistance to schools and local educational agencies identified as needing improvement under subsection (c) or (d), each State, using funds available under section 1002(f), shall establish a corps of Distinguished Educators.~~

~~"(2) When possible, these Distinguished Educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's performance standards, such as those schools described in subsection (b).~~

~~"(3) Distinguished Educators shall provide, upon request, intensive and sustained assistance to the schools and districts farthest from meeting the State's standards as they revise and implement their plans.~~

~~"(4) If the State has devised an alternative approach to providing such intensive and sustained assistance to schools and districts farthest from meeting the State's standards, this approach shall meet the requirements of this subsection subject to the approval of the Secretary as part of the State plan.~~

~~"(f) STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under sections 1123 and 1124 bears to the total amount allocated to all States under those sections, except that each State shall receive at least $180,000, or $30,000 in the case of Guam, American Samoa, the Virgin Islands, the~~

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

~~''FISCAL REQUIREMENTS~~

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

~~''(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—(1)(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.~~

~~''(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.~~

~~''(2) No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).~~

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

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

~~"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.~~

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

~~"(i) expenditures per pupil from State and local funds in each school served under this part are equal to or greater than the average expenditures per pupil in schools not receiving services under this part; or~~

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

~~tional salaries per pupil in schools not receiving services.~~

~~"(B) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.~~

~~"(3) Each local educational agency shall—~~

~~"(A) develop procedures for compliance with this subsection; and~~

~~"(B) maintain records that are updated biennially documenting its compliance.~~

~~"(4) This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.~~

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

~~"(A) bilingual education for children of limited English proficiency; and~~

~~"(B) excess costs of providing services to children with disabilities.~~

~~''Subpart 2—Allocations~~

~~''GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR~~

~~''SEC. 1121. (a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of up to 0.8 percent to provide assistance to—~~

~~''(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and~~

~~''(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).~~

~~''(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—(1) The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—~~

~~''(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and~~

~~"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.~~

~~"(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—~~

~~"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or~~

~~"(B) 48 percent of such expenditure in the United States.~~

~~"ALLOCATIONS TO STATES~~

~~"SEC. 1122. (a) GENERAL.—After reserving funds under section 1121(a), the Secretary shall allocate the remaining funds appropriated under section 1002(a) to States as follows:~~

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

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

~~"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—(1) If the sums available under subsection (a) for any fiscal year are insufficient to pay the full amounts that all counties in States are eligible to receive under sections 1123 and 1124 for such year, the Secretary shall ratably reduce the allocations to such counties, subject to subsections (c) and (d) of this section.~~

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

~~"(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding subsection (b), the total amount made available to each county under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such county was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.~~

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

~~"(1) one quarter of one percent of such amount; or~~

~~"(2) the amount it was allotted under such sections (or, for fiscal year 1995, under their predecessor authorities) for the previous year increased or decreased, as the case may be, by the same percentage by which such total amount appropriated for those sections increased or decreased from the previous year.~~

~~"(e) DEFINITION.—For the purpose of this section and sections 1123 through 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.~~

~~"BASIC GRANTS~~

~~"SEC. 1123. (a) ELIGIBILITY OF COUNTIES.—A county in a State is eligible for a basic grant under this section for any fiscal year only if the number of children in the county counted under subsection (c)(1)(A) is at least—~~

~~"(1) 100; or~~

~~"(2) 18 percent of the total number of children aged five through 17 in the county.~~

~~"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Co-~~

lumbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that such percentage shall not be less than 32 percent nor more than 48 percent of the average per-pupil expenditure in the United States.

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

"(A) the number of children counted under subsection (c) for Puerto Rico, multiplied by the product of—

"(B)(i) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

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

"(c) CHILDREN TO BE COUNTED.—(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section shall be—

~~"(A) the total number of children aged five through 17 in a county—~~

~~"(i) from families below the poverty level, as determined under paragraph (2)(A);~~

~~"(ii) from families above the poverty level, as determined under paragraph (2)(B) and (C); and~~

~~"(iii) living in institutions for neglected or delinquent children (other than institutions operated by the United States and those with children counted under part D of this title) or being supported in foster homes with public funds, as determined under paragraph (2)(C); less~~

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

~~"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(i) on the basis of the most recent satisfactory data available from the Department of Commerce for counties, the District of Columbia, and Puerto Rico.~~

~~"(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.~~

~~"(B)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(ii) on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.~~

~~"(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, for a family of four, in such form as those criteria have been updated to reflect increases in the Consumer Price Index.~~

~~"(C) The Secretary shall determine the number of children described in paragraph (1)(A) (ii) and (iii) on the basis of—~~

~~"(i) caseload data for the month of October of the preceding fiscal year, using, in the case of children described in paragraph (1)(A)(ii), the criteria of poverty and the form of such criteria that were determined for the calendar year preceding such month of October; or~~

~~"(ii) to the extent that such data are not available to the Secretary by January 1 of the calendar year in which the Secretary's determination is made, on the basis of the most recent reliable data available to the Secretary at the time of such determination.~~

~~"(D) For purposes of this subsection, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.~~

~~"(E) The Secretary of Health and Human Services shall collect and transmit information on the number of children described in paragraph (1)(A)(ii) and the number of foster children described in paragraph (1)(A)(iii) to the Secretary by January 1 of each year.~~

~~"(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as provided in section 1125(d), a State educational agency shall allocate each county amount determined under subsection (b) among all local educational agencies in the county or counties in which the agencies are located on the basis of—~~

~~"(A) the total number of children aged five through 17 in the local educational agency—~~

~~"(i) in local institutions for neglected or delinquent children; and~~

~~"(ii) from low-income families, as determined under paragraph (2); less~~

~~"(B) two percent of the total number of children aged five through 17 in the local educational agency.~~

~~"(2) The State educational agency shall determine the number of children from low-income families in local educational agencies—~~

~~"(A) based on the best data available on a Statewide basis; and~~

~~"(B) using the same measure of low income throughout the State.~~

~~"(3) The State educational agency shall distribute funds under this section to each local educational agency in proportion to the number of children counted under paragraph (1) in the local educational agency compared to the number of such children in all local educational agencies in the county.~~

~~"CONCENTRATION GRANTS~~

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

~~"(1) the number of children counted under section 1123(c)(1)(A) in the county is more than 6,500; or~~

~~"(2) the percentage of children counted under such section is greater than 18 percent of the total number of children aged five through 17 in the county.~~

~~"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Columbia or Puerto Rico is eligible to receive under this section for any fiscal year is the product of—~~

~~"(A) the number of children counted under section 1123(c)(1)(A), minus two percent of the total number of children aged five through 17 in the county; and~~

~~"(B) the per-pupil amount determined under section 1123(b) for the fiscal year for which the determination is being made for that county.~~

~~"(c) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1)(A) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as otherwise provided in this subsection and in section 1125(d), funds allocated to counties under this section shall be allocated by the State educational agency only~~

~~to those local educational agencies whose school districts lie, in whole or in part, within the county and that are determined by the State educational agency to meet either of the eligibility criteria in subsection (a).~~

~~"(B) Such determinations shall be made on the basis of the same poverty data used by the State educational agency under section 1123(d). If the State educational agency does not use census poverty data to determine eligibility, it must equate the poverty measure it uses to the latest available census data in order that eligibility is not affected by differences in sources of poverty data.~~

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

~~"(2)(A) In counties where no local educational agency meets either of the criteria in subsection (a), the State educational agency shall allocate such funds among the local educational agencies within such counties, in whole or in part, based on their respective concentrations and numbers of children counted under section 1123(d).~~

~~"(B) Only local educational agencies with concentrations of poverty that exceed the countywide average percentage of children counted under section 1123(d) or the countywide average number of such children may receive any funds on the basis of this paragraph.~~

~~"(3) In States that receive the minimum grant under section 1122(d), the State educational agency shall allocate such funds among the local educational agencies in such State either—~~

~~"(A) in accordance with paragraphs (1) and (2) of this subsection and section 1125(d); or~~

~~"(B) without regard to the counties in which such local educational agencies are located, based on their respective concentrations and numbers of children counted under section 1123(d), except that only those local educational agencies with concentrations of children counted under section 1123(d) that exceed the Statewide average percentage of such children or the Statewide average number of such children shall receive any funds on the basis of this subparagraph.~~

~~"(4) A State educational agency may reserve not more than ten percent of its allocation under this section to make direct payments to local educational agencies that~~

~~meet either of the criteria in subsection (a), but are in ineligible counties.~~

~~"SPECIAL ALLOCATION PROCEDURES~~

~~"SEC. 1125. (a) HOLD-HARMLESS AMOUNTS.—The total amount made available to each local educational agency under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such agency received under such sections (or, for fiscal year 1995, under their predecessor authorities) for the preceding fiscal year.~~

~~"(b) ALLOCATIONS FOR NEGLECTED OR DELINQUENT CHILDREN.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1123(c)(1)(A)(ii), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1123 and 1124 that is attributable to such children.~~

~~"(2) If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.~~

~~"(c) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1123 and 1124 between and among the affected local educational agencies when—~~

~~"(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or~~

~~"(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.~~

~~"(d) ALLOCATIONS WITHOUT REGARD TO COUNTIES.—A State educational agency may allocate funds under sections 1123 and 1124 directly to eligible local educational agencies without regard to counties if the State educational agency can demonstrate to the Secretary's satisfaction that doing so will result in a reasonable allocation of those funds.~~

~~"(e) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1123 and 1124 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional~~

~~funds in accordance with criteria established by the State educational agency.~~

~~"CARRYOVER AND WAIVER~~

~~"SEC. 1126. (a) LIMITATION ON CARRYOVER.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.~~

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

~~"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or~~

~~"(2) supplemental appropriations for this subpart become available.~~

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

~~''PART B—EVEN START FAMILY LITERACY PROGRAMS~~

~~''STATEMENT OF PURPOSE~~

~~''SEC. 1201. It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start', that is implemented through cooperative projects that build on existing community resources to create a new range of services, that promotes achievement of the National Education Goals, and that assists children and adults from low-income families to achieve to challenging State standards.~~

~~''PROGRAM AUTHORIZED~~

~~''SEC. 1202. (a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each fiscal year, the Secretary shall reserve not more than 5 percent of the amount appropriated under section 1002(b) of this title for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—~~

~~''(1) children of migratory workers;~~

~~''(2) the outlying areas; and~~

~~''(3) Indian tribes and tribal organizations.~~

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

~~"(1) carrying out the evaluation required by section 1209; and~~

~~"(2) providing, through grants or contracts, technical assistance, program improvement, and replication activities.~~

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

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

~~"(3) No State shall receive less than $250,000 under paragraph (1) for any fiscal year.~~

~~"(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~~

~~subgrants to eligible entities to carry out Even Start programs.~~

~~"(2) No State shall award a subgrant under paragraph (1) for an amount less than $75,000.~~

~~"USES OF FUNDS~~

~~"SEC. 1204. (a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.~~

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

~~"(i) 90 percent of the total cost of the program in the first year that that program receives assistance under this part or its predecessor authority;~~

~~"(ii) 80 percent in the second such year;~~

~~"(iii) 70 percent in the third such year;~~

~~"(iv) 60 percent in the fourth such year; and~~

~~"(v) 50 percent in any subsequent such year.~~

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

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

"(2) The State educational agency may waive, in whole or in part, the cost-sharing requirement of paragraph (1) if an eligible entity—

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

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver would be applicable.

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

"PROGRAM ELEMENTS

"SEC. 1205. Each Even Start program assisted under this part shall—

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

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

~~''(2) include screening and preparation of parents and children to enable them to participate fully in the activities and services provided under this part, including testing, referral to necessary counselling, other developmental and support services, and related services;~~

~~''(3) be designed to accommodate the participants' work and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for their participation, such as—~~

~~''(A) scheduling and location of services to allow joint participation by parents and children;~~

~~''(B) child care for the period that parents are involved in the program provided under this part; and~~

~~''(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;~~

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

~~velopmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;~~

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

~~"(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;~~

~~"(7) operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months;~~

~~"(8) be coordinated with—~~

~~"(A) programs assisted under other parts of this title and this Act;~~

~~"(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and~~

~~"(C) the Head Start program, volunteer literacy programs, and other relevant programs; and~~

~~"(9) provide for an independent evaluation of the program.~~

~~"ELIGIBLE PARTICIPANTS~~

~~"SEC. 1206. (a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—~~

~~"(1) a parent or parents—~~

~~"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or~~

~~"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and~~

~~"(2) the child or children, from birth through age seven, of any individual described in paragraph (1).~~

~~"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—(1) Family members other than those described in subsection (a) may participate in program activities and services, when deemed by the program to serve the purpose of this part.~~

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

~~ineligible for such participation may continue to participate in the program until all members of the family become ineligible for participation, which—~~

~~"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and~~

~~"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.~~

~~"APPLICATIONS~~

~~"SEC. 1207. (a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.~~

~~"(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—~~

~~"(1) to develop, administer, and implement an Even Start program under this part; and~~

~~"(2) to provide the special training necessary to 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—~~

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

~~"(B) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and~~

~~"(C) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.~~

~~"AWARD OF SUBGRANTS~~

~~"SEC. 1208. (a) SELECTION PROCESS.—(1) The State educational agency shall establish a review panel that will approve applications that—~~

~~"(A) are most likely to be successful in meeting the purpose of this part, and in effectively implementing the program elements required under section 1205;~~

~~"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who~~

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

~~''(C) provide services for at least a three-year age range;~~

~~''(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;~~

~~''(E) include cost-effective budgets, given the scope of the application;~~

~~''(F) demonstrate the applicant's ability to provide the additional funding required by section 1204(b);~~

~~''(G) are representative of urban and rural regions of the State; and~~

~~''(H) show the greatest promise for providing models that may be adopted by other local educational agencies.~~

~~''(2) The State educational agency shall give priority for subgrants under this subsection to proposals that either—~~

~~''(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under part A of this title; 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.~~

~~''(3)(A) In reviewing any application for a subgrant to continue a program for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any.~~

~~''(B) The State educational agency may refuse to award a subgrant if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.~~

~~''(4)(A) An eligible entity that has previously received a subgrant under this part may reapply under the terms of this part for a second project period.~~

~~''(B) During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.~~

~~''EVALUATION~~

~~''SEC. 1209. From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs under this part—~~

~~''(1) to determine the performance and effectiveness of programs; and~~

~~''(2) to identify effective Even Start projects that can be replicated and used in providing technical assistance to national, State, and local programs.~~

~~''PART C—EDUCATION OF MIGRATORY CHILDREN~~

~~''PROGRAM PURPOSE~~

~~''SEC. 1301. It is the purpose of this part to assist States to—~~

~~''(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;~~

~~''(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;~~

~~''(3) ensure that migratory children have the opportunity to achieve to meet the same challenging State performance standards that all children are expected to meet;~~

~~''(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare these children to make a successful transition to postsecondary education or employment; and~~

~~''(5) ensure that migratory children benefit from State and local systemic reforms.~~

~~''PROGRAM AUTHORIZED~~

~~''SEC. 1302. In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.~~

~~''STATE ALLOCATIONS~~

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

~~''(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by~~

~~''(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average 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~~

~~fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State.~~

~~''(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.~~

~~''(d) CONSORTIUM ARRANGEMENTS.—(1) In the case of any State that receives a grant of $500,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.~~

~~''(2) Any State, irrespective of the amount of its allocation, may propose a consortium arrangement.~~

~~''(3) The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—~~

~~''(A) reduce administrative costs or program function costs for State programs; and~~

~~"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.~~

~~"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—~~

~~"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children; and~~

~~"(2) adjust the full-time equivalent number of migratory children who reside in each State to take account of—~~

~~"(A) the special needs of those children participating in special programs provided under this part that operate during the summer or other intersession periods; and~~

~~"(B) the additional costs of operating such programs.~~

~~"STATE APPLICATIONS; SERVICES~~

~~"SEC. 1304. (a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.~~

~~"(b) PROGRAM INFORMATION.—Each such application shall include—~~

~~"(1) a description of how, in planning, implementing, and evaluating programs and projects under this part, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306;~~

~~"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State performance standards that all children are expected to meet;~~

~~"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year;~~

~~"(4) a description of the State's priorities for the use of funds received under this part, and how they relate to the State's assessment of needs for services in the State;~~

~~"(5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies and the amount of funds that these agencies will provide to individual schools, taking into account the requirements of paragraph (1); and~~

~~"(6) such budgetary and other information as the Secretary may require.~~

~~"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—~~

~~"(1) funds received under this part will be used only—~~

~~"(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and~~

~~"(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;~~

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

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

~~"(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;~~

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

~~"(6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.~~

~~''(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of those funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards, and whose education has been interrupted during the regular school year.~~

~~''(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—~~

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

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

~~''SECRETARIAL APPROVAL; PEER REVIEW~~

~~''SEC. 1305. (a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.~~

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

~~''COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES~~

~~''SEC. 1306. (a) COMPREHENSIVE PLAN.—Each State that receives a grant under this part shall ensure~~

that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(1)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this subsection that are not already addressed by that State plan; or

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

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

"(3) specifies measurable program goals and outcomes;

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

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

~~those under part A of this title, early childhood programs, and bilingual education programs under title VII of this Act;~~

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

~~"(7) to the extent feasible, provides for—~~

~~"(A) advocacy and outreach activities for migratory children and their families, including informing them of, or helping them gain access to, other education, health, nutrition, and social services;~~

~~"(B) professional development programs, including mentoring, for teachers and other program personnel;~~

~~"(C) family literacy programs, including those that use models developed under the Even Start program;~~

~~"(D) the integration of information technology into educational and related programs; and~~

~~"(E) programs to facilitate the transition of high school students to postsecondary education or employment.~~

1 ~~''(b) AUTHORIZED ACTIVITIES.—(1) In implementing~~
2 ~~the comprehensive plan described in subsection (a), each~~
3 ~~local operating agency shall have the flexibility to deter-~~
4 ~~mine the activities to be provided with funds made avail-~~
5 ~~able under this part, provided that—~~
6 ~~''(A) before funds provided under this part are~~
7 ~~used to provide services described in subparagraph~~
8 ~~(B), those funds shall be used to meet the identified~~
9 ~~needs of migratory children that—~~
10 ~~''(i) result from the effects of their migra-~~
11 ~~tory lifestyle, or are needed to permit migratory~~
12 ~~children to participate effectively in school;~~
13 ~~''(ii) are not addressed by services provided~~
14 ~~under other programs, including part A of this~~
15 ~~title; and~~
16 ~~''(B) all migratory children who are eligible to~~
17 ~~receive services under part A of this title shall re-~~
18 ~~ceive such services with funds provided under this~~
19 ~~part or under part A of this title.~~
20 ~~''(2) This subsection shall not apply to funds under~~
21 ~~this part that are used for schoolwide programs under sec-~~
22 ~~tion 1114 of this title.~~
23 ~~''BYPASS~~
24 ~~''SEC. 1307. The Secretary may use all or part of~~
25 ~~any State's allocation under this part to make arrange-~~
26 ~~ments with any public or nonprofit agency to carry out~~

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

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

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

"COORDINATION OF MIGRANT EDUCATION ACTIVITIES

"SEC. 1308. (a) IMPROVEMENT OF COORDINATION. The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among State and local educational agencies of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(b) REPORT. Not later than October 1, 1995, the Secretary shall submit a report to the Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records.

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

~~"DEFINITIONS~~

~~"SEC. 1309. As used in this part, the following terms have the following meanings:~~

~~"(1) The term 'local operating agency' means—~~

~~"(A) a local educational agency to which a State educational agency makes a subgrant under this part;~~

~~"(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or~~

~~"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.~~

~~"(2) The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—~~

~~''(A) has moved from one school district to another; or~~

~~''(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district.~~

~~''PART D—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH~~

~~''PURPOSE; PROGRAM AUTHORIZED~~

~~''SEC. 1401. (a) PURPOSE.—It is the purpose of this part to—~~

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

~~''(2) provide those children the services they need to make a successful transition from institutionalization to further schooling or employment.~~

~~''(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, which shall make subgrants to State agencies to establish or improve programs of education for neglected or delinquent children, in accordance with this part.~~

~~''ELIGIBILITY~~

~~''SEC. 1402. A State agency is eligible for assistance under this part if it is responsible for providing free public education for children—~~

~~''(1) in institutions for neglected or delinquent children;~~

~~''(2) attending community-day programs for neglected or delinquent children; or~~

~~''(3) in adult correctional institutions.~~

~~''ALLOCATION OF FUNDS~~

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

~~''(1) the number of neglected or delinquent children in institutions or attending programs described in section 1402, who are enrolled for at least 20 hours per week in education programs operated or supported by such agency, which shall—~~

~~''(A) be determined by such agency as of a date or dates set by the Secretary; and~~

~~''(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs; and~~

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

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

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by the product of—

"(2)(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

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

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

~~"(d) PAYMENTS TO STATE EDUCATIONAL AGENCIES.—(1) The Secretary shall pay to each State educational agency the total amount needed to make subgrants to State agencies in that State, as determined under this section.~~

~~"(2) Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1601(c) of this title.~~

~~"STATE REALLOCATION OF FUNDS~~

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

~~"STATE PLAN AND STATE AGENCY APPLICATIONS~~

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

~~"(i) is integrated with the State's plan, either approved or being developed, under title III of the~~

~~Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or~~

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

~~"(B) A State plan submitted under paragraph (1)(A)(i) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.~~

~~"(2) Each such plan shall also—~~

~~"(A) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;~~

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

~~"(C) contain assurances that the State educational agency will—~~

~~"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;~~

~~"(ii) carry out the evaluation requirements of section 1409 of this part;~~

~~"(iii) ensure that its State agencies comply with all applicable statutory and regulatory requirements; and~~

~~"(iv) provide such other information as the Secretary may reasonably require.~~

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

~~"(2) The Secretary may review any such plan with the assistance and advice of individuals with relevant expertise.~~

~~"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—~~

~~"(1) describes the procedures to be used, consistent with the State plan under part A of this title, to assess the educational needs of the children to be served;~~

~~"(2) describes the program, including a budget for the first year of the program, with annual updates to be provided;~~

~~"(3) describes how the program will meet the goals and objectives of the State plan under this part;~~

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

~~"(5) describes how the agency will carry out the evaluation requirements of section 1409 and how the results of the most recent evaluation were used to plan and improve the program;~~

~~"(6) includes data showing that the agency has maintained fiscal effort as if it were a local educational agency, in accordance with section 9501 of this title;~~

~~"(7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency;~~

~~"(8) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel; and~~

~~''(9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the institution to locally operated programs.~~

~~''USE OF FUNDS~~

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

~~''(A) are consistent with the State plan referred to in section 1405(a); and~~

~~''(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.~~

~~''(2) Such programs and projects—~~

~~''(A) may include the acquisition of equipment;~~

~~''(B) shall be designed to support educational services that—~~

~~''(i) except for institution-wide projects under section 1407, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging performance standards;~~

~~''(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and~~

~~''(iii) afford those children an opportunity to learn to those challenging State standards;~~

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

~~''(D) may include the costs of meeting the evaluation requirements of section 1409.~~

~~''(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1119(b) of this title without regard to the subject areas in which instruction is given during those hours.~~

~~''INSTITUTION-WIDE PROJECTS~~

~~''SEC. 1407. (a) PROJECTS AUTHORIZED.—A State agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—~~

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

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

~~"(3) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students;~~

~~"(4) specifically describes how such funds will be used;~~

~~"(5) describes the measures and procedures that will be used to assess student progress;~~

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

~~"(7) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.~~

~~"(b) PROJECTS REQUIRED.—Beginning with school year 1996–1997, a State agency described in subsection (a) shall use funds received under this part only for institution-wide projects described in that subsection, except as described in section 1410.~~

~~"THREE-YEAR PROJECTS~~

~~"SEC. 1408. If a State agency operates a program under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of up to three years.~~

~~"PROGRAM EVALUATIONS~~

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

~~"(1) maintain and improve educational achievement;~~

~~"(2) accrue school credits that meet State requirements for grade promotion and high school graduation;~~

~~"(3) make the transition to a regular program or other education program operated by a local educational agency; and~~

~~"(4) complete high school and obtain employment after they leave the institution.~~

~~"(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency shall use multiple and appropriate measures of student progress.~~

~~"(c) EVALUATION RESULTS.—Each State agency shall—~~

~~"(1) submit those results to the State educational agency; and~~

~~"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.~~

~~"TRANSITION SERVICES~~

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

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

one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide special educational services, which may include counseling and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

"DEFINITIONS

"SEC. 1411. For the purpose of this part, the following terms have the following meanings:

"(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) The term 'community-day program' means a regular program of instruction provided by a State agency at a community-day school operated specifically for neglected or delinquent children.

"(3) The term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

"(4) The term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the in-

~~stitution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.~~

~~''PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS~~

~~''EVALUATIONS~~

~~''SEC. 1501. (a) NATIONAL ASSESSMENT.—(1) The Secretary shall conduct a national assessment of programs under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (c) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.~~

~~''(2) The assessment shall examine how well schools, local educational agencies, and States—~~

~~''(A) are progressing toward the goal of all children served under this title reaching the State's content and performance standards; and~~

~~''(B) accomplishing the specific purposes set out in section 1001(d) of this title to achieve this goal, including—~~

~~''(i) ensuring high standards for all children and aligning the efforts of States, local~~

~~educational agencies, and schools to help children reach them;~~

~~''(ii) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive;~~

~~''(iii) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content;~~

~~''(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;~~

~~''(v) coordinating services under all parts of this title with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;~~

~~''(vi) affording parents meaningful opportunities to participate in the education of their children at home and at school;~~

~~''(vii) distributing resources to areas where needs are greatest;~~

~~"(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and~~

~~"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.~~

~~"(3) Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.~~

~~"(4) The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress by December 31, 1997 and a final report by December 31, 2002.~~

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

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

These data shall complement the data collected and reported under subsections (a) and (c).

"(c) NATIONAL LONGITUDINAL STUDY.—The Secretary shall continue to conduct the longitudinal study of the educational achievement and progress of children served under this title, as authorized under section 1462 of this Act as in effect prior to its amendment by the Improving America's Schools Act of 1993. The Secretary shall report, not later than January 1, 1997, the findings of the study and recommendations for future data collections and reports to the President and the appropriate committees of the Congress.

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

"DEMONSTRATIONS OF INNOVATIVE PRACTICES

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

~~it organizations, and consortia of those bodies to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State standards. Such projects shall include promising strategies such as—~~

~~"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide them the opportunity to reach high standards;~~

~~"(B) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;~~

~~"(C) effective approaches to whole school reform; and~~

~~"(D) programs that have been especially effective with limited English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth.~~

~~"(2) The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control~~

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

"(b) PARTNERSHIPS.—From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools supported under this title.

"PART F—GENERAL PROVISIONS

"STATE ADMINISTRATION

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

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

"(C) identify any such rule, regulation, or policy as a State-imposed requirement.

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

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

~~"(b) COMMITTEE OF PRACTITIONERS.—(1) Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.~~

~~"(2) Each such committee shall include—~~

~~"(A) as a majority of its members, representatives from local educational agencies;~~

~~"(B) administrators;~~

~~"(C) teachers;~~

~~"(D) parents;~~

~~"(E) members of local boards of education; and~~

~~"(F) representatives of private school children.~~

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

~~"(1) 1 percent of the funds received under section 1002(a) and (c) through (f); or~~

~~"(2) $325,000, or $50,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau (until the Compact of Free Association takes effect).~~

~~''TITLE II—IMPROVING TEACHING AND LEARNING~~

~~''PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM~~

~~''FINDINGS~~

~~''SEC. 2101. The Congress finds that—~~

~~''(1) reaching National Education Goal Three (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and National Education Goal Four (U.S. students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels;~~

~~''(2) a crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students;~~

~~''(3) the potential positive impact of high-quality professional development is underscored by recent research findings that—~~

~~"(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards;~~

~~"(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers and administrators in a school and, through professional networks of teachers and administrators, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school; and~~

~~"(C) professional development can dramatically improve classroom instruction and learning when teachers and administrators are partners in its development and implementation;~~

~~"(4) special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement;~~

~~"(5) professional development is often a victim of budget reductions in fiscally difficult times;~~

~~"(6) there are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities; and~~

~~"(7) the Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.~~

~~"PURPOSES~~

~~"SEC. 2102. The purposes of this part are to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content and performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects. This program is designed to help ensure that teachers have access to professional development that—~~

~~"(1) is tied to challenging State student content and performance standards;~~

~~"(2) reflects recent research on teaching and learning;~~

1 ''(3) includes strong academic content and ped-
2 agogical components;
3 ''(4) is of sufficient intensity and duration to
4 have a positive and lasting impact on the teacher's
5 performance in the classroom; and
6 ''(5) is part of the everyday life of the school
7 and creates an orientation toward continuous im-
8 provement throughout the school.
9 ''AUTHORIZATION OF APPROPRIATIONS; ALLOCATION
10 BETWEEN SUBPARTS
11 ''SEC. 2103. (a) AUTHORIZATION OF APPROPRIA-
12 TIONS.—For the purpose of carrying out this part, there
13 are authorized to be appropriated such sums as may be
14 necessary for each of the fiscal years 1995 through 1999.
15 ''(b) ALLOCATION BETWEEN SUBPARTS.—Of the
16 funds appropriated to carry out this part for any fiscal
17 year, the Secretary shall use—
18 ''(1) 6 percent to carry out subpart 1; and
19 ''(2) 94 percent to carry out subpart 2.
20 ''Subpart 1—Federal Activities
21 ''PROGRAM AUTHORIZED
22 ''SEC. 2111. (a) The Secretary is authorized to make
23 grants to, and enter into contracts and cooperative agree-
24 ments with, local educational agencies, State educational
25 agencies, State agencies for higher education, institutions

of higher education, and other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that will contribute to the development and implementation of high-quality professional development activities in the core academic subject areas; and

"(2) evaluate activities carried out under this subpart and under subpart 2.

"(b) In carrying out this program, the Secretary shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and other appropriate Federal agencies and entities.

"AUTHORIZED ACTIVITIES

"SEC. 2112. The Secretary shall use funds available to carry out this subpart for activities that help meet the purposes of this part, such as—

"(1) providing seed money to eligible entities to develop their capacity to offer sustained and intensive high-quality professional development;

"(2) professional development institutes that provide teams of teachers, or teachers and administrators, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

~~"(3) encouraging the development of local and national professional networks that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;~~

~~"(4) supporting the National Board for Professional Teaching Standards;~~

~~"(5) the development and dissemination of teaching standards in the core academic subjects;~~

~~"(6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification;~~

~~"(7) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;~~

~~"(8) the development and testing of incentive strategies for motivating teachers and administrators to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State standards;~~

~~"(9) the dissemination of information about voluntary national content and performance standards and related models of high-quality professional development;~~

~~"(10) the development and maintenance of a national clearinghouse for science, mathematics, and technology education materials and of such other clearinghouses for core academic subjects as the Secretary determines are needed;~~

~~"(11) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;~~

~~"(12) support for consortia of education agencies and organizations to disseminate information and provide assistance regarding teaching methods and assessment tools that support national or State content standards in mathematics and science; and~~

~~"(13) the evaluation of programs under this subpart and under subpart 2.~~

~~"Subpart 2—State and Local Activities~~

~~"PROGRAM AUTHORIZED~~

~~"SEC. 2121. The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.~~

~~"ALLOCATION OF FUNDS~~

~~"SEC. 2122. (a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall—~~

~~"(1) reserve one half of 1 percent for the outlying areas, to be distributed among them on the basis of their relative need, as determined by the Secretary in light of the purposes of this part; and~~

~~"(2) reserve one quarter of 1 percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.~~

~~"(b) STATE ALLOTMENTS.—The Secretary shall allocate the remaining amount to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of 1 percent of such remaining amount:~~

~~"(1) 50 percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.~~

~~"(2) 50 percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I of this Act for the preceding fiscal year.~~

~~"(c) REALLOCATION.—If any jurisdiction does not apply for its allotment under subsection (b) for any fiscal~~

~~year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection.~~

~~"WITHIN-STATE ALLOCATIONS~~

~~"SEC. 2123. Of the amounts received by any State under this subpart for any fiscal year—~~

~~"(1) not more than 6 percent shall be used for the administrative costs of programs carried out by the State educational agency and the State agency for higher education;~~

~~"(2) not more than 7.5 percent may be used for State-level activities, as described in section 2126; and~~

~~"(3) of the remaining amount—~~

~~"(A) 85 percent shall be distributed to local educational agencies, to be used in accordance with section 2129, as follows:~~

~~"(i) 50 percent of such amount shall be distributed in accordance with the relative population of individuals aged 5–17 in each such agency.~~

~~"(ii) 50 percent of such amount shall be distributed in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and~~

~~"(B) 15 percent shall be used for competitive grants to institutions of higher education as described in section 2130.~~

~~"PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE~~

~~"SEC. 2124. (a) APPROPRIATION OF LESS THAN $250 MILLION.—In any fiscal year for which the amount appropriated for this part is $250,000,000 or less, each State shall ensure that all funds distributed in accordance with section 2123(3) are used for professional development in mathematics and science.~~

~~"(b) APPROPRIATION BETWEEN $250 MILLION AND $500 MILLION.—In any fiscal year for which the amount appropriated for this part is at least $250,000,000, but not more than $500,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(3) that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus 25 percent of the amount of the total appropriation for this part in excess of $250,000,000 bears to the total amount appropriated for this part.~~

~~"STATE APPLICATIONS~~

~~"SEC. 2125. (a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive its allot-~~

~~ment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.~~

~~"(b) PROFESSIONAL DEVELOPMENT PLAN.—(1) Each application under this section shall include a State plan for professional development that—~~

~~"(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or~~

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

~~"(2) A State plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.~~

~~"(3) Each such plan shall also—~~

~~"(A) be developed in conjunction with the State agency for higher education, institutions of higher education, schools of education, and with the exten-~~

~~sive participation of local teachers and administrators and show the role of each in implementation;~~

~~"(B) be designed to give teachers and administrators in the State the knowledge and skills to provide all students the opportunity to meet challenging State performance standards;~~

~~"(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);~~

~~"(D) describe a strategy for addressing the need for teacher development beginning with recruitment, pre-service, and induction, and continuing throughout the professional teaching career;~~

~~"(E) describe specific steps for the reform of State requirements for licensure of teachers and administrators, including certification and recertification, to align them with challenging State content and performance standards;~~

~~"(F) describe how the State will work with teachers, administrators, local educational agencies, schools, and institutions of higher education to ensure that they develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subject areas;~~

~~"(G) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers and administrators;~~

~~"(H) describe how the State will ensure a strong focus on professional development in mathematics and science;~~

~~"(I) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content and performance standards; and~~

~~"(J) set specific outcome performance indicators for professional development.~~

~~"(c) ADDITIONAL MATERIAL.—Each State application shall also include—~~

~~"(1) a description of how the activities funded under this subpart will be coordinated, as appropriate, with—~~

~~"(A) other activities conducted with Federal funds, especially those supported under part A of title I of this Act;~~

~~"(B) State and local funds;~~

~~"(C) resources from business and industry; and~~

~~"(D) funds from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and~~

~~"(2) a description of the activities to be sponsored under the State-level activities and the higher education components of its program under this subpart.~~

~~"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall approve the application of a State educational agency if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.~~

~~"(2) In reviewing applications, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.~~

~~"STATE-LEVEL ACTIVITIES~~

~~"SEC. 2126. Each State may use funds reserved under section 2123(2) to carry out activities referred to in section 2125(b), such as—~~

~~"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align~~

these requirements with the State's content standards and ensure that teachers and administrators have the knowledge and skills to help students meet challenging State performance standards;

''(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

''(3) providing technical assistance to schools and local educational agencies to help them provide effective professional development in the core academic subjects;

''(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

''(5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

''(6) providing financial or other incentives for teachers to become certified by the National Board for Professional Teaching Standards;

~~''(7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied to challenging State content and performance standards, rather than by merely completing course credits;~~

~~''(8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;~~

~~''(9) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science; and~~

~~''(10) professional development activities designed to increase the numbers of members of minority and other underrepresented groups in the teaching force in the core subjects.~~

~~"LOCAL EDUCATIONAL AGENCY APPLICATIONS~~

~~"SEC. 2127. (a) APPLICATIONS REQUIRED.—(1) Each local educational agency that wishes to receive a subgrant under this subpart shall submit an application to the State educational agency at such time as the State educational agency may require, but not less frequently than every third year.~~

~~"(2) If the local educational agency has an application approved by the State under title III of the Goals 2000: Educate America Act, the application required by this section shall be a component of (or, if necessary, an addendum to) its Goals 2000 application.~~

~~"(b) APPLICATION CONTENTS.—Each application under this section shall include—~~

~~"(1) the local educational agency's plan for professional development that has been developed with the extensive participation of teachers and administrators and that—~~

~~"(A) is aligned with the State's content and performance standards;~~

~~"(B) includes an assessment of local needs for professional development as identified by the local educational agency and school staff;~~

~~"(C) describes a strategy, tied to State content and performance standards, for addressing those needs;~~

~~"(D) includes strong academic content and pedagogical components;~~

~~"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and~~

~~"(F) sets specific outcome performance indicators;~~

~~"(2) an assurance that the activities conducted with such agency's funds received under this program will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of those activities;~~

~~"(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—~~

~~"(A) services of institutions of higher education;~~

~~"(B) State and local funds;~~

~~"(C) resources provided under part A of title I and other parts of this Act;~~

~~"(D) resources from business and industry; and~~

~~"(E) funds from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and~~

~~"(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128.~~

~~"LOCAL COST-SHARING~~

~~"SEC. 2128. (a) GENERAL.—Each local educational agency shall bear at least 33 percent of the cost of any program carried out under this subpart, but not including the cost of services provided to private school teachers.~~

~~"(b) AVAILABLE RESOURCES FOR COST-SHARING.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:~~

~~"(1) Cash expenditures from non-Federal sources directed toward professional development activities.~~

~~"(2) Released time for teachers participating in professional development funded under this subpart.~~

~~"(3) Funds received under one or more of the following programs, so long as they are used for professional development activities consistent with this subpart and the statutes under which those funds~~

were received, and are used to benefit students and teachers in schools that would otherwise have been served with those funds:

"(A) Part A of title I of this Act.

"(B) The Safe and Drug-Free Schools program under title IV of this Act.

"(C) The bilingual education program under title VII of this Act.

"(D) Title III of the Goals 2000: Educate America Act.

"(E) Programs that are related to the purposes of this Act that are administered by other agencies, including, but not limited to, the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and the Department of Energy.

"LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES

"SEC. 2129. (a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this subpart for any fiscal year—

"(1) shall use at least 80 percent of such funds for professional development of teachers and other staff of individual schools in a manner that is determined by such teachers and staff and is consistent

with the local educational agency's application under section 2127, any school plan under part A of title I of this Act, and any other plan for professional development carried out with Federal, State, or local funds; and

"(2) may use not more than 20 percent of such funds for district-level professional development activities, which may include the participation of administrators and policy-makers.

"(b) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use those funds for activities that contribute to the implementation of the local educational agency's professional development plan described in section 2127(b)(1), such as—

"(1) professional development for teams of teachers, administrators, or other staff from individual schools, to support teaching consistent with State or voluntary national content standards and to create a school environment conducive to high achievement in the core subjects;

"(2) support and time for teachers and other school staff to participate in professional development in the core subjects offered through professional associations, universities, and other providers;

~~"(3) support and time for teachers and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors;~~

~~"(4) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects;~~

~~"(5) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;~~

~~"(6) activities that provide follow-up for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;~~

~~"(7) preparing teachers to work with parents and families on fostering student achievement in the core academic subjects;~~

~~"(8) preparing teachers in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;~~

~~"(9) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;~~

~~"(10) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects;~~

~~"(11) professional development activities designed to increase the numbers of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials;~~

~~"(12) developing incentive strategies for rewarding teachers and administrators collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State performance standards; and~~

~~"(13) developing incentive strategies for rewarding schools where a substantial portion of the teachers achieve certification by the National Board for Professional Teaching Standards.~~

~~"HIGHER EDUCATION ACTIVITIES~~

~~"SEC. 2130. (a) GENERAL.—(1) The State agency for higher education, working in conjunction with the State educational agency (if it is a separate agency), shall make grants to, or enter into contracts or cooperative agreements with, institutions of higher education working in conjunction with local educational agencies, for professional development activities in the core academic subject areas that contribute to the State plan for professional development.~~

~~"(2) All such awards shall be made on a competitive basis.~~

~~"(3) Each project funded under this section shall involve a joint effort of the recipient's school or department of education and the schools or departments in the specific disciplines in which such professional development will be provided.~~

~~"(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use those funds for—~~

~~"(1) sustained and intensive high-quality professional development for teams of teachers, or~~

teachers and administrators from individual schools or districts; and

"(2) other sustained and intensive professional development activities related to achievement of the State plan for professional development.

"Subpart 3—General Provisions

"REPORTING AND ACCOUNTABILITY

"SEC. 2131. (a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every three years on the State's progress toward the outcome performance indicators identified in its State plan, as well as on the effectiveness of State and local activities under this part.

"(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every three years on its progress toward outcome performance indicators identified in its local plan, as well as on the effectiveness of its activities under this part.

"(c) FEDERAL EVALUATION.—The Secretary shall report to the President and Congress on the effectiveness of programs and activities funded under this part.

"DEFINITIONS

"SEC. 2132. As used in this part, the following terms have the following meanings:

~~''(1) The term 'core academic subjects' means those subjects listed in the State plan under title III of the Goals 2000: Educate America Act or under National Education Goal Three as set out in section 102(3) of such Act.~~

~~''(2) The term 'sustained and intensive high-quality professional development' means professional development activities that—~~

~~''(A) are tied to challenging State or voluntary national content and performance standards;~~

~~''(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components;~~

~~''(C) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and~~

~~''(D) recognize teachers as an important source of knowledge that should inform and help shape professional development.~~

~~''(3) The term 'outcome performance indicators' means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of ensuring that all teach-~~

~~ers have the knowledge and skills to assist their students to meet challenging State standards in the core academic subject areas. Examples of such indicators include—~~

~~"(A) the degree to which licensure requirements are tied to State standards;~~

~~"(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards;~~

~~"(C) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and~~

~~"(D) specific increases in the number of teachers licensed in each core subject.~~

~~"PART B—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS~~

~~"FINDINGS~~

~~"SEC. 2201. The Congress finds that—~~

~~"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs under this Act;~~

~~"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the~~

~~1994 reauthorization of this Act to improve programs and to provide all children opportunities to meet challenging State performance standards;~~

~~"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited English proficiency, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to learn to challenging State standards;~~

~~"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;~~

~~"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;~~

~~"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to reach challenging~~

~~State performance standards, as they implement programs under this Act;~~

~~''(7) comprehensive technical assistance would provide 'one-stop shopping' to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems; and~~

~~''(8) technical assistance in support of programs under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.~~

~~''PURPOSE~~

~~''SEC. 2202. The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—~~

~~''(1) administering and implementing programs authorized by this Act in a manner that is consistent with State and local plans under the Goals 2000: Educate America Act; and~~

~~''(2) coordinating those programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State performance standards.~~

~~"PROGRAM AUTHORIZED~~

~~"SEC. 2203. (a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in their administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.~~

~~"(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is also authorized to provide a technology-based technical assistance service that will—~~

~~"(1) support the administration and implementation of programs authorized by this Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and~~

~~"(2) be accessible to all States, local educational agencies, schools, and others who are recipients of funds under this Act.~~

~~"ELIGIBLE ENTITIES~~

~~"SEC. 2204. The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of those agencies and organizations.~~

~~''COMPREHENSIVE REGIONAL CENTERS~~

~~''SEC. 2205. Each comprehensive regional center established under section 2203(a) shall—~~

~~''(1) maintain staff expertise in at least all of the following areas:~~

~~''(A) instruction, curriculum improvement, school reform, and other aspects of title I of this Act;~~

~~''(B) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities;~~

~~''(C) professional development for teachers, other school staff, and administrators to help students meet challenging State performance standards;~~

~~''(D) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding;~~

~~''(E) safe and drug-free schools;~~

~~''(F) educational applications of technology;~~

~~''(G) parent involvement and participation;~~

~~''(H) the reform of schools and school systems; and~~

~~''(I) program evaluation;~~

~~''(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;~~

~~''(3) work collaboratively with the Department's regional offices;~~

~~''(4) provide technical assistance using the highest quality and most cost-effective strategies possible;~~

~~''(5) provide information and assistance regarding exemplary and promising practices;~~

~~''(6) work collaboratively, and coordinate the services it provides, with the general reform assistance provided by the regional educational laboratories supported by the Office of Educational Research and Improvement; and~~

~~''(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.~~

~~''INFORMATION COLLECTION AND EVALUATION~~

~~''SEC. 2206. The Secretary shall evaluate activities under this part to determine their effectiveness in advancing the purposes of this part, and report to the President and Congress on the effectiveness of such activities.~~

~~''TRANSITION~~

~~''SEC. 2207. (a) GENERAL.—The Secretary may use funds appropriated for this part for fiscal year 1995 in such manner as the Secretary finds necessary in order to ensure a smooth implementation of this part.~~

~~''(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary may use such funds for existing contracts and to extend the award of any categorical technical assistance center under this Act that was in operation on the day before enactment of the Improving America's Schools Act of 1993.~~

~~''AUTHORIZATION OF APPROPRIATIONS~~

~~''SEC. 2208. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 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.~~

~~"(b) PURPOSES.—The purposes of this subpart are to promote achievement of the National Education Goals and to increase the opportunity for all students to achieve to challenging State standards by—~~

~~"(1) promoting awareness of the potential of technology for improving teaching and learning;~~

~~"(2) supporting State and local efforts to increase the effective use of technology for education;~~

~~"(3) demonstrating ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;~~

~~"(4) ensuring the availability of knowledge drawn from research and experience that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;~~

~~"(5) promoting high-quality professional development opportunities for teachers and administrators on the integration of technology into instruction and administration;~~

~~"(6) ensuring that Federal technology-related policies and programs facilitate the use of technology 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;~~

~~"(B) transmit the plan to the President and to the appropriate committees of the Congress; and~~

~~"(C) publish the plan in a form that is readily accessible to the public.~~

~~"(b) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—~~

~~"(1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve to challenging State standards, especially through programs administered by the Department;~~

~~"(2) joint activities with other Federal agencies, such as the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor, to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure, and to ensure that the policies and programs of such agencies facilitate the use of technology for educational purposes to the extent feasible;~~

~~"(3) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;~~

~~"(4) how the Secretary will promote—~~

~~"(A) increased access to the benefits of technology for teaching and learning for schools with high concentrations of children from low-income families;~~

~~"(B) the use of technology to assist in the implementation of State systemic reform strategies;~~

~~"(C) the application of technological advances to use in education; and~~

~~"(D) increased opportunities for the professional development of teachers in the use of new technologies;~~

~~"(5) how the Secretary will determine, in consultation with appropriate individuals, organizations, and agencies, the feasibility and desirability of establishing guidelines and protocols to facilitate effective use of technology in education; and~~

~~"(6) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.~~

~~"FEDERAL LEADERSHIP~~

~~"SEC. 3114. (a) PROGRAM AUTHORIZED.—(1) In order to provide Federal leadership in promoting the use of technology in education, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, and other appropriate Federal agencies, may carry out activities designed to achieve the purposes of this subpart directly or by awarding grants (pursuant to a peer review process) to, or entering into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public and private nonprofit or for-profit agencies and organizations.~~

~~"(2) For the purpose of carrying out coordinated or joint activities consistent with the purposes of this subpart, the Secretary may accept funds from, and transfer funds to, other Federal agencies.~~

~~"(b) USES OF FUNDS.—The Secretary may use funds appropriated under this subpart for activities designed to carry out the purpose of this subpart, and to meet the goals and objectives of the national long-range plan under section 3113, including—~~

~~"(1) planning grants to States and local education agencies, to enable such entities to examine and develop strategies for the effective use of technology to help achieve the objectives of the Goals~~

~~2000: Educate America Act and the School-to-Work Opportunities Act of 1993;~~

~~''(2) development grants to technical assistance providers, to enable them to improve substantially the services they offer to educators on the educational uses of technology, including professional development;~~

~~''(3) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and its educational applications in carrying out activities under this subpart;~~

~~''(4) research on, and the development of, guidelines and protocols to facilitate efficient and effective use of technology in education;~~

~~''(5) research on, and the development of, educational applications of the most advanced and newly emerging technologies;~~

~~''(6) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;~~

~~''(7) the development and evaluation of software and other products, including television program-~~

~~ming, that incorporate advances in technology and help achieve the National Education Goals and challenging State standards;~~

~~"(8) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;~~

~~"(9) the development of model programs to demonstrate the educational effectiveness of technology in urban and rural areas and economically-distressed communities;~~

~~"(10) research on, and the evaluation of, the effectiveness and benefits of technology in education;~~

~~"(11) conferences on, and dissemination of information about, the uses of technology in education;~~

~~"(12) the development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom; and~~

~~"(13) such other activities as the Secretary determines would meet the purposes of this subpart.~~

~~"(c) NON-FEDERAL SHARE.—(1) Subject to paragraph (2), the Secretary is authorized to require any recipient of a grant or contract under this subpart to share in the cost of its project, which share shall be announced~~

through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(2) The Secretary may increase the non-Federal share required of such recipient after the first year of the recipient's project, except that such share may not exceed 50 percent at any time during the recipient's project.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3115. For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"Subpart 2—Star Schools Program

"FINDINGS

"SEC. 3121. The Congress finds that—

"(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multi-State regions primarily by means of satellite and broadcast television;

"(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency would not otherwise have been able to provide; and

"(3) distance learning programs could also be used to—

~~"(A) provide students in all types of schools and local educational agencies with greater access to high-quality instruction in the full range of core academic subjects that would enable them to meet challenging, internationally competitive, educational standards;~~

~~"(B) expand professional development opportunities for teachers;~~

~~"(C) contribute to achievement of the National Education Goals; and~~

~~"(D) expand learning opportunities for everyone.~~

~~"STATEMENT OF PURPOSE~~

~~"SEC. 3122. The purpose of this subpart is to encourage the expansion and use of distance learning programs and technologies to help—~~

~~"(1) improve teaching and learning;~~

~~"(2) achieve the National Education Goals;~~

~~"(3) all students learn to challenging State content standards; and~~

~~"(4) increase participation in State and local educational reform.~~

~~"PROGRAM AUTHORIZED~~

~~"SEC. 3123. (a) STAR SCHOOL AWARDS.—The Secretary is authorized, in accordance with this subpart, to make grants to eligible entities for the Federal share of~~

~~the cost of providing distance learning programs, including—~~

~~"(1) developing, constructing, and acquiring telecommunications facilities and equipment;~~

~~"(2) developing and acquiring instructional programming; and~~

~~"(3) providing technical assistance regarding the use of such facilities and instructional programming.~~

~~"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.~~

~~"(c) LIMITATIONS.—(1) A grant under this section shall not exceed—~~

~~"(A) five years in duration; and~~

~~"(B) $10,000,000 in any one fiscal year.~~

~~"(2) Not less than 25 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.~~

~~"(3) Not less than 50 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or program-~~

ming, for local educational agencies that are eligible to receive assistance under part A of title I of this Act.

''(d) FEDERAL SHARE.—(1) The Federal share of the cost of projects funded under this section shall not exceed 75 percent for the first and second years of the award, 60 percent for the third and fourth years, and 50 percent for the fifth year.

''(2) The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

''(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other agencies to carry out the purposes of this section, including funds for the purchase of equipment.

''ELIGIBLE ENTITIES

''SEC. 3124. (a) ELIGIBLE ENTITIES.—(1) The Secretary may make a grant under section 3123 to any eligible entity, provided that at least one local educational agency is participating in the proposed project.

''(2) An eligible entity may include—

''(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent

~~the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I of this Act; or~~

~~''(B) any two or more of the following, which will provide a telecommunications network:~~

~~''(i) A local educational agency that has a significant number of elementary and secondary schools that are eligible for assistance under part A of title I of this Act, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(1) of this Act.~~

~~''(ii) A State educational agency.~~

~~''(iii) An institution of higher education or a State higher education agency.~~

~~''(iv) A teacher training center or academy that—~~

~~''(I) provides teacher pre-service and in-service training; and~~

~~''(II) receives Federal financial assistance or has been approved by a State agency.~~

~~''(v)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, includ-~~

~~ing entities involved in telecommunications through satellite, cable, telephone, or computer; or~~

~~''(II) a public broadcasting entity with such experience.~~

~~''(vi) A public or private elementary or secondary school.~~

~~''APPLICATIONS~~

~~''SEC. 3125. (a) GENERAL REQUIREMENT.—Each eligible entity that desires to receive a grant under this subpart shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.~~

~~''(b) STAR SCHOOL AWARD APPLICATIONS.—Each application for a grant authorized under section 3123 shall—~~

~~''(1) describe—~~

~~''(A) how the proposed project will assist in achieving the National Education Goals set out in title I of the Goals 2000: Educate America Act, how it will assist all students to have an opportunity to learn to challenging State standards, and how it will assist State and local educational reform efforts;~~

~~''(B) the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—~~

~~''(i) the design, development, construction, and acquisition of district, multidistrict, State, or multistate educational telecommunications networks and technology resource centers;~~

~~''(ii) microwave, fiber optics, cable, and satellite transmission equipment, or any combination thereof;~~

~~''(iii) reception facilities, satellite time, production facilities, and other telecommunications equipment capable of serving the intended geographic area;~~

~~''(iv) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought in using such facilities and equipment, and in integrating programs into the class curriculum; and~~

~~''(v) the development of educational and related programming for use on a telecommunications network;~~

~~"(C) the types of programming that will be developed to enhance instruction and training, including an assurance that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level;~~

~~"(D) how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;~~

~~"(E) the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;~~

~~"(F) the manner in which historically underserved students (such as students from low-income families, limited English proficient students, disabled students, or students who have low literacy skills) and their families will participate in the benefits of the telecommunications facilities, equipment, technical assist-~~

~~ance, and programming assisted under this subpart;~~

~~''(G) how existing telecommunications equipment, facilities, and services, where available, will be used;~~

~~''(H) the activities or services for which assistance is sought, such as—~~

~~''(i) providing facilities, equipment, training services, and technical assistance;~~

~~''(ii) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;~~

~~''(iii) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;~~

~~''(iv) sharing curriculum materials between networks;~~

~~''(v) providing teacher and student support services;~~

~~''(vi) incorporating community resources such as libraries and museums into instructional programs;~~

~~"(vii) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff; and~~

~~"(viii) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and~~

~~"(I) how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;~~

~~"(2) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I of this Act; and~~

~~"(3) provide an assurance that the applicant will provide such information and cooperate in any~~

evaluation that the Secretary may conduct under this subpart.

"(c) PRIORITIES.—The Secretary shall, in approving applications for grants authorized under section 3123, give priority to applications that—

"(1) propose high-quality plans to assist in achieving one or more of the National Education Goals as set out in title I of the Goals 2000: Educate America Act, would provide instruction consistent with State content standards, or would otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform under title III of the Goals 2000: Educate America Act; and

"(2) would serve schools with significant numbers of children counted for the purposes of part A of title I of this Act.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 3123, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services.

"LEADERSHIP AND EVALUATION ACTIVITIES

"SEC. 3126. (a) SET-ASIDE.—From amounts appropriated under section 3123(b), the Secretary may reserve up to 10 percent for national leadership, evaluation, and peer review activities.

1 ~~''(b) METHOD OF FUNDING.—The Secretary may~~
2 ~~fund the activities described in subsection (a) directly or~~
3 ~~through grants, contracts, and cooperative agreements.~~
4 ~~''(c) USES OF FUNDS.—(1) Funds reserved for lead-~~
5 ~~ership activities may be used for—~~
6 ~~''(A) disseminating information, including lists~~
7 ~~and descriptions of services available from recipients;~~
8 ~~and~~
9 ~~''(B) other activities designed to enhance the~~
10 ~~quality of distance learning activities nationwide.~~
11 ~~''(2) Funds reserved for evaluation activities shall be~~
12 ~~used to conduct independent evaluations of the Star~~
13 ~~Schools program under this subpart and of distance learn-~~
14 ~~ing in general, including—~~
15 ~~''(A) analyses of distance learning efforts, in-~~
16 ~~cluding both Star Schools projects and efforts not~~
17 ~~funded by the program under this subpart; and~~
18 ~~''(B) comparisons of the effects, including stu-~~
19 ~~dent outcomes, of different technologies in distance~~
20 ~~learning efforts.~~
21 ~~''(3) Funds reserved for peer review activities may~~
22 ~~be used for peer review of both proposals and funded~~
23 ~~projects.~~
24 ~~''DEFINITIONS~~
25 ~~''SEC. 3127. For the purpose of this subpart, the fol-~~
26 ~~lowing terms have the following meanings:~~

~~''(1) The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.~~

~~''(2) The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.~~

~~''(3) The term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934.~~

~~''PART B—FUND FOR THE IMPROVEMENT OF EDUCATION~~

~~''FUND FOR THE IMPROVEMENT OF EDUCATION~~

~~''SEC. 3201. (a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local education agencies, institutions of higher~~

education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—(1) Funds under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) research and development related to content and performance standards for student learning; and

"(ii) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school based decision-making;

"(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

~~"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;~~

~~"(E) activities to promote comprehensive health education;~~

~~"(F) activities to promote environmental education;~~

~~"(G) activities to assist students to demonstrate competence in foreign languages;~~

~~"(H) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;~~

~~"(I) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and~~

~~"(J) other programs and projects that meet the purposes of this section.~~

~~"(2) The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965, part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Secu-~~

~~rity Act, as these Acts were in effect on the day before enactment of the Improving America's Schools Act of 1993.~~

~~''(c) AWARDS.—(1) The Secretary may make awards under this section on the basis of competitions announced by the Secretary and may also support meritorious unsolicited proposals.~~

~~''(2) The Secretary shall ensure that projects and activities supported under this section are designed so that their effectiveness is readily ascertainable.~~

~~''(3) The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for this purpose.~~

~~''(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.~~

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

~~''FINDINGS AND PURPOSE~~

~~''SEC. 3301. (a) FINDINGS.—The Congress finds that—~~

~~''(1) all students can learn to high standards;~~

~~"(2) all students must develop their talents, realize their potential, and learn to high standards if the United States is to prosper;~~

~~"(3) too often, schools fail to challenge students to do their best work, and students who are not challenged will not fully develop their talents, realize their potential, and learn to high standards;~~

~~"(4) schools must provide all students with important and challenging subject matter to study and encourage the habits of hard work;~~

~~"(5) during the past 20 years, programs for gifted and talented students have served as laboratories for innovative and experimental approaches to teaching and learning;~~

~~"(6) many programs developed for gifted and talented students, when used with disadvantaged students, have shown promise in achieving better results than remedial programs;~~

~~"(7) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used to develop a rich and challenging curriculum for all students;~~

~~"(8) the Federal Government should encourage the adaptation of strategies used in programs for~~

gifted and talented students to help all students develop their talents, realize their potential, and learn to high standards, while also continuing to challenge gifted and talented students; and

"(9) examples of programs and strategies in which students can and have learned to the highest standards will help to demonstrate how all students can learn to high standards.

"(b) PURPOSE.—The purpose of this part is to demonstrate how strategies and programs designed for the education of gifted and talented students can be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented. Such strategies and programs shall, at a minimum—

"(1) contain important and challenging academic content;

"(2) elicit complex thinking and understanding in students;

"(3) engage students in learning and allow 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~~
19 ~~wishes to receive funds under this part shall submit an~~
20 ~~application to the Secretary at such time, in such manner,~~
21 ~~and containing such information as the Secretary may re-~~
22 ~~quire.~~
23 ~~"(c) USES OF FUNDS.—(1) A recipient of funds~~
24 ~~under this part shall use those funds for activities that~~
25 ~~are designed to meet the purpose of this part. Such activi-~~
26 ~~ties may include—~~

~~"(A) developing, implementing, and expanding new programs that adapt strategies or programs designed for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools;~~

~~"(B) adapting and expanding existing programs for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools;~~

~~"(C) implementing innovative strategies, such as cooperative learning and peer tutoring, for expanding programs that serve gifted and talented students into programs that serve all the students (including gifted and talented students) in a school;~~

~~"(D) establishing and operating cooperative programs involving business, industry, and education;~~

~~"(E) establishing and operating summer programs; and~~

~~"(F) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in adapting strategies and programs for educating gift-~~

ed and talented students to improve education for all students (including gifted and talented students).

''(2) Each project assisted under this part that provides services to students shall, by the end of the period for which assistance is sought (but in no case later than the end of the third year of assistance under this part) serve all the students (including gifted and talented students) in a school.

''(d) NON-FEDERAL SHARE.—(1) Subject to paragraph (2), the Secretary is authorized to require any recipient of a grant or contract under this part to share in the cost of its project, which share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

''(2) The Secretary may increase the non-Federal share required of such recipient after the first year of the recipient's project, except that such share may not exceed 50 percent at any time during the recipient's project.

''PROGRAM PRIORITIES

''SEC. 3303. In making awards under this part, the Secretary shall ensure that for each fiscal year at least one-half of the awards made contain a component designed to serve schools in which at least 50 percent of the students in the school are children counted under section 1123(c)(1)(A) (children from low-income families).

~~''NATIONAL RESPONSIBILITIES~~

~~''SEC. 3304. (a) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department of Education by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.~~

~~''(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—~~

~~''(1) use a peer review process in reviewing applications under this part;~~

~~''(2) ensure that information on the activities and results of projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and~~

~~''(3) evaluate the effectiveness of programs under this part, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress by January 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~~

of the State of Hawaii and primarily serving and representing Native Hawaiians.

"PART D—CHARTER SCHOOLS

"FINDINGS AND PURPOSE

"SEC. 3401. (a) FINDINGS.—The Congress finds that—

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State academic standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of them, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools;

"(3) the new schools developed through this process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if their leadership commits to attaining specific and ambitious educational results for students consistent with

~~challenging State content and performance standards for all students;~~

~~"(4) charter schools, as they have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains; and~~

~~"(5) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform.~~

~~"(b) PURPOSE.—It is the purpose of this part to increase national understanding of the charter schools model by—~~

~~"(1) providing financial assistance for the design and initial implementation of charter schools; and~~

~~"(2) evaluating the effects of those schools, including their effects on students, staff, and parents.~~

~~"PROGRAM AUTHORIZED~~

~~"SEC. 3402. (a) GENERAL.—The Secretary may make grants to eligible applicants for the design and initial operation of charter schools.~~

~~"(b) PROJECT PERIODS.—Each such grant shall be for a period of not more than three years, of which the grantee may use—~~

~~"(1) no more than 18 months for planning and program design; and~~

~~"(2) no more than two years for the initial implementation of the charter school.~~

~~"(c) LIMITATION.—The Secretary shall not make more than one grant to support a particular charter school.~~

~~"APPLICATIONS~~

~~"SEC. 3403. (a) APPLICATIONS REQUIRED.—Any eligible applicant that desires to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.~~

~~"(b) SCOPE OF APPLICATION.—Each such application may request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.~~

~~"(c) APPLICATION CONTENTS.—Each such application shall include, for each charter school for which assistance is sought—~~

~~"(1) a description of the educational program to be implemented by the proposed charter school, including—~~

~~"(A) how the program will enable all students to meet challenging State performance standards;~~

~~"(B) the grade levels or ages of children to be served; and~~

~~"(C) the curriculum and instructional practices to be used;~~

~~"(2) a description of how the school will be managed;~~

~~"(3) a description of—~~

~~"(A) the objectives of the school; and~~

~~"(B) the methods by which the school will determine its progress toward achieving those objectives;~~

~~"(4) a description of the administrative relationship between the charter school and the local educational agency or State educational agency that will authorize or approve the school's charter and act as the grantee under this part;~~

~~"(5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;~~

~~"(6) a description of how the State or local educational agency, as the case may be, will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school is successful;~~

~~"(7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;~~

~~"(8) a description of how the grant funds would be used;~~

~~"(9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary;~~

~~"(10) a description of how students in the community will be—~~

~~"(A) informed about the school; and~~

~~"(B) given an equal opportunity to attend the school;~~

~~"(11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving the objectives described under paragraph (3);~~

~~"(12) an assurance that the applicant will cooperate with the Secretary in evaluating the program authorized by this part; and~~

~~''(13) such other information and assurances as the Secretary may require.~~

~~''(d) STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—(1) A local educational agency that desires to receive a grant under this part shall obtain the State educational agency's approval of its application before submitting it to the Secretary.~~

~~''(2) A State educational agency that approves an application of a local educational agency shall provide the local educational agency, and such local agency shall include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in such local agency's application.~~

~~''SELECTION OF GRANTEES; WAIVERS~~

~~''SEC. 3404. (a) CRITERIA.—The Secretary shall select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as—~~

~~''(1) the quality of the proposed curriculum and instructional practices;~~

~~''(2) the degree of flexibility afforded by the State and, if applicable, the local educational agency to the school;~~

~~''(3) the extent of community support for the application;~~

~~"(4) the ambitiousness of the objectives for the school;~~

~~"(5) the quality of the plan for assessing achievement of those objectives; and~~

~~"(6) the likelihood that the school will meet those objectives and improve educational results for students.~~

~~"(b) PEER REVIEW.—The Secretary shall use a peer review process to review applications for grants under this section.~~

~~"(c) DIVERSITY OF PROJECTS.—The Secretary may approve projects in a manner that ensures, to the extent possible, that they—~~

~~"(1) are distributed throughout different areas of the Nation, including in urban and rural areas; and~~

~~"(2) represent a variety of educational approaches.~~

~~"(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any such requirement relating to the elements of a charter school described in section 3407(1), if—~~

~~"(1) the waiver is requested in an approved application or by a grantee under this part; and~~

~~"(2) the Secretary determines that granting such a waiver would promote the purpose of this part.~~

~~"USES OF FUNDS~~

~~"SEC. 3405. A recipient of a grant under this part may use the grant funds only for—~~

~~"(1) post-award planning and design of the educational program, which may include—~~

~~"(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and~~

~~"(B) professional development of teachers and other staff who will work in the charter school; and~~

~~"(2) initial implementation of the charter school, which may include—~~

~~"(A) informing the community about the school;~~

~~"(B) acquiring necessary equipment;~~

~~"(C) acquiring or developing curriculum materials; and~~

~~"(D) other operational costs that cannot be met from State or local sources.~~

~~''NATIONAL ACTIVITIES~~

~~''SEC. 3406. The Secretary may reserve up to 10 percent of the funds appropriated for this part for any fiscal year for—~~

~~''(1) peer review of applications under section 3404(b);~~

~~''(2) an evaluation of charter schools, including those assisted under this part; and~~

~~''(3) other activities designed to enhance the success of the program authorized by this part, such as bringing grantees together to share ideas and information.~~

~~''DEFINITIONS~~

~~''SEC. 3407. As used in this part, the following terms have the following meanings:~~

~~''(1) The term 'charter school' means a school that—~~

~~''(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;~~

~~''(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;~~

~~"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the State or local educational agency applying for a grant on behalf of the school;~~

~~"(D) provides a program of elementary or secondary education, or both;~~

~~"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;~~

~~"(F) does not charge tuition;~~

~~"(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;~~

~~"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;~~

~~"(I) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements~~

are specifically waived for the purpose of this program; and

"(J) meets all applicable Federal, State, and local health and safety requirements.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means a State educational agency or local educational agency, in partnership with a developer.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3408. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART E—ARTS IN EDUCATION

"SUPPORT FOR ARTS EDUCATION

"SEC. 3501. (a) FINDINGS.—The Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

~~"(2) the arts are important to excellent education and to effective school reform;~~

~~"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;~~

~~"(4) this transformation is best realized in the context of comprehensive, systemic education reform;~~

~~"(5) demonstrated competency in the arts for American students is among the National Education Goals; and~~

~~"(6) arts education should be an integral part of the elementary and secondary school curriculum.~~

~~"(b) PURPOSE.—The purposes of this part are to—~~

~~"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;~~

~~"(2) help ensure that all students have the opportunity to learn to challenging standards in the arts; and~~

~~"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.~~

~~"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to~~

make grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education; and

"(4) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art;

~~"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;~~

~~"(8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts;~~

~~"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and~~

~~"(10) other activities that further the purposes of this part.~~

~~"(e) COORDINATION.—(1) A recipient of funds under this part shall, to the extent possible, coordinate its project with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.~~

~~"(2) In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.~~

~~"(f) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated such~~

~~sums as may be necessary for each of the fiscal years 1995 through 1999.~~

~~''PART F—INEXPENSIVE BOOK DISTRIBUTION PROGRAM~~

~~''INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION~~

~~''SEC. 3601. (a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereinafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.~~

~~''(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—~~

~~''(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift or loan, to preschool, elementary, and secondary school children;~~

~~''(2) provide that funds made available by the Secretary will be used by the contractor only to pay the Federal share of the cost of such programs;~~

~~''(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—~~

~~''(A) low-income children, particularly in high-poverty areas;~~

~~''(B) children at risk of school failure;~~

~~''(C) children with disabilities, including children with serious emotional disturbance;~~

~~''(D) foster children;~~

~~''(E) homeless children;~~

~~''(F) migrant children;~~

~~''(G) children without access to libraries;~~

~~''(H) institutionalized or incarcerated children; and~~

~~''(I) children whose parents are institutionalized or incarcerated;~~

~~''(4) provide that the contractor will not provide Federal assistance under this section to any subcontractor for more than five years after the date of enactment of the Improving America's Schools Act of 1993 or the beginning of the subcontractor's program under this section (or its predecessor authority), whichever comes later, except that the contrac-~~

~~tor may continue to provide such assistance beyond such date if—~~

~~"(A) the program qualifies for priority treatment under paragraph (3); and~~

~~"(B) the contractor determines that, because of severe economic hardship facing the subcontractor and the local area it serves, the local program will be unable to continue without additional assistance under this section;~~

~~"(5) provide that, not later than three years from the date of enactment of the Improving America's Schools Act of 1993, the contractor will cease providing Federal assistance under this section to any subcontractor whose program—~~

~~"(A) received such assistance under section 1563 of this Act, as in effect before the date of enactment of the Improving America's Schools Act of 1993; and~~

~~"(B) does not qualify for priority treatment under paragraph (3);~~

~~"(6) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;~~

~~"(7) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and~~

~~"(8) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.~~

~~"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.~~

~~"(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means the portion of the cost to a subcontractor of purchasing books to be paid with funds made available under this section. The Federal share shall be established by the Secretary, and shall not exceed 75 percent, except for books to be distributed to children of migrant or seasonal farmworkers.~~

1 ~~''(e) AUTHORIZATION OF APPROPRIATIONS.—For the~~
2 ~~purpose of carrying out this section, there are authorized~~
3 ~~to be appropriated such sums as may be needed for each~~
4 ~~of the fiscal years 1995 through 1999.~~

5 ~~''TITLE IV—SAFE AND DRUG-FREE SCHOOLS~~
6 ~~AND COMMUNITIES~~

7 ~~''FINDINGS~~

8 ~~''SEC. 4001. The Congress finds as follows:~~

9 ~~''(1) National Education Goal Six provides that~~
10 ~~by the year 2000, all schools in America will be free~~
11 ~~of drugs and violence and offer a disciplined environ-~~
12 ~~ment that is conducive to learning.~~

13 ~~''(2) The widespread use of alcohol and other~~
14 ~~drugs among the Nation's secondary school stu-~~
15 ~~dents, and increasingly by students in elementary~~
16 ~~schools as well, constitutes a grave threat to their~~
17 ~~physical and mental well-being, and significantly im-~~
18 ~~pedes the learning process. For example, data show~~
19 ~~that students who drink tend to receive lower grades~~
20 ~~and are more likely to miss school because of illness~~
21 ~~than students who do not drink.~~

22 ~~''(3) Our Nation's schools and communities are~~
23 ~~increasingly plagued by violence and crime. Approxi-~~
24 ~~mately three million thefts and violent crimes occur~~
25 ~~in or near our Nation's schools every year, the~~

equivalent of more than 16,000 incidents per school day. Approximately one of every five high school students now carries a firearm, knife, or club on a regular basis.

''(4) The tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

''(5) Alcohol and tobacco (nicotine) are the most widely used drugs among young people today. Both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address all drugs.

''(6) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities

throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(7) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, disciplined, and drug-free learning environment.

"PURPOSE

"SEC. 4002. The purpose of this title is to support programs to meet Goal Six of the National Educational Goals by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

~~''(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;~~

~~''(3) States for development, training, technical assistance, and coordination activities;~~

~~''(4) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities;~~

~~''(5) a national center to provide training and technical assistance to institutions providing post-secondary education in developing and implementing model programs and strategies to prevent violence and illegal drug use by students at such institutions; and~~

~~''(6) public and private nonprofit organizations to conduct training, demonstrations, research, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth.~~

~~''AUTHORIZATION OF APPROPRIATIONS~~

~~''SEC. 4003. There are authorized to be appropriated—~~

~~"(1) for State grants under part A, such sums as may be necessary for each of fiscal years 1995 through 1999;~~

~~"(2) for postsecondary programs under part B, such sums as may be necessary for each of fiscal years 1995 through 1999; and~~

~~"(3) for national programs under part C, such sums as may be necessary for each of fiscal years 1995 through 1999.~~

~~"PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS~~

~~"RESERVATIONS AND ALLOTMENTS~~

~~"SEC. 4101. (a) RESERVATIONS.—From the amount appropriated for each fiscal year under section 4003(1), the Secretary—~~

~~"(1) shall reserve no more than one-half of 1 percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), to be allotted in accordance with the Secretary's determination of their respective needs;~~

~~"(2) shall reserve no more than 1 percent of such amount for the Secretary of the Interior to~~

~~carry out programs under this part for Indian youth; and~~

~~"(3) may reserve no more than $1,000,000 for the national impact evaluation required by section 4108(a).~~

~~"(b) STATE ALLOTMENTS.—(1) Except as provided under paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—~~

~~"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and~~

~~"(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Improving America's Schools Act of 1993) and the sum of such amounts received by all the States.~~

~~"(2) For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.~~

1 ~~''(3) The Secretary may reallot 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 reallotments 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.~~

~~"(2) The chief executive officer shall also appoint representatives of other appropriate State agencies or offices as members of the Council.~~

~~"(c) FUNCTIONS OF COUNCIL.—The Council established or designated under this section shall—~~

~~"(1) review and comment on the development of the State's application under section 4103, including the chief executive officer's and State education agency's comprehensive plans under sections 4103 (b) and (c);~~

~~"(2) disseminate information about drug and violence prevention initiatives within the State, including programs funded under sections 4104 and 4105;~~

~~"(3) advise the chief executive officer and the State educational agency on how to coordinate the State's activities under this part with other available resources; and~~

~~"(4) advise the chief executive officer and the State educational agency on the planning and implementation of program evaluation activities and make recommendations on how to improve the State's program, including the formulation of measurable goals.~~

~~"STATE APPLICATIONS~~

~~"SEC. 4103. (a) IN GENERAL.—In order to receive its allotment under section 4101 for any fiscal year, a~~

~~State shall submit to the Secretary, at such time as the Secretary may require, an application that—~~

~~"(1)(A)(i) is integrated into the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; and~~

~~"(ii) is submitted, if necessary, as an amendment to the State's plan under title III of the Goals 2000: Educate America Act; or~~

~~"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section;~~

~~"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of ongoing State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;~~

~~"(3) contains a list of the members, and the interests or organizations they represent, of the State Drug and Violence Prevention Coordinating Council;~~

~~"(4) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4106;~~

~~"(5) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4108(a); and~~

~~"(6) includes any other information the Secretary may require.~~

~~"(b) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4104(a) by the chief executive officer that includes—~~

~~"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;~~

~~"(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;~~

~~"(3) a description of how funds reserved under section 4104(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;~~

~~"(4) a description of how the chief executive officer will award funds under section 4104(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and~~

~~"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.~~

~~"(c) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4105(a) by the State educational agency that includes—~~

~~"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the proce-~~

~~dures it will use for assessing and publicly reporting progress toward meeting those goals and objectives;~~

~~"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4107;~~

~~"(3) a description of how the State educational agency will use funds it reserves under section 4105(b);~~

~~"(4) a description of how the State educational agency will coordinate its activities under this part with the chief executive officer's drug and violence prevention programs under this part and with the prevention efforts of other State agencies; and~~

~~"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 4105(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.~~

~~"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this 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 ~~5 percent of the amount reserved under subsection (a)(1)~~
23 ~~for the administrative costs incurred in carrying out the~~
24 ~~duties of such officer under this section, including the cost~~
25 ~~of the State Drug and Violence Prevention Coordinating~~
26 ~~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~~
4 ~~action and job training agencies, community-based organi-~~
5 ~~zations, and other public entities and private nonprofit or-~~
6 ~~ganizations. 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;~~

~~''(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;~~

~~''(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;~~

~~''(5) activities to protect students traveling to and from school;~~

~~''(6) developing and implementing strategies to prevent illegal gang activity;~~

~~''(7) coordinating and conducting community-wide violence and safety assessments and surveys; and~~

~~''(8) evaluating programs and activities under this section.~~

~~''STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS~~

~~''SEC. 4105. (a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the State educational agency and its local educational~~

~~agencies for drug and violence prevention activities in accordance with this section.~~

~~"(b) STATE LEVEL PROGRAMS.—(1) A State educational agency shall use no more than 5 percent of the amount reserved under subsection (a) for activities such as—~~

~~"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, other educational personnel, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;~~

~~"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;~~

~~"(C) demonstration projects in drug and violence prevention;~~

~~"(D) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and~~

~~"(E) evaluation activities required by this subpart.~~

~~"(2) A State educational agency may carry out activities under this subsection directly, or through grants or contracts.~~

~~"(c) STATE ADMINISTRATION.—A State educational agency may use no more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.~~

~~"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1) A State educational agency shall distribute not less than 90 percent of the amount reserved under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.~~

~~"(2)(A) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—~~

~~"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit schools within their boundaries; and~~

~~"(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.~~

1 ~~"(B)(i) A State educational agency shall distribute~~
2 ~~funds under subparagraph (A)(ii) to no more than 10 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-~~

~~cational agency, the State educational agency shall reallocate such amount to one or more of the local education agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.~~

~~''LOCAL APPLICATIONS~~

~~''SEC. 4106. (a) IN GENERAL.—(1) In order to be eligible to receive an allocation under section 4105(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.~~

~~''(2)(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.~~

~~''(B) In addition to assisting the local educational agency to develop its application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an on-going basis—~~

~~"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;~~

~~"(ii) advise the local educational agency on how best to coordinate its activities under this part with other related programs, projects, and activities and the agencies that administer them; and~~

~~"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve its drug and violence prevention programs.~~

~~"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—~~

~~"(1) a needs assessment of the current alcohol, tobacco, and other drug problems as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on on-going local assessment or evaluation activities;~~

~~"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and~~

~~violence prevention, which shall include a description of—~~

~~"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 4103 and the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the local educational agency does not have such an approved plan and is not developing one, its plan under section 1112 of this Act;~~

~~"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how it will assess and publicly report progress toward attaining these goals;~~

~~"(C) if the local educational agency intends to use funds under this part to implement an expanded drug and violence prevention program under section 4107(c), an explanation of how the local educational agency is already meeting the requirements of a basic drug and violence prevention program under section 4107(b), regardless of the source of funds used;~~

~~"(D) how the local educational agency will use its regular allocation under section 4105(d)(2)(A)(i) and its supplemental allocation, if any, under section 4105(d)(2)(A)(ii);~~

~~"(E) how the local educational agency will coordinate its programs and projects with community-wide efforts to achieve its goals for drug and violence prevention; and~~

~~"(F) how the local education agency will coordinate its programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and~~

~~"(3) such other information and assurances as the State educational agency may reasonably require.~~

~~"(c) REVIEW OF APPLICATION.—(1) A State educational agency shall use a peer review process in reviewing local applications under this section.~~

~~"(2)(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which it is consistent with, and supports, the State's application under section 4103~~

~~and the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act.~~

~~''(B) A State educational agency shall not permit a local educational agency to use funds under this part to implement an expanded drug and violence prevention program under section 4107(c) unless it determines that the local educational agency is already meeting (regardless of the source of funds) the requirements of a basic drug and violence prevention program under section 4107(b).~~

~~''(C) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under the Goals 2000: Educate America Act, and if the State does not have such a plan, its plan under section 1111 of this Act.~~

~~''LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS~~

~~''SEC. 4107. (a) USE OF FUNDS.—Except as permitted under subsection (c), a local educational agency shall use funds received under this part to adopt and implement a basic drug and violence prevention program described under subsection (b).~~

~~"(b) BASIC PROGRAM.—(1) A basic drug and violence prevention program under this part shall—~~

~~"(A) be designed, for all students and employees, to—~~

~~"(i) prevent the illegal use, possession, and distribution of alcohol, tobacco, and other drugs;~~

~~"(ii) prevent violence and promote school safety; and~~

~~"(iii) create a disciplined environment conducive to learning;~~

~~"(B) include mandatory standards of conduct for students and employees, which clearly describe the sanctions that will be imposed for violations of the standards and which are distributed to all students, parents, and employees;~~

~~"(C) include, with respect to drug prevention—~~

~~"(i) age-appropriate, developmentally based education and prevention programs for all students, from the early childhood level through grade 12, that address the legal, social and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;~~

~~"(ii) professional development programs for school personnel who provide the education and prevention programs required by subsection (b)(1)(C)(i);~~

~~"(iii) activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessments, goals, and programs under subsection (b)(1)(C)(i); and~~

~~"(iv) the distribution of information to all students and employees about resources for drug and alcohol counseling, rehabilitation, and re-entry programs that are available in the community; and~~

~~"(D) include, with respect to violence prevention—~~

~~"(i) age-appropriate, developmentally based education and prevention programs for all students, from the early childhood level through grade 12, that address the legal, personal, and social consequences of violent and disruptive behavior, including sexual harassment, and that include activities designed to help students develop a sense of individual responsibility and re-~~

~~spect for the rights of others, and to resolve conflicts without violence;~~

~~''(ii) professional development programs for school personnel who provide the education and prevention programs required by subsection (b)(1)(D)(i);~~

~~''(iii) activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessment, goals and programs under subsection (b)(1)(D)(i); and~~

~~''(iv) the distribution of information to all students and employees about resources for counseling, re-entry, and conflict resolution that are available in the community.~~

~~''(2) In implementing its basic drug and violence prevention program under subsection (b) or its expanded program under subsection (c), a local educational agency may use no more than 33 percent of the funds it receives under this part for any fiscal year for—~~

~~''(A) minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks; and~~

~~"(B) acquiring and installing metal detectors and hiring security personnel.~~

~~"(c) EXPANDED PROGRAM.—(1) A local educational agency that demonstrates to the satisfaction of the State educational agency that it has adopted and implemented a basic drug and violence prevention program described under subsection (b) may use funds received under this subpart to supplement its basic program, to carry out one or more of the activities described in paragraph (2), or both.~~

~~"(2) A local educational agency described in paragraph (1) may use funds received under this subpart for—~~

~~"(A) programs of drug prevention, health education, early intervention, counseling, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and may include—~~

~~"(i) the dissemination of information about drug prevention;~~

~~"(ii) the training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers, and community leaders in prevention, education, early intervention, counseling, or rehabilitation referral; and~~

~~''(iii) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol and other drug use, such as—~~

~~''(I) family counseling;~~

~~''(II) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and~~

~~''(III) activities, such as community service projects, that are designed to increase students' sense of community;~~

~~''(B) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—~~

~~''(i) the dissemination of information about school safety and discipline;~~

~~''(ii) the training of school personnel, parents, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;~~

~~''(iii) the implementation of strategies, such as conflict resolution and peer mediation and the use of mentoring programs, to combat~~

school violence and other forms of disruptive behavior, such as sexual harassment; and

''(iv) comprehensive, community-wide strategies to prevent or reduce illegal gang activity;

''(C) the promotion of before- and after-school recreational, instructional, cultural, and artistic programs in supervised community settings; and

''(D) the evaluation of any of the activities authorized by subsection (c).

''EVALUATION AND REPORTING

''SEC. 4108. (a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs under this part and submit a report of the findings of such evaluation to the President and the Congress.

''(b) STATE REPORT.—(1) By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

''(A) on the implementation and outcomes of State programs under section 4104 and section

~~4105(b) and local programs under section 4105(d), as well as an assessment of their effectiveness; and~~

~~"(B) on the State's progress toward attaining its goals for drug and violence prevention under sections 4103 (b)(1) and (c)(1).~~

~~"(2) The report required by this subsection shall be—~~

~~"(A) in the form specified by the Secretary;~~

~~"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and~~

~~"(C) made readily available to the public.~~

~~"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.~~

~~"PART B—POSTSECONDARY DRUG AND VIOLENCE PREVENTION PROGRAMS~~

~~"GRANTS TO INSTITUTIONS OF HIGHER EDUCATION~~

~~"SEC. 4201. (a) IN GENERAL.—From funds appropriated under section 4003(2), the Secretary is authorized~~

to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students.

''(b) APPLICATIONS.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

''(c) EQUITABLE PARTICIPATION.—The Secretary shall make every reasonable effort to ensure the equitable participation of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

''NATIONAL CENTER

''SEC. 4202. From funds appropriated under section 4003(2), the Secretary is authorized to support, through a grant to, or a contract with, an institution of higher

~~education, a public or private nonprofit organization, or a for-profit organization, a national center to provide training and technical assistance to institutions providing postsecondary education, including for-profit institutions, in developing, implementing, evaluating, validating, replicating, and disseminating model programs and strategies to prevent violence and the use of illegal drugs by students at such institutions.~~

~~''PART C—NATIONAL PROGRAMS~~

~~''FEDERAL ACTIVITIES~~

~~''SEC. 4301. (a) PROGRAM AUTHORIZED.—From funds appropriated under section 4003(3), the Secretary of Education, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, prekindergarten through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—~~

~~"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;~~

~~"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;~~

~~"(3) drug and violence prevention research that is coordinated with other Federal agencies and is directed toward improving programs and activities under this title;~~

~~"(4) program evaluations that address issues not addressed under section 4108(a);~~

~~"(5) direct services to schools and school systems afflicted with especially severe drug and violence problems;~~

~~"(6) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;~~

~~"(7) developing and disseminating drug and violence prevention materials, including model curricula; 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~~

~~responsibility and respect for the rights of others.~~

~~"(2) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.~~

~~"(3) The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.~~

~~"(4) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.~~

~~"MATERIALS~~

~~"SEC. 4402. (a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this title shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.~~

~~''(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this title, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.~~

~~''PROHIBITED USES OF FUNDS~~

~~''SEC. 4403. No funds under this title may be used for—~~

~~''(1) construction (except for minor remodeling needed to accomplish the purposes of this title);~~

~~''(2) drug treatment or rehabilitation; and~~

~~''(3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.~~

~~''TITLE V—PROMOTING EQUITY~~

~~''PART A—MAGNET SCHOOLS ASSISTANCE~~

~~''FINDINGS~~

~~''SEC. 5101. The Congress finds that—~~

~~''(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in its schools;~~

~~''(2) the use of magnet schools has increased dramatically since enactment of this program, with approximately 1.4 million students nationwide now~~

~~attending such schools, of which more than 60 percent of the students are nonwhite;~~

~~"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;~~

~~"(4) in administering this program, the Federal Government has learned that—~~

~~"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of magnet students from other students in the school;~~

~~"(B) school districts can maximize their effectiveness in achieving the purposes of this program if they have more flexibility to serve students attending a school who are not enrolled in the magnet school program;~~

~~"(C) school districts must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;~~

~~"(D) school districts must seek to enable participation in magnet school programs by stu-~~

~~dents who reside in the neighborhoods where the programs are placed; and~~

~~"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance;~~

~~"(5) it is in the best interest of the Federal Government to—~~

~~"(A) continue its support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds beginning at the earliest stage of their education;~~

~~"(B) ensure that all students have equitable access to quality education that will prepare them to function well in a culturally diverse, technologically-oriented, and highly competitive global community; and~~

~~"(C) maximize the ability of school districts to plan, develop, implement and continue new and innovative magnet schools that contribute to State and local systemic reform.~~

~~''STATEMENT OF PURPOSE~~

~~''SEC. 5102. The purpose of this part is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for—~~

~~''(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;~~

~~''(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging performance State standards;~~

~~''(3) the development and design of innovative educational methods and practices; and~~

~~''(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.~~

~~''PROGRAM AUTHORIZED~~

~~''SEC. 5103. The Secretary is authorized, in accordance with this part, to make grants to eligible local educational agencies for use in magnet schools that are part of an approved desegregation plan and that are designed~~

~~to bring students from different social, economic, ethnic, and racial backgrounds together.~~

~~''DEFINITION~~

~~''SEC. 5104. For the purpose of this part, the term 'magnet school' means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.~~

~~''ELIGIBILITY~~

~~''SEC. 5105. A local educational agency is eligible to receive assistance under this part if it—~~

~~''(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or~~

~~''(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.~~

~~''APPLICATIONS AND REQUIREMENTS~~

~~''SEC. 5106. (a) APPLICATIONS.—An eligible local educational agency desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.~~

~~''(b) INFORMATION AND ASSURANCES.—An application under this part shall include—~~

~~''(1) a description of—~~

~~''(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;~~

~~''(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;~~

~~''(C) the manner in which an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this~~

~~part have been continued without the use of funds under this part;~~

~~"(D) how funds under this part will be used to implement services and activities that are consistent with—~~

~~"(i) the State's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and~~

~~"(ii) the local educational agency's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and~~

~~"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and~~

~~"(2) assurances that the applicant will—~~

~~"(A) use funds under this part for the purposes specified in section 5103;~~

~~"(B) employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach the subject matter of the courses of instruction;~~

~~"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—~~

~~"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;~~

~~"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and~~

~~"(iii) designing or operating extracurricular activities for students;~~

~~"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and~~

~~"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.~~

~~"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.~~

~~"PRIORITY~~

~~"SEC. 5107. In approving applications under this part, the Secretary shall give priority to applicants that—~~

~~"(1) have the greatest need for assistance, based on the expense or difficulty of effectively car-~~

~~rying out an approved desegregation plan and the projects for which assistance is sought;~~

~~''(2) propose to carry out new magnet school projects or significantly revise existing magnet school projects;~~

~~''(3) propose to implement innovative educational approaches that are consistent with the State's and the local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act;~~

~~''(4) propose to select students to attend magnet school projects by lottery, rather than through academic examination; and~~

~~''(5) propose to draw on comprehensive community plans for educational improvement, school and residential desegregation, and community renewal.~~

~~''USE OF FUNDS~~

~~''SEC. 5108. (a) USE OF FUNDS.—Grants made under this part may be used by eligible local educational agencies—~~

~~''(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;~~

~~''(2) for the acquisition of books, materials, and equipment, including computers and the mainte-~~

~~nance and operation thereof, necessary for the conduct of programs in magnet schools;~~

~~"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State and who are necessary for the conduct of programs in magnet schools; and~~

~~"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—~~

~~"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and~~

~~"(B) further the purposes of this part.~~

~~"(b) SPECIAL RULE.—With respect to subsections (a) (2) and (3), such grants may be used by eligible local educational agencies for such activities only if those activities are directly related to improving the students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.~~

~~''PROHIBITIONS~~

~~''SEC. 5109. Grants under this part may not be used for transportation, or for any activity that does not augment academic improvement.~~

~~''LIMITATION ON PAYMENTS~~

~~''SEC. 5110. (a) DURATION OF AWARDS.—Awards made under this part shall not exceed four years.~~

~~''(b) LIMITATION ON PLANNING FUNDS.—(1) A local educational agency may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 25 percent for the second year of the project, and 10 percent for the third year of the project.~~

~~''(2) A local educational agency shall not expend funds under this part for planning after the third year of the project.~~

~~''(c) FEDERAL SHARE.—The Federal share of the cost of any project under this part shall not exceed 100 percent for the first and second years of the project, 90 percent for the third year, and 70 percent for the fourth year.~~

~~''(d) LIMITATION ON GRANTS.—No local educational agency shall receive more than $4,000,000 under this part in any one grant cycle.~~

~~''(e) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award~~

~~grants to local educational agencies under this part no later than June 30 of the applicable fiscal year.~~

~~''AUTHORIZATION OF APPROPRIATONS; RESERVATION~~

~~''SEC. 5111. (a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.~~

~~''(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—(1) In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to local educational agencies that did not receive a grant under this part in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made.~~

~~''(c) EVALUATIONS.—The Secretary may reserve no more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this part.~~

~~''PART B—EQUALIZATION ASSISTANCE~~

~~''TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY~~

~~''SEC. 5201. (a) TECHNICAL ASSISTANCE.—(1) The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State edu-~~

~~cational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist them in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.~~

~~''(2) ACTIVITIES.—A grant or contract under this section may support technical assistance activities, such as—~~

~~''(A) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;~~

~~''(B) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and~~

~~''(C) obtaining advice from experts in the field of school finance equalization.~~

~~''(b) RESEARCH.—(1) The Secretary is authorized to carry out applied research and analysis designed to further knowledge and understanding of methods to achieve greater equity in the distribution of financial resources among local educational agencies.~~

~~''(2) The Secretary may carry out research under this subsection directly or through grants to, or contracts or~~

~~cooperative agreements with, any public or private organization.~~

~~"(3) In carrying out this section, the Secretary is authorized to—~~

~~"(A) support research on the equity of existing State school funding systems;~~

~~"(B) train individuals in such research;~~

~~"(C) promote the coordination of such research;~~

~~"(D) collect and analyze data related to school finance equity in the United States and other nations; and~~

~~"(E) report periodically on the progress of States in achieving school finance equity.~~

~~"(4) The Secretary shall coordinate activities under this subsection with activities carried out by the Office of Educational Research and Improvement.~~

~~"(5) Each State educational agency or local educational agency receiving assistance under this Act shall provide such data and information on school finance as the Secretary may require to carry out the purposes of this section.~~

~~"(c) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful~~

~~to States in planning and implementing revisions of their school finance systems.~~

~~''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.~~

~~''PART C—WOMEN'S EDUCATIONAL EQUITY~~

~~''FINDINGS~~

~~''SEC. 5301. FINDINGS.—The Congress finds that—~~

~~''(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;~~

~~''(2) because of funding provided under the Women's Educational Equity Act, there are now many more curricula, training and other educational materials concerning educational equity for women and girls available for national dissemination;~~

~~''(3) however, significant gender inequities still exist in teaching and learning practices, for example—~~

~~''(A) sexual harassment, particularly that experienced by girls, is a significant problem in schools, undermining the ability of schools to~~

provide a safe and equitable learning or workplace environment;

"(B) girls receive significantly less attention from classroom teachers than boys, and girls of color have less interaction with teachers than all other girls;

"(C) educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

"(D) girls do not take as many mathematics and science courses as boys, they lose confidence in their mathematics and science ability as they move through adolescence, there are few women role models in the sciences, and women continue to be concentrated in low-paying, traditionally female jobs that do not require mathematics and science skills; and

"(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address this population;

"(4) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote

~~gender equity, but, to the extent feasible, also help schools and local communities implement and institutionalize gender equitable practices;~~

~~''(5) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and~~

~~''(6) excellence in education, high educational achievements and standards, and the full participation of women and girls in American Society cannot be achieved without educational equity for women and girls.~~

~~''STATEMENT OF PURPOSES~~

~~''SEC. 5302. The purposes of this part are to—~~

~~''(A) promote educational equity for women and girls in the United States and to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Education Amendments of 1972;~~

~~''(B) promote educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on gender and on race, ethnic origin, disability, or age; and~~

~~''(C) help ensure that all women and girls have equal opportunity to achieve to high educational standards.~~

~~''PROGRAM AUTHORIZED~~

~~''SEC. 5303. The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, and institutions, including student and community groups, and individuals, to achieve the purposes of this part by providing support and technical assistance for—~~

~~''(1) the implementation of effective gender-equity policies and practices at all educational levels, including—~~

~~''(A) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972, including preventing the sexual harassment of students and employees;~~

~~''(B) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, to ensure that gender equity pervades their teaching and learning practices;~~

~~''(C) leadership training to allow women and girls to develop professional and marketable skills to compete in the global marketplace,~~

~~improve self-esteem, and benefit from exposure to positive role models;~~

~~''(D) school-to-work transition programs and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which they have been underrepresented;~~

~~''(E) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited English proficiency, disability, or age; and~~

~~''(F) assisting pregnant students and students rearing children to remain in high school, graduate, and prepare their preschool children to start school; and~~

~~''(2) research and development designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable, including—~~

~~''(A) research and development designed to advance gender equity, including the develop-~~

~~ment of innovative strategies to improve teaching and learning practices;~~

~~''(B) the development of high quality and challenging assessment instruments that are free of gender bias;~~

~~''(C) the evaluation of curricula, textbooks, and other educational materials to ensure the absence of gender stereotyping and bias;~~

~~''(D) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;~~

~~''(E) the development of new dissemination and replication strategies; and~~

~~''(F) updating high quality educational materials previously developed through awards made under this part.~~

~~''APPLICATIONS~~

~~''SEC. 5304. (a) APPLICATIONS.—(1) A grant may be made, and a contract or cooperative agreement may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe.~~

~~''(2) Each application shall—~~

~~"(A) set forth policies and procedures that will ensure a comprehensive evaluation of the activities carried out under the project, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;~~

~~"(B) demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals set out in title I of the Goals 2000: Educate America Act and support the implementation of State and local plans for systemic reform, if any, approved under title III of such Act;~~

~~"(C) demonstrate how the applicant will address perceptions of gender roles based on cultural and linguistic differences or stereotypes;~~

~~"(D) describe how funds under this part will be used in a manner that is consistent with and promotes the implementation of State and local programs under the School-to-Work Opportunities Act of 1993;~~

~~"(E) for applications for projects under section 5303(1), demonstrate how the applicant will foster partnerships and share resources with State edu-~~

~~cational agencies, local educational agencies, institutions of higher education, and other recipients of Federal educational funding; and~~

~~"(F) for applications for projects under section 5303(1), demonstrate how parental involvement in the project will be encouraged.~~

~~"(b) SPECIAL RULE.—In approving applications under this part, the Secretary shall give special consideration to applications—~~

~~"(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act as in effect prior to October 1, 1988;~~

~~"(2) for projects that would contribute significantly to directly improving teaching and learning practices in the local community; and~~

~~"(3) for projects that would—~~

~~"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies; and~~

~~"(B) draw on a variety of resources, including local educational agencies, community-based organizations, institutions of higher education, 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

~~as may be necessary for each of the fiscal years 1995 through 1999.~~

~~''TITLE VI—INDIAN EDUCATION~~

~~''FINDINGS~~

~~''SEC. 6001. The Congress finds that—~~

~~''(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—~~

~~''(A) are based on high-quality, internationally competitive content and student performance standards and build on Indian culture and the Indian community; and~~

~~''(B) assist local educational agencies, Indian tribes, and others in providing Indian students the opportunity to learn to those standards;~~

~~''(2) since enactment of the original Indian Education Act in 1972, Indian parents have become significantly more involved in the planning, development, and implementation of educational programs that affect them and their children, and schools should continue to foster this involvement;~~

~~''(3) although the numbers of Indian teachers, administrators, and university professors have in-~~

creased since 1972, teacher training programs are not recruiting, training, or retraining sufficient numbers of Indian persons as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

''(4) the dropout rate for Indian students is unacceptably high; for example, nine percent of Indian students who were 9th graders in 1988 had already dropped out of school by 1990;

''(5) from 1980 to 1990, the percentage of Indian persons living in poverty increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and families; and

''(6) research related specifically to the education of Indian children and adults is very limited, and much of it is poor in quality or focused on limited local or regional issues.

''PURPOSE

''SEC. 6002. (a) It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, State educational agencies, postsecondary institutions, and other entities to meet the unique educational needs of American Indians and Alaska Natives,

so that they can achieve to the same challenging State performance standards expected of all students.

"(b) This title carries out this purpose by authorizing programs of direct assistance for—

"(1) the education of Indian children and adults;

"(2) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(3) research, evaluation, data collection, and technical assistance.

"PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"PURPOSE

"SEC. 6101. It is the purpose of this part to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students, in order to ensure that those programs—

"(1) are based on challenging State content and student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

~~''GRANTS TO LOCAL EDUCATIONAL AGENCIES~~

~~''SEC. 6102. A local educational agency is eligible for a grant under this part for any fiscal year if the number of Indian children who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—~~

~~''(1) was at least 20; or~~

~~''(2) constituted at least 25 percent of the agency's total enrollment.~~

~~''AMOUNT OF GRANTS~~

~~''SEC. 6103. (a) AMOUNT OF GRANTS.—(1) The Secretary is authorized to allocate to each local educational agency whose application has been approved under this part an amount equal to the product of—~~

~~''(A) the number of Indian children described in section 6102; and~~

~~''(B) the greater of—~~

~~''(i) the average per-pupil expenditure of the State in which the agency is located; or~~

~~''(ii) 80 percent of the average per-pupil expenditure in the United States.~~

~~''(2) The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e) of this section.~~

~~''(b) MINIMUM GRANT AMOUNT.—The Secretary shall not make any grant to a local educational agency~~

if the amount determined under subsection (a) is less than $4,000, except that the Secretary may make a grant to a consortium of local educational agencies, one or more of which does not qualify for such a minimum award, if—

"(1) the total amount so determined for those agencies is at least $4,000;

"(2) those agencies, in the aggregate, meet the eligibility requirement of either section 6102(1) or 6102(2); and

"(3) the Secretary determines that such a grant would be effectively used to carry out the purpose of this part.

"(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State is determined by dividing—

"(1) the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; by

"(2) the aggregate number of children who were in average daily attendance for whom such

agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—(1) In addition to the grants determined under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall transfer the amount determined under paragraph (1), reduced as may be

~~necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 9205 of this Act.~~

~~''(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.~~

~~''APPLICATIONS~~

~~''SEC. 6104. (a) GENERAL.—Any local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.~~

~~''(b) COMPREHENSIVE PLAN REQUIRED.—Each such application shall include a comprehensive plan for meeting the needs of Indian children in the local educational agency, including their language and cultural needs, that—~~

~~''(1)(A) is consistent with, and promotes the goals in, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and~~

~~"(B) includes academic content and student performance goals for those children, and benchmarks for attaining them, that are based on the challenging State standards adopted under title III of the Goals 2000: Educate America Act or under title I of this Act for all children;~~

~~"(2) explains how Federal, State, and local programs, especially under title I of this Act, will meet the needs of those students;~~

~~"(3) demonstrates how funds under this part will be used for activities authorized by section 6106;~~

~~"(4) describes the professional development to be provided, as needed, to ensure that—~~

~~"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and~~

~~"(B) all teachers who will be involved in the project have been properly trained to carry it out; and~~

~~"(5) describes how the agency—~~

~~"(A) will periodically assess the progress of all Indian children in its schools, including those not participating in programs under this~~

~~part, in meeting the goals described in paragraph (1);~~

~~''(B) will provide the results of that assessment to the parent committee described in subsection (c)(8) and to the community served by the agency; and~~

~~''(C) is responding to findings of any previous such assessments.~~

~~''(c) ASSURANCES.—Each such application shall also include assurances that—~~

~~''(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of such Federal funds, the agency would make available for the education of Indian children, and not to supplant such funds;~~

~~''(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—~~

~~''(A) carry out the Secretary's functions under this part; and~~

~~''(B) determine the extent to which funds provided under this part have been effective in improving the educational achievement of Indian students in the local educational agency;~~

~~"(3) the program for which assistance is sought will use the best available talents and resources, including persons from the Indian community;~~

~~"(4) the local educational agency has developed the program in open consultation with parents of Indian children, teachers, and, where appropriate, secondary school Indian students, including holding public hearings at which these persons have had a full opportunity to understand the program and to offer recommendations on it;~~

~~"(5) the local educational agency has developed the program with the participation and written approval of a committee—~~

~~"(A) that is composed of, and selected by, parents of Indian children in the local educational agency's schools, teachers, and, where appropriate, secondary school Indian students; and~~

~~"(B) of which at least half the members are parents described in subparagraph (A); and~~

~~"(6) the parent committee described in paragraph (5) will adopt and abide by reasonable bylaws for the conduct of the activities of the committee.~~

~~"(d) STATE EDUCATIONAL AGENCY REVIEW.—(1) Before submitting its application to the Secretary, the~~

~~local educational agency shall obtain comments on the application from the State educational agency.~~

~~''(2) The local educational agency shall send the State educational agency's comments to the Secretary with its application.~~

~~''AUTHORIZED SERVICES AND ACTIVITIES~~

~~''SEC. 6105. (a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this part shall use the grant funds for services and activities, consistent with the purpose of this part, that—~~

~~''(1) are designed to carry out its comprehensive plan for Indian students, described in its application under section 6104(b);~~

~~''(2) are designed with special regard for the language and cultural needs of those students; and~~

~~''(3) supplement and enrich the regular school program.~~

~~''(b) PARTICULAR ACTIVITIES.—Such services and activities include, but are not limited to—~~

~~''(1) early childhood and family programs that emphasize school readiness;~~

~~''(2) enrichment programs that focus on problem-solving and cognitive skills development and that directly support the attainment of challenging State content and student performance standards;~~

~~"(3) integrated educational services in combination with other programs meeting similar needs;~~

~~"(4) school-to-work transition activities to enable Indian students to participate in programs such as those supported by the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, including tech-prep programs;~~

~~"(5) prevention of, and education about, substance abuse; and~~

~~"(6) acquisition of equipment, but only if it is essential to meet the purpose of this part.~~

~~"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of this part, a local educational agency may use funds it receives under this part to support a schoolwide program under section 1114 of title I of this Act, in accordance with such section, if the Secretary determines that the local educational agency has made adequate provision for the participation of Indian children, and the involvement of Indian parents, in such project.~~

~~"STUDENT ELIGIBILITY FORMS~~

~~"SEC. 6106. Each local educational agency that applies for a grant under this part shall maintain in its files a form, prescribed by the Secretary, for each Indian child described in section 6102, which shall contain at least—~~

~~"(1) the child's name;~~

~~"(2) the name of the Indian tribe or band of Indians in which membership is claimed; and~~

~~"(3) the parent's signature.~~

~~"PAYMENTS~~

~~"SEC. 6107. (a) GENERAL.—The Secretary shall pay each local educational agency with an application approved under this part the amount determined under section 6103, subject to subsections (b) and (c) of this section.~~

~~"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary shall not make a grant under this part for any fiscal year to any local educational agency in a State that has taken into consideration payments under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.~~

~~"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not pay any local educational agency the full amount determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by that local agency for the preceding fiscal year, computed on either a per-student or~~

~~aggregate expenditure basis, was at least 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.~~

~~"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its fiscal effort at the 90 percent level required by paragraph (1), the Secretary shall—~~

~~"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of that agency's failure to maintain its fiscal effort at that level; and~~

~~"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).~~

~~"(3)(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.~~

~~"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding~~

the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

''(d) REALLOCATIONS.—The Secretary may reallocate, in the manner the Secretary determines will best carry out the purpose of this part, any amounts that—

''(1) based on estimates by local educational agencies or other information, will not be needed by those agencies to carry out their approved projects under this part; or

''(2) otherwise become available for reallocation under this part.

''PART B—DISCRETIONARY PROGRAMS TO IMPROVE EDUCATIONAL ACHIEVEMENT OF INDIAN CHILDREN

''GRANTS TO INDIAN-CONTROLLED SCHOOLS

''SEC. 6201. (a) PURPOSE.—It is the purpose of this section to support Indian-controlled schools by providing assistance to—

''(1) help Indian-controlled schools get started and established; and

''(2) pay for supplemental services that will—

~~"(A) enable Indian students to meet the same challenging State performance standards that all students will be expected to meet; and~~

~~"(B) assist the Nation in reaching the National Education Goals.~~

~~"(b) ELIGIBLE APPLICANTS.—Indian tribes and Indian organizations may apply under this section for grants for schools for Indian children.~~

~~"(c) PRIORITY.—(1) In making grants under this section, the Secretary shall give priority to applicants that are—~~

~~"(A) starting new schools with the approval of the Bureau of Indian Affairs; or~~

~~"(B) in the process of gaining control over a school operated by the Bureau of Indian Affairs.~~

~~"(2) To qualify for the priority under paragraph (1), an applicant must demonstrate to the Secretary's satisfaction that the school for which assistance is sought will—~~

~~"(A) receive funds under the Indian school equalization program established under the Education Amendments of 1978 within three years of the beginning of its proposed project; and~~

~~"(B) have been under the control of the applicant for less than three years as of the beginning of its proposed project.~~

1 ~~''(d) AUTHORIZED ACTIVITIES.—(1) Recipients of~~
2 ~~grants under this section shall use grant funds to carry~~
3 ~~out projects and activities that meet the purpose of this~~
4 ~~section.~~
5 ~~''(2) Such activities include, but are not limited to—~~
6 ~~''(A) student assessments;~~
7 ~~''(B) curriculum development;~~
8 ~~''(C) staff development; and~~
9 ~~''(D) community orientation.~~
10 ~~''DEMONSTRATION GRANTS~~
11 ~~''SEC. 6202. (a) PURPOSE; COORDINATION.—(1) It~~
12 ~~is the purpose of this section to support projects that are~~
13 ~~designed to develop, test, and demonstrate the effective-~~
14 ~~ness of services and programs to improve educational~~
15 ~~achievement of Indian children.~~
16 ~~''(2) The Secretary shall ensure that projects under~~
17 ~~this section are coordinated with projects under other pro-~~
18 ~~visions of this Act.~~
19 ~~''(b) ELIGIBLE APPLICANTS.—State educational~~
20 ~~agencies, local educational agencies, Indian tribes, Indian~~
21 ~~organizations, and institutions of higher education, includ-~~
22 ~~ing Indian institutions of higher education, may apply for~~
23 ~~grants under this section.~~
24 ~~''(c) AUTHORIZED PROJECTS AND ACTIVITIES.—Re-~~
25 ~~cipients of grants under this section shall use the grant~~

~~funds to carry out projects and activities that meet the purpose of this section, such as—~~

~~"(1) instruction to raise the achievement of Indian children in one or more of the core curriculum areas of English, mathematics, science, foreign languages, arts, history, and geography;~~

~~"(2) programs designed to reduce the incidence of students dropping out of school and to increase the rate of high school graduation;~~

~~"(3) partnership projects between local educational agencies and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid them in the transition from high school to postsecondary education;~~

~~"(4) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career;~~

~~"(5) family-based preschool programs that emphasize school readiness and parenting skills;~~

~~''(6) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education; and~~

~~''(7) programs to meet the needs of gifted and talented Indian students.~~

~~''(d) APPLICATIONS.—(1) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.~~

~~''(2) Each such application shall contain—~~

~~''(A) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the project for which assistance is sought;~~

~~''(B) an assurance that the applicant will participate, at the request of the Secretary, in any national evaluation of projects under this section; and~~

~~''(C) such other assurances and information as the Secretary may require.~~

~~''PART C—PROFESSIONAL DEVELOPMENT AND ADULT EDUCATION PROGRAMS~~

~~''PROFESSIONAL DEVELOPMENT~~

~~''SEC. 6301. (a) PURPOSE.—The purpose of this section is to increase the number of qualified Indian persons in professions serving Indian people.~~

~~"(b) ELIGIBLE APPLICANTS.—Eligible applicants under this section are—~~

~~"(1) institutions of higher education, including Indian institutions of higher education;~~

~~"(2) State and local educational agencies, in consortium with institutions of higher education; and~~

~~"(3) Indian tribes and Indian organizations, in consortium with institutions of higher education.~~

~~"(c) AUTHORIZED PROJECTS AND ACTIVITIES.—(1) Each recipient of a grant under this section shall use the grant funds to provide training to Indian persons, consistent with the purpose of this section.~~

~~"(2)(A) For teachers, counselors, and other education professionals, such training shall consist of pre-service or in-service professional development.~~

~~"(B) For those being trained in other fields, such training shall be in programs that result in graduate degrees.~~

~~"(d) ALLOCATION OF FUNDS.—The Secretary shall ensure that at least 50 percent of the sums appropriated to carry out this section for any fiscal year are used for training of educational personnel under subsection (c)(2)(A).~~

1 ~~''(e) PROJECT PERIOD.—The project period for each~~
2 ~~project approved under this section shall be up to five~~
3 ~~years.~~
4 ~~''(f) SERVICE OBLIGATION.—The Secretary may, by~~
5 ~~regulation, require that individuals who receive training~~
6 ~~under this section perform related work following that~~
7 ~~training or repay all or part of the cost of the training.~~
8 ~~''ADULT EDUCATION~~
9 ~~''SEC. 6302. (a) PURPOSE.—The purpose of this sec-~~
10 ~~tion is to improve educational and employment opportuni-~~
11 ~~ties for Indian adults who lack the level of literacy skills,~~
12 ~~quantitative skills, and knowledge that they need to enjoy~~
13 ~~more fully the benefits and responsibilities of effective citi-~~
14 ~~zenship and productive employment by supporting projects~~
15 ~~that—~~
16 ~~''(1) provide them sufficient high-quality edu-~~
17 ~~cation to enable them to benefit from job training~~
18 ~~and retraining programs and to obtain and retain~~
19 ~~productive employment; and~~
20 ~~''(2) enable Indian adults who so desire to con-~~
21 ~~tinue their education through the high school level~~
22 ~~and beyond.~~
23 ~~''(b) ELIGIBLE APPLICANTS.—Indian tribes, Indian~~
24 ~~organizations, Indian institutions of higher education, and~~
25 ~~other public and nonprofit private agencies and organiza-~~
26 ~~tions may apply for grants under this section.~~

~~''(c) PROGRAM REQUIREMENTS.—Each recipient of a grant under this section shall—~~

~~''(1) provide adult education, as defined in section 6601(2), to Indian adults in a manner that supplements State funds expended for adult education for Indian adults;~~

~~''(2) coordinate its project with other adult education programs, if any, in the same geographic area, including programs funded under the Adult Education Act and programs operated or funded by the Bureau of Indian Affairs; and~~

~~''(3) collect, evaluate, and report on data concerning such matters as the Secretary may require, including the number of participants, the effect of the project on the subsequent work experience of participants, the progress of participants in achieving literacy, and the number of participants who pass high school equivalency examinations.~~

~~''PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES~~

~~''NATIONAL ACTIVITIES~~

~~''SEC. 6401. (a) AUTHORIZED ACTIVITIES.—From funds appropriated for any fiscal year to carry out this section, the Secretary may—~~

~~''(1) conduct research related to effective approaches to the education of Indian children and adults;~~

~~''(2) evaluate federally assisted education programs from which Indian children and adults may benefit;~~

~~''(3) collect and analyze data on the educational status and needs of Indians; and~~

~~''(4) carry out other activities consistent with the purpose of this Act.~~

~~''(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.~~

~~''GRANTS TO STATES~~

~~''SEC. 6402. (a) PURPOSE.—The purpose of this section is to assist States in implementing comprehensive, Statewide strategies for providing Indian children and adults with greater opportunities to meet challenging State standards.~~

1 ~~''(b) ELIGIBILITY.—Each State is eligible for a grant~~
2 ~~under this section if it has a State plan for education re-~~
3 ~~form in the State that—~~
4 ~~''(1) in the Secretary's judgment, effectively~~
5 ~~provides for the education of Indian children and~~
6 ~~adults; and~~
7 ~~''(2)(A) is integrated with the State's plan, ei-~~
8 ~~ther approved or being developed, under title III of~~
9 ~~the Goals 2000: Educate America Act, and satisfies~~
10 ~~the requirements of this section that are not already~~
11 ~~addressed 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.~~
16 ~~''(c) GRANT AMOUNTS.—(1) From funds appro-~~
17 ~~priated to carry out this section, the Secretary shall make~~
18 ~~a grant to each State educational agency in an eligible~~
19 ~~State whose application for assistance under this section~~
20 ~~has been approved.~~
21 ~~''(2)(A) The Secretary is authorized to determine the~~
22 ~~amount of each such grant on the basis of—~~
23 ~~''(i) the number of Indian individuals in the~~
24 ~~State, as determined on the basis of the most recent~~
25 ~~available data satisfactory to the Secretary;~~

~~"(ii) the comprehensiveness and quality of the State's plan;~~

~~"(iii) the State's commitment to high-quality education programs for Indian children and adults; and~~

~~"(iv) other factors that the Secretary finds appropriate.~~

~~"(B) Notwithstanding subparagraph (A), no grant under this section shall be in an amount less than the greater of—~~

~~"(i) $50,000; or~~

~~"(ii) five percent of the total amount paid to local educational agencies in the State for that fiscal year under part A of this title.~~

~~"(d) AUTHORIZED ACTIVITIES.—Each State that receives a grant under this section shall use the grant funds for activities to meet the purpose of this section, including—~~

~~"(1) reviewing local educational agency applications under part A of this title;~~

~~"(2) collecting data;~~

~~"(3) providing technical assistance to local educational agencies;~~

~~''(4) measuring the achievement of Indian students against the standards set out in the State's plan described in subsection (b); and~~

~~''(5) carrying out other activities and providing other services designed to build the capacity of the State to serve the educational needs of Indian children and adults.~~

~~''(e) APPLICATIONS.—Each State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including an assurance that the State will submit to the Secretary, every two years, a report on its activities under this section containing such data and other information as the Secretary may require.~~

~~''PART E—FEDERAL ADMINISTRATION~~

~~''OFFICE OF INDIAN EDUCATION~~

~~''SEC. 6501. (a) OFFICE OF INDIAN EDUCATION.—There shall be an Office of Indian Education (hereafter in this section referred to as ''the Office'') in the Department of Education.~~

~~''(b) DIRECTOR.—(1) The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.~~

~~''(2) The Director shall—~~

~~''(A) be responsible for administering this title;~~

~~''(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education; and~~

~~''(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons.~~

~~''(3) The Director of the Office shall be a member of the career Senior Executive Service.~~

~~''(c) INDIAN PREFERENCE IN EMPLOYMENT.—(1) The Secretary shall give a preference to Indian persons in all personnel actions in the Office.~~

~~''(2) Such preference shall be implemented in the same fashion as the preference given to any veteran under section 2609 of the Revised Statutes, section 45 of title 25, United States Code.~~

~~''NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION~~

~~''SEC. 6502. (a) MEMBERSHIP.—There shall be a National Advisory Council on Indian Education (hereafter in this section referred to as ''the Council''), which shall—~~

~~''(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees~~

~~furnished, from time to time, by Indian tribes and organizations; and~~

~~"(2) represent different geographic areas of the country.~~

~~"(b) DUTIES.—The Council shall—~~

~~"(1) advise the Secretary on the funding and administration, including the development of regulations and of administrative policies and practices, of any program, including programs under this title, for which the Secretary is responsible and in which Indian children or adults participate or from which they can benefit;~~

~~"(2) make recommendations to the Secretary for filling the Director's position whenever a vacancy occurs in that position; and~~

~~"(3) submit to the Congress, by June 30 of each year, a report on its activities, which shall include—~~

~~"(A) any recommendations it finds appropriate for the improvement of Federal education programs in which Indian children or adults participate, or from which they can benefit; and~~

~~"(B) its recommendations with respect to the funding of any such programs.~~

~~''PEER REVIEW~~

~~''SEC. 6503. In reviewing applications under parts B, C, and D of this title, the Secretary may use a peer review process.~~

~~''PREFERENCE FOR INDIAN APPLICANTS~~

~~''SEC. 6504. In making grants under parts B and C of this title, the Secretary shall give a preference to Indian tribes, Indian organizations, and Indian institutions of higher education under any program for which they are eligible to apply.~~

~~''MINIMUM GRANT CRITERIA~~

~~''SEC. 6505. In making grants under parts B and C of this title, the Secretary shall approve only projects that are—~~

~~''(1) of sufficient size, scope, and quality to achieve the purpose of the section under which assistance is sought; and~~

~~''(2) based on relevant research findings.~~

~~''PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS~~

~~''DEFINITIONS~~

~~''SEC. 6601. The following definitions apply to terms as used in this title:~~

~~''(1) The term 'adult' means an individual who is either—~~

~~''(A) at least 16 years old; or~~

~~"(B) beyond the age of compulsory school attendance under State law.~~

~~"(2) The term 'adult education' has the meaning given that term in section 312(2) of the Adult Education Act.~~

~~"(3) The term 'free public education' means education that is—~~

~~"(A) provided at public expense, under public supervision and direction, and without tuition charge; and~~

~~"(B) provided as elementary or secondary education in the applicable State or to preschool children.~~

~~"(4) The term 'Indian' means an individual who is—~~

~~"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—~~

~~"(i) tribes and bands terminated since 1940; and~~

~~"(ii) tribes and bands recognized by the State in which they reside;~~

~~"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);~~

1 ''(C) considered by the Secretary of the In-
2 terior to be an Indian for any purpose; or
3 ''(D) an Eskimo, Aleut, or other Alaska
4 Native.
5 ''AUTHORIZATIONS OF APPROPRIATIONS
6 ''SEC. 6602. (a) PART A.—For the purpose of carry-
7 ing out part A of this title, there are authorized to be
8 appropriated such sums as may be necessary for each of
9 the fiscal years 1995 through 1999.
10 ''(b) PARTS B THROUGH D.—For the purpose of car-
11 rying out parts B, C, and D of this title, there are author-
12 ized to be appropriated such sums as may be necessary
13 for each of the fiscal years 1995 through 1999.
14 ''(c) PART E.—For the purpose of carrying out part
15 E of this title, including section 6502, there are authorized
16 to be appropriated such sums as may be necessary for
17 each of the fiscal years 1995 through 1999.
18 ''TITLE VII—BILINGUAL EDUCATION
19 PROGRAMS
20 ''FINDINGS
21 ''SEC. 7001. The Congress finds that—
22 ''(1) there are large and growing numbers of
23 children and youth of limited English proficiency,
24 many of whom have a cultural heritage that differs
25 from that of their English proficient peers;

~~"(2) limited English proficient children and youth face a number of challenges in receiving an education that will enable them to participate fully in American society, including segregated education programs; disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures; the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; a shortage of teachers and educational personnel who are professionally trained and qualified to serve them;~~

~~"(3) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited English proficiency;~~

~~"(4) The Federal Government also, as exemplified by its efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited English~~

~~proficient children and youth an equal educational opportunity;~~

~~"(5) in carrying out its responsibilities with respect to ensuring equal educational opportunity for children and youth of limited English proficiency, the Federal Government has learned that—~~

~~"(A) large numbers of these children and youth have needs that must be met by a program of instruction designed specifically for them;~~

~~"(B) a primary purpose of such programs must be developing the English language skills of such children and youth;~~

~~"(C) the use of a child or youth's native language and culture in classroom instruction can promote self-esteem and contribute to academic achievement and learning English by limited English proficient children and youth; benefit English proficient children and youth who also participate in such programs; and develop our national language resources, thus promoting the nation's competitiveness in the global economy;~~

~~''(D) parent and community participation in bilingual education programs contributes to program effectiveness; and~~

~~''(E) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and~~

~~''(6) providing the educational services that prepare newly immigrated children and youth for full participation in American society and to achieve challenging State performance standards is a significant problem for a number of local educational agencies. Supplementary Federal assistance can help such agencies meet their responsibilities.~~

~~''POLICY; AUTHORIZATION OF APPROPRIATIONS~~

~~''SEC. 7002. (a) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited English proficiency that—~~

1 ~~''(1) develop their English and, to the extent~~
2 ~~possible, their native language skills;~~
3 ~~''(2) educate such children and youth to meet~~
4 ~~the same rigorous standards for academic perform-~~
5 ~~ance expected of all children and youth, including~~
6 ~~meeting challenging State performance standards in~~
7 ~~academic areas; and~~
8 ~~''(3) develop bilingual skills and multi-cultural~~
9 ~~understanding.~~
10 ~~''(b) AUTHORIZATION OF APPROPRIATIONS.—(1) For~~
11 ~~the purpose of carrying out this title, except for part D,~~
12 ~~there are authorized to be appropriated such sums as may~~
13 ~~be necessary for each of the fiscal years 1995 through~~
14 ~~1999.~~
15 ~~''(2) For the purpose of carrying out part D of this~~
16 ~~title, there are authorized to be appropriated such sums~~
17 ~~as may be necessary for each of the fiscal years 1995~~
18 ~~through 1999.~~
19 ~~''DEFINITIONS~~
20 ~~''SEC. 7003. (a) DEFINITIONS.—For the purpose of~~
21 ~~this title:~~
22 ~~''(1)(A) The term 'bilingual education pro-~~
23 ~~gram'—~~
24 ~~''(i) means a program of instruction de-~~
25 ~~signed specifically for children and youth of lim-~~
26 ~~ited English proficiency at any grade level, in-~~

~~cluding the preschool, elementary, or secondary school levels, that is intended to help them develop proficiency in the English and, to the extent possible, the native language and achieve to high academic standards in all courses of study; and~~

~~''(ii) may include activities to assist the parents of such children and youth enrolled in bilingual education programs to participate in the education of their children.~~

~~''(B)(i) A bilingual education program may be conducted in English, the native language, or both languages, except that all bilingual education programs must develop proficiency in the English language. The native language may be used in the instructional program to facilitate the acquisition of English; to develop overall linguistic competence; and to develop competence in the academic curriculum.~~

~~''(ii) A bilingual education program must, to the extent possible, incorporate the cultural heritage of the children or youth of limited English proficiency served by the program, as well as the cultural heritage of other children in American society.~~

~~"(C) Children and youth proficient in English may participate in a bilingual education program so long as the primary purpose of the program is to benefit children and youth of limited English proficiency.~~

~~"(2) The term 'children and youth' means individuals aged three through twenty-one.~~

~~"(3) The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 210 of the Department of Education Organization Act.~~

~~"(4) The term 'immigrant children and youth' means individuals who—~~

~~"(A) are aged three through twenty-one;~~

~~"(B) were not born in any State; and~~

~~"(C) have not been attending one or more schools in any one or more States for more than twelve months.~~

~~"(5) The terms 'limited English proficiency' and 'limited English proficient', when used with reference to an individual, mean an individual—~~

~~"(A) who—~~

~~"(i) was not born in the United States or whose native language is a language other than English;~~

~~"(ii) comes from an environment where a language other than English is dominant; or~~

~~"(iii) is an American Indian or Alaska Native and comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency; and~~

~~"(B) who, by reason thereof, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.~~

~~"(6) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.~~

~~"(7) The term 'other programs for persons of limited English proficiency' means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited English proficiency.~~

~~''INDIAN CHILDREN IN SCHOOL~~

~~''SEC. 7004. (a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this title for individuals served by elementary and secondary schools operated predominately for Indian or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:~~

~~''(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.~~

~~''(2) The term 'tribally sanctioned educational authority' means—~~

~~''(A) any department or division of education operating within the administrative~~

structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

"FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

"SEC. 7101. (a) PURPOSE.—The purpose of this part is to assist local educational agencies, through the grants authorized by subsections (b), (c), and (d), to—

"(1) develop and enhance their capacity to provide high-quality instruction to children and youth of limited English proficiency; and

"(2) to help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State performance standards expected for all children

~~and youth as required by section 1111(b) of this Act.~~

~~''(b) ENHANCEMENT GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies to—~~

~~''(A) develop new bilingual education programs;~~

~~''(B) enhance or expand existing bilingual education programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and~~

~~''(C) meet the short-term needs of local educational agencies without bilingual education programs to serve children and youth of limited English proficiency.~~

~~''(2) Grants awarded under this subsection shall be for a period of up to two years.~~

~~''(c) COMPREHENSIVE SCHOOL GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies for the purpose of implementing school-wide bilingual education programs that serve children and youth of limited English proficiency in schools with significant concentrations of such children and youth.~~

~~''(2) Grants awarded under this subsection shall be for a period of up to five years.~~

~~"(d) COMPREHENSIVE DISTRICT GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual education programs that serve children and youth of limited English proficiency in districts with significant concentrations of such children and youth.~~

~~"(2) Grants awarded under this subsection shall be for a period of up to five years.~~

~~"(e) USE OF FUNDS.—(1) Recipients may use funds for programs authorized by subsections (b), (c), and (d) for—~~

~~"(A) identification and acquisition of curricular materials, educational software, and technologies to advance the education of children and youth of limited English proficiency;~~

~~"(B) parent outreach and training activities designed to assist parents to become active participants in the education of their children;~~

~~"(C) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited English proficiency;~~

~~"(D) tutorials and academic or career counseling for children and youth of limited English proficiency; and~~

~~"(E) such other activities, related to the purposes of this part, as the Secretary may approve.~~

~~"(2) Recipients of awards under subsections (c) and (d) may—~~

~~"(A) use such funds for pre-service and in-service professional development of staff participating, or preparing to participate, in the program, including those who will not directly participate in the bilingual instructional program, if such activities are directly related to serving children and youth of limited English proficiency and will help accomplish the purposes of this title; and~~

~~"(B) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, which may include program design, the development of materials and procedures, and activities to involve parents in the educational program and to enable parents and family members to assist in the education of children and youth of limited English proficiency.~~

~~"(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To the extent possible, the Secretary shall award funds under this section throughout the Nation in a manner that reflects the geographic distribution of children and youth of limited English proficiency.~~

~~"(g) APPLICATIONS.—(1) Any local educational agency desiring to receive a grant under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.~~

~~"(2) Each application shall—~~

~~"(A) describe—~~

~~"(i) the need for the proposed program, including data on the number of the children and youth of limited English proficiency in the school or district to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to their English proficient peers, and, where applicable, the recency of immigration; and~~

~~"(ii) the program to be implemented and how its design—~~

~~"(I) relates to the linguistic and academic needs of the children and youth of limited English proficiency to be served; and~~

~~"(II) is consistent with, and promotes the goals in, its plan under title III of the~~

~~Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of this Act, particularly as those plans relate to the education of children and youth of limited English proficiency; and~~

~~"(B) provide an assurance that the applicant will not reduce the level of State and local funds that it expends for bilingual education programs if it receives an award under this part.~~

~~"(3) Each application for a grant under subsections (c) or (d) shall also—~~

~~"(A) describe—~~

~~"(i) current services the applicant provides to children and youth of limited English proficiency;~~

~~"(ii) what services children and youth of limited English proficiency would receive under the grant that they would not otherwise receive;~~

~~"(iii) how funds received under this part will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited English proficiency; and~~

~~"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and~~

~~"(B) provide assurances that—~~

~~"(i) the program funded will—~~

~~"(I) serve all (or virtually all) of the children and youth of limited English proficiency in a school participating in a program under subsection (c); or~~

~~"(II) serve a significant number of the children and youth of limited English proficiency in the district participating in a program under subsection (d);~~

~~"(ii) the program funded will be integrated with the overall educational program; and~~

~~"(iii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.~~

~~"(h) LIMITATION ON FUNDING.—(1) No more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year shall be~~

~~used to fund bilingual education programs that do not use the native language.~~

~~"(2) No more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year shall be used to fund bilingual education programs that do not use the native language.~~

~~"(i) STATE REVIEW OF APPLICATIONS UNDER PART A.—In order for an eligible applicant to apply for funds under this part, its State educational agency shall review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of this Act.~~

~~"(j) CAPACITY BUILDING.—(1) Each recipient of a grant under this section shall use its grant in ways that will build its capacity to continue to offer high quality bilingual education programs and services to children and youth of limited English proficiency once Federal assistance is reduced or eliminated.~~

~~"(2) In making awards under this part for any fiscal year, the Secretary shall, consistent with the quality of applications and the funds available under this part, increase the amount of funds used to support grants under subsections (c) and (d) over the amount allotted to subsections (c) and (d) in the previous fiscal year.~~

~~"(k) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and nonprofit organizations to carry out the approved program.~~

~~"(l) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.~~

~~"(m) PARENTAL NOTIFICATION.—(1) Parents of a child or youth of limited English proficiency identified for enrollment in bilingual education programs shall be informed of the—~~

~~"(A) benefits and nature of the bilingual educational program and of the instructional alternatives; and~~

1 ~~''(B) reasons for the selection of their child as~~
2 ~~being in need of bilingual education.~~
3 ~~''(2)(A) Parents shall also be informed that they have~~
4 ~~the option of declining enrollment of their children in such~~
5 ~~programs and shall be given an opportunity to do so if~~
6 ~~they so choose.~~
7 ~~''(B) Local educational agencies are not relieved of~~
8 ~~any of their obligations under title VI of the Civil Rights~~
9 ~~Act of 1964 because parents choose not to enroll their chil-~~
10 ~~dren in bilingual education programs.~~
11 ~~''(3) Parents must receive, in a manner and form un-~~
12 ~~derstandable to them, including, if necessary and to the~~
13 ~~extent feasible, in their native language, the information~~
14 ~~required by this subsection. At a minimum, parents must~~
15 ~~receive—~~
16 ~~''(A) timely information about projects funded~~
17 ~~under this part; and~~
18 ~~''(B) if the parents of participating children so~~
19 ~~desire, notice of opportunities for regular meetings~~
20 ~~for the purpose of formulating and responding to~~
21 ~~recommendations from such parents.~~
22 ~~''(n) PROGRAMS IN PUERTO RICO.—Programs au-~~
23 ~~thorized under this section in the Commonwealth of~~
24 ~~Puerto Rico may, notwithstanding any other provision of~~
25 ~~this title, include programs of instruction, teacher train-~~

ing, curriculum development, evaluation, and testing designed for children and youth of limited Spanish proficiency.

"PART B—RESEARCH AND EVALUATION

"USE OF FUNDS

"SEC. 7201. The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for children and youth of limited English proficiency.

"RESEARCH

"SEC. 7202. (a) AWARDS.—The Secretary may make grants and award contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality bilingual educational programs for persons of limited English proficiency.

"(b) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"ACADEMIC EXCELLENCE AWARDS

"SEC. 7203. (a) AWARDS.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, non-

~~profit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited English proficiency to meet challenging State standards.~~

~~''(b) APPLICATIONS.—(1) An entity desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.~~

~~''(2) The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.~~

~~''(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited English proficiency, which may include—~~

~~''(1) completing the development of such programs;~~

~~''(2) professional development of staff participating in bilingual education programs;~~

~~''(3) sharing strategies and materials; and~~

~~''(4) supporting professional networks.~~

1 ~~''(d) COORDINATION.—Recipients of funds under this~~
2 ~~section shall coordinate their activities with those carried~~
3 ~~out by comprehensive regional centers under section 2205~~
4 ~~of this Act.~~

5 ~~''STATE GRANT PROGRAM~~

6 ~~''SEC. 7204. (a) STATE GRANT PROGRAM.—The Sec-~~
7 ~~retary is authorized to make an award to a State edu-~~
8 ~~cational agency that demonstrates, to the satisfaction of~~
9 ~~the Secretary, that its approved plan under title III of~~
10 ~~Goals 2000: Educate America Act (by amendment, if nec-~~
11 ~~essary), if such plan exists, or, if such plan does not exist,~~
12 ~~its plan under section 1111 of this Act, effectively provides~~
13 ~~for the education of children and youth of limited English~~
14 ~~proficiency within the State.~~

15 ~~''(b) PAYMENTS.—The amount paid to a State edu-~~
16 ~~cational agency under subsection (a) shall not exceed 10~~
17 ~~percent of the total amount awarded to local educational~~
18 ~~agencies within the State under part A of this title for~~
19 ~~the previous fiscal year.~~

20 ~~''(c) USE OF FUNDS.—(1) A State educational agen-~~
21 ~~cy may use funds for programs authorized by this section~~
22 ~~to—~~

23 ~~''(A) assist local educational agencies in the~~
24 ~~State with program design, capacity building, assess-~~
25 ~~ment of student performance, and program evalua-~~
26 ~~tion;~~

1 ~~''(B) operate a bilingual education advisory~~
2 ~~panel under subsection (d); and~~
3 ~~''(C) collect data concerning children and youth~~
4 ~~of limited English proficiency.~~
5 ~~''(2) Recipients of awards under this section shall not~~
6 ~~restrict the provision of services under this section to fed-~~
7 ~~erally-funded programs.~~
8 ~~''(d) STATE BILINGUAL EDUCATION ADVISORY~~
9 ~~PANEL.—Each State educational agency that receives~~
10 ~~funds under this section shall appoint a broad-based bilin-~~
11 ~~gual education advisory panel, with substantial represen-~~
12 ~~tation from persons knowledgeable about the education of~~
13 ~~limited English proficient students, to develop and rec-~~
14 ~~ommend to the State educational agency guidelines for re-~~
15 ~~viewing, and providing the Secretary with comments re-~~
16 ~~garding, applications for funds under parts A and C of~~
17 ~~this title that come from within the State.~~
18 ~~''(e) APPLICATIONS.—A State educational agency de-~~
19 ~~siring to receive an award under this section shall submit~~
20 ~~an application to the Secretary in such form, at such time,~~
21 ~~containing such information and assurances as the Sec-~~
22 ~~retary may require.~~
23 ~~''NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION~~
24 ~~''SEC. 7205. (a) ESTABLISHMENT.—The Secretary~~
25 ~~shall establish and support the operation of a National~~
26 ~~Clearinghouse for Bilingual Education, which shall collect,~~

~~analyze, synthesize, and disseminate information about bilingual education and related programs.~~

~~''(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—~~

~~''(1) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and~~

~~''(2) develop a data base management and monitoring system for improving the operation and effectiveness of funded programs.~~

~~''EVALUATIONS~~

~~''SEC. 7206. (a) PROGRAM EVALUATIONS UNDER PART A.—(1) Each recipient of funds under part A of this title shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of its program every two years.~~

~~''(2) Such evaluation shall be used by a grantee—~~

~~''(A) for program improvement;~~

~~''(B) to further define the local program's goals and objectives; and~~

~~''(C) to determine program effectiveness.~~

~~''(3) Evaluations shall include—~~

~~''(A) student outcome indicators that measure progress toward the performance standards set out in the State's plan, either approved or being developed, under title III of the Goals 2000: Educate~~

~~America Act, or, if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan approved or being developed under section 1111 of this Act, including data comparing children and youth of limited English proficiency with nonlimited English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;~~

~~''(B) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;~~

~~''(C) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited English proficiency; and~~

~~''(D) such other information as the Secretary may require.~~

~~"(b) PROGRAM EVALUATIONS UNDER PART C.—(1) Each recipient of funds under part C of this title shall provide the Secretary with an evaluation of its program every two years.~~

~~"(2) Such evaluation shall include data on—~~

~~"(A) post-program placement of persons trained;~~

~~"(B) how the training relates to the employment of persons served by the program;~~

~~"(C) program completion; and~~

~~"(D) such other information as the Secretary may require.~~

~~"PART C—PROFESSIONAL DEVELOPMENT~~

~~"PURPOSE~~

~~"SEC. 7301. The purpose of this part is to improve the quality of instruction for children and youth of limited English proficiency—~~

~~"(1) through professional development programs designed—~~

~~"(A) for persons preparing to provide services for children and youth of limited English proficiency;~~

~~"(B) to improve the skills of persons currently providing services to children and youth of limited English proficiency; and~~

~~"(C) for other staff in schools serving children and youth of limited English proficiency; and~~

~~"(2) by disseminating information on appropriate instructional practices and activities for children and youth of limited English proficiency to other school personnel, including teachers not currently serving such children and youth.~~

~~"PROFESSIONAL DEVELOPMENT GRANTS~~

~~"SEC. 7302. (a) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—(1) The Secretary is authorized to make grants to institutions of higher education for—~~

~~"(A) pre-service and in-service professional development for individuals who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited English proficiency; and~~

~~"(B) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited English proficiency.~~

~~"(b) GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES.—The Secretary may make grants to State and~~

local educational agencies for in-service professional development programs that prepare current school personnel to provide effective services to limited English proficient students.

''(c) USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.—Awards under this section may be used to develop a program participant's competence in a second language.

''(d) APPLICATIONS.—(1) An institution of higher education, or a state or local educational agency desiring to receive an award under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

''(2) Each application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited English proficiency to determine their need for and the design of the program for which funds are sought.

''(3)(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a masters or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum

~~in a local school program serving children and youth of limited English proficiency.~~

~~''(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited English proficiency.~~

~~''(4) In order for an institution of higher education or a local educational agency to apply for funds under this section, its State educational agency shall review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under title III of Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of this Act and section 2125 of this Act.~~

~~''FELLOWSHIPS~~

~~''SEC. 7303. (a) ACADEMIC FELLOWSHIPS.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited English proficiency in such areas as teacher training, program administration, research and~~

~~evaluation, and curriculum development, and for the support of dissertation research related to such study.~~

~~''(b) REPAYMENT.—(1) Any person receiving a fellowship under this section shall agree to—~~

~~''(A) work in an activity related to the program or in an activity such as those authorized under the program for a period of time equivalent to the period of time during which such person receives assistance under this title; or~~

~~''(B) repay such assistance.~~

~~''(2) The Secretary shall establish in regulations such terms and conditions for such agreement as he or she deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.~~

~~''STIPENDS~~

~~''SEC. 7304. The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this part.~~

~~''PART D—EMERGENCY IMMIGRANT EDUCATION PROGRAM~~

~~''PURPOSE~~

~~''SEC. 7401. The purpose of this part is to assist eligible State and local educational agencies that experience unexpectedly large increases in their student population due to immigration to—~~

~~''(1) provide high-quality instruction to immigrant children and youth; and~~

~~''(2) help such children and youth—~~

~~''(A) with their transition into American society; and~~

~~''(B) meet the same challenging State performance standards expected of all children and youth.~~

~~''EMERGENCY IMMIGRANT EDUCATION GRANTS~~

~~''SEC. 7402. (a) GRANTS AUTHORIZED.—(1) The Secretary is authorized to make grants to eligible local educational agencies to—~~

~~''(A) develop new instructional programs for immigrant children and youth;~~

~~''(B) enhance or expand existing instructional programs for immigrant children and youth; and~~

~~''(C) meet the short-term needs of local educational agencies without instructional programs for immigrant children and youth.~~

1 ~~''(2) Grants awarded under this part shall be for a~~
2 ~~period of up to two years.~~
3 ~~''(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For~~
4 ~~the purpose of this part, an eligible local educational agen-~~
5 ~~cy is a local educational agency that has enrolled, in the~~
6 ~~aggregate, over the current school year and the preceding~~
7 ~~school year—~~
8 ~~''(1) at least 1,000 immigrant children and~~
9 ~~youth; or~~
10 ~~''(2) immigrant children and youth in numbers~~
11 ~~that represent at least 10 percent of the local edu-~~
12 ~~cational agency's total enrollment.~~
13 ~~''(c) APPLICATIONS.—(1) Any eligible local edu-~~
14 ~~cational agency desiring to receive a grant under this part~~
15 ~~shall submit to the Secretary an application in such form,~~
16 ~~at such time, and containing such information and assur-~~
17 ~~ances as the Secretary may require.~~
18 ~~''(2) Each application shall—~~
19 ~~''(A) describe—~~
20 ~~''(i) the need for the proposed program, in-~~
21 ~~cluding data on the number of the immigrant~~
22 ~~children and youth in the districts to be served~~
23 ~~and their characteristics, such as language spo-~~
24 ~~ken, dropout rates, proficiency in English and~~

the native language, and academic standing in relation to their English proficient peers; and

"(ii) the program to be implemented and how its design—

"(I) relates to the linguistic and academic needs of the immigrant children and youth to be served; and

"(II) is consistent with, and promotes the goals in, its plan under title III of the Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of this Act, particularly as those plans relate to the education of immigrant children and youth; and

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that it expends for instructional programs for immigrant children and youth if it receives an award under this part.

"(d) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

1 ~~''(1) parent outreach and training activities de-~~
2 ~~signed to assist parents to become active partici-~~
3 ~~pants in the education of their children;~~
4 ~~''(2) salaries of personnel, including teacher~~
5 ~~aides who have been specifically trained, or are being~~
6 ~~trained, to provide services to immigrant children~~
7 ~~and youth;~~
8 ~~''(3) tutorials and academic or career counsel-~~
9 ~~ing for immigrant children and youth;~~
10 ~~''(4) identification and acquisition of curricular~~
11 ~~materials, educational software, and technologies to~~
12 ~~be used in the program; and~~
13 ~~''(5) such other activities, related to the pur-~~
14 ~~poses of this part, as the Secretary may authorize.~~
15 ~~''(e) CONSORTIA.—A local educational agency that~~
16 ~~receives a grant under this part may collaborate or form~~
17 ~~a consortium with one or more local educational agencies,~~
18 ~~institutions of higher education, and non-profit organiza-~~
19 ~~tions to carry out the approved program.~~
20 ~~''(f) SUBGRANTS.—A local educational agency that~~
21 ~~receives a grant under this part may, with the approval~~
22 ~~of the Secretary, make a subgrant to, or enter into a con-~~
23 ~~tract with, an institution of higher education, a non-profit~~
24 ~~organization, or a consortium of such entities to carry out~~

~~an approved program, including a program to serve out-of-school youth.~~

~~''PART E—ADMINISTRATION~~

~~''COORDINATION WITH RELATED PROGRAMS~~

~~''SEC. 7501. In order to maximize the effectiveness of Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department of Education, including programs in such areas as teacher training, program content, research, and curriculum.~~

~~''REPORT ON BILINGUAL EDUCATION~~

~~''SEC. 7502. The Secretary shall, within three years from the date of enactment of the Improving America's Schools Act of 1993, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—~~

~~''(1) information on—~~

~~''(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding three fiscal years;~~

~~''(B) the number of individuals benefiting from the programs assisted under this title;~~

~~''(C) the evaluation of activities carried out under this title during the preceding three fiscal years and the extent to which each of such ac-~~

~~tivities achieves the policy set forth in section 7002(a);~~

~~''(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the three succeeding fiscal years; and~~

~~''(E) the research activities carried out under this title during the preceding three fiscal years and the major findings of research studies; and~~

~~''(2) an analysis and synthesis of such data.~~

~~''STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW~~

~~''SEC. 7503. (a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under parts A and C of this title, the Secretary shall take State educational agency recommendations into account.~~

~~''(b) PEER REVIEW.—(1) In making awards under parts A, C, and D of this title and in making funding decisions for continuation grants under parts A and C of this title, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited English proficient students.~~

~~''(2) The Secretary may use up to .2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review.~~

~~''PART F—SPECIAL RULE~~

~~''SPECIAL RULE~~

~~''SEC. 7601. Notwithstanding any other provision of this title, no recipient of a grant under title VII of this Act as in effect prior to the enactment of the Improving America's Schools Act of 1993 shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of this title as in effect prior to such enactment.~~

~~''TITLE VIII—IMPACT AID~~

~~''FINDINGS~~

~~''SEC. 8001. The Congress finds that—~~

~~''(1) certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out; and~~

~~''(2) it is the shared responsibility of the Federal Government, the States, and local educational agencies to provide for the education of children connected to those activities.~~

~~''PURPOSE~~

~~''SEC. 8002. In order to fulfill the Federal responsibility to assist with the provision of educational services~~

to federally connected children, and to help them meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

"(1) educate children who reside on Federal property and whose parents are employed on Federal property;

"(2) experience sudden and substantial increases in enrollments because of military realignments; or

"(3) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.

"PAYMENTS FOR ELIGIBLE CHILDREN

"SEC. 8003. (a) ELIGIBLE CHILDREN.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b) or (c) of this section for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(1) resided on Federal property with a parent employed on Federal property located, in whole or in

~~part, within the boundaries of the school district of such agency;~~

~~"(2) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code); or~~

~~"(3) resided on Indian lands, as defined in section 8012(6) of this title.~~

~~"(b) BASIC SUPPORT PAYMENTS.—(1) From the amount appropriated under section 8013(a) for any fiscal year, the Secretary is authorized to make payments to local educational agencies with children described in subsection (a).~~

~~"(2) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is—~~

~~"(A) the total number of children determined under subsection (a) (1) and (2), plus 1.25 times the number of children determined under subsection (a)(3), for such agency; multiplied by~~

~~"(B) the average per-pupil expenditure of local educational agencies in such agency's State for the third preceding fiscal year, as determined by the Secretary; multiplied by~~

~~"(C) the local contribution percentage for the third preceding fiscal year, as determined by the Secretary.~~

~~"(3) If the amount appropriated under section 8013(a) for any fiscal year is insufficient to pay to each local educational agency the amount determined under paragraph (2), the Secretary shall ratably reduce each such payment.~~

~~"(c) SUPPLEMENTAL PAYMENTS FOR CERTAIN CHILDREN WITH DISABILITIES.—(1) From the amount appropriated under section 8013(b) for any fiscal year, the Secretary shall make supplemental payments to local educational agencies that receive basic support payments under subsection (b).~~

~~"(2) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is—~~

~~"(A) the number of children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, described in paragraphs (2) and (3) of subsection (a), to whom the local educational agency provided a free appropriate public education in accordance with such Act in the preceding school year; multiplied by~~

~~"(B) 50 percent of the average per-pupil expenditure determined under subsection (b)(2)(B); multiplied by~~

~~"(C) the local contribution percentage determined by the Secretary under subsection (b)(2)(C).~~

~~"(3) If the amount appropriated under section 8013(b) for any fiscal year is insufficient to pay to each local educational agency the amount determined under paragraph (2), the Secretary shall ratably reduce each such payment.~~

~~"(4) A local educational agency shall use any funds it receives under this subsection to provide a free appropriate public education to children described in paragraph (2), in accordance with part B of the Individuals with Disabilities Education Act.~~

~~"(d) HOLD-HARMLESS AMOUNTS.—(1) Notwithstanding any other provision of this section, the total amount that the Secretary shall pay a local educational agency under subsections (b) and (c) of this section—~~

~~"(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of Public Law 81–874, as in effect for fiscal year 1994;~~

~~"(B) for fiscal year 1996, shall not be less than 60 percent of such fiscal year 1994 payment; and~~

1 ~~''(C) for fiscal year 1997, shall not be less than~~
2 ~~40 percent of such fiscal year 1994 payment.~~
3 ~~''(2) If necessary in order to make payments to local~~
4 ~~educational agencies in accordance with paragraph (1),~~
5 ~~the Secretary shall reduce payments to other local edu-~~
6 ~~cational agencies determined under subsection (b).~~
7 ~~''POLICIES AND PROCEDURES FOR CHILDREN RESIDING~~
8 ~~ON INDIAN LANDS~~
9 ~~''SEC. 8004. (a) POLICIES AND PROCEDURES RE-~~
10 ~~QUIRED.—Any local educational agency that claims chil-~~
11 ~~dren residing on Indian lands for the purpose of receiving~~
12 ~~funds under section 8003 of this title shall establish poli-~~
13 ~~cies and procedures to ensure that—~~
14 ~~''(1) such children participate in programs and~~
15 ~~activities supported by such funds on an equal basis~~
16 ~~with all other children;~~
17 ~~''(2) parents of such children and Indian tribes~~
18 ~~are afforded an opportunity to present their views on~~
19 ~~such programs and activities, including an oppor-~~
20 ~~tunity to make recommendations on the needs of~~
21 ~~those children and how they may help those children~~
22 ~~realize the benefits of those programs and activities;~~
23 ~~''(3) parents and Indian tribes are consulted~~
24 ~~and involved in planning and developing such pro-~~
25 ~~grams and activities;~~

~~"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and~~

~~"(5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program.~~

~~"(b) RECORDS.—Each such agency shall maintain records demonstrating its compliance with subsection (a).~~

~~"(c) WAIVER.—Any such agency is excused from the requirements of subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the agency's provision of educational services to such children.~~

~~"(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—~~

~~"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable them to carry out this section; and~~

~~"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary finds appropriate, after affording the local educational agency, parents, and affected Indian tribes an opportunity to present their views.~~

~~''APPLICATIONS FOR PAYMENTS UNDER SECTION 8003~~

~~''SEC. 8005. (a) APPLICATIONS REQUIRED.—Any local educational agency wishing to receive a payment under section 8003 of this title shall—~~

~~''(1) file an application therefor with the Secretary; and~~

~~''(2) provide a copy of its application to the State educational agency.~~

~~''(b) APPLICATION CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—~~

~~''(1) information to determine such agency's eligibility for a payment and the amount of any such payment; and~~

~~''(2) where applicable, an assurance that such agency is in compliance with section 8004 of this title, relating to children residing on Indian lands.~~

~~''(c) DEADLINE FOR SUBMITTING; APPROVAL.—(1) The Secretary shall establish deadlines for the filing of applications under this section.~~

~~''(2) The Secretary shall approve each application submitted under this section that is filed by the deadline established under paragraph (1) and otherwise meets the requirements of this title.~~

~~"(3) The Secretary shall approve an application filed up to 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8003(d) or any other provision of this title, the Secretary shall reduce the payment based on such late application by ten percent of the amount that would otherwise be paid.~~

~~"(4) The Secretary shall not accept or approve any application filed more than 60 days after a deadline established under paragraph (1).~~

~~"SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS~~

~~"SEC. 8006. (a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—~~

~~"(1) the number of children in average daily attendance during the current school year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and~~

~~"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an~~

appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

''(b) APPLICATION.—Any local educational agency that wishes to receive a payment under this section shall file an application therefor with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

''(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

''(1) the increase in the number of children in average daily attendance from the preceding year; and

''(2) the number of children described in subsection (a)(2).

''(d) PAYMENTS.—The Secretary shall pay each local educational agency with an approved application an amount, not to exceed $200 per eligible child, equal to—

''(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined

~~under subsection (c) for all such local educational agencies; multiplied by~~

~~"(2) the number of such children determined for that local educational agency.~~

~~"CONSTRUCTION~~

~~"SEC. 8007. (a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 8013(d), the Secretary shall make payments to each local educational agency—~~

~~"(1) that receives a basic payment under section 8003(b); and~~

~~"(2) in which the number of children determined under section 8003(a) who resided on Indian lands constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year.~~

~~"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency shall be equal to—~~

~~"(1) the amount so appropriated under section 8013(d); divided by~~

~~"(2) the number of children determined under section 8003(a) for all such agencies, but not including any children attending a school assisted or provided by the Secretary under section 8008 of this~~

title or section 10 of Public Law 81–815, as in effect prior to the repeal of such statute; multiplied by

"(3) the number of such children determined for such agency.

"(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8012(3) of this title.

"MINIMUM SCHOOL FACILITIES ASSISTED BY THE SECRETARY

"SEC. 8008. (a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8013(e), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of Public Law 81–815 as in effect prior to the repeal of such statute.

"(b) TRANSFER OF FACILITIES.—(1) The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of Public Law 81–815, or under sections 204 or 310 of Public Law 81–874 as in effect on January 1, 1958.

"(2) Any such transfer shall be without charge to such agency or entity and shall be subject to such terms and conditions as the Secretary finds appropriate.

~~''STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID~~

~~''SEC. 8009. (a) GENERAL PROHIBITION ON STATE CONSIDERATION.—Except as provided in subsection (b), no State shall—~~

~~''(1) consider payments under this title or under Public Law 81–874 in determining, for any fiscal year—~~

~~''(A) the eligibility of any local educational agency for State aid for free public education; or~~

~~''(B) the amount of such aid; or~~

~~''(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.~~

~~''(b) STATE EQUALIZATION PLANS.—(1) Notwithstanding subsection (a), a State may reduce State aid to a local educational agency that receives a payment under section 8003(b) of this title or under Public Law 81–874 (other than a payment under section 2 or an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d)) for any fiscal year if the Secretary determines, and certifies under subsection~~

~~(c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.~~

~~"(2)(A) For the purpose of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 25 percent.~~

~~"(B) In making a determination under this subsection, the Secretary shall—~~

~~"(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile of such expenditures or revenues in the State; and~~

~~"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.~~

~~"(3) Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—~~

~~"(A) the Secretary determines, on the basis of projected data, that the State's program will meet the 25 percent disparity standard described in paragraph (2) in that fiscal year; and~~

~~"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.~~

~~"(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—(1)(A) Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.~~

~~"(B) Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.~~

~~"(2) Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.~~

~~"(3)(A) If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—~~

~~"(i) certify the program and so notify the State; and~~

~~"(ii) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.~~

~~"(B) If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—~~

~~"(i) so notify the State; and~~

~~"(ii) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to~~

~~any local educational agency adversely affected by such determination.~~

~~"(d) REDUCTIONS OF STATE AID.—(1) A State whose program of State aid has been certified by the Secretary under subsection (c)(3)(A) may reduce the amount of such aid provided to a local educational agency that receives a payment described in subsection (b)(1) by any amount up to—~~

~~"(A) the amount of such payment; multiplied by~~

~~"(B) 100 percent minus the percentage of disparity determined under subsection (b).~~

~~"(2) No State may make such reductions before its program of State aid has been certified by the Secretary under subsection (c)(3)(A).~~

~~"(e) REMEDIES FOR STATE VIOLATIONS.—(1) The Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in United States district court against any State that violates subsection (a) or subsection (d)(2) of this section or fails to carry out an assurance provided under subsection (b)(3)(B) of this section.~~

~~"(2) A State shall not be immune under the eleventh amendment to the Constitution of the United States from such action.~~

~~"(3) The court shall grant such relief, other than monetary damages, as it determines is appropriate, which may include attorney's fees to a prevailing local educational agency.~~

~~"FEDERAL ADMINISTRATION~~

~~"SEC. 8010. (a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.~~

~~"(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may need to carry out this title.~~

~~"ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW~~

~~"SEC. 8011. (a) ADMINISTRATIVE HEARINGS.—Any local educational agency and any State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.~~

~~"(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—(1) Any local educational agency or any State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after~~

~~receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.~~

~~''(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.~~

~~''(3) The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.~~

~~''DEFINITIONS~~

~~''SEC. 8012. As used in this title, the following terms have the following meanings:~~

1 ~~''(1) ARMED FORCES.—The term 'Armed~~
2 ~~Forces' means the Army, Navy, Air Force, and Ma-~~
3 ~~rine Corps.~~
4 ~~''(2) AVERAGE PER-PUPIL EXPENDITURE.—The~~
5 ~~term 'average per-pupil expenditure' means—~~
6 ~~''(A) the aggregate current expenditures of~~
7 ~~all local educational agencies in the State; di-~~
8 ~~vided by~~
9 ~~''(B) the total number of children in aver-~~
10 ~~age daily attendance for whom such agencies~~
11 ~~provided free public education.~~
12 ~~''(3) CONSTRUCTION.—The term 'construction'~~
13 ~~means—~~
14 ~~''(A) the preparation of drawings and spec-~~
15 ~~ifications for school facilities;~~
16 ~~''(B) erecting, building, acquiring, altering,~~
17 ~~remodeling, repairing, or extending school facili-~~
18 ~~ties;~~
19 ~~''(C) inspecting and supervising the con-~~
20 ~~struction of school facilities; and~~
21 ~~''(D) debt service for such activities.~~
22 ~~''(4) FEDERAL PROPERTY.—(A) Except as oth-~~
23 ~~erwise described in paragraphs (B) through (E) of~~
24 ~~this paragraph, the term 'Federal property' means~~
25 ~~real property that is not subject to taxation by any~~

~~State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—~~

~~''(i) owned by the United States or leased by the United States from another entity;~~

~~''(ii)(I) held in trust by the United States for individual Indians or Indian tribes;~~

~~''(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;~~

~~''(III) conveyed at any time under the Alaska Native Claims Settlement Act (Public Law 92–203, 43 U.S.C. 1601 et seq.) to a Native individual, Native group, or Village or Regional corporation;~~

~~''(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or~~

~~''(V) used for low-rent housing, as otherwise described in this paragraph, that is located on land described in clauses (I), (II), (III), or (IV) of this subparagraph or on land that met one of those descriptions immediately before its use for such housing;~~

~~"(iii) part of a low-rent housing project assisted under the United States Housing Act of 1937; or~~

~~"(iv) owned by a foreign government or by an international organization.~~

~~"(B) 'Federal property' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy—~~

~~"(i) any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State; and~~

~~"(ii) real property that is part of a low-rent housing project assisted under—~~

~~"(I) section 516 of the Housing Act of 1949, 42 U.S.C. 1486 (domestic farm labor low-rent housing); or~~

~~"(II) part B of title III of the Economic Opportunity Act of 1964, formerly 42 U.S.C. 2861 et seq. (migrant and other seasonally employed farmworker low-rent housing).~~

~~"(C) 'Federal property' includes, whether or not subject to taxation by a State or a political subdivision of a State—~~

~~"(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;~~

~~"(ii) any improvement on Federal property as otherwise described in this paragraph; and~~

~~"(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.~~

~~"(D) Notwithstanding any other provision of this paragraph, 'Federal property' does not include—~~

~~"(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or~~

~~"(ii) pipelines and utility lines.~~

~~''(E) Notwithstanding any other provision of this paragraph, 'Federal property' does not include any property on which children reside that is otherwise described in this paragraph if—~~

~~''(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or~~

~~''(ii) no tax revenues of the State are allocated or available for the free public education of such children.~~

~~''(5) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—~~

~~''(A) at public expense, under public supervision and direction, and without tuition charge; and~~

~~''(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—~~

~~''(i) includes preschool education; and~~

~~''(ii) does not include any education provided beyond grade 12.~~

~~"(6) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (4)(A)(ii) of this section.~~

~~"(7) LOCAL CONTRIBUTION PERCENTAGE.—(A) The term 'local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.~~

~~"(B) Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the local contribution percentage computed for the Nation as a whole.~~

~~"(8) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district.~~

~~"(B) 'Local educational agency' includes any State agency that directly operates and maintains facilities for providing free public education.~~

~~"(C) 'Local educational agency' does not include any agency or school authority that the Secretary determines, on a case-by-case basis—~~

~~"(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or under Public Law 81–874 or increasing the amount of such assistance; or~~

~~"(ii) is not constituted or reconstituted for legitimate educational purposes.~~

~~"(9) SCHOOL FACILITIES.—The term 'school facilities' includes classrooms and related facilities, and equipment, machinery, and utilities necessary or appropriate for school purposes.~~

~~"AUTHORIZATION OF APPROPRIATIONS~~

~~"SEC. 8013. (a) BASIC PAYMENTS.—For the purpose of making payments under section 8003(b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.~~

~~"(b) SUPPLEMENTAL PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8003(c), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.~~

~~"(c) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 8006, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.~~

1 ~~''(d) CONSTRUCTION.—For the purpose of making~~
2 ~~payments under section 8007, there are authorized to be~~
3 ~~appropriated such sums as may be necessary for each of~~
4 ~~the fiscal years 1995 through 1999.~~
5 ~~''(e) FACILITIES MAINTENANCE.—For the purpose of~~
6 ~~carrying out section 8008, there are authorized to be ap-~~
7 ~~propriated such sums as may be necessary for each of the~~
8 ~~fiscal years 1995 through 1999.~~
9 ~~''TITLE IX—GENERAL PROVISIONS~~
10 ~~''PART A—DEFINITIONS~~
11 ~~''DEFINITIONS~~
12 ~~''SEC. 9101. Except as otherwise provided, for the~~
13 ~~purposes of this Act, the following terms have the follow-~~
14 ~~ing meanings:~~
15 ~~''(1)(A) Except as provided otherwise by State~~
16 ~~law or this paragraph, the term 'average daily at-~~
17 ~~tendance' means—~~
18 ~~''(i) the aggregate number of days of at-~~
19 ~~tendance of all students during a school year;~~
20 ~~divided by~~
21 ~~''(ii) the number of days school is in ses-~~
22 ~~sion during such school year.~~
23 ~~''(B) The Secretary shall permit the conversion~~
24 ~~of average daily membership (or other similar data)~~
25 ~~to average daily attendance for local educational~~

~~agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.~~

~~''(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—~~

~~''(i) consider the child to be in attendance at a school of the agency making such payment; and~~

~~''(ii) not consider the child to be in attendance at a school of the agency receiving such payment.~~

~~''(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.~~

~~''(2) The term 'average per-pupil expenditure' means, in the case of a State or of the United States—~~

~~"(A) without regard to the source of funds—~~

~~"(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus~~

~~"(ii) any direct current expenditures by the State for operation of such agencies; divided by~~

~~"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.~~

~~"(3) The term 'child' means any person within the age limits for which the applicable State provides free public education.~~

~~"(4) The term 'community-based organization' means a private nonprofit organization that—~~

~~"(A) is representative of a community or significant segments of a community; and~~

~~"(B) provides educational or related services to individuals in the community.~~

~~"(5) The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 9302 of this Act.~~

~~"(6) The term 'county' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.~~

~~"(7) The term 'covered program' means each of the programs authorized by—~~

~~"(A) part A of title I of this Act (making high-poverty schools work);~~

~~"(B) part C of title I of this Act (education of migratory children);~~

~~"(C) part A of title II of this Act (professional development); and~~

~~"(D) part A of title IV of this Act (safe and drug-free schools) except section 4104.~~

~~"(8) The term 'current expenditures' means expenditures for free public education—~~

~~"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation~~

~~and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but~~

~~''(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title II of this Act.~~

~~''(9) The term 'Department' means the Department of Education.~~

~~''(10) The term 'elementary school' means a day or residential school that provides elementary education, as determined under State law.~~

~~''(11) The term 'free public education' means education that is provided—~~

~~''(A) at public expense, under public supervision and direction, and without tuition charge; and~~

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

~~''(12) The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.~~

~~"(13)(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.~~

~~"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.~~

~~"(14) The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).~~

~~"(15) The term 'parent' includes a legal guardian or other person standing in loco parentis.~~

~~"(16) The terms 'pupil-services personnel' and 'pupil services' mean, respectively—~~

~~"(A) school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing as-~~

~~sessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs; and~~

~~''(B) the services provided by such individuals.~~

~~''(17) The term 'secondary school' means a day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.~~

~~''(18) The term 'Secretary' means the Secretary of Education.~~

~~''(19) The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.~~

~~''(20) The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.~~

~~''APPLICABILITY OF THIS TITLE~~

~~''SEC. 9102. Parts B through F of this title do not apply to title VIII of this Act.~~

~~"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS~~

~~"CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS~~

~~"SEC. 9201. (a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—(1) A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs specified under paragraph (2).~~

~~"(2) This section applies to title I of this Act and the covered programs specified in sections 9101(7) (C) and (D).~~

~~"(b) USE OF FUNDS.—(1) A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).~~

~~"(2) A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under such programs, such as—~~

~~"(A) the coordination of programs specified in subsection (a)(2) with other Federal and non-Federal programs;~~

~~"(B) the establishment and operation of peer-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).~~

~~''SINGLE LOCAL EDUCATIONAL AGENCY STATES~~

~~''SEC. 9202. A State educational agency that also serves as a local educational agency shall, in its applications or State plans under this Act, describe how it will eliminate duplication in the conduct of administrative functions.~~

~~''CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION~~

~~''SEC. 9203. (a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, determined by its State educational agency, of the total amount available to that local educational agency under those covered programs.~~

~~''(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1993, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may 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~~

limitations on the amount of such funds that may be used for administration.

"(b) REPORT.—The Secretary shall submit to the President and the appropriate committees of the Congress a report regarding the study, if any, conducted under this section within 30 days of its completion.

"CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS

"SEC. 9205. (a) GENERAL AUTHORITY.—(1) The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2)(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education

~~Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and~~

~~''(ii) be developed in consultation with Indian tribes.~~

~~''(b) ADMINISTRATION.—The Department of the Interior may use up to 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.~~

~~''SCHOOLWIDE PROGRAMS~~

~~''SEC. 9206. In accordance with section 1114 of this Act, a school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except a program under the Individuals with Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary, to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.~~

~~''AVAILABILITY OF UNNEEDED PROGRAM FUNDS~~

~~''SEC. 9207. With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program other than part A of title I of this Act are not needed for the purpose of that covered program may use such funds, not to exceed 5 percent of the total amount~~

of its funds under that covered program, for the purpose of another covered program.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

"PURPOSE

"SEC. 9301. It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"OPTIONAL CONSOLIDATED STATE APPLICATION

"SEC. 9302. (a) GENERAL AUTHORITY.—(1) In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary shall, in accordance with subsection (b), establish procedures and criteria under which a State educational agency may submit a consolidated State application meeting the requirements of this section for each of the covered programs in which the State participates.

"(2) A State educational agency may also include in its consolidated application—

"(A) the Even Start program under part B of title I of this Act;

"(B) the education of neglected and delinquent youth program under part D of title I of this Act;

~~''(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act; and~~

~~''(D) such other programs as the Secretary may designate.~~

~~''(3) A State educational agency that submits a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which its consolidated application under this section applies.~~

~~''(b) COLLABORATION.—(1) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.~~

~~''(2) Through the collaboration process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State application.~~

~~''GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES~~

~~''SEC. 9303. (a) ASSURANCES.—A State educational agency that submits a State plan or application under this~~

~~Act, whether separately or under section 9302, shall have on file with the Secretary a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—~~

~~"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;~~

~~"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the statute authorizing the program provides for assistance to such entities; and~~

~~"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;~~

~~"(3) the State will adopt and use proper methods of administering each such program, including—~~

~~"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients responsible for carrying out each program;~~

~~"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and~~

~~"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;~~

~~"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;~~

~~"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;~~

~~"(6) the State will—~~

~~"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and~~

~~"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and~~

~~"(7) before the application was submitted to the Secretary, the State has afforded a reasonable op-~~

portunity for public comment on the application and has considered such comment.

''(b) GEPA PROVISION.—Section 435 of the General Education Provisions Act does not apply to programs under this Act.

''CONSOLIDATED LOCAL APPLICATIONS

''SEC. 9304. (a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit applications to the State educational agency under such programs on a consolidated basis.

''(b) REQUIRED CONSOLIDATED APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State application under section 9302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State application to submit consolidated local applications under such programs.

''(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated applications under this section.

''OTHER GENERAL ASSURANCES

''SEC. 9305. (a) ASSURANCES.—Any applicant other than a State educational agency that submits an application under this Act, whether separately or pursuant to sec-

~~tion 9304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which an application is submitted, that provides that—~~

~~"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;~~

~~"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and~~

~~"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;~~

~~"(3) the applicant will adopt and use proper methods of administering each such program, including—~~

~~"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and~~

~~"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;~~

~~"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;~~

~~"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;~~

~~"(6) the applicant will—~~

~~"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and~~

~~"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and~~

~~"(7) before the application was submitted, the applicant afforded a reasonable opportunity for pub-~~

lic comment on the application and has considered such comment.

''(b) GEPA PROVISION.—Section 436 of the General Education Provisions Act does not apply to programs under this Act.

''PART D—WAIVERS

''WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS

''SEC. 9401. (a) GENERAL.—(1) Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver if—

''(A) the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act; and

''(B) in the case of a waiver proposal submitted by a State educational agency, the State educational agency—

''(i) provides all interested local educational agencies in the State with notice and

~~an opportunity to comment on the proposal; and~~

~~"(ii) submits the comments to the Secretary; and~~

~~"(C) in the case of a waiver proposal submitted by a local educational agency or other agency, institution, or organization that receives funds under this Act from the State educational agency, such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such agency.~~

~~"(b) WAIVER PERIOD.—(1) A waiver under this section shall be for a period not to exceed three years.~~

~~"(2) The Secretary may extend such period if the Secretary determines that—~~

~~"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which it was requested and has contributed to improved performance; and~~

~~"(B) such extension is in the public interest.~~

~~"(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—~~

~~"(1) comparability of services;~~

~~"(2) maintenance of effort;~~

~~''(3) the equitable participation of students attending private schools;~~

~~''(4) parental participation and involvement;~~

~~''(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;~~

~~''(6) maintenance of records;~~

~~''(7) applicable civil rights requirements; or~~

~~''(8) the requirements of sections 438 and 439 of the General Education Provisions Act.~~

~~''(d) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if it is no longer necessary to achieve its original purposes.~~

~~''PART E—UNIFORM PROVISIONS~~

~~''MAINTENANCE OF EFFORT~~

~~''SEC. 9501. (a) GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90~~

~~percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.~~

~~''(b) REDUCTION IN CASE OF FAILURE TO MEET.—(1) The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).~~

~~''(2) No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.~~

~~''(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—~~

~~''(1) exceptional or uncontrollable circumstances such as a natural disaster; or~~

~~''(2) a precipitous decline in the financial resources of the local educational agency.~~

~~''PROHIBITION REGARDING STATE AID~~

~~''SEC. 9502. No State shall take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.~~

~~''PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS~~

~~''SEC. 9503. (a) GENERAL REQUIREMENT. (1) Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or intermediate educational agency or consortium receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials, provide such children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits under such program.~~

~~''(2) Educational services or other benefits, including materials and equipment, provided under this section, must be secular, neutral, and nonideological.~~

~~''(3) Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program.~~

~~"(4) Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving them shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.~~

~~"(5) Such agency or consortium may provide such services directly or through contracts with public and private agencies, organizations, and institutions.~~

~~"(b) APPLICABILITY.—(1) This section applies to—~~

~~"(A) each covered program;~~

~~"(B) programs under title VII of this Act; and~~

~~"(C) any other program under this Act specified by the Secretary, subject to such conditions as the Secretary may prescribe.~~

~~"(2) For the purposes of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).~~

~~"(c) CONSULTATION.—(1) To ensure timely and meaningful consultation, such agency or consortium shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—~~

~~"(A) how the children's needs will be identified;~~

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~~

~~purposes provided in this Act, and a public agency shall administer such funds and property.~~

~~''(2)(A) The provision of services under this section shall be provided—~~

~~''(i) by employees of a public agency; or~~

~~''(ii) through contract by such public agency with an individual, association, agency, or organization.~~

~~''(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.~~

~~''(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.~~

~~''STANDARDS FOR BY-PASS~~

~~''SEC. 9504. If, by reason of any provision of law, a State, local, or intermediate educational agency or consortium is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 9503, the Secretary shall—~~

~~"(1) waive the requirements of that section for such agency or consortium; and~~

~~"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 9503, 9505, and 9506.~~

~~"COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN~~

~~"SEC. 9505. (a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations by an agency or consortium of section 9503 of this Act. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by such agency within a reasonable period of time.~~

~~"(b) APPEALS TO THE SECRETARY.—Such resolution may be appealed by an interested party to the Secretary within 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve~~

~~each such appeal within 120 days after receipt of the appeal.~~

~~''BY-PASS DETERMINATION PROCESS~~

~~''SEC. 9506. (a) REVIEW.—(1)(A) The Secretary shall not take any final action under section 9504 until the agency or consortium affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.~~

~~''(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.~~

~~''(2)(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.~~

~~''(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.~~

~~''(C) The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based~~

this action, as provided in section 2112 of title 28, United States Code.

"(3)(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4)(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part.

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

"(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable

requirements of section 9503 or any other provision of this Act.

''(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

''(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day before enactment of the Improving America's Schools Act of 1993 shall remain in effect to the extent the Secretary determines that it is consistent with the purpose of this section.

''PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION

''SEC. 9507. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

''PART F—OTHER PROVISIONS

''STATE RECOGNITION OF EXEMPLARY PERFORMANCE

''SEC. 9601. (a) GENERAL AUTHORITY.—(1) A State educational agency may implement a program of State recognition awards under one or more covered programs

~~(other than part A of title I of this Act) and part B of title I of this Act.~~

~~"(2) Such recognition awards shall be made by the State educational agency to recipients of assistance under this Act in the State that the State educational agency determines have carried out grant-related activities in an exemplary fashion and have demonstrated outstanding performance measured in accordance with this section.~~

~~"(3) A State desiring to make monetary awards under this section may reserve a portion of the total amount available for grants within the State under such program for any fiscal year, not to exceed 1 percent, for the purpose of making recognition awards to qualifying recipients under such programs. In implementing this section, a State may reduce the amount of funds it would otherwise allocate to recipients in accordance with the applicable statute governing such allocation to the extent necessary.~~

~~"(b) CONDITIONS.—A State educational agency may make recognition awards under this section if—~~

~~"(1) in selecting awardees, it takes into account improvements in performance (rather than comparisons with other schools and school districts), and successful cooperative efforts among teachers, ad-~~

ministrators, and other school personnel in achieving educational reform;

"(2) it employs peer review procedures in identifying recipients eligible for awards, the identity of the awardees, and the amount of the awards;

"(3) it determines that the awardee is in compliance with applicable civil rights requirements; and

"(4) it submits to the Secretary a description of the criteria used in making such awards.

"INTERNATIONAL EDUCATION ACTIVITIES

"SEC. 9602. (a) GENERAL AUTHORITY.—In order to enhance education in the United States and to encourage cooperative efforts with foreign governments and international organizations, the Secretary is authorized directly or through grants, contracts, or cooperative agreements to carry out the activities in subsection (b).

"(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

"(1) activities to improve international understanding through the exchange of technical assistance, information, and training opportunities;

"(2) activities to improve our understanding of how educational systems in other countries work in order to better carry out reform efforts;

"(3) joint conferences with foreign countries to 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) The term 'applicable program' means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under statutes effective after the effective date of that Act.~~

~~''(2) The term 'applicable statute' means—~~

~~''(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;~~

~~''(B) this title; and~~

~~''(C) any other statute that by its terms expressly controls the administration of an applicable program.~~

~~''(3) The term 'Department' means the Department of Education.~~

~~''(4) The term 'Secretary' means the Secretary of Education.~~

~~''(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V~~

of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.''.

REPEAL

SEC. 212. Section 400A of the Act is repealed.

PART B—THE DEPARTMENT OF EDUCATION

NEW HEADING FOR PART A

SEC. 221. The heading for part A of the Act is amended to read as follows: ''PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION''.

GENERAL AUTHORITY OF THE SECRETARY

SEC. 222. Section 408 of the Act is amended to read as follows:

''GENERAL AUTHORITY OF THE SECRETARY

''SEC. 408. The Secretary, in order to carry out functions otherwise vested in him by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.''.

OFFICE OF PRIVATE EDUCATION

SEC. 223. Section 409 of the Act is repealed and a new section 409 is inserted in lieu thereof to read as follows:

~~''OFFICE OF PRIVATE EDUCATION~~

~~''SEC. 409. Subject to section 413 of the Department of Education Organization Act, there is established in the Department an Office of Private Education to ensure the maximum participation of nonpublic school students in all applicable programs for which such children are eligible.''.~~

~~REPEALS~~

~~SEC. 224. Sections 401, 402, 403, 406A, 406B, 406C, and 407 of the Act are repealed.~~

~~PART C—APPROPRIATIONS AND EVALUATIONS~~

~~AVAILABILITY OF APPROPRIATIONS~~

~~SEC. 231. (a) The heading for section 412 of the Act is amended to read as follows: ''AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS''.~~

~~(b) Section 412 of the Act is further amended—~~

~~(1) in subsection (a)—~~

~~(A) by striking out ''to educational agencies or institutions'';~~

~~(B) by striking out ''expenditure'' and inserting in lieu thereof ''obligations''; and~~

~~(C) by striking out ''by the agency or institution concerned'' and inserting in lieu thereof ''by the recipient'';~~

~~(2) by amending subsection (b)(1) to read as follows:~~

~~''(b)(1)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subsection, any funds from appropriations to carry out any applicable State formula grant program that are not obligated by a recipient by the end of the fiscal year for which such funds were appropriated shall remain available for obligation by such recipient during the succeeding fiscal year.~~

~~''(B) As used in this subsection, the term 'applicable State formula grant program' means an applicable program whose authorizing statute or implementing regulations provide a formula for allocating program funds among eligible States.'';~~

~~(3) in subsection (b)(2)—~~

~~(A) by striking out ''applicable program'' and inserting in lieu thereof ''applicable State formula grant program'';~~

~~(B) by striking out ''and expenditure'' and ''and expended'';~~ ~~and~~

~~(C) in subparagraph (B), by striking out ''educational agencies or institutions'' and inserting in lieu thereof ''recipients'';~~ ~~and~~

~~(4) by striking out subsection (c).~~

~~CONTINGENT EXTENSION OF PROGRAMS~~

~~SEC. 232. Section 414 of the Act is amended to read as follows:~~

~~''CONTINGENT EXTENSION OF PROGRAMS~~

~~''SEC. 414. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the terminal fiscal year of such authorization or duration—~~

~~''(1) has passed legislation that becomes law and extends, or has formally rejected legislation that would have extended, the authorization or duration of such program; or~~

~~''(2) approves a resolution, by action of either the House of Representatives or the Senate, stating that this section shall not apply to such program.~~

~~''(b) The amount authorized to be appropriated for the period of automatic extension of an applicable program under subsection (a) shall be the amount that was authorized to be appropriated for that program during its terminal fiscal year.~~

~~''(c) If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a).''.~~

~~BIENNIAL EVALUATION REPORT~~

~~SEC. 233. Section 417 of the Act is amended to read as follows:~~

~~"BIENNIAL EVALUATION REPORT~~

~~"SEC. 417. Not later than March 31 of each second year beginning with 1995, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs during the two preceding fiscal years in achieving their legislated purposes. Such report shall—~~

~~"(1) contain program profiles that include legislative citations, multi-year funding histories, and legislated purposes;~~

~~"(2) contain recent evaluation information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, and evaluation information on the costs and benefits of the applicable programs being evaluated;~~

~~"(3) contain selected significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;~~

~~''(4) list the principal analyses and studies supporting the major conclusions in the report; and~~

~~''(5) include available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of their beneficiaries.''.~~

~~TECHNICAL AMENDMENTS~~

~~SEC. 234. (a) Section 415 of the Act is amended by striking out ''Commissioner'' and inserting in lieu thereof ''Secretary''.~~

~~(b) Section 420 of the Act is amended—~~

~~(1) by striking out ''title I of'' and all that follows through ''Congress)'' and inserting in lieu thereof ''title VIII of the Elementary and Secondary Education Act of 1965''; and~~

~~(2) by striking out ''subparagraph (C) of section 3(d)(2) or section 403(1)(C)'' and inserting in lieu thereof ''sections 8003(c) or residing on property described in section 8012(7)(B)(ii)''.~~

~~REPEALS~~

~~SEC. 235. Sections 411, 413, 416, and 419 of the Act are repealed.~~

~~PART D—ADMINISTRATION OF EDUCATION PROGRAMS~~

~~JOINT FUNDING OF PROGRAMS~~

~~SEC. 241. (a) Section 421A of the Act is amended to read as follows:~~

~~''JOINT FUNDING OF PROGRAMS~~

~~''SEC. 421A. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.~~

~~''(2) Funds so transferred or received shall be used only in accordance with the statutes authorizing the appropriation of such funds and the statutes appropriating such funds, and shall be made available only to parties eligible to receive such funds under such statutes.~~

~~''(3) If the Secretary enters into a agreement under this subsection for the administration of a project, the agency administering the project shall use its procedures to select awardees and to administer the awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.~~

~~''(4) If the Secretary has entered into an agreement authorized under subsection (a) of this section and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding, the Secretary and the heads of the other~~

~~participating agencies may develop a single set of criteria for jointly funded projects and require each applicant for those projects to submit a single application for review by the participating agencies.~~

~~''(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which awards are made on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award must meet the eligibility requirements of each such program.''.~~

~~COLLECTION AND DISSEMINATION OF INFORMATION~~

~~SEC. 242. Section 422 of the Act is amended to read as follows:~~

~~''COLLECTION AND DISSEMINATION OF INFORMATION~~

~~''SEC. 422. The Secretary shall—~~

~~''(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;~~

~~''(2) inform the public on federally supported education programs; and~~

~~''(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes.''.~~

~~REVIEW OF APPLICATIONS~~

~~SEC. 243. Section 425 of the Act is amended—~~

~~(1) in subsection (a)—~~

~~(A) by striking out ''Commissioner'' and inserting in lieu thereof ''Secretary'';~~

~~(B) by striking out ''and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,'';~~

~~(C) in the third sentence thereof, by inserting a comma after ''the hearing''; and~~

~~(D) in the fourth sentence thereof—~~

~~(i) by striking out the comma after ''guidelines''; and~~

~~(ii) by inserting a comma after ''program'';~~

~~(2) in subsection (b), by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''; and~~

~~(3) in subsection (d), by striking out ''Commissioner'' each time it appears and inserting in lieu~~

~~thereof ''Secretary'' and by inserting before the period ''or issue such other orders as the Secretary may deem appropriate to achieve such compliance''.~~

~~USE OF FUNDS WITHHELD~~

~~SEC. 244. Section 428 of the Act is amended to read as follows:~~

~~''USE OF FUNDS WITHHELD~~

~~''SEC. 428. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce such allotment or reallotment by such amount as the Secretary determines it would have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.~~

~~''(b) The Secretary may use any funds withheld under subsection (a)—~~

~~''(1) to increase the allotments of other local educational agencies within the State, or the allotments of all States, in accordance with the statutes governing the program; or~~

~~''(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.''.~~

~~APPLICATIONS~~

~~SEC. 245. Section 430 of the Act is amended by striking out ''for three fiscal years'' and inserting in lieu thereof ''for more than one fiscal year''.~~

~~REGULATIONS~~

~~SEC. 246. Section 431 of the Act is repealed.~~

~~RECORDS; REDUCTION IN RETENTION REQUIREMENTS~~

~~SEC. 247. Section 437 of the Act is amended—~~

~~(1) in subsection (a)—~~

~~(A) by striking out ''grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)'' and inserting in lieu thereof ''grant, subgrant, cooperative agreement, loan or other arrangement'';~~

~~(B) by inserting ''financial or programmatic'' immediately before ''audit.''; and~~

~~(C) by striking out the last sentence thereof; and~~

~~(2) in subsection (b), by striking out ''to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements'' and inserting in lieu thereof ''to any records currently maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements''.~~

~~TECHNICAL AMENDMENTS~~

~~SEC. 248. (a) The heading for Part C of the Act is amended by striking out ''COMMISSIONER OF EDUCATION'' and inserting in lieu thereof ''SECRETARY''.~~

~~(b) Section 427 of the Act is amended—~~

~~(1) by striking out ''Commissioner'' and inserting in lieu thereof ''Secretary''; and~~

~~(2) in the second sentence thereof, by inserting ''is made'' after ''such determination''.~~

~~(c) Section 430 of the Act is amended by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''.~~

~~(d) Section 433 of the Act is amended by striking out ''Except for emergency relief'' and inserting in lieu thereof ''All laborers''.~~

~~(e)(1) The heading of section 434 of the Act is amended by striking out ''EDUCATIONAL''.~~

~~(2) Section 434 of the Act is amended—~~

~~(A) by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''; and~~

~~(B) by inserting ''(c)'' before the last sentence and by deleting ''paragraph (3)'' in such sentence and inserting in lieu thereof ''subsection (b)(3)''.~~

~~(f) Section 435 of the Act is amended—~~

~~(1) by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''; and~~

~~(2) in subsection (a)—~~

~~(A) by striking out the comma after ''submits a plan''; and~~

~~(B) by striking out ''(subject, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965)''.~~

~~(g) Section 436 of the Act is amended—~~

~~(1) in subsection (a), by striking out ''that local education agency'' and inserting in lieu thereof ''that local educational agency''; and~~

~~(2) in subsection (b)—~~

~~(A) in paragraph (2), by inserting a comma after ''program'';~~

~~(B) in paragraph (4), by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''; and~~

~~(C) in paragraph (7), by striking out ''handicapped individuals'' and inserting in lieu thereof ''individuals with disabilities''.~~

~~(h) Section 438 of the Act is amended—~~

~~(1) in subsection (a)(4)(B)(ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon;~~

~~(2) in subsection (b)—~~

~~(A) in paragraph (1)(C), by striking out ''(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)'' and inserting in lieu thereof ''or (iii)'';~~

~~(B) in paragraph (1)(H), by striking out ''1954'' and inserting in lieu thereof ''1986''; and~~

~~(C) in paragraph (3)—~~

~~(i) by striking out ''(C) an administrative head of an education agency or (D)'' and inserting in lieu thereof ''or (C)''; and~~

~~(ii) by striking out ''education program'' and inserting in lieu thereof ''education programs'';~~

~~(3) in subsection (d), by inserting a comma after ''education'';~~

~~(4) in subsection (f)—~~

~~(A) by striking out ''The Secretary, or an administrative head of an education agency,'' and inserting in lieu thereof ''The Secretary'';~~

~~(B) by striking out ''provisions of'' after ''enforce'';~~

~~(C) by striking out ''according to the provisions of'' and inserting in lieu thereof ''in accordance with''; and~~

~~(D) by striking out ''the provisions of'' after ''with''; and~~

~~(5) in subsection (g)—~~

~~(A) by striking out ''Health, Education, and Welfare'' and inserting in lieu thereof ''Education''; and~~

~~(B) by striking out ''the provisions of''.~~

~~REPEALS~~

~~SEC. 249. (a) Sections 421, 423, 424, 426, 426A, and 429 of the Act are repealed.~~

~~EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES~~

~~SEC. 250. The Act is further amended by inserting after section 425 a new section 426 to read as follows:~~

~~''EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES~~

~~''SEC. 426. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers and other program beneficiaries in any project or activity carried out under an applicable program and promoting their ability to meet high standards.~~

~~''(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.~~

~~''(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.~~

~~''(d) Nothing in this section is intended to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.''.~~

~~PART E—ADVISORY COMMITTEES~~

~~REPEAL~~

~~SEC. 251. Part D of the Act is repealed.~~

~~PART F—ENFORCEMENT~~

~~REPEAL OF GRANTBACK PROVISION~~

~~SEC. 261. Section 459 of the Act is repealed.~~

~~PART G—RELATED AMENDMENTS TO OTHER ACTS~~

~~DEPARTMENT OF EDUCATION ORGANIZATION ACT~~

~~SEC. 271. The Department of Education Organization Act is amended—~~

~~(1) in section 414, by striking out ''(a)'' and subsection (b);~~

~~(2) in section 417, by adding a new subsection (d) to read as follows:~~

~~''(d) The Secretary is authorized, with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out functions of the Secretary or the Department and to acquire and dispose of such property.'';~~

~~(3) in section 421, by inserting ''and to accept donations of services'' after ''personal''; and~~

~~(4) by striking out section 427.~~

~~HIGHER EDUCATION ACT OF 1965~~

~~SEC. 272. Sections 432(d) and 482(c) of the Higher Education Act of 1965 are repealed.~~

~~PART H—CONFORMING AMENDMENTS~~

~~CONFORMING AMENDMENTS TO OTHER ACTS~~

~~SEC. 281. (a) The Rehabilitation Act of 1973 is amended—~~

~~(1) by repealing section 9; and~~

~~(2) in section 100, by striking out subsection (d).~~

~~(b) Section 491(b) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by striking out the last sentence thereof.~~

~~TITLE III—AMENDMENTS TO OTHER ACTS~~

~~PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT~~

~~ALLOCATIONS UNDER SECTION 611 OF THE IDEA~~

~~SEC. 311. (a) Section 611(a) of the Individuals with Disabilities Education Act (hereafter in this title referred to as the ''IDEA'') is amended—~~

~~(1) by amending paragraph (1) to read as follows:~~

~~''(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is eligible under this section for any fiscal year is—~~

~~''(A) the sum of—~~

~~''(i) the number of children with disabilities in the State, aged 6 through 21, who are receiving special education and related services, as determined under paragraph (3); and~~

~~''(ii) the number of such children in the State, aged 3 through five, if the State is eligible for a grant under section 619; multiplied by~~

~~''(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.'';~~

~~(2) by amending paragraph (2) to read as follows:~~

~~''(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''; and~~

~~(3) in paragraph (5)(A)—~~

~~(A) in clause (i), by striking out ''and the State'' and inserting in lieu thereof ''or the~~

~~combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, whichever is greater, if the State'';~~

~~(B) in clause (ii)—~~

~~(i) by striking out ''and the State'' and inserting in lieu thereof ''or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, whichever is greater, if the State'';~~ ~~and~~

~~(ii) by striking out the semicolon and ''and'' at the end thereof and inserting in lieu thereof a period;~~ ~~and~~

~~(C) by striking out clause (iii).~~

~~(b) Section 611(b) of the IDEA is amended to read as follows:~~

~~''(b)(1) Notwithstanding subsections (a) and (g) of this section, no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that~~

~~is less than the combined amount it received for fiscal year 1994 under—~~

~~"(A) this section; and~~

~~"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities aged three through 21.~~

~~"(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged three through 21, counted for that State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the amount determined under paragraph (1) for that State shall be reduced by the same percentage by which the number of those children so declined.".~~

~~(c) Section 611(c) of the IDEA is amended—~~

~~(1) by amending paragraph (1) to read as follows:~~

~~"(1) Of the funds received under subsection (a) by any State for any fiscal year—~~

~~"(A) the State may use up to 25 percent in accordance with paragraph (2); and~~

~~''(B) except as provided in paragraph (4), the State shall distribute at least 75 percent to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).'';~~

~~(2) in paragraph (2), by amending subparagraph (A) to read as follows:~~

~~''(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—~~

~~''(i) may use five percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and~~

~~''(ii) shall use the remainder—~~

~~''(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and~~

~~''(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that~~

~~such costs exceed the costs of administration incurred during fiscal year 1985.''.~~

~~(d) Section 611(d) of the IDEA is amended to read as follows:~~

~~''(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.~~

~~''(2)(A) To the extent necessary, the State—~~

~~''(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State agency that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of such funds and funds provided under paragraph (1), an amount equal to—~~

~~''(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by~~

~~''(II) the per-child amount provided under such subpart for fiscal year 1994; and~~

~~''(ii) may use such funds to ensure that each local educational agency that received fiscal year 1994 funds under such subpart for children who had transferred from a State-operated or State-supported school or program assisted under such subpart receives, from the combination of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.~~

~~''(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.''.~~

~~(e) Section 611(e)(1) of the IDEA is amended to read as follows:~~

~~''(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the~~

~~Compact of Free Association with the Government of Palau).''.~~

~~(f) Section 611(g) of the IDEA is amended to read as follows:~~

~~''(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.~~

~~''(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as they were reduced.~~

~~''(C) Any State that receives any such additional funds shall distribute them in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—~~

~~''(i) deduct, from the amount that it would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as it so used; and~~

~~''(ii) use such funds in accordance with subsection (c)(2)(A)(ii).~~

~~''(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to it under this section that it estimates it will expend.~~

~~''(B) The State educational agency shall, in accordance with this section, reallocate any funds that it determines will not be used during the period of availability by such local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if it applied for them under this part, to those local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.''.~~

~~TREATMENT OF CHAPTER 1 STATE AGENCIES~~

~~SEC. 312. Part B of the IDEA is further amended by inserting after section 614 the following new section:~~

~~''TREATMENT OF CHAPTER 1 STATE AGENCIES~~

~~''SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under sub-~~

~~part 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be treated as if it were a local educational agency.~~

~~''(b) The State educational agency shall ensure that each State agency that operates or supports a program or school for children with disabilities with funds under this part—~~

~~''(1) provides each child with a disability in that school or program a free appropriate public education in accordance with this part, including the due process protections of section 615, as if it were a local educational agency; and~~

~~''(2) has on file with the State educational agency an application that meets those requirements of section 614 that the Secretary finds appropriate.~~

~~''(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by virtue of this section.''.~~

~~INFANTS AND TODDLERS WITH DISABILITIES~~

~~SEC. 313. (a) Section 684(c) of the IDEA is amended—~~

~~(1) by redesignating paragraph (2) as paragraph (5); and~~

~~(2) by striking out paragraph (1) and inserting in lieu thereof paragraphs (1) through (4) to read as follows:~~

~~"(1) Except as provided in paragraphs (3) and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.~~

~~"(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to their relative numbers of infants and toddlers with disabilities who—~~

~~"(A) are counted on December 1, 1994; and~~

~~"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 as in effect before the enactment of the Improving America's Schools Act of 1993.~~

~~"(3) Except as provided in paragraph (4), no State shall receive an amount under this section for any fiscal year that is less than the greater of—~~

~~"(A) one-half of one percent of the remaining amount described in paragraph (1), not in-~~

~~cluding any amounts allotted under paragraph (2); or~~

~~''(B) $500,000.~~

~~''(4)(A) No State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—~~

~~''(i) this part; and~~

~~''(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities from birth through age two.~~

~~''(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.''.~~

~~(b) The amendments made by subsection (a) shall take effect beginning with fiscal year 1995.~~

~~PART B—AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT~~

~~STATE LITERACY INITIATIVES~~

~~SEC. 321. Section 702 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.; hereinafter in this title referred to as ''the Act'') is amended to read as follows:~~

~~''STATE LITERACY INITIATIVES~~

~~''SEC. 702. (a) GENERAL AUTHORITY.—(1) The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—~~

~~''(A) include outreach activities; and~~

~~''(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, part C of this title, or the Job Opportunity and 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~~

of the Compact of Free Association with the Government of Palau).''.

EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 322. Subtitle B of title VII of the Act is amended to read as follows:

''Subtitle B—Education for Homeless Children and Youth

''STATEMENT OF POLICY

''SEC. 721. It is the policy of the Congress that—

''(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

''(2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

~~"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and~~

~~"(4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held.~~

~~"GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH~~

~~"SEC. 722. (a) GENERAL AUTHORITY.—The Secretary is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (d), (e), (f), and (g).~~

~~"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.~~

~~"(c) ALLOCATION AND RESERVATIONS.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year pursuant to section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated in each such year as the amount allocated under section 1122 of the Elementary and Secondary Education~~

~~Act of 1965 to the State in that year bears to the total amount allocated to all States, except that no State shall receive less than $100,000.~~

~~"(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year pursuant to section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need, as determined by the Secretary.~~

~~"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.~~

~~"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of these funds under terms that the Secretary determines best meet the purposes of the covered programs. Such agreement shall set forth the plans of the Secretary of the Inte-~~

~~rior for the use of the amounts transferred, including appropriate goals, objectives and milestones.~~

~~''(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.~~

~~''(d) MANDATED ACTIVITIES.—Grants under this section shall be used—~~

~~''(1) to carry out the policies set forth in section 721 in the State;~~

~~''(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;~~

~~''(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);~~

~~''(4) to prepare and carry out the State plan described in subsection (g); and~~

~~''(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, spe-~~

cific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall provide grants to local educational agencies for purposes of section 723.

"(B) The State educational agency may reserve not more than the greater of 5 percent of the amount it receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at its discretion, may provide such grants or may conduct activities under subsection (f) directly or through grants or contracts.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) estimate the number of homeless children and youth in the State and the number of such chil-

~~dren and youth served with assistance provided under the grants under this subtitle;~~

~~"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school;~~

~~"(3) develop and carry out the State plan described in subsection (g);~~

~~"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out his or her responsibilities under this subtitle;~~

~~"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth and their families; and~~

~~"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.~~

~~"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—~~

~~"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;~~

~~"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;~~

~~"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;~~

~~"(D) describe procedures that ensure that—~~

~~"(i) homeless children have equal access to the same public preschool programs as provided to other children; and~~

~~"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;~~

~~"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);~~

~~"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—~~

~~''(i) transportation issues; and~~

~~''(ii) enrollment delays that are caused by—~~

~~''(I) immunization requirements;~~

~~''(II) residency requirements;~~

~~''(III) lack of birth certificates, school records, or other documentation; or~~

~~''(IV) guardianship issues;~~

~~''(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and~~

~~''(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.~~

~~''(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).~~

~~"(3)(A) The local educational agency of each homeless child and youth shall, according to the child's or youth's best interest, either—~~

~~"(i) continue the child's or youth's education in the school of origin—~~

~~"(I) for the remainder of the academic year; or~~

~~"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or~~

~~"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.~~

~~"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply with the request made by a parent or guardian regarding school selection unless the local educational agency has a compelling reason for not complying with the request.~~

~~"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.~~

~~"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.~~

~~"(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—~~

~~"(A) transportation services, except as required by paragraph (9);~~

~~"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;~~

~~"(C) programs in vocational education;~~

~~"(D) programs for gifted and talented students; and~~

~~"(E) school meals programs.~~

~~"(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special~~

services or programs, of each homeless child or youth shall be maintained—

"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 438 of the General Education Provisions Act.

"(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families.

"(7)(A) Each local educational agency in which homeless children or youth live or attend school in a State that receives a grant under this subtitle shall designate a homelessness liaison to ensure that—

"(i) homeless children and youth enroll and succeed in the schools of that agency; and

"(ii) homeless families, children, and youth receive educational services for which they are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services.

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and

advocates working with homeless families of the duties of the liaisons.

"(8) Each State educational agency and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"(9) Each plan adopted under this subsection shall—

"(A) demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which they are enrolled; and

"(B) contain procedures for resolving disputes between local educational agencies or within a local educational agency concerning transportation costs for such children and youth.

"LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 723. (a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section

~~722(e) and with amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.~~

~~''(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where services are provided through programs on school grounds, such services may also be made available to children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, except that priority for such services shall be given to homeless children and youth. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.~~

~~''(3) Services provided under this section shall be designed to expand upon or improve services provided as part of the school's regular academic program.~~

~~''(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may rea-~~

~~sonably require according to guidelines issued by the Secretary. Each such application shall include—~~

~~"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;~~

~~"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year;~~

~~"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and~~

~~"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.~~

~~"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and with amounts made available to such agency under section 726, award~~

~~grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.~~

~~"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—~~

~~"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;~~

~~"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);~~

~~"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and~~

~~"(D) such other criteria as the agency determines appropriate.~~

~~"(3) Grants awarded under this section shall be for terms not to exceed three years.~~

~~"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—~~

~~"(A) the provision of tutoring and supplementary educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth;~~

~~"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);~~

~~"(C) professional development and other activities for educators and other school personnel that is designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;~~

~~"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;~~

~~"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);~~

~~"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;~~

~~"(G) the provision of before- and after-school and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;~~

~~"(H) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;~~

~~"(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;~~

~~"(J) the development of coordination between schools and agencies providing services to homeless children and youth;~~

~~"(K) the provision of counseling (including violence prevention counseling), social work, and psychological services, and referrals for such services;~~

~~"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;~~

~~"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;~~

~~"(N) the provision of school supplies to be distributed at shelters or temporary housing facilities; and~~

~~"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.~~

~~"SECRETARIAL RESPONSIBILITIES~~

~~"SEC. 724. (a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies~~

~~under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.~~

~~''(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.~~

~~''(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.~~

~~''(d) REPORTS.—The Secretary shall prepare and submit a report to Congress on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.~~

~~''DEFINITIONS~~

~~''SEC. 725. For the purpose of this subtitle, the following terms have the following meanings:~~

~~''(1) The term 'Secretary' means the Secretary of Education.~~

~~''(2) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.~~

~~''AUTHORIZATION OF APPROPRIATIONS~~

~~''SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.''.~~

~~PART C—REPEAL OF IMPACT AID STATUTES~~

~~REPEAL OF IMPACT AID STATUTES~~

~~SEC. 331. Public Laws 81–815 and 81–874 are repealed.~~

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving America's Schools Act of 1994''.

SEC. 2. ORGANIZATION OF THE ACT.

This Act is organized into the following titles:

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

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

TITLE III—AMENDMENTS TO OTHER ACTS

TITLE IV—MISCELLANEOUS

TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT

SEC. 3. EFFECTIVE DATES; TRANSITION.

(a) EFFECTIVE DATES.—

(1) TITLE I.—The amendment made by title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under part A of title IX of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs under such Act that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs for fiscal year 1995 and for subsequent fiscal years.

(2) TITLE II.—Title II of this Act and the amendments made by title II of this Act shall take effect on the date of enactment of this Act, except that section 250 of such title shall be effective—

(A) July 1, 1995 for noncompetitive programs in which funds are allocated on the basis of a formula; and

(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(3) TITLE III.—(A) Parts A and B of title III of this Act and the amendments made by such parts shall take effect on July 1, 1995.

(B) Part C of title III of this Act and the amendments made by such part shall take effect on October 1, 1994.

(b) TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as such Act was in effect on the day preceding the date of enactment of this Act, may use funds available to such recipient under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act.

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

SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.

"SEC. 2. TABLE OF CONTENTS.

''The table of contents for this Act is as follows:

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

''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 local educational agency and school improvement.
''Sec. 1119. State assistance for schools support and improvement.
''Sec. 1120. 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. Grants to States.
''Sec. 1124. Within State allocations.

''PART B—TRANSITION TO SUCCESS

''Sec. 1201. Transition to success.
''Sec. 1202. Coordination requirements.
''Sec. 1203. Definitions.

''PART C—EVEN START FAMILY LITERACY PROGRAMS

''Sec. 1301. Statement of purpose.
''Sec. 1302. Program authorized.
''Sec. 1303. State programs.
''Sec. 1304. Uses of funds.
''Sec. 1305. Program elements.
''Sec. 1306. Eligible participants.
''Sec. 1307. Applications.
''Sec. 1308. Award of subgrants.
''Sec. 1309. Evaluation.
''Sec. 1310. Construction.

''PART D—EDUCATION OF MIGRATORY CHILDREN

''Sec. 1401. Program purpose.
''Sec. 1402. Program authorized.
''Sec. 1403. State allocations.
''Sec. 1404. State applications; services.
''Sec. 1405. Secretarial approval; peer review.
''Sec. 1406. Comprehensive needs assessment and service-delivery plan; authorized activities.
''Sec. 1407. Bypass.
''Sec. 1408. Coordination of migrant education activities.

''PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

''Sec. 1501. Purpose; program authorized.

''Sec. 1502. Eligibility.
''Sec. 1503. Allocation of funds.
''Sec. 1504. State reallocation of funds.
''Sec. 1505. State plan and State agency applications.
''Sec. 1506. Use of funds.
''Sec. 1507. Institution-wide projects.
''Sec. 1508. Three-year projects.
''Sec. 1509. Program evaluations.
''Sec. 1510. Transition services.
''Sec. 1511. Definitions.

''PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

''Sec. 1601. Evaluations.
''Sec. 1602. Demonstrations of innovative practices.

''PART G—GENERAL PROVISIONS

''Sec. 1701. Federal regulations.
''Sec. 1702. State administration.
''Sec. 1703. Construction.

''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.
''Sec. 2113. Eisenhower National Clearinghouse for Mathematics and Science Education.
''Sec. 2114. National Teacher Training Project.

''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.
''Sec. 2131. Consortium requirement.

''SUBPART 3—PROFESSIONAL DEVELOPMENT DEMONSTRATION PROJECT

''Sec. 2141. Findings and purpose.
''Sec. 2142. Demonstration program authorized.
''Sec. 2143. Grants.
''Sec. 2144. Plan.
''Sec. 2145. Technical assistance.

''Sec. 2146. Matching funds.

''SUBPART 4—GENERAL PROVISIONS

''Sec. 2151. Reporting and accountability.
''Sec. 2152. Definitions.

''PART B—NATIONAL WRITING PROJECT

''Sec. 2201. Short title.
''Sec. 2202. Findings.
''Sec. 2203. National Writing Project.

''PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

''SUBPART 1—COMPREHENSIVE REGIONAL CENTERS

''Sec. 2301. Findings.
''Sec. 2302. Purpose.
''Sec. 2303. Program authorized.
''Sec. 2304. Eligible entities.
''Sec. 2305. Comprehensive regional centers.
''Sec. 2306. Information collection and evaluation.
''Sec. 2307. Transition.
''Sec. 2308. Authorization of appropriations.

''SUBPART 2—NATIONAL DIFFUSION NETWORK

''Sec. 2311. Program authorized.
''Sec. 2312. Authorization of appropriations.

''SUBPART 3—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIUMS

''Sec. 2321. Program established.
''Sec. 2322. Use of funds.
''Sec. 2323. Application and review.
''Sec. 2324. Regional boards.
''Sec. 2325. Payments; Federal share; non-Federal share.
''Sec. 2326. Evaluation.
''Sec. 2327. Definitions.
''Sec. 2328. Authorization of appropriations.

''PART D—TERRITORIAL TEACHER TRAINING PROGRAM

''Sec. 2401. Territorial teacher training program.

''PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

''Sec. 2501. Project authorized.
''Sec. 2502. Application required.
''Sec. 2503. Authorization of appropriations.

''TITLE III—TECHNOLOGY FOR EDUCATION

''Sec. 3001. Short title.

"PART A—EDUCATIONAL TECHNOLOGY FOR ALL STUDENTS

"Sec. 3111. Findings.
"Sec. 3112. Statement of purpose.
"Sec. 3113. Definitions.

"SUBPART 1—NATIONAL PROGRAMS IN TECHNOLOGY FOR EDUCATION

"Sec. 3121. Purposes.
"Sec. 3122. Federal leadership.
"Sec. 3123. Regional technical support and professional development.
"Sec. 3124. Educational technology product development.
"Sec. 3125. Research on educational applications of advanced technologies.
"Sec. 3126. High performance educational computing and telecommunications networks.
"Sec. 3127. Study, evaluation and report of funding alternatives.

"SUBPART 2—STATE AND LOCAL PROGRAMS FOR SCHOOL TECHNOLOGY RESOURCES, TECHNICAL SUPPORT, AND PROFESSIONAL DEVELOPMENT

"Sec. 3131. Statement of purpose.
"Sec. 3132. School technology resource grants.

"SUBPART 3—SPECIAL RULE APPLICABLE TO APPROPRIATIONS

"Sec. 3141. Special rule.

"PART B—STAR SCHOOLS PROGRAM

"Sec. 3201. Short title.
"Sec. 3202. Purpose.
"Sec. 3203. Grants authorized.
"Sec. 3204. Eligible telecommunications partnerships.
"Sec. 3205. Applications.
"Sec. 3206. Leadership and evaluation activities.
"Sec. 3207. Administrative provisions.
"Sec. 3208. Other assistance.
"Sec. 3209. Definitions.

"PART C—READY-TO-LEARN TELEVISION

"Sec. 3301. Ready-to-learn.
"Sec. 3302. Educational programming.
"Sec. 3303. Duties of Secretary.
"Sec. 3304. Applications.
"Sec. 3305. Reports and evaluation.
"Sec. 3306. Administrative costs.
"Sec. 3307. Definition.
"Sec. 3308. Authorization of appropriations.

"PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

"Sec. 3401. Short title.
"Sec. 3402. Statement of purpose.
"Sec. 3403. Program authorized.
"Sec. 3404. Allotments of funds.
"Sec. 3405. State application.
"Sec. 3406. Local application.
"Sec. 3407. Program requirements.

''Sec. 3408. Federal administration.
''Sec. 3409. Authorization of appropriations.

''PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM

''Sec. 3501. Program authorized.
''Sec. 3502. Funding requirements.
''Sec. 3503. State plans.
''Sec. 3504. Distribution of allocation to local educational agencies.

''PART F—BUDDY SYSTEM COMPUTER EDUCATION

''Sec. 3601. Short title.
''Sec. 3602. Purpose.
''Sec. 3603. Grant authorization.
''Sec. 3604. Program requirements.
''Sec. 3605. Applications.
''Sec. 3606. Use of funds.
''Sec. 3607. Evaluation.
''Sec. 3608. Authorization of appropriations.

''TITLE IV—MAGNET SCHOOLS ASSISTANCE

''Sec. 4101. Findings.
''Sec. 4102. Statement of purpose.
''Sec. 4103. Program authorized.
''Sec. 4104. Definition.
''Sec. 4105. Eligibility.
''Sec. 4106. Applications and requirements.
''Sec. 4107. Priority.
''Sec. 4108. Use of funds.
''Sec. 4109. Prohibitions.
''Sec. 4110. Limitation on payments.
''Sec. 4111. Innovative programs.
''Sec. 4112. Authorization of appropriations; reservation.

''TITLE V—BETTER SCHOOLS FOR AMERICA

''PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

''Sec. 5101. Findings.
''Sec. 5102. Purpose.
''Sec. 5103. Authorization of appropriations.

''SUBPART 1—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

''Sec. 5111. Reservations and allotments.
''Sec. 5112. State applications.
''Sec. 5113. State and local educational agency programs.
''Sec. 5114. Governor's programs.
''Sec. 5115. Local applications.
''Sec. 5116. Local drug and violence prevention programs.
''Sec. 5117. Evaluation and reporting.
''Sec. 5118. Programs for Hawaiian Natives.

''SUBPART 2—NATIONAL PROGRAMS

''Sec. 5121. Federal activities.
''Sec. 5122. Grants to institutions of higher education.

''SUBPART 3—GENERAL PROVISIONS

''Sec. 5131. Definitions.
''Sec. 5132. Materials.
''Sec. 5133. Prohibited uses of funds.

''PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

''Sec. 5201. Short title.
''Sec. 5202. Purpose.
''Sec. 5203. Grants to local educational agencies.
''Sec. 5204. Application.
''Sec. 5205. Authorized activities.
''Sec. 5206. Distribution of assistance; limitation on costs.
''Sec. 5207. Reports.
''Sec. 5208. Authorization of appropriations.

''TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

''PART A—BILINGUAL EDUCATION PROGRAMS

''Sec. 7101. Short title.
''Sec. 7102. Findings.
''Sec. 7103. Policy; authorization of appropriations.
''Sec. 7104. Definitions.
''Sec. 7105. Native American and Alaska Native children in school.

''SUBPART 1—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

''Sec. 7111. Financial assistance for bilingual education.

''SUBPART 2—RESEARCH AND EVALUATION

''Sec. 7121. Authority.
''Sec. 7122. Research.
''Sec. 7123. Academic excellence awards.
''Sec. 7124. State grant program.
''Sec. 7125. National Clearinghouse for Bilingual Education.
''Sec. 7126. Evaluations.

''SUBPART 3—PROFESSIONAL DEVELOPMENT

''Sec. 7131. Purpose.
''Sec. 7132. Professional development grants.
''Sec. 7133. Fellowships.
''Sec. 7134. Stipends.

''PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

''Sec. 7201. Short title.
''Sec. 7202. Findings.
''Sec. 7203. Program authorized.
''Sec. 7204. Applications.
''Sec. 7205. Authorization of appropriations.

''PART C—ADMINISTRATION

''Sec. 7301. Coordination with related programs.
''Sec. 7302. Report on bilingual education.
''Sec. 7303. State educational agency recommendations; peer review.

''PART D—SPECIAL RULE

''Sec. 7401. Special rule.

''TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

''PART A—ARTS IN EDUCATION

''Sec. 8101. Support for arts education.

''PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

''Sec. 8151. Inexpensive book distribution program for reading motivation.

''PART C—PUBLIC CHARTER SCHOOLS

''Sec. 8201. Findings and purpose.
''Sec. 8202. Program authorized.
''Sec. 8203. Applications.
''Sec. 8204. Administration.
''Sec. 8205. Uses of funds.
''Sec. 8206. National activities.
''Sec. 8207. Definitions.
''Sec. 8208. Authorization of appropriations.

''PART D—CIVIC EDUCATION

''Sec. 8251. Instruction on the history and principles of democracy in the United States.
''Sec. 8252. Instruction in civics, government, and the law.
''Sec. 8253. Report; authorization of appropriations.

''PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

''Sec. 8301. Findings.

''SUBPART 1—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL STUDENTS

''Sec. 8311. Establishment.
''Sec. 8312. Applications.

''SUBPART 2—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL TEACHERS

''Sec. 8321. Establishment.
''Sec. 8322. Applications.

''SUBPART 3—PROGRAMS FOR RECENT IMMIGRANTS, STUDENTS OF MIGRANT PARENTS AND OLDER AMERICANS

''Sec. 8331. Establishment.
''Sec. 8332. Applications.

''SUBPART 4—GENERAL PROVISIONS

''Sec. 8341. Administrative provisions.

''Sec. 8342. Authorization of appropriations.

''PART F—GIFTED AND TALENTED CHILDREN

''Sec. 8401. Short title.
''Sec. 8402. Findings and purposes.
''Sec. 8403. Definitions; construction.
''Sec. 8404. Authorized programs.
''Sec. 8405. Program priorities.
''Sec. 8406. General provisions.
''Sec. 8407. Authorization of appropriations.

''PART G—WOMEN'S EDUCATIONAL EQUITY

''Sec. 8451. Short title; findings.
''Sec. 8452. Statement of purposes.
''Sec. 8453. Program authorized.
''Sec. 8454. Applications.
''Sec. 8455. Criteria and priorities.
''Sec. 8456. Report.
''Sec. 8457. Evaluation and dissemination.
''Sec. 8458. Authorization of appropriations.

''PART H—FUND FOR THE IMPROVEMENT OF EDUCATION

''Sec. 8501. Fund for the Improvement of Education.

''PART I—BLUE RIBBON SCHOOLS

''Sec. 8551. Blue Ribbon Schools program.

''PART J—NATIONAL STUDENT AND PARENT MOCK ELECTION

''Sec. 8601. National student and parent mock election.

''PART K—ELEMENTARY SCHOOL COUNSELING DEMONSTRATION

''Sec. 8651. Short title.
''Sec. 8652. Findings and purpose.
''Sec. 8653. Authorization of appropriations.
''Sec. 8654. Program authority.
''Sec. 8655. Applications.
''Sec. 8656. Use of funds.
''Sec. 8657. Definitions.

''PART L—21ST CENTURY COMMUNITY LEARNING CENTERS

''Sec. 8701. Short title.
''Sec. 8702. Findings.
''Sec. 8703. Program authorization.
''Sec. 8704. Application required.
''Sec. 8705. Uses of funds.
''Sec. 8706. Definitions.
''Sec. 8707. Authorization of appropriations.

''PART M—MODEL PROJECTS

''Sec. 8751. Model projects.

"PART N—EXTENDING TIME FOR LEARNING

"Sec. 8801. Findings.
"Sec. 8802. Purpose.
"Sec. 8803. Program authorized.
"Sec. 8804. Application.
"Sec. 8805. Authorized activities.
"Sec. 8806. Administration.
"Sec. 8807. Definitions.
"Sec. 8808. Authorization of appropriations.

"PART O—CREATING SMALLER LEARNING COMMUNITIES

"Sec. 8851. Findings.
"Sec. 8852. Purpose.
"Sec. 8853. Program authorized.
"Sec. 8854. Application.
"Sec. 8855. Authorized activities.
"Sec. 8856. Administration.
"Sec. 8857. Authorization of appropriations.

"TITLE IX—SPECIAL PROGRAMS

"PART A—IMPACT AID

"Sec. 9001. Findings.
"Sec. 9002. Purpose.
"Sec. 9003. Payments relating to Federal acquisition of real property.
"Sec. 9004. Payments for eligible federally connected children.
"Sec. 9005. Policies and procedures relating to children residing on Indian lands.
"Sec. 9006. Application for payments under sections 9003 and 9004.
"Sec. 9007. Payments for sudden and substantial increases in attendance of military dependents.
"Sec. 9008. Construction.
"Sec. 9009. Facilities.
"Sec. 9010. Treatment of payments by the States in determining eligibility for, and the amount of, State aid.
"Sec. 9011. Federal administration.
"Sec. 9012. Administrative hearings and judicial review.
"Sec. 9013. Forgiveness of overpayments.
"Sec. 9014. Definitions.
"Sec. 9015. Authorization of appropriations.

"PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"Sec. 9201. Purpose; definition.
"Sec. 9202. State administrative costs.
"Sec. 9203. Withholding.
"Sec. 9204. State allocations.
"Sec. 9205. State applications.
"Sec. 9206. Administrative provisions.
"Sec. 9207. Uses of funds.
"Sec. 9208. Reports.
"Sec. 9209. Authorization of appropriations.

"PART C—EDUCATION FOR NATIVE HAWAIIANS

"Sec. 9301. Findings.
"Sec. 9302. Purpose.
"Sec. 9303. Native Hawaiian model curriculum implementation project.
"Sec. 9304. Native Hawaiian family-based education centers.
"Sec. 9305. Native Hawaiian higher education demonstration program.
"Sec. 9306. Native Hawaiian gifted and talented demonstration program.
"Sec. 9307. Native Hawaiian special education program.
"Sec. 9308. Administrative provisions.
"Sec. 9309. Definitions.

"PART D—TERRITORIAL ASSISTANCE

"Sec. 9401. General assistance for the Virgin Islands.

"TITLE X—GENERAL PROVISIONS

"PART A—DEFINITIONS

"Sec. 10101. Definitions.
"Sec. 10102. Applicability of this title.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"Sec. 10201. Consolidation of State administrative funds for elementary and secondary education programs.
"Sec. 10202. Single local educational agency States.
"Sec. 10203. Consolidation of funds for local administration.
"Sec. 10204. Administrative funds study.
"Sec. 10205. Consolidated set-aside for Department of the Interior funds.
"Sec. 10206. Availability of unneeded program funds.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

"Sec. 10301. Purpose.
"Sec. 10302. Optional consolidated State application.
"Sec. 10303. General applicability of State educational agency assurances.
"Sec. 10304. Consolidated local applications.
"Sec. 10305. Other general assurances.
"Sec. 10306. Relationship of State and local plans to plans under the Goals 2000: Educate America Act.

"PART D—WAIVERS

"Sec. 10401. Waivers of statutory and regulatory requirements.

"PART E—UNIFORM PROVISIONS

"Sec. 10501. Maintenance of effort.
"Sec. 10502. Prohibition regarding State aid.
"Sec. 10503. Participation by private school children and teachers.
"Sec. 10504. Standards for by-pass.
"Sec. 10505. Complaint process for participation of private school children.
"Sec. 10506. By-pass determination process.
"Sec. 10507. Prohibition against funds for religious worship or instruction.

''PART F—OTHER PROVISIONS

''Sec. 10601. State recognition of exemplary performance.
''Sec. 10602. Applicability to home schools.
''Sec. 10603. General provision regarding nonrecipient nonpublic schools.
''Sec. 10604. Prohibition on Federal mandates, direction, and control.
''Sec. 10605. Report.

''PART G—EVALUATIONS

''Sec. 10701. Evaluations.

''TITLE XI—CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH

''Sec. 11101. Short title.
''Sec. 11102. Findings.
''Sec. 11103. Demonstration program.
''Sec. 11104. Authorized activities.
''Sec. 11105. Planning subgrants.
''Sec. 11106. Payments; amounts of award; cost share; limitations.
''Sec. 11107. Models.
''Sec. 11108. Authorization of appropriations.

''TITLE XII—DISCLOSURE REQUIREMENTS

''Sec. 12001. Definitions.
''Sec. 12002. Disclosure requirements.
''Sec. 12003. Nondiscriminatory enrollment and service policy.
''Sec. 12004. Enforcement.

''TITLE XIII—TARGETED ASSISTANCE PROGRAM

''PART A—GENERAL PROVISIONS

''Sec. 13101. Allotment to States.
''Sec. 13102. Allocation to local educational agencies.

''PART B—STATE PROGRAMS

''Sec. 13201. State uses of funds.
''Sec. 13202. State applications.
''Sec. 13203. Participation of children enrolled in private schools.

''PART C—LOCAL TARGETED ASSISTANCE PROGRAMS

''Sec. 13301. Targeted use of funds.
''Sec. 13302. Authorized activities.
''Sec. 13303. Local applications.

''PART D—AUTHORIZATION OF APPROPRIATIONS

''Sec. 13401. Authorization of appropriations.

''TITLE XIV—NATIONAL EDUCATION STATISTICS

''Sec. 14001. Short title.
''Sec. 14002. Findings; purpose; definitions.
''Sec. 14003. National Center for Education Statistics.

''Sec. 14004. Duties of the Center.
''Sec. 14005. Performance of duties.
''Sec. 14006. Reports.
''Sec. 14007. Advisory Council on Education Statistics.
''Sec. 14008. Confidentiality.
''Sec. 14009. Dissemination.
''Sec. 14010. Cooperative education statistics systems.
''Sec. 14011. National Assessment of Educational Progress.
''Sec. 14012. National Assessment Governing Board.
''Sec. 14013. Authorization of appropriations.

''TITLE XV—EDUCATION INFRASTRUCTURE

''Sec. 15001. Short title.
''Sec. 15002. Findings.
''Sec. 15003. Purpose.
''Sec. 15004. Definitions.
''Sec. 15005. Improvement of public elementary and secondary education facilities program authorized.
''Sec. 15006. Applications.
''Sec. 15007. Criteria for awarding grants.
''Sec. 15008. Authorized activities.
''Sec. 15009. Requirements.
''Sec. 15010. Fair wages.
''Sec. 15011. Federal assessment.

''TITLE XVI—URBAN AND RURAL EDUCATION

''Sec. 16001. Definitions.

''PART A—URBAN SCHOOLS

''Sec. 16101. Short title.
''Sec. 16102. Findings.
''Sec. 16103. Purpose.

''SUBPART 1—URBAN SCHOOL IMPROVEMENT

''Sec. 16121. Allocation of funds.
''Sec. 16122. Application.
''Sec. 16123. Planning period.
''Sec. 16124. Uses of funds.
''Sec. 16125. Accountability.
''Sec. 16126. Incentive awards to exemplary programs.
''Sec. 16127. Special rules.

''SUBPART 2—GENERAL PROVISIONS

''Sec. 16131. White House Conference on Urban Education.

''PART B—RURAL SCHOOLS

''Sec. 16201. Short title.
''Sec. 16202. Findings.
''Sec. 16203. Purpose.

''SUBPART 1—RURAL SCHOOL IMPROVEMENT

''Sec. 16221. Allotment of funds.

"Sec. 16222. Application.
"Sec. 16223. Planning period.
"Sec. 16224. Uses of funds.
"Sec. 16225. Accountability.
"Sec. 16226. Incentive awards to exemplary programs.

"SUBPART 2—GENERAL PROVISIONS

"Sec. 16231. White House Conference on Rural Education.

"PART C—AUTHORIZATION OF APPROPRIATIONS

"Sec. 16301. Authorization of appropriations.

"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

"(a) STATEMENT OF POLICY.—

"(1) IN GENERAL.—The Congress declares it to be the policy of the United States that a high-quality education for all individuals and a fair and equal opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every individual, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(2) ADDITIONAL POLICY.—The Congress further declares it to be the policy of the United States to expand the program authorized by this title over the fiscal years 1995 through 1999 by increasing funding for this title by at least $750,000,000 over baseline each fiscal year and thereby increasing the percentage

of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 2004.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families and achieving the National Education Goals will not be possible without substantial improvement in such schools;

"(3) educational needs are particularly great for low-achieving children in our Nation's highest-poverty schools, children with limited-English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) in order for all students to master challenging standards in core academic subjects as described in the third National Education Goal described in

section 102(3) of the Goals 2000: Educate America Act, students and schools will need to maximize the time spent on teaching and learning the core academic subjects, and students who receive pullout instruction at the expense of core academic subject learning time can fall further behind in learning the core academic subjects.

"(c) WHAT HAS BEEN LEARNED SINCE 1988.—To enable schools to provide all children a high-quality education, this title builds upon the following learned information:

"(1) All children can master challenging content and complex problem-solving skills. Research clearly shows that children, including low-achieving children, can succeed when expectations are high and all children are given the opportunity to learn challenging material.

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

"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.

"(4) Resources are effective when children have full access to quality regular school programs and receive supplemental help through extended-time activities.

"(5) Intensive and sustained professional development for teachers and other school staff, focused on teaching and learning and on helping children attain high standards, is too often not provided.

"(6) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(7) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and authority to design and implement effective strategies for bringing their children to high levels of performance.

"(8) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

"(9) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty

schools, thereby necessitating coordination of services to better meet children's needs.

"(10) Resources provided under this title have not been adequately targeted on the highest-poverty school districts and schools that have children most in need.

"(11) Equitable and sufficient resources, particularly as such resources relate to the quality of the teaching force, have an integral relationship to high student achievement.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the same basic and advanced skills and knowledge as children not served under this title. This purpose shall be accomplished by—

"(1) ensuring high standards and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program, including, when appropriate, the use of the arts and humanities, through schoolwide programs or through additional services that increase the amount and quality of instructional time;

"(3) promoting schoolwide reform and access of children, from the earliest grades, to effective instructional strategies and challenging academic content that support intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of instruction by providing staff in participating schools with substantial opportunities for ongoing professional development;

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

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

"(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children served under this title are achieving high State student performance standards expected of all children;

"(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance; and

"(10) encouraging the development of innovative models for recruitment, induction, retention, and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups.

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A of this title, other than section 1117(e), there are authorized to be appropriated $7,500,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) EVEN START.—For the purpose of carrying out part C, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part D, there are authorized to be appropriated $310,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(d) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—For the purpose of carrying out part E, there are

authorized to be appropriated $40,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1117(e), there are authorized to be appropriated $45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) FEDERAL ACTIVITIES.—

"(1) SECTION 1601.—For the purpose of carrying out section 1601, there are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) SECTION 1602.—For the purpose of carrying out section 1602, there are authorized to be appropriated $20,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—Any State desiring to receive a grant under this part shall submit to the Secretary

a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators, other staff, and parents, that satisfies the requirements of this section.

"(2) CONSOLIDATION PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 10302.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—

"(1) IN GENERAL.—(A) Each State plan shall describe—

"(i) the high-quality academic standards for all children that will be used by the State, its local educational agencies, and its schools in subjects, as determined by the State, to carry out this part, and for those subjects for which a State does not have standards and students are served under this part, describe a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children;

"(ii)(I) two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

"(II) a third level, partially proficient, to provide complete information about the progress of the lower-performing children toward achieving to the proficient and advanced levels of performance; and

"(iii) the steps the State will take to help each local educational agency and school affected by the State plan develop the capacity to comply with each of the requirements of sections 1112(c)(3), 1114(b), and 1115(c) that is applicable to such agency or school.

"(B) If a State has State content standards or State student performance standards developed under title III of the Goals 2000: Educate America Act or an aligned set of assessments for all students developed under such title, or if not developed under such title, adopted under another process, the State shall use those standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(i), (2), and (3).

"(C) If a State has not adopted State content standards and State student performance standards for all students, the State plan shall include a strategy for developing State content standards and State student performance standards for elementary and

secondary school children served under this part in subjects as determined by the State, including at least mathematics, and reading or language arts, which standards shall include the same knowledge, skills, and levels of performance expected of all children, and for those subjects for which a State will not develop standards and students are served under this part, include a strategy for developing a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children.

''(2) ADEQUATE YEARLY PROGRESS.—(A) Each State plan shall include a description, based on assessments described under paragraph (3), of what constitutes adequate yearly progress of—

''(i) any school served under this part toward enabling all children to meet the State's student performance standards; and

''(ii) any local educational agency that receives funds under this part toward enabling all children within its jurisdiction to meet the State's student performance standards.

''(B) Adequate yearly progress under this paragraph shall be defined in a manner that results in continuous and substantial yearly improvement of

each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the State's advanced level of performance, particularly eligible children described in section 1115(b).

"(3) ASSESSMENTS.—Each State plan shall include a description of the set of high-quality, yearly student assessments, including at least one assessment in one grade in each school, that will be used as the primary means of determining the yearly performance of each local educational agency and school served under this part in enabling all children served under this part to meet the State's student performance standards. Such assessments shall—

"(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

"(B) be aligned with such State's content standards in subjects for which the State has developed standards in accordance with subparagraph (A) or (C) of paragraph (1);

"(C) involve multiple measures of student performance, including measures that assess higher order thinking skills and understanding;

"(D) provide for—

"(i) the participation in such assessments of all students with diverse learning needs; and

"(ii) the adaptations and accommodations necessary to permit such participation;

"(E) be used for the purposes for which they are valid and reliable and be consistent with relevant, nationally recognized professional and technical standards for such assessments, except that assessment measures that do not satisfy the requirements of this subparagraph may be included as one of the multiple measures;

"(F) be capable of providing coherent information about student attainments relative to the State content standards;

"(G) support effective curriculum and instruction;

"(H) provide individual student reports;

"(I) provide statistically reliable results for economically disadvantaged children disaggregated by gender, major ethnic or racial groups, limited-English proficient children, children with disabilities, and other educationally meaningful categories of children; and

"(J) include students who have resided in the area served by a local educational agency for a full academic year but have not attended a single school served by such agency for a full academic year, except that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency, unless the State provides otherwise.

"(4) OTHER INDICATORS.—Each State plan may include a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments required by paragraph (3) in determining the yearly performance of each local educational agency and school served under this part.

"(5) TRANSITIONAL STATEWIDE ASSESSMENTS.—(A)(i) If a State does not have State content standards and State student performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), the State may propose to use, for a transitional period of not more than two years, a transitional statewide set of yearly assessments that measure the per-

formance of complex skills and challenging subject matter.

"(ii) Each State using the transitional assessments described in clause (i) shall develop benchmarks of progress toward the development of assessments that meet the requirements of paragraph (3), including periodic updates.

"(B)(i) The Secretary may extend for two additional years the use of the transitional assessments described in subparagraph (A) upon the request of a State and a showing of substantial progress toward meeting the requirements of paragraphs (1) and (3), particularly paragraph (3)(C).

"(ii) A State that is denied the two-year extension or renewal under clause (i) or is granted such an extension or renewal, but after one or two additional years does not have State content standards and State student performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), shall adopt a set of such standards and aligned assessments, such as those contained in other State plans the Secretary has approved.

"(C) For any year during which a State is using transitional assessments the State shall devise a pro-

cedure for identifying local educational agencies under subsections (c)(3) and (c)(7) of section 1118 and schools under subsections (b)(1) and (b)(6) of section 1118 that relies on accurate information about the academic progress of each such local educational agency and school.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

"(1) the State educational agency will implement a system of school support teams under section 1119(b), including provision of necessary professional development for those teams;

"(2) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(3) the State educational agency will fulfill its local educational agency and school improvement responsibilities under section 1118; and

"(4) the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall—

"(A) establish a peer review process to assist in the review and recommendations for revision of State plans;

"(B) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c);

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

"(D) not finally disapprove a State's plan before offering the State an opportunity to revise its plan and provide technical assistance to assist the State to meet the requirements of subsections (b) and (c); and

"(E) not require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's content standards or to use specific assessment instruments or items.

"(2) WITHHOLDING.—The Secretary may withhold funds for State administration and activities under section 1119 until the Secretary determines

that the State plan meets the requirements of this section.

"(e) DURATION OF THE PLAN.—

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

"(A) remain in effect for the duration of the State's participation under this part; and

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

"(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate progress, the State shall submit such information to the Secretary.

"(f) SPECIAL RULE.—If the aggregate State expenditure by a State educational agency for the operation of elementary and secondary education programs in the State is less than such agency's aggregate Federal expenditure for the State operation of all Federal elementary and secondary education programs, then the State plan shall include assurances and specific provisions that such State will provide State expenditures for the operation of elementary and secondary education programs equal to or exceeding the

level of Federal expenditures for such operation by October 1, 1998.

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan that is approved by the State educational agency. Such plan may be submitted as part of a consolidated plan under section 10304.

"(b) PLAN PROVISIONS.—

"(1) IN GENERAL.—Each local educational agency plan shall include—

"(A) a description of additional high-quality student assessments, if any, other than those described in the State plan under section 1111, that—

"(i) the local educational agency and schools served under this part will use to—

"(I) provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111(b)(2)(A); and

"(II) aid in instruction, in improving the performance of individual students, and in revising the local educational agency or school's instructional program to enable all children served under this part to meet the State student performance standards described in section 1111(b)(2)(A);

"(ii) will be selected and administered by teachers; and

"(iii) will be aligned with curriculum and constitute an integral part of the instructional program;

"(B) at the local educational agency's discretion, a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments described in subparagraph (A) for the uses described in clause (i) of such subparagraph;

"(C) a description of the strategy the local educational agency will use to provide ongoing professional development for teachers, pupil services personnel, administrators, parents and other

staff, including local educational agency level staff, that—

"(i) takes into account the needs and activities across and within schools; and

"(ii) draws on resources available under this part, other Federal resources, and, at the local educational agency's discretion, other State and local resources;

"(D) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

"(E) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115 will identify those eligible children most in need of services under this part;

"(F) a general description of the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside those schools for children living in local institutions for neglected or delinquent children and for eligible homeless children;

"(G) a description of how the local educational agency, where appropriate, will use

funds under this part to support preschool programs for children, particularly children participating in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable public early childhood development program; and

"(H) a description of how the local educational agency, as part of a comprehensive school reform effort, will, where appropriate and feasible as determined by such agency, use funds provided under this part to reduce class size to 15 students.

"(2) FILING AND APPROVAL.—Notwithstanding paragraph (1), each local educational agency plan shall be filed according to a schedule established by the State educational agency, except that a local educational agency shall have not more than 2 years from the date of enactment of the Improving America's Schools Act of 1994 to have such plan approved by the State educational agency.

"(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1118 and assist schools as schools implement those plans so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

"(2)(A) inform eligible schools and parents of schoolwide project authority; and

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

"(3) fulfill its school improvement responsibilities under section 1118;

"(4) provide services to eligible children attending private elementary and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services;

"(5) consistent with the provisions of section 10306, coordinate and integrate services provided under this part with other educational services, including—

"(A) Even Start, Head Start, and other preschool programs, and school-to-work transition programs; and

"(B) services for children with limited-English proficiency or with disabilities, migratory children served under part D, neglected or delinquent children served under part E, homeless children, and immigrant children, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(6) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with school-based pupil services personnel where appropriate, and with other agencies providing services to children, youth, and families, including health and social services;

"(7) where appropriate and feasible as determined by the local educational agency, establish a procedure to ensure that all children in participating elementary schools receive two health screenings during the elementary school years at appropriate intervals based on reasonable pediatric standards; and

"(8) in the case that a State chooses to utilize funds under this part to provide early childhood de-

velopment services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, pupil services personnel and parents of children in schools served under this part;

"(2) remain in effect for the duration of the local educational agency's participation under this part; and

"(3) be periodically reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan will enable schools served under this part to substantially help all children served under this part meet the standards described in section 1111(b)(1).

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of the local educational agency and schools in making decisions required under sections 1114 and 1115.

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) IN GENERAL.—

"(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

"(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

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

"(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is equal to or greater than the percentage of children—

"(i) from low-income families served by the local educational agency as a whole; or

"(ii) served by the local educational agency as a whole who are eligible to par-

ticipate in a schoolwide program under section 1114.

"(3) SERVING SCHOOLS IN RANK ORDER.—Each local educational agency receiving assistance under this part shall—

"(A) first serve in rank order schools in which the concentration of children from low-income families is 75 percent or greater;

"(B) then serve in rank order schools in which such concentration is at least 50 percent and less than 75 percent with rank order determined at the discretion of the local education agency according to grade span or school; and

"(C) finally serve in rank order schools in which such concentration is below 50 percent with rank order determined according to grade span or by school.

"(4) MEASURES.—The local educational agency shall use the same measure of low-income, which such agency shall choose on the basis of the best available verifiable data and which may be a composite of several indicators, with respect to all school attendance areas in the local educational agency to—

"(A) identify eligible school attendance areas;

"(B) determine the ranking of each such area; and

"(C) determine allocations under subsection (c).

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency.

"(c) ALLOCATIONS.—

"(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools—

"(A) identified under subsection (a)(3)(A), in rank order, on the basis of the total number of children from low-income families in each such area or school; and

"(B) identified under subparagraphs (B) and (C) of subsection (a)(3) or under subsection (b), in rank order, on the basis of the total number of children from low-income families in grade levels served in each such area or school.

"(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 65 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criterion described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 50 percent or greater.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

"(A) eligible homeless children who do not attend participating schools, including providing

educationally related support services to children in shelters, where appropriate; and

"(B) children living in local institutions for neglected or delinquent children.

"(d) INAPPLICABILITY.—Subsections (a) and (c) shall not apply—

"(1) to a local educational agency with a total enrollment of less than 1,000 children, except that such agency shall serve schools in rank order according to grade span or school; or

"(2) to schools participating in desegregation programs where the number of economically disadvantaged children is equal to or greater than 100 or equal to or greater than 25 percent of such school's total student enrollment.

"SEC. 1114. SCHOOLWIDE PROGRAMS.

"(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

"(1) IN GENERAL.—A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, in order to upgrade the entire educational program in a school described in subparagraph (A) or (B) if, for the initial year of the schoolwide program, the school meets either of the following criteria:

"(A) The school serves an eligible school attendance area in which at least 30 percent of the children—

"(i) are from low-income families; and

"(ii) are eligible for a free or reduced price lunch or show evidence of poverty by other criteria, such as eligibility under the aid to families with dependent children program under part A of title IV of the Social Security Act.

"(B) At least 30 percent of the children enrolled in the school are from families meeting the requirements of clauses (i) and (ii) of subparagraph (A).

"(2) IDENTIFICATION.—(A) No school participating in a schoolwide program shall be required to identify particular children as eligible to participate in a schoolwide program or to provide supplemental services to such children.

"(B) A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that

are required by law for children with disabilities and children with limited-English proficiency.

"(3) SPECIAL RULE.—(A) Notwithstanding any other provision of law, a school participating in a schoolwide program may use funds received under any noncompetitive, formula-grant program administered by the Secretary, or any discretionary program contained on a list, updated as necessary, issued by the Secretary (other than any such program under the Individuals with Disabilities Education Act) to support a schoolwide program if the underlying intent and purposes of such program are met.

"(B) A school that uses funds from the programs described in subparagraph (A) in accordance with such subparagraph shall not be relieved of the requirements relating to health, safety, civil rights, maintenance of effort, comparability of services, services for the participation of children enrolled in private schools, parental involvement, or the distribution of funds to State or local educational agencies that apply to the receipt of funds under such programs.

"(4) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activi-

ties described in subsection (b)(1)(D) for such fiscal year, except that—

"(A) a school may enter into a consortium with another school to carry out such activities; and

"(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than $5,000.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

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

"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State content standards and the State student performance standards described in section 1111(b)(1).

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's proficient and advanced levels of performance described in section 1111(b)(1)(A);

"(ii) are based on effective means of improving the achievement of children;

"(iii) use effective instructional strategies that—

"(I) increase the amount and quality of learning time; and

"(II) help provide an enriched and accelerated curriculum;

"(iv)(I) address the needs of all children in the school, but particularly the needs of economically disadvantaged children, low-achieving children, children with limited-English proficiency, children with disabilities, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, which may include—

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

"(bb) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;

"(cc) services to prepare students for the transition from school to work;

''(dd) services to assist preschool children in the transition from early childhood programs to elementary school programs;

''(ee) incorporation of gender-equitable methods and practices; and

''(ff) after school and summer programs; and

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

''(v) are consistent with, and are designed to implement, the State and local improvement plans, if any, approved under title III of the Goals 2000: Educate America Act.

''(C)(i) Instruction by highly qualified professional staff.

''(ii) If a school uses funds received under this part to employ instructional aides, the school shall ensure that such aides—

''(I) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of this part;

''(II) have a secondary school diploma or its recognized equivalent, or earn such

diploma or equivalent within 2 years of such employment, except that a school may employ an instructional aide that does not meet the requirement of this subclause if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

''(III) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.

''(D) In accordance with subsection (a)(4), ongoing professional development for teachers, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.

''(E) Parental involvement in accordance with section 1116.

''(F) Development and use of teacher selected assessments as described in section 1112(b)(1)(A)(ii) for providing information on and improving the performance of individual students and the overall instructional program.

"(G) Measures to ensure that students who experience difficulty mastering any of the standards required by section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance, which shall include—

"(i) measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance;

"(ii) to the extent the school determines feasible using funds under this part, periodic training for teachers in how to identify such difficulties and to provide assistance to individual students; and

"(iii) for any student who has not met such standards, teacher-parent conferences, at which time the teacher and parents shall discuss—

"(I) what the school will do to help the student meet such standards;

"(II) what the parents can do to help the student improve the student's performance; and

"(III) additional assistance which may be available to the student at the school or elsewhere in the community.

"(2) PLAN.—(A) Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence before the date of enactment of the Improving America's Schools Act of 1994), in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

"(i) incorporates the components described in paragraph (1);

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

"(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program;

"(iv) describes how the school will provide valid and reliable individual student assessment results, including an interpretation of those results, to the parents of any child who partici-

pates in the assessment required by section 1111(b)(3); and

"(v) provides for statistically reliable data on the achievement and assessment results of economically disadvantaged children disaggregated by gender, major ethnic or racial groups, children with disabilities, and, where appropriate, limited-English proficient children.

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria described in paragraphs (1) and (3) of section 1111(b) shall be based on an analysis of available data on the achievement of students in the school and effective instructional and school improvement practices.

"(C) The comprehensive plan shall be—

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

"(I) the local educational agency determines that less time is needed to develop and implement the schoolwide program; or

"(II) the school is operating a schoolwide program on the day preceding the date of enactment of the Improving America's Schools Act of 1994, in which

case such school may continue to operate that program, but shall develop a new plan during the first year of assistance under such Act to reflect the provisions of this section;

"(ii) developed by a school-site council composed of those individuals who will implement the plan, including teachers, pupil services personnel, parents, principals, and other staff;

"(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school; and

"(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.

"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

"(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational

agency may use funds received under this part only for programs that provide services to economically disadvantaged children identified by teachers, in consultation with parents, administrators, and pupil services personnel, as having the greatest academic need for special assistance.

"(b) ELIGIBLE CHILDREN.—

"(1) ELIGIBLE POPULATION.—A child shall be eligible for services under this part if—

"(A) except as provided in subparagraphs (B), (C), and (D), the school serving such child determines that such child is economically disadvantaged, and such child—

"(i)(I) is not older than age 21 and is entitled to a free public education through grade 12; and

"(II) is not yet at a grade level where the local educational agency provides a free public education, yet is of an age at which such child can benefit from an organized instructional program provided in a school or other educational setting; or

"(ii) is a child with a disability, a limited-English proficient child, or a migrant child;

"(B) the child, at any time in the two years preceding the year for which the determination is made, received services under the program for neglected and delinquent children under part E (or its predecessor authority);

"(C) the child is homeless and attending any school in the local educational agency; and

"(D) the child, at any time in the two years preceding the year for which the determination is made, participated in a Head Start or Even Start program.

"(2) SPECIAL RULE.—Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in subparagraphs (B), (C), and (D) of paragraph (1) but may be used to coordinate or supplement such services.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

"(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's student performance standards in subjects as deter-

mined by the State, each targeted assistance program under this section shall—

"(A) use such program's resources under this part to help participating children meet such State student performance standards expected for all children;

"(B) be based on effective means for improving achievement of children;

"(C) ensure that planning for students served under this part is incorporated into existing school planning;

"(D) use effective instructional strategies that—

"(i) increase the amount and quality of learning time;

"(ii) help provide an accelerated, high-quality curriculum; and

"(iii) minimize isolating eligible children from other children in the school during regular school hours;

"(E) coordinate with and support the regular education program, which may include—

"(i) counseling, mentoring and other pupil services;

"(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;

"(iii) services to prepare students for the transition from school to work; and

"(iv) services to assist preschool children in the transition from early childhood programs to elementary school programs;

"(F) provide instruction by highly qualified staff;

"(G) if such program employs instructional aides, ensure that such aides—

"(i) possess the knowledge and skills sufficient to assist participating children in meeting the purposes of this title;

"(ii) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment, except that an instructional aide that does not meet the requirement of this clause may be employed if such aide possesses proficiency in a language other than English that is needed to en-

hance the participation of children in programs under this part; and

"(iii) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children;

"(H) in accordance with subsection (d)(2), provide opportunities for ongoing professional development to the extent the school determines feasible with resources provided under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program; and

"(I) provide opportunities for parental involvement in accordance with section 1116.

"(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of performance by—

"(A) the coordination of resources provided under this part with other resources to enable the children served to meet the State content stand-

ards and State student performance standards; and

"(B) providing individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

"(d) SPECIAL RULES.—

"(1) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if funds are not reasonably available from other public or private sources to provide services under this part, then funds provided under this part may be used as a last resort to provide such services, including—

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

"(B) compensation of a coordinator; and

"(C) professional development for teachers, pupil services personnel, other staff, and parents

in identifying and meeting the comprehensive needs of eligible children.

"(2) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activities described in subsection (c)(1)(G) for such fiscal year, except that—

"(A) a school may enter into a consortium with another school to carry out such activities; and

"(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than $5,000.

"(e) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children so long as the amount of time spent on such duties is the same proportion of

total work time as prevails with respect to similar personnel at the same school;

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

"(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

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

"SEC. 1116. PARENTAL INVOLVEMENT.

"(a) LOCAL EDUCATIONAL AGENCY POLICY.—

"(1) IN GENERAL.—Each local educational agency that receives funds under this part shall develop jointly with, agree upon with, and distribute to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

"(A) involve parents in the joint development and approval of the plan described under

section 1112, and the process of school review and improvement described under section 1118;

''(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

''(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

''(D) coordinate and integrate parent involvement strategies described in this part with those under other programs; and

''(E) ensure that participating schools—

''(i) review the effectiveness of their parent involvement activities on an ongoing basis;

''(ii) identify and take steps to remove any barriers to greater parental involvement, including barriers resulting in lower rates of participation in the parent involvement activities by parents who are economically disadvantaged, are disabled, have limited literacy, have limited-English proficiency, or are from any racial or ethnic minority background; and

"(iii) use the findings of such reviews in—

"(I) designing strategies for school improvement; and

"(II) revising, if necessary, the parent involvement policies described in this subsection and subsection (b)(1).

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

"(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

"(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parent involvement policy, agreed upon by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Such policy shall be updated periodically to meet the changing needs of parents and the school.

"(2) SPECIAL RULE.—If the school has a parental involvement policy that applies to all parents,

such school may amend that policy, if necessary, to meet the requirements of this subsection.

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

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

"(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the school parental involvement policy and the joint development and approval of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning, design, and approval of its programs, the school may use that process, provided that such proc-

ess includes an adequate representation of parents of participating children; and

"(4) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1118(a)(3);

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

"(D) opportunities for regular meetings to formulate suggestions, share experiences with other parents, and participate as appropriate in decisions relating to the education of their children if such parents so desire; and

"(E) timely responses to the suggestions described in subparagraph (E).

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff,

and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student performance standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom, and participating as appropriate in decisions relating to the education of their children, and positive use of extracurricular time; and

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

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

"(B) frequent reports to parents on their children's progress; and

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

"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—

"(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content standards and State student performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children as well as information on how parents can participate in decisions relating to the education of their children;

"(2) provide materials and training, such as necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;

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

"(4) coordinate and integrate parent involvement programs and activities with Head Start, Even Start, and public preschool programs, to the extent feasible;

"(5) other activities, as appropriate and feasible, such as parent resource centers, designed to help parents become full partners in the education of their children; and

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

"(f) PARENTAL INFORMATION AND RESOURCE CENTERS.—In States where parental information and resource centers have been established pursuant to section 401 of the Goals 2000: Educate America Act of 1994 (to providing training, information, and support to parents and individuals who work with parents) local educational agencies and schools receiving assistance under this part shall assist par-

ents and parent organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.

"(g) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited-English proficiency or with disabilities, including providing information and school profiles in a language and form such parents understand.

"SEC. 1117. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) GENERAL REQUIREMENT.—

"(1) IN GENERAL.—To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.

"(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

"(3) EQUITY.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

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

"(5) PROVISION OF SERVICES.—The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) TIMING.— Such consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

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

"(c) PUBLIC CONTROL OF FUNDS.—

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

"(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

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

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(3) VERIFIABLE DOCUMENTATION.—An official of each private school assisted under this part shall provide to the local educational agency the verifiable documentation necessary to determine the proportionate allocation amount under subsection (a)(4) on which the provision of equitable services under this section will be based.

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

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

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 10505 and 10506.

"(e) CAPITAL EXPENSES.—

"(1) IN GENERAL.—(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2) CAPITAL EXPENSES.—(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds under this subsection to local educational

agencies based on the degree of need set forth in their respective applications for assistance under this subsection.

"(3) USES OF FUNDS.—Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) DEFINITION.—For the purpose of this subsection, the term 'capital expenses' means—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"SEC. 1118. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

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

"(1) use the State assessments described in the State plan;

"(2) use any additional measures or indicators described in the local educational agency's plan to re-

view annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet the State's student performance standards described in the State plan;

"(3) publicize and disseminate to teachers and other staff, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(F); and

"(4) provide the results of the local annual review to schools so that the local educational agency can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

"(b) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that—

"(i) has been in program improvement under section 1020 of the Elementary and Secondary Education Act of 1965 (as such section

was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), for at least two consecutive school years prior to such day;

"(ii) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years, except that—

"(I) this subparagraph shall not apply to a school if almost every student in such school is meeting the State's advanced level of performance; or

"(II) in the case of a school that is not operating a schoolwide program such school may be reviewed on the progress of only those students that have been, are, or will be, served under this part; or

"(iii) has failed to meet the criteria established by the State through the State's transitional procedure under section 1111(b)(5)(C) for two consecutive years.

"(B) Before identifying a school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment

data, on which such identification is based. If the school believes that such identification for school improvement is in error, such school may provide evidence to the local educational agency to support such belief.

"(2) REQUIREMENT.—(A) Each school identified under paragraph (1) shall—

"(i) in consultation with parents, the local educational agency, and the school support team, develop or revise a school plan in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards; and

"(ii) submit the plan to the local educational agency for approval.

"(B) During the first year immediately following identification under paragraph (1), the school shall implement such school's plan.

"(3) TECHNICAL ASSISTANCE.—For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements such school's plan.

"(4) CORRECTIVE ACTION.—(A) The local educational agency may take corrective action at any time against a school that has been identified under

paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B)(i) Corrective actions are those, consistent with State and local law, determined and made public and disseminated by the local educational agency, which may include—

"(I) withholding funds;

"(II) an aggressive joint plan between the local educational agency and the school that addresses specific elements of student performance problems and that specifies school and local responsibilities under the plan;

"(III) interagency collaborative agreements between the school and other public agencies to provide health, counseling, and other social services needed to remove barriers to learning;

"(IV) waivers or modifications of requirements of local educational agency policy or regulation that impede the ability of the school to educate students;

"(V) revoking authority for a school to operate a schoolwide program;

"(VI) decreasing decisionmaking authority at the school level;

"(VII) making alternative governance arrangements such as the creation of a public charter school;

"(VIII) reconstituting the school staff; and

"(IX) authorizing students to transfer, including transportation costs, to other public schools served by the local educational agency.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (V), (VI), (VIII), (IX) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).

"(C) Prior to implementing any corrective action, the local educational agency may refrain from such corrective action to the extent that the failure to make progress can be attributed to extenuating circumstances, such as sudden and significant reductions in Federal funding in a single year, as determined by the Secretary.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

"(A) make assistance from school support teams and distinguished educators under section 1119 available to the schools farthest from meeting the State's student performance standards, if requested by the local educational agency or school; and

"(B) if such agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under paragraphs (3) and (4), take such corrective actions that the State educational agency deems appropriate.

"(6) SPECIAL RULE.—Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's proficient and advanced levels of performance shall no longer need to be identified for school improvement.

"(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

"(1) IN GENERAL.—A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether the local edu-

cational agency is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's student performance standards; and

"(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

"(2) REWARDS.—In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in paragraphs (2) and (3) of section 1119(b).

"(3) IDENTIFICATION.—(A) A State educational agency shall identify for improvement any local educational agency that—

"(i) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) in schools served under this part toward meeting the State's student performance standards, except that schools served by the local educational agency that are not operating

schoolwide programs may be reviewed on the basis of the progress of only those students served under this part; or

"(ii) has failed to meet the criteria established by the State through its transitional procedure under section 1111(b)(5)(C) for two consecutive years.

"(B) Before identifying a local educational agency for improvement under paragraph (1), the State educational agency shall provide the local educational agency with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the local educational agency believes that such identification for improvement is in error, such local educational agency may provide evidence to the State educational agency to support such belief.

"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its local educational agency plan under section 1112 in ways that have the greatest likelihood of improving the performance of schools served by the local educational agency in meeting the State's student performance standards.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—For each local educational agency identified under paragraph (3), the State educational agency shall—

"(A) provide technical assistance to better enable the local educational agency to develop and implement the local educational agency's revised plan and work with schools needing improvement; and

"(B) make available to the local educational agencies farthest from meeting the State's standards, if requested, assistance from school support teams and distinguished educators under section 1119.

"(6) CORRECTIVE ACTION.—(A) The State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B)(i) Corrective actions are those, consistent with State law, determined and made public and disseminated by the State educational agency, which may include—

"(I) the withholding of funds;

"(II) an aggressive joint plan between the State and local educational agency that addresses specific elements of student performance problems and that specifies State and local responsibilities under the plan;

"(III) interagency collaborative agreements between the local educational agency and other public agencies to provide health, pupil services, and other social services needed to remove barriers to learning;

"(IV) waivers or modification of requirements of State law or regulation (in States in which such waivers are permitted) that impede the ability of a local educational agency to educate students;

"(V) reconstitution of school district personnel;

"(VI) appointment by the State educational agency of a representative to implement, in conjunction with the local educational agency, a program improvement plan;

"(VII) removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements

for the public governance and supervision of such schools; and

"(VIII) authorizing students to transfer to another public school, including the cost of transportation.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (V), and (VII) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).

"(C) Prior to implementing any corrective action, the State educational agency shall provide due process, including a hearing, to any local educational agency identified under paragraph (3) and may refrain from such corrective action to the extent that the failure to make progress can be attributed to such extenuating circumstances as determined by the Secretary.

"(7) SPECIAL RULE.—Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for local educational agency improvement.

"(d) OTHER ACCOUNTABILITY SYSTEMS.—If a State has developed an accountability system for all children that, in the Secretary's judgment, is as rigorous as the system required by this section and can serve as basis for the accountability of programs under this part, then the Secretary may deem such system as meeting the requirements of this section.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"SEC. 1119. STATE ASSISTANCE FOR SCHOOLS SUPPORT AND IMPROVEMENT.

"(a) SYSTEM FOR SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for schools receiving funds under this title, including all schoolwide programs and all schools in need of program improvement.

"(b) COMPONENTS.—The system, at a minimum, shall include the following:

"(1) SCHOOL SUPPORT TEAMS.—

"(A) Each State, in consultation with local educational agencies and schools, shall establish a system of school support teams to provide information and assistance to schoolwide programs, or a school in which the number of students in poverty is equal to or greater than 75 percent of the total number of students enrolled in such school and such school is identified as in need of improvement under section 1118(b)(1).

"(B) Each such team shall be composed of persons, including teachers, pupil services personnel, representatives of organizations knowledgeable about successful schoolwide projects or comprehensive school reform, and other persons who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for eligible children, such as representatives of institutions of higher education, regional educational laboratories or research centers, and outside consultant groups.

"(C) A school support team shall work cooperatively with each school and make recommendations as the school develops its schoolwide program plan or school improvement

plan, review each plan, and make recommendations to the school and the local educational agency.

"(D) During the operation of the schoolwide program or during school improvement activities, a school support team shall—

"(i) periodically review the progress of the school in enabling children in the school to meet the State's performance standards under this part;

"(ii) identify problems in the design and operation of the instructional program; and

"(iii) make recommendations for improvement to the school and the local educational agency.

"(E) Funds made available for State administration and, at the discretion of the local educational agency, funds available to local educational agencies under this part may be used to pay the costs of the school support teams.

"(2) DISTINGUISHED SCHOOLS.—(A) Each State shall designate as a distinguished school—

"(i) any school served under this part that, for three consecutive years, has exceeded the

State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and

"(ii) any school in which almost every student has met the State's advanced level of performance.

"(B)(i) A State shall use funds available under section 1701(c) to recognize distinguished schools, including making monetary awards.

"(ii) Funds awarded to a distinguished school may be used by the school to further the school's educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

"(C) A local educational agency may also recognize the success of a distinguished school by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(D) Schools designated as distinguished schools under such subparagraph (A) may serve as models

and provide additional assistance to other schools served under this part, especially schoolwide programs and schools in school improvement, that are not making adequate progress.

"(3) DISTINGUISHED EDUCATORS.—

"(A) In order to provide assistance to schools and local educational agencies identified as needing improvement and schools participating in schoolwide programs, each State, in consultation with local educational agencies and using funds available under section 1701(c), shall establish a corps of distinguished educators.

"(B) When possible, distinguished educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's student performance standards, such as the schools described in paragraph (2).

"(C) Distinguished educators shall provide, as part of the statewide system, intensive and sustained assistance to the schools and local educational agencies furthest from meeting the State's student performance standards and to schoolwide programs as such programs develop

and implement their plans, including participation in the support teams described in paragraph (1).

"(c) IMPLEMENTATION.—In order to implement this section, funds made available under section 1701(c) may be used by a State for release time for teachers and administrators, travel, training, and other related costs.

"(d) ALTERNATIVES.—

"(1) IN GENERAL.—The State may devise alternative or additional approaches to providing the assistance described in paragraphs (1) and (3) of subsection (b), such as providing assistance through institutions of higher education and educational service agencies or other local consortia and may use funds authorized in section 1701(c) for such approaches.

"(2) INAPPLICABILITY.—Paragraphs (1) and (3) of subsection (b) shall not apply to a State educational agency if such agency determines that a local educational agency or school is receiving adequate technical assistance from a source other than the State educational agency.

"SEC. 1120. FISCAL REQUIREMENTS.

"(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the

local educational agency has maintained its fiscal effort in accordance with section 10501 of this Act.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

"(c) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

"(2) WRITTEN ASSURANCE.—(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

"(i) a local educational agency-wide salary schedule;

"(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

"(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

"(B) Unpredictable changes in student enrollment or personnel assignments which occur after the beginning of a school year shall not be included as a factor in determining comparability of services.

"(C) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) PROCEDURES AND RECORDS.—Each local educational agency shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

"(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited-English proficiency; and

"(B) excessive costs of providing services to children with disabilities as determined by the local educational agency.

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas in accordance with recommendations from the Pacific Regional Educational Laboratory which shall conduct a competition for such grants.

"(2) ADMINISTRATIVE COSTS.—The Secretary shall provide 5 percent of amounts made available for grants under this paragraph in each fiscal year to the Pacific Regional Educational Laboratory to pay the administrative costs of such laboratory with respect to the activities under this subsection.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

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

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

"(B) 46 percent of such expenditure in the United States.

"SEC. 1122. ALLOCATIONS TO STATES.

"(a) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under section

1123 for such year, the Secretary first shall ratably reduce the allocations to such local educational agencies for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under section 1123 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as such allocations were reduced.

"(b) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total amount made available to each State under section 1123—

"(A) for fiscal year 1995, shall not be less than 100 percent of the total amount such State received under sections 1005 and 1006 (as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 90 percent of the total amount such State received under section 1123 for fiscal year 1995; and

"(C) for fiscal year 1997 and each succeeding fiscal year, shall not be less than 85 percent of the total amount such State received in the fis-

cal year preceding the fiscal year for which the determination is made.

"(2) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts reduced.

"(c) DEFINITION.—For the purpose of this section and section 1123, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1123. GRANTS TO STATES.

"(a) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) In any case in which the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under paragraph (2), the grant which a State is eligible to receive under this subpart for a fiscal year shall be the aggregate amount of grants for

all local educational agencies in that State, as determined under paragraph (2).

"(B) In any case in which the Secretary determines that satisfactory data for local educational agencies are not available to carry out determinations under paragraph (2), the grant which a State is eligible to receive for a fiscal year shall be the aggregate amounts of grants for all counties in that State, as determined under paragraph (2).

"(2) GRANTS FOR STATES.—(A)(i) The grant for a local educational agency shall be determined by multiplying the number of children determined under subsection (c)(2) by 40 percent of the amount determined under the next sentence, multiplying such product by the effort factor described in clause (ii) and multiplying such product by the equity factor described in clause (iii). The amount determined under this sentence shall be the average per pupil expenditure in the State except that (I) if the average per pupil expenditure in the State is less than 85 percent of the average per pupil expenditure in the United States, such amount shall be 85 percent of the average per pupil expenditure in the United States, or (II) if the average per pupil expenditure in the State is more than 115 percent of the average per pupil ex-

penditure in the United States, such amount shall be 115 percent of the average per pupil expenditure in the United States.

''(ii)(I) Except as provided in subclause (II), the effort factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the average per pupil expenditure for kindergarten through 12th grade education in the State served by the local educational agency multiplied by the per capita income in the United States and the denominator of which is the product of the per capita income in such State multiplied by the average per pupil expenditure for kindergarten through 12th grade education in the United States.

''(II) The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subclause (I) for any State.

''(iii)(I) Except as provided in subclause (II), the equity factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The equity factor determined

under this sentence shall be calculated as follows: First, calculate the difference (expressed as a positive amount) between the average per pupil expenditure in the State served by the local educational agency and the average per pupil expenditure in each local educational agency in the State and multiply such difference by the total student enrollment for such agency, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Second, add the products under the preceding sentence for each local educational agency in such State and divide such sum by the total student enrollment of such State, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Third, divide the quotient under the preceding sentence by the average per pupil expenditure in such State. If the final quotient obtained under the preceding sentence is—

"(aa) .05 or less, then the equity factor is 1.05;

"(bb) greater than .05 and less than .15, then the equity factor is equal to 1.10 minus such quotient; or

"(cc) .15 or greater, then the equity factor is .95.

"(II) The equity factor for a local educational agency serving—

"(aa) the District of Columbia and the Commonwealth of Puerto Rico shall be calculated so that there is no increase or decrease in the District of Columbia's or the Commonwealth of Puerto Rico's grant under this section by the application of this clause;

"(bb) Hawaii shall be 1.05; and

"(cc) a State that meets the disparity standard described in section 222.63 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), shall be not less than 1.00.

"(B) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be determined by multiplying the product of the effort factor for the Commonwealth of Puerto Rico under subparagraph (A)(ii)(II) for such year multiplied by the equity fac-

tor for the Commonwealth of Puerto Rico under subparagraph (A)(iii)(II)(aa) for such year by the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) the percentage determined under the preceding sentence for such year; and

"(ii) 32 percent of the average per pupil expenditure in the United States for such year.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—The children served by a local educational agency shall be counted for a fiscal year under this subpart only if such agency meets the following requirements with respect to the number of children counted under subsection (c)(1):

"(1) In any case (except as provided in paragraph (3)) in which the Secretary determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least 10.

"(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least 10.

"(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Secretary has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies or all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Secretary for the purposes of this subsection.

"(c) DETERMINATION OF WEIGHTED NUMBER OF CHILDREN.—

"(1) CHILDREN TO BE COUNTED.—(A) The number of children to be counted for purposes of this section is the aggregate of—

"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and

"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated

by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(B) For the purposes of this section, the Secretary shall determine the number of children counted under subparagraph (A) on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data are not available for such agencies, for counties); and in determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A) The number of children to be determined for purposes of this paragraph shall be the number of children counted under paragraph (1) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (1) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both per-

centage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Except as provided in subparagraph (B), weighting factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 12.20, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the percentage is greater than 12.20 but less than 17.70, the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population and 1.10 for children counted under paragraph (1) in excess of 12.20 percent of the total school age population; if the percentage is greater than 17.70 percent but less than 22.80 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, and 1.20 for children counted under paragraph (1) in excess of 17.70 percent of the total school age population; if the percentage is greater than 22.80 percent but less than 29.70 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1)

equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, and 1.30 for children counted under paragraph (1) in excess of 22.80 percent of the total school age population; and if the percentage is greater than 29.70, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, 1.30 for a number of children counted under paragraph (1) equal to 6.90 percent of the total school age population, and 1.40 for children counted under paragraph (1) in excess of 29.70 percent of the total school age population. Separately, if the number of children counted under paragraph (1) is greater than 0 but less than 1917, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the number is greater than 1917 but less than 5,938, the weighting factor shall be

1.00 for a number of children counted under paragraph (1) equal to 1917, and 1.075 for children counted under paragraph (1) in excess of 1917; if the number is greater than 5,938 but less than 20,199, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, and 1.150 for children counted under paragraph (1) in excess of 5,938; if the number is greater than 20,199 but less than 77,999 then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, and 1.225 for children counted under paragraph (1) in excess of 20,199; and if the number is greater than 77,999, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, 1.225 for a number of children counted under paragraph (1) equal to 57,800 and 1.30 for children counted under paragraph (1) in

excess of 77,999. For the Commonwealth of Puerto Rico, the weighting factor shall be not greater than 1.15.

"(B) If the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under section 1123(a)(2), then the Secretary shall substitute the percentages, numbers, and quintiles described in section 1124(b)(3) for the percentages, numbers, and quintiles described in subparagraph (A).

"(d) STATE MINIMUM.—

"(1) MINIMUM.—For any fiscal year the aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.

"(2) SPECIAL RULE.—A State shall not be allotted in any fiscal year more than 125 percent of the amount that the State would have received under this section in such fiscal year if the provisions of paragraph (1) were not applied.

"(e) SPECIAL RULE.—No State shall receive a grant under this section for fiscal year 1995 in an amount that exceeds 115 percent of the amount that would have been allocated to such State for such fiscal year under subpart 1

of part A of chapter 1 of title I (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"SEC. 1124. WITHIN STATE ALLOCATIONS.

"(a) IN GENERAL.—

"(1) ELIGIBILITY.—No local educational agency shall be eligible for funds under this part unless the number of children counted under subsection (b)(1) for such agency is at least 10 and equal to 5 percent or greater of the number of all children served by such agency.

"(2) HOLD HARMLESS.—(A) Except as provided in subparagraph (B), each local educational agency shall receive an amount under this part for fiscal years 1995 and 1996 that is at least equal to 85 percent of the amount such agency received under this part (or for fiscal year 1994 only, such part's predecessor authority) in the preceding fiscal year, except that if such agency is not eligible for assistance under paragraph (1) such agency shall only receive the amount provided for under this paragraph for fiscal year 1995.

"(B)(i) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all

States are eligible to receive under subparagraph (A) for such year, the State educational agency shall ratably reduce the allocations to such local educational agencies for such year.

"(ii) If additional funds become available for making payments under subparagraph (A) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.

"(3) STATE RESERVE.—(A) For each fiscal year each State may reserve not more than 2 percent of the funds such State receives to carry out this part to award grants to local educational agencies that—

"(i) are not eligible for assistance under paragraph (1); and

"(ii) serve a school attendance area for which the percentage of children counted under subsection (b)(1) that are enrolled in the schools in such area exceeds—

"(I) the percentage of such children in the State; or

"(II) 25 percent.

"(B) The total amount of funds awarded to each local educational agency receiving a grant under this

paragraph when added to funds made available under paragraph (2) shall not exceed—

"(i) for fiscal year 1995, the amount such agency received under this part's predecessor authority in the preceding fiscal year; and

"(ii) for fiscal year 1996 and each succeeding fiscal year, the average amount received per child under this part in the State multiplied by the number of children counted under subsection (b)(1) in such agency's school attendance areas described in subparagraph (A)(ii).

"(C) Each State awarding grants under this paragraph shall distribute such grants to local educational agencies in rank order based on the percentage of children from low-income families in each local educational agency's school attendance area described in subparagraph (A)(ii).

"(D) Each local educational agency receiving a grant under this paragraph only shall use such grants funds to serve school attendance areas described in subparagraph (A)(ii).

"(E) In order to receive a grant under this paragraph a local educational agency shall provide an assurance to the State educational agency serving such local educational agency that such local educational

agency has not modified the student assignment practices of such local educational agency so as to increase the percentage of children from low-income families in each school for which assistance is sought under this paragraph.

"(b) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—

"(1) CHILDREN TO BE COUNTED.—(A) The number of children counted for purposes of this section is the aggregate of—

"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and

"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(B) In determining the number of children eligible to be counted under subparagraph (A), a State educational agency shall use for each local edu-

cational agency served by such State educational agency—

"(i) data from the Bureau of the Census regarding the number of children determined in accordance with section 1123(c)(1)(B);

"(ii) data based on the sum of—

"(I) the number of children from families receiving aid to families with dependent children under part A of title IV of the Social Security Act; and

"(II) the number of children with limited-English proficiency served by such agency divided by three; or

"(iii) data based on other poverty criteria, including combinations of the data described in clauses (i) and (ii) and combinations of the data described in either such clause and other data, that the State educational agency deems appropriate and the Secretary approves, adjusted to be equivalent in proportion to the number of children determined in accordance with section 1123(c)(1)(B) in the State, except that the State educational agency may submit to the Secretary for approval alternative data that more accurately target poverty.

"(2) ABSORPTION.—In determining the number of children to be counted under this paragraph for each local educational agency, the State educational agency shall subtract 1 percent of the total number of children aged 5 to 17, inclusive, served by such local educational agency from the number of children counted under paragraph (1) for such local educational agency.

"(3) WEIGHTED CHILDREN.—From funds made available under section 1123, each State educational agency shall allocate such funds to local educational agencies in the State on the basis of the number of children counted under paragraph (2) for a local educational agency multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (2) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale, except that a State educational agen-

cy may submit to the Secretary for approval State-specific quintiles for use in the following percentages or numbers for the State if the use of such quintiles more accurately targets poverty: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the percentage is greater than 14.265 but less than 21.553, the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population and 1.150 for children counted under paragraph (2) in excess of 14.265 percent of the total school age population; if the percentage is greater than 21.553 percent but less than 29.223 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, and 1.300 for children counted under paragraph (2) in excess of 21.553 percent of the total school age population; if the percentage is greater than 29.223 percent but less than 36.538 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265

percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.30 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, and 1.450 for children counted under paragraph (2) in excess of 29.223 percent of the total school age population; and if the percentage is greater than 36.538, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.300 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, 1.450 for a number of children counted under paragraph (2) equal to 7.315 percent of the total school age population, and 1.600 for children counted under paragraph (2) in excess of 36.538 percent of the total school age population. Separately, if the number of children counted under paragraph (2) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the number is greater than 575 but less than 1,870, the weighting factor shall be

1.00 for a number of children counted under paragraph (2) equal to 575, and 1.10 for children counted under paragraph (2) in excess of 575; if the number is greater than 1,870 but less than 6,910, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, and 1.20 for children counted under paragraph (2) in excess of 1,870; if the number is greater than 6,910 but less than 42,000 then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, and 1.30 for children counted under paragraph (2) in excess of 6,910; and if the number is greater than 42,000, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, 1.30 for a number of children counted under paragraph (2) equal to 35,090 and 1.40 for children counted under paragraph (2) in excess of 42,000.

"(4) GEOGRAPHIC CIRCUMSTANCES.—In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those local educational agencies among those local educational agencies in such manner as the State educational agency determines will best carry out the purposes of this part.

"(5) SPECIAL ALLOCATION PROCEDURES.—Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in clause (ii) of section 1123(c)(1)(A), who are living in institutions for neglected or delinquent children, the State educational agency shall, if the State educational agency assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume

such responsibility, any other State or local public agency, as determined by regulations established by the Secretary, which does assume such responsibility, shall be eligible to receive such portion of the allocation.

"(6) SPECIAL RULE.—A local educational agency may reserve not more than 2 percent of the funds such agency receives under this part for each fiscal year to provide services at the discretion of the highest administrative official (superintendent) of such agency and consistent with the purposes of this title to a school, if the school is within two rank orders described in section 1113(c) of the lowest such rank ordered school served under this part.

"PART B—TRANSITION TO SUCCESS

"SEC. 1201. TRANSITION TO SUCCESS.

"(a) SHORT TITLE.—This part may be cited as the 'Transitions to Success Act of 1994'.

"(b) TRANSITION TO SUCCESS CHALLENGE GRANTS.—

"(1) FUNDING.—(A) Notwithstanding any other provision of law, from amounts appropriated to carry out part A for each fiscal year the Secretary shall reserve 1 percent of the total amount made available to all States under such part for such fiscal year, to carry out this part for such year.

"(B) From amounts reserved under subparagraph (A) the Secretary shall make available to each State 1 percent of the amount made available to each State under part A, to carry out this part.

"(2) STATE INCENTIVE REQUIREMENTS.—(A) In order for a State to use the funds made available under paragraph (1), the State shall submit a transition coordinated services proposal to the Secretary as part of the plan submitted under section 1111.

"(B) If a State fails to submit an acceptable proposal described in subparagraph (A)(i), local educational agencies within the State may apply to the Secretary directly for funds to carry out this part under such terms and conditions as the Secretary determines will best carry out the activities assisted under this part.

"(3) IN GENERAL.—From amounts made available under paragraph (1), each State educational agency shall make challenge grants to local educational agencies that have formed consortia with early childhood development programs including, where available, Head Start, to develop and operate programs that assist low-income elementary school students in kindergarten through third grade (giving

priority to students entering their first year of elementary school) and their families in—

"(A) obtaining supportive services that build on the strength of families, including health, immunization, mental health, nutrition, parenting education, literacy, and social services (including substance abuse treatment, education, and prevention services); and

"(B) supporting the active involvement of parents in the education of their children.

"(4) SPECIAL RULE.—In awarding grants and administering the program assisted under this section, the State educational agency shall consult with the State liaison for the Head Start collaboration grant program under section 640(a)(5) of the Head Start Act and State agencies that administer early childhood development programs, including programs under the Child Care and Development Block Grant Act of 1990.

"(5) TERM OF GRANT.—Each grant awarded under this part shall be for a period of not more than 3 years.

"(c) CONSULTATION.—The Secretary shall consult with the Secretary of Health and Human Services to develop regulations and promote coordination of activities as-

sisted under this part with the projects funded under the Head Start Transition Project Act, including a process to—

"(1) collect information on program activities and outcomes; and

"(2) disseminate information on model programs.

"(d) ELIGIBILITY.—

"(1) LOCAL EDUCATIONAL AGENCY CONSORTIUM.—A local educational agency shall be eligible for a grant under this part if such agency—

"(A) receives funds under part A;

"(B) has formed a consortium with one or more early childhood development programs that serve children who will enroll in any elementary school located within the school district of such local educational agency, including, where available, Head Start programs; and

"(C) agrees to contribute an amount equal to $1 of matching funds for every $1 made available to the local educational agency to carry out this part, which matching funds may include Federal funds, including funds made available under this Act, and State or local funds (including in-kind contributions, fairly evaluated).

"(2) COOPERATING AGENCY.—A nonprofit agency or institution of higher education with experience in early childhood development may participate in a consortium formed under paragraph (1)(B) in developing, operating, and evaluating programs assisted under this part, including developing or implementing model approaches to developmentally appropriate curricula.

"(e) FOLLOW THROUGH GRANTEES.—A local educational agency that is receiving assistance through a program under the Follow Through Act shall also be eligible for a grant under this part to complete their Follow Through grant cycle if such agency meets the requirements of subsection (d)(1).

"(f) REQUIREMENTS.—

"(1) IN GENERAL.—To the extent practicable, the State educational agency shall award grants under this part to consortia in both rural and urban areas.

"(2) CRITERIA.—In awarding grants under this part, the State educational agency shall consider—

"(A) the commitment of the members of the consortium to the program for which assistance under this part is requested;

"(B) the proportion of low-income children in the school attendance area where the program assisted under this part will be located; and

"(C) the quality of information and plans in the application.

"(3) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applicants that—

"(A) will operate a program under this part at a school designated for a schoolwide program under section 1114;

"(B) serve local educational agencies that have the highest number or percentage of poor children; and

"(C) demonstrate a significant commitment by the community to the proposed program, as evidenced by the level of resources, both cash and in-kind, from other public and private sources available to the consortium.

"(g) APPLICATION.—

"(1) IN GENERAL.—Each local educational agency consortium seeking a grant under this part shall submit an application to the State educational agency according to guidelines established by the Secretary. Each such application shall include—

"(A) a description of the activities and services for which assistance is sought;

"(B) a description of members of the consortium formed under subsection (d)(1)(B), including any cooperating agency;

"(C) a self-assessment of the programs of the individual consortium members to address the health, immunization, mental health, nutrition, parenting education, literacy, social service (including substance abuse treatment, education, and prevention), and educational needs of low-income students and their families, including the use of a developmentally appropriate curricula, such as a model approach developed under the Follow Through Act;

"(D) a plan for the development of a supportive services team of family service coordinators to—

"(i) assist families, administrators, and teachers to respond to health, immunization, mental health, nutrition, social service, and educational needs of students;

"(ii) conduct home visits and help students and their families to obtain health, immunization, mental health, nutrition,

parenting education, literacy, education (including tutoring and remedial services), and social services (including substance abuse treatment, education, and prevention), for which such students and their families are eligible;

''(iii) coordinate a family outreach and support program, including a plan for involving parents in the management of the program assisted under this part, in cooperation with parental involvement efforts undertaken pursuant to this title, the Head Start Act, and the Individuals with Disabilities Education Act, including school-parent compacts, parent volunteer activities, parent education services such as the Even Start program, and regular meetings;

''(iv) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act, other early childhood development programs, and elementary school classes; and

''(v) prepare a plan for the transition of each child from Head Start, or other

early childhood development program, to kindergarten, including—

"(I) a meeting of the early childhood development program teacher with the kindergarten teacher and the child's parents to discuss the transition of each child and to address any particular educational needs of such child; and

"(II) the transfer of knowledge about the child, including the transfer (with parental consent) of written records from the early childhood development program teacher to the kindergarten teacher to become part of the school record of the child;

"(E) the designation of a member of the supportive services team described in subparagraph (D) who will serve as the supervisor of such supportive services team;

"(F) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency

consortium have been consulted in the preparation of the plan described in subparagraph (D);

"(G) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium will designate an individual who will act as a liaison to the supportive services team described in subparagraph (D);

"(H) a description of the target population to be served by the supportive services team described in subparagraph (D), including families previously served under part C, the Head Start Act, or other comparable early childhood development program;

"(I) a description of the supportive services to be provided, directly or through referral;

"(J) a plan to ensure the smooth transition of children served under part C, the Head Start Act, the Individuals with Disabilities Education Act, and other comparable early childhood development programs, to elementary schools;

"(K) assurances that, and a plan describing how, families will be involved in the design and

operation of the program assisted under this part;

"(L) a description of the Federal and non-Federal resources that will be used to carry out the program;

"(M) if the applicant is receiving assistance through a program under the Follow Through Act—

"(i) a description of the activities that will be funded under this part and the activities that are funded with assistance provided under the Follow Through Act; and

"(ii) a description of the manner in which activities funded under this part and activities funded with assistance provided under the Follow Through Act will be coordinated within the elementary school;

"(N) assurances that the supportive services described in subparagraph (D) will be equipped to assist children and families with limited-English proficiency and disabilities, if appropriate;

"(O) a plan describing how the program assisted under this part will be sustained, with funding received under part A or other Federal

and non-Federal funding sources, after the grant has expired;

"(P) program goals and a methodology to measure progress toward achieving such goals; and

"(Q) such other information as the Secretary may reasonably require.

"(2) SPECIAL RULE.—Each supportive services team developed pursuant to paragraph (1)(D) shall include at least 1 family service coordinator for every 35 children to be served.

"(h) EVALUATION AND REPORT.—

"(1) EVALUATION.—The Secretary, in cooperation with the Secretary of Health and Human Services shall, through grants, contracts, or cooperative agreements, provide for the evaluation of the programs assisted under this part. To the extent practicable, such evaluation shall be conducted jointly with evaluations of the Head Start Transition Projects.

"(2) INFORMATION.—Each State educational agency shall furnish to the Secretary such information as the Secretary shall request to carry out the evaluation described in paragraph (1).

"SEC. 1202. COORDINATION REQUIREMENTS.

"(a) IN GENERAL.—Each local educational agency receiving assistance under section 1113 may use such assistance to carry out the activities described in subsection (b) to the extent feasible and appropriate to the circumstances, including the extent to which such local educational agency is able to secure the cooperation of parents and local Head Start agencies and, if feasible, other early childhood development programs.

"(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency, and, if feasible, other early childhood development programs, serving children who will attend the schools of such agency, including—

"(1) developing and implementing a systematic procedure for receiving records regarding such children transferred with parental consent from a Head Start program or, where applicable, other early childhood development programs;

"(2) establishing channels of communication between school staff and their counterparts in such Head Start agencies (including teachers, social workers, and health staff) or other early childhood development programs, as appropriate, to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children; and

"(4) organizing and participating in joint transition related training of school staff, Head Start staff, and, where appropriate, other early childhood staff.

"(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act Amendments of 1994.

"SEC. 1203. DEFINITIONS.

"As used in this part:

"(1) DEVELOPMENTALLY APPROPRIATE CURRICULUM.—The term 'developmentally appropriate curriculum' means a curriculum that is appropriate for the age and all areas of individual development of a child, including educational, physical, emotional, social, and cognitive development, and communication.

"(2) FAMILY SERVICES COORDINATOR.—The term 'family services coordinator' means an individ-

ual who is trained to assist families in obtaining supportive services. Such individual may be an existing employee of a local educational agency or Head Start agency.

"(3) HEAD START AGENCY.—The term 'Head Start agency' means any agency designated as a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.).

"(4) SUPPORTIVE SERVICES.—The term 'supportive services' means services that will enhance the physical, social, emotional, and intellectual development of low-income children, including the provision of necessary support to the parents and other family members of such children.

"PART C—EVEN START FAMILY LITERACY PROGRAMS

"SEC. 1301. STATEMENT OF PURPOSE.

"It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start'. The program shall—

''(1) be implemented through cooperative projects that build on existing community resources to create a new range of services;

''(2) promote achievement of the National Education Goals; and

''(3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards.

''SEC. 1302. PROGRAM AUTHORIZED.

''(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each fiscal year, the Secretary shall reserve not more than 5 percent of the amount appropriated under section 1002(b) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

''(1) children of migratory workers;

''(2) the outlying areas; and

''(3) Indian tribes and tribal organizations.

''(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts or the amount reserved to carry out the activities described in

paragraphs (1) and (2) for the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1309; and

"(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(c) RESERVATION FOR GRANTS.—

"(1) GRANTS AUTHORIZED.—In any fiscal year in which the amount appropriated to carry out this part exceeds the amount appropriated to carry out this part for the preceding fiscal year, the Secretary may reserve such funds in excess of the amount appropriated for such preceding fiscal years as do not exceed $1,000,000 to award grants, on a competitive basis, to States to enable such States to plan and implement, through literacy resource centers assisted under subpart 7 of part B of the Adult Education Act, statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local literacy resources consistent with the purposes of this part.

"(2) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State under paragraph (1) unless the State agrees that, with respect to the

costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

"(d) STATE ALLOCATION.—

"(1) IN GENERAL.—From amounts appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c), the Secretary shall make grants to States from allocations under paragraph (2).

"(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated under section 1122 to that State bears to the total amount allocated under that section to all the States.

"(3) MINIMUM.—No State shall receive a grant under paragraph (1) in any fiscal year in an amount which is less than $250,000, or one-half of 1 percent of the amount appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

''(e) DEFINITIONS.—For the purpose of this part—

''(1) the term 'eligible entity' means a partnership composed of both—

''(A) a local educational agency; and

''(B) a nonprofit community-based organization, a public agency, an institution of higher education, or a public or private nonprofit organization of demonstrated quality;

''(2) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

''(3) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

''(4) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1303. STATE PROGRAMS.

"(a) STATE LEVEL ACTIVITIES.—Each State that receives a grant under section 1302(d)(1) may use not more than 5 percent of the grant funds for the costs of—

"(1) administration; and

"(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b).

"(b) SUBGRANTS FOR LOCAL PROGRAMS.—

"(1) IN GENERAL.—Each State shall use the grant funds received under section 1302(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

"(2) MINIMUM.—No State shall award a subgrant under paragraph (1) in an amount less than $75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of $75,000 or greater, less than $75,000 is available to the State to award such subgrants.

"SEC. 1304. USES OF FUNDS.

"(a) IN GENERAL.—In carrying out a program under this part, a recipient of funds under this part shall use such

funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents obtain educational skills and become full partners in the education of their children and to assist children in reaching their full potential as learners.

"(b) FEDERAL SHARE LIMITATION.—

"(1) IN GENERAL.—(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

"(i) 90 percent of the total cost of the program in the first year that such program receives assistance under this part or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 70 percent in the third such year;

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

"(v) 50 percent in any subsequent such year.

"(B) The remaining cost of a program assisted under this part may be provided in cash or in kind, fairly evaluated.

"(2) WAIVER.—The State educational agency may waive, in whole or in part, the cost-sharing re-

quirement described in paragraph (1) for an eligible entity if such entity—

"(A) demonstrates that such entity otherwise would not be able to participate in the program assisted under this part; and

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

"(3) PROHIBITION.—Federal funds provided under this part may not be used for the indirect costs of a program assisted under this part, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1302(a)(3) demonstrates to the Secretary's satisfaction that such recipient otherwise would not be able to participate in the program assisted under this part.

"SEC. 1305. PROGRAM ELEMENTS.

"Each program assisted under this part shall—

"(1) include the identification and recruitment of those families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of a parent who is an eligible participant, and other need-related indicators;

"(2) include screening and preparation of parents, including teenage parents, and children to enable such parents and children to participate fully in the activities and services provided under this part, including testing, referral to necessary pupil services, and other developmental and support services;

"(3) be designed to accommodate the participants' work and other responsibilities, including the provision of pupil services (when such pupil services are unavailable from other sources) necessary for participation in the activities assisted under this part, such as—

"(A) scheduling and location of services to allow joint participation by parents and children;

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

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, developmentally appropriate early childhood edu-

cational services, and preparation of children for success in regular school programs;

"(5) include qualified personnel to develop, administer, and implement the program assisted under this part;

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

"(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(8) operate on a year-round basis, including the provision of some instructional or enrichment services during the summer months;

"(9) be coordinated with—

"(A) other programs assisted under this title and Act;

"(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs;

"(10) ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(11) provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities;

"(12) encourage eligible participants to remain in the program for a time sufficient to meet the program's purpose; and

"(13) provide for an independent evaluation of the program.

"SEC. 1306. ELIGIBLE PARTICIPANTS.

"(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

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

"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

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

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

"(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this part, when appropriate to serve the purpose of this part.

"(2) SPECIAL RULE.—Any family participating in a program assisted under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for such participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be

when all children in the family attain the age of eight.

"SEC. 1307. APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) PLAN.—

"(1) IN GENERAL.—Each such application shall include—

"(A) a description of the program goals;

"(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1305;

"(C) a description of the population to be served and an estimate of the number of participants to be served;

"(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or eligible organizations in car-

rying out the program for which assistance is sought; and

"(E) a statement of the methods that will be used—

"(i) to ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(ii) to provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities; and

"(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

"(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1)(A) shall—

"(A) remain in effect for the duration of the eligible entity's participation under this part; and

"(B) be periodically reviewed and revised by the eligible entity as necessary.

"SEC. 1308. AWARD OF SUBGRANTS.

"(a) SELECTION PROCESS.—

"(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with subsection (b) that will approve applications that—

"(A) are most likely to be successful in—

"(i) meeting the purpose of this part; and

"(ii) effectively implementing the program elements required under section 1305;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited-English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area eligible for participation in programs under part A of this title;

"(C) provide services for at least a three-year age range;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the remaining cost required by section 1304(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals:

"(A) A representative of a parent-child education organization.

"(B) A representative of a community-based literacy organization.

"(C) A member of a local board of education.

"(D) A representative of business and industry with a commitment to education.

"(E) An individual who has been involved in the implementation of programs under this title in the State.

"(3) PRIORITY.—The State educational agency shall give priority to awarding subgrants under this subsection to applications describing programs that—

"(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under section 1114; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) DURATION.—

"(1) IN GENERAL.—Subgrants under this part may be awarded for a period not to exceed four years.

"(2) STARTUP PERIOD.—The State educational agency may provide an eligible recipient, at such recipient's request, a 3- to 6-month startup period during the first year of the 4-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the startup period, if any.

"(4) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under this part for a second subgrant period.

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.

"(5) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"SEC. 1309. EVALUATION.

"From funds reserved under section 1302(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this part—

"(1) to determine the performance and effectiveness of programs assisted under this part; and

"(2) to identify effective programs assisted under this part that can be duplicated and used in providing technical assistance to Federal, State, and local programs.

"SEC. 1310. CONSTRUCTION.

''Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"PART D—EDUCATION OF MIGRATORY CHILDREN

"SEC. 1401. PROGRAM PURPOSE.

''It is the purpose of this part to assist States to—

''(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

''(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

''(3) ensure that migratory children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

''(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare

such children to make a successful transition to post-secondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"SEC. 1402. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

"(b) DEFINITIONS.—As used in this part—

"(1) the term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or private nonprofit agency with which a State educational agency or the Secretary makes an arrangement to carry out a program or project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly; and

"(2) the term 'migratory child' means a child who is, or whose parent or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 48 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another;

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

"(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

"SEC. 1403. STATE ALLOCATIONS.

"(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is eligible to receive an allocation under this part, for each fiscal year, in an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three

through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

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

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

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

"(c) RATABLE REDUCTIONS; REALLOCATIONS.—

"(1) IN GENERAL.—(A) If, after the Secretary reserves funds under section 1408(c), the amount appropriated to carry out this part for any fiscal year is

insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

"(2) SPECIAL RULE.—(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) CONSORTIUM ARRANGEMENTS.—

"(1) IN GENERAL.—In the case of any State that receives a grant of $500,000 or less under this section, the Secretary shall consult with the State educational

agency to determine whether consortium arrangements with another State or another appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

"(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

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

"(2) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

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

"(B) the additional costs of operating such programs.

"SEC. 1404. STATE APPLICATIONS; SERVICES.

"(a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PROGRAM INFORMATION.—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1406;

"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State; and

"(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies and the amount of funds that such agencies will provide to individual schools, taking into account the requirements of paragraph (1).

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

"(1) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b), 1115(e), 1117, 1120(b), and 1120(c), and part G;

"(2) in the planning and operation of such programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1116;

"(3) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A; and

"(4) to the extent feasible, such programs and projects will provide for—

"(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to,

other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs, including such programs that use models developed under Even Start;

"(D) the integration of information technology into educational and related programs; and

"(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

"(5) the State will assist the Secretary in determining the number of migratory children under section 1403(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards, and whose education has been interrupted during the regular school year.

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

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

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

"SEC. 1405. SECRETARIAL APPROVAL; PEER REVIEW.

"(a) SECRETARIAL APPROVAL.—The Secretary shall approve each application under this part that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any application under this part with the assistance and advice of State officials and other individuals with relevant expertise.

"SEC. 1406. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

"(a) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address

the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(A) provides that migratory children will have an opportunity to meet the same challenging State content standards and challenging State student performance standards, set out in such plans, that all children are expected to meet;

"(B) specifies measurable program goals and outcomes;

"(C) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(D) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and bilingual education programs under part A of title VII; and

"(E) provides for the integration of services available under this part with services provided by such other programs.

"(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

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

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, except that—

"(A) before funds under this part are used to provide services described in subparagraph (B), such funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including programs under part A;

"(B) all migratory children who are eligible to receive services under part A shall receive such

services with funds provided under this part or under part A; and

"(C) funds received under this part shall be used only—

"(i) for programs and projects, including the acquisition of equipment, in accordance with section 1406(b)(1); and

"(ii) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families.

"(2) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local operating agency from serving migrant students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(3) INAPPLICABILITY.—This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114.

"SEC. 1407. BYPASS.

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any pub-

lic or nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

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

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

"SEC. 1408. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(2) EXTENSION.—The Secretary may extend until January 1, 1996 the contract for the operation of the migrant student record transfer system under

section 1203(a)(2)(A) of this Act (as such section was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"(b) REPORT.—Not later than October 1, 1995, the Secretary shall submit a report to the Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than $6,000,000 of the amount appropriated to carry out this part for such year.

"(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section, the Secretary may reserve not more than $1,500,000 to award grants in amounts of not more than $100,000 to each State educational agency entering into a consortium agreement described in section 1403(d).

"PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

"SEC. 1501. PURPOSE; PROGRAM AUTHORIZED.

"(a) PURPOSE.—It is the purpose of this part to—

"(1) improve educational services to children in institutions for neglected or delinquent children so that such children have the opportunity to meet the

same challenging State content standards and challenging State student performance standards that all children in the State will be expected to meet; and

"(2) provide such children the services such children need to make a successful transition from institutionalization to further schooling or employment.

"(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies to enable such State educational agencies to award subgrants to State agencies to establish or improve programs of education for neglected or delinquent children in accordance with this part.

"SEC. 1502. ELIGIBILITY.

"A State agency is eligible for assistance under this part if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children;

"(2) attending community day programs for neglected or delinquent children; or

"(3) in adult correctional institutions.

"SEC. 1503. ALLOCATION OF FUNDS.

"(a) SUBGRANTS TO STATE AGENCIES.—

"(1) IN GENERAL.—Each State agency described in section 1502 (other than an agency in the Com-

monwealth of Puerto Rico) is eligible to receive a subgrant under this part, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children described in section 1502 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children; or

"(II) in community day programs for neglected or delinquent children; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) SPECIAL RULE.—The number of neglected or delinquent children determined under paragraph (1) shall—

"(A) be determined by the State agency by a date or dates set by the Secretary, except that no State agency shall be required to determine the number of such children on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

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

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

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

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are

eligible under such subsections, the Secretary shall ratably reduce each such amount.

"(d) PAYMENTS TO STATE EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—The Secretary shall pay to each State educational agency the total amount needed to make subgrants to State agencies in that State, as determined under this section.

"(2) ADMINISTRATIVE EXPENSES.—Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1701(b).

"SEC. 1504. STATE REALLOCATION OF FUNDS.

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

"SEC. 1505. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each State educational agency that desires to receive payments under this

part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed to satisfy the requirements of this section.

''(2) CONTENTS.—Each such State plan shall—

''(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

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

''(C) contain assurances that the State educational agency will—

''(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection; and

''(ii) carry out the evaluation requirements of section 1509 of this part.

''(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

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

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under part A, to assess the educational needs of the children to be served;

"(2) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(3) describes how the program will meet the goals and objectives of the State plan under this part;

"(4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1507 are of high quality;

"(5) describes how the agency will carry out the evaluation requirements of section 1509 and how the results of the most recent evaluation were used to plan and improve the program;

"(6) includes data showing that the State agency has maintained fiscal effort as if such agency were a local educational agency, in accordance with section 10501;

"(7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency;

"(8) describes how appropriate professional development will be provided to teachers and other staff; and

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

"SEC. 1506. USE OF FUNDS.

"(a) IN GENERAL.—

"(1) IN GENERAL.—A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan described in section 1505(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.

"(2) USES.—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1507, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn such standards;

"(C) shall be carried out in a manner consistent with section 1120(b) and part G; and

"(D) may include the costs of meeting the evaluation requirements of section 1509.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1120(b) without regard to the subject areas in which instruction is given during those hours.

"SEC. 1507. INSTITUTION-WIDE PROJECTS.

"(a) PROJECTS AUTHORIZED.—A State agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

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

"(2) describes the steps the State agency has taken, or will take, to provide all children under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that such children will complete secondary school and find employment after leaving the institution;

"(3) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(4) specifically describes how such funds will be used;

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

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

"(7) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"(b) PROJECTS REQUIRED.—Beginning with school year 1996–1997, a State agency described in subsection (a) shall use funds received under this part only for institution-wide projects described in that subsection, except as provided in section 1510.

"SEC. 1508. THREE-YEAR PROJECTS.

"If a State agency operates a program or project under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of not more than three years.

"SEC. 1509. PROGRAM EVALUATIONS.

"(a) SCOPE OF EVALUATION.—Each State agency that conducts a program or project under this part shall evaluate the program or project at least once every three years, disaggregating data on participants by sex, and if feasible, race, ethnicity or age, to determine the program or project's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school and obtain employment after participants leave the institution.

"(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency shall—

"(1) submit the results of each evaluation under this section to the State educational agency; and

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

"SEC. 1510. TRANSITION SERVICES.

"(a) TRANSITION SERVICES.—Each State agency may reserve not more than 10 percent of the amount such agency receives under this part for any fiscal year to support projects that facilitate the transition of children from State-

operated institutions for neglected and delinquent children into locally operated programs.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide special educational services, which may include pupil services and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 1511. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age;

"(2) the term 'community day program' means a regular program of instruction provided by a State

agency at a community day school operated specifically for neglected or delinquent children;

"(3) the term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision; and

"(4) the term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

"PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

"SEC. 1601. EVALUATIONS.

"(a) NATIONAL ASSESSMENT.—

"(1) IN GENERAL.—The Secretary shall conduct a national assessment of programs assisted under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (c) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) EXAMINATION.—The assessment shall examine how well schools, local educational agencies, and States—

"(A) are progressing toward the goal of all children served under this title reaching the State's challenging State content standards and challenging State student performance standards; and

"(B) are accomplishing the purpose set forth in section 1001(d) to achieve the goal described in paragraph (1), including—

"(i) ensuring challenging State content standards and challenging State student performance standards for all children served under this title and aligning the efforts of States, local educational agencies, and schools to help such children reach such standards;

"(ii) providing children served under this title an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that such children receive;

''(iii) promoting schoolwide reform and access for all children served under this title to effective instructional strategies and challenging academic content;

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

''(v) coordinating services provided under all parts of this title with each other, with other educational and pupil services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

''(vi) affording parents of children served under this title meaningful opportunities to participate in the education of their children at home and at school;

''(vii) distributing resources to areas where needs are greatest;

''(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) NAEP INFORMATION.—Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.

"(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress and a final report of the findings of the assessment by January 1, 1998.

"(b) STUDIES AND DATA COLLECTION.—

"(1) IN GENERAL.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

"(2) MINIMUM INFORMATION.—At a minimum, the Secretary shall collect trend information on the effect of programs under this title. Such data shall com-

plement the data collected and reported under subsections (a) and (c).

"(c) NATIONAL LONGITUDINAL STUDY.—

"(1) IN GENERAL.—The Secretary shall carry out an ongoing evaluation of the program assisted under part A of title I in order to provide the public, the Congress, and educators involved in such program, an accurate description of the short- and long-term effectiveness of such program and to provide information that can be used to improve such program's effectiveness in enabling students to meet high State content standards and State student performance standards, graduate from secondary school, and make successful transitions to postsecondary education and work. Such evaluation shall—

"(A) have a longitudinal design that tracks cohorts of students within schools of differing poverty concentrations for at least 3 years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

"(B) be separate and independent from State and local assessments an evaluations required under this part and consistent with measuring the achievement of students to relative to

high State content standards and State student performance standards;

"(C) utilize the highest available content standards that are generally accepted as national in scope;

"(D) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families, limited-English proficient students, and students with disabilities; and

"(E) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

"(2) USE.—The Secretary shall use the results of the evaluation described in paragraph (1) as part of the national assessment required by subsection (a) and shall report the data from such evaluation to the Congress and the public at least as frequently as reports are made under subsection (a)(4).

"(d) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under subsection (a) and the national longitudinal study under subsection (b), the Secretary shall use developmentally appropriate measures to assess student performance and progress.

"(e) STUDY ON ESTIMATING STATE CHILD POVERTY COUNTS.—The Secretary shall—

"(1) conduct a study to determine whether a feasible method exists for producing reliable estimates, between decennial census counts, of the number of school-aged children living in poverty by State in each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(2) use such a method, if one exists, to provide the Congress with such estimates.

"SEC. 1602. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—

"(1) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State content standards and challenging State student performance standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide children the opportunity to reach such standards;

"(B) coordinated pupil services programs;

"(C) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;

"(D) effective approaches to whole school reform;

"(E) programs that have been especially effective with limited-English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth; and

"(F) programs which are especially effective in recruiting, inducting and retraining highly qualified teachers for service in schools with low student achievement.

"(2) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title,

using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) PARTNERSHIPS.—From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.

"PART G—GENERAL PROVISIONS

"SEC. 1701. FEDERAL REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are considered necessary to reasonably ensure that there is compliance with the specific requirements and assurances required by this title.

"(b) PROCEDURE.—

"(1) IN GENERAL.—Prior to publishing proposed regulations pursuant to this title, the Secretary shall convene regional meetings which shall provide input to the Secretary on the content of proposed regulations. Such meetings shall include representatives of Federal, State, and local administrators, parents,

teachers, and members of local boards of education involved with implementation of programs under this title.

''(2) PROPOSED REGULATIONS.—Subsequent to regional meetings and prior to publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations and submit regulations on a minimum of 4 key issues to a modified negotiated rulemaking process as a demonstration of such process. The modified process shall waive application of the Federal Advisory Committee Act, but shall otherwise follow the guidance provided in the Administrative Conference of the United States in Recommendation 82–4, ''Procedures for Negotiating Proposed Regulations'' (47 Fed. Reg. 30708, June 18, 1982) and any successor regulation. Participants in the demonstration shall be chosen by the Secretary from among participants in the regional meetings, representing the groups described in paragraph (1) and all geographic regions. The demonstration shall be conducted in a timely manner.

''(3) EMERGENCY SITUATION.—In an emergency situation in which regulations pursuant to this title must be issued within a very limited time to assist State and local educational agencies with the oper-

ation of the program, the Secretary may issue a regulation without such prior consultation, but shall immediately thereafter convene regional meetings to review the emergency regulation prior to issuance in final form.

''(c) LIMITATION.—Programs under this title may not be required to follow any 1 instructional model, such as the provision of services outside the regular classroom or school program.

''SEC. 1702. STATE ADMINISTRATION.

''(a) RULEMAKING.—

''(1) IN GENERAL.—Each State that receives funds under this title shall—

''(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;

''(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

''(C) identify any such rule, regulation, or policy as a State-imposed requirement.

''(2) SPECIAL RULE.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the

State's challenging State content standards and challenging State student performance standards.

"(b) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of such State's duties under this title, the greater of—

"(1)(A) 1.00 percent of the funds appropriated to carry out subsections (a), (c), (d), and (e) of section 1002 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B) or (C);

"(B) 1.25 percent of the funds appropriated to carry out such subsections for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by more than $500,000,000 but less than $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; or

"(C) 1.50 percent of the funds appropriated to carry out such subsections for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995;

"(2) except as provided in paragraph (3)—

"(A) $375,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B) or (C);

"(B) $470,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by more than $500,000,000 but less than $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; or

"(C) $565,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; or

"(3) in the case of an outlying area—

"(A) $50,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B) or (C);

"(B) $65,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by more than $500,000 but less than $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; and

"(C) $80,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995.

"(c) PAYMENT FOR SCHOOL IMPROVEMENT.—Each State may reserve for the proper and efficient performance of its duties under subsections (b)(5) and (c) of section 1118, and section 1119, the greater of—

"(1) .75 percent of the funds received under subsections (a), (c), (d), (e), and (f) of section 1002;

"(2) except as provided in paragraph (3), $245,000; or

"(3) in the case of an outlying area, $40,000.

"(d) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

"SEC. 1703. CONSTRUCTION.

"(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

"(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national school building standards for a State, local educational agency, or school.

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"SEC. 2101. FINDINGS.

"The Congress finds as follows:

"(1) Reaching the third National Education Goal (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and the fifth National Education Goal (United States students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels.

"(2) A crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students.

"(3) The potential positive impact of high-quality professional development is underscored by recent research findings that—

"(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards;

"(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers, administrators, and pupil services personnel in a school and, through professional networks of teachers, administrators, pupil services personnel, and parents is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;

"(C) professional development can dramatically improve classroom instruction and learning when teachers, administrators, pupil services personnel, and parents are partners in the development and implementation of such professional development; and

"(D) new and innovative strategies for teaching to high standards will require time for teachers, outside of the time spent teaching, for instruction, practice, and collegial collaboration.

"(4) Special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement.

"(5) Professional development activities must prepare teachers, pupil services personnel, paraprofessionals and other staff in intervention strategies to—

"(A) alleviate the need, and inappropriate referral, for special education services; and

"(B) prepare staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with such student's individualized education program.

"(6) Professional development activities, designed in cooperation with parents, that focus on the complex social, emotional and mental health needs of children which may impede learning, can help teachers, administrators, and pupil services personnel assist children in overcoming barriers to academic success.

''(7) Professional development is often a victim of budget reductions in fiscally difficult times.

''(8) There are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities.

''(9) Parental involvement is an important aspect of school reform and improvement. There is a need for special attention to ensure the effective involvement of parents in the education of their children. Professional development should include methods and strategies to better prepare teachers and administrators in involving parents. Programs are needed to provide parents the training and development necessary to enable parents to participate fully and effectively in their children's education.

''(10) The Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

''SEC. 2102. PURPOSES.

''It is the purpose of this part—

"(1) to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content standards and challenging State student performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects; and

"(2) to help ensure that teachers, administrators, other staff, pupil services personnel, and parents have access to professional development that—

"(A) is tied to challenging State content standards and challenging State student performance standards;

"(B) reflects recent research on teaching and learning;

"(C) includes strong academic content and pedagogical components;

"(D) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse student populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the

opportunity to achieve challenging State student performance standards;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

"SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $800,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) ALLOCATION BETWEEN SUBPARTS.—Of the amounts appropriated to carry out this part for any fiscal year the Secretary shall make available—

"(1) 5 percent of such amounts to carry out subpart 1, of which 10 percent of such 5 percent shall be available to carry out section 2114;

"(2) 93.75 percent of such amounts to carry out subpart 2; and

"(3) 1.25 percent of such amounts to carry out subpart 3.

"Subpart 1—Federal Activities

"SEC. 2111. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects; and

"(2) evaluate activities carried out under this subpart and subpart 2 in accordance with section 10701.

"(b) REQUIREMENTS.—In carrying out the activities described in subsection (a), the Secretary shall coordinate professional development programs within the Department, particularly with those programs within the Office of Educational Research and Improvement, and shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and other appropriate Federal agencies and entities.

"SEC. 2112. AUTHORIZED ACTIVITIES.

''The Secretary shall use funds available to carry out this subpart for activities that help meet the purposes of this part, such as—

''(1) providing seed money to the entities described in section 2111(a) to develop the capacity of such entities to offer sustained and intensive high-quality professional development;

''(2) professional development institutes that provide teams of teachers, or teachers, administrators, pupil services personnel and other staff, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

''(3) encouraging the development of local and national professional networks, including the Teacher Research Dissemination Demonstration Program under section 941(j) of the Educational Research, Development, Dissemination, and Improvement Act of 1994, that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

''(4) supporting the National Board for Professional Teaching Standards;

"(5) the development and dissemination of teaching standards in the core academic subjects;

"(6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification;

"(7) the dissemination of models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(8) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

"(9) the development and testing of incentive strategies for motivating teachers, administrators, and pupil services personnel to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State content

standards and challenging State student performance standards;

"(10) the development of innovative intervention strategies to—

"(A) alleviate the need, and inappropriate referral, for special education services; and

"(B) prepare general education and special education teachers, paraprofessionals and pupil services personnel in effective integration of students with disabilities into general education settings, consistent with such student's individualized education program;

"(11) encouraging the development of innovative models for recruitment, induction, retention and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups;

"(12) the dissemination of information about voluntary national content standards and voluntary national performance standards and related models of high-quality professional development;

"(13) the development and maintenance of a national clearinghouse for such core academic subjects as the Secretary determines are needed;

"(14) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;

"(15) the evaluation of programs under this subpart and subpart 2 in accordance with section 10701; and

"(16) the development of programs which prepare teachers to incorporate environmental education in the core academic subjects.

"SEC. 2113. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

"(a) CLEARINGHOUSE AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, may award a grant or contract to establish an Eisenhower National Clearinghouse for Mathematics and Science Education (hereafter in this section referred to as the 'Clearinghouse').

"(b) APPLICATION AND AWARD BASIS.—Each entity desiring to establish and operate the Clearinghouse authorized by this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. The grant or contract awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

"(c) DURATION.—The grant or contract awarded under this section shall be awarded for a period of 5 years and shall be reviewed by the Secretary not later than 30 months from the date the grant or contract is awarded.

"(d) USE OF FUNDS.—The grant or contract awarded under this section shall be used to—

"(1) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary and secondary schools, including middle schools (including, to the extent practicable, all materials and programs developed with Federal and non-Federal funds, such as instructional materials developed by the Department, materials developed by State and national mathematics and science programs assisted under this part, and other instructional materials) for use by the regional consortiums established under subpart 2 of part C and by the general public;

"(2) compile information on all mathematics and science education programs administered by each Federal agency or department;

"(3) disseminate information, programs, and instructional materials to the public, dissemination networks, and the regional consortiums under subpart 2 of part C;

"(4) coordinate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal and, where feasible, international data bases;

"(5) participate in collaborative meetings of representatives of the Clearinghouse and the regional consortiums under subpart 2 of part C to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum materials and programs, and to coordinate computer network access to the Clearinghouse and the resources of the regional consortiums, except that not more than 3 percent of the funds awarded under this section shall be used to carry out this paragraph; and

"(6) gather qualitative and evaluative data on submissions to the Clearinghouse.

"(e) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department which develops mathematics or science education instructional material or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such material or programs.

"(f) PEER REVIEW.—The Secretary shall establish a peer review process to select the recipient of the award under this subsection.

"(g) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

"(h) APPLICATION OF COPYRIGHT LAWS.—Nothing in this section shall be construed to allow the use or copying, in any media, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the permission of the owner of the copyright is obtained. The Clearinghouse, in carrying out the provisions of this subsection, shall ensure compliance with title 17, United States Code.

"(i) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning the grant or contract awarded under this section to State and local educational agencies and institutions of higher education. Such dissemination of information shall include examples of exemplary national programs in mathematics and science instruction and necessary technical assistance for the establishment of similar programs.

"SEC. 2114. NATIONAL TEACHER TRAINING PROJECT.

"(a) SHORT TITLE; FINDINGS; DEFINITIONS.—

"(1) SHORT TITLE.—This section may be cited as the 'National Teacher Training Project Act of 1994'.

"(2) FINDINGS.—The Congress finds that—

"(A) teachers must be major players in educational reform in the United States;

"(B) teachers are isolated from their peers and have virtually no time during the school day to consult with other teachers;

"(C) there is a shortage of sustained, year-round professional development programs for teachers;

"(D) successful teaching methods are not adequately shared among teachers;

"(E) teachers are the best teachers of other teachers because practicing classroom teachers have experience that no outside consultant can match;

"(F) it is important for universities and schools to collaborate on teacher development programs if teaching and learning are to be improved;

"(G) pertinent research is not shared among teachers in a professional setting;

"(H) exemplary teachers should be recognized for their abilities and contributions and encouraged to refine their teaching methods;

"(I) each State should support a nationally based teacher training program that is modeled after the National Writing Project for teachers of the core academic subjects, including early childhood education, mathematics, science, English, civics and government, foreign languages, and arts;

"(J) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(K) the National Writing Project is a collaborative university-school program which offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers regarding developments in the field of writing;

"(L) each year over 125,000 teachers voluntarily seek training in National Writing Project

intensive summer institutes and workshops and school year inservice programs through 1 of the 155 sites located within the United States, and in 18 sites located outside of the United States;

''(M) in the 20 years of its existence, over 1,100,000 teachers, administrators and parents have participated in National Writing Project programs;

''(N) less than $16 per teacher was the average cost in Federal dollars for all teacher training at writing projects in academic year 1991–1992;

''(O) for every dollar in Federal support, the National Writing Project provides over $5 in matching funds from States, local universities and schools, and the private sector;

''(P) private foundation resources, although generous in the past concerning National Writing Project programs, are inadequate to fund all of the National Teacher Training Project sites needed, and the future of the program is in jeopardy without secure financial support;

''(Q) the National Writing Project has become a model for programs in other fields, such as science, mathematics, history, literature, for-

eign languages, and the performing arts, and the development of programs in other fields should continue with the support of Federal funds; and

"(R) each of the 50 States should participate in the National Teacher Training Project by establishing regional teacher training sites in early childhood development, mathematics, science, English, civics and government, foreign languages, and arts to serve all teachers within the State.

"(3) DEFINITIONS.—For the purpose of this section—

"(A) the term 'contractor' means—

"(i) a local educational agency;

"(ii) an educational service agency; or

"(iii) an institution of higher education that awards a bachelor's degree; and

"(B) the term 'eligible recipient' means a nonprofit educational organization which has as its primary purpose the improvement of student learning in one of the core academic subjects described in subsection (b)(2).

"(b) GRANTS AUTHORIZED.—

"(1) GRANTS TO ELIGIBLE RECIPIENTS.—The Secretary is authorized to award a grant to an eligible recipient to enable such recipient—

"(A) to support and promote the establishment of teacher training programs in early childhood development and one of the 9 core academic subjects described in paragraph (2), including the dissemination of effective practices and research findings regarding teacher training, and administrative activities;

"(B) to support classroom research on effective teaching practices in such area; and

"(C) to pay the Federal share of the cost of such programs and research.

"(2) CORE SUBJECT AREAS.—To the extent feasible, the Secretary shall award a grant under paragraph (1) for the establishment of a National Teacher Training Project in early childhood development and each of the following core academic subjects:

"(A) Mathematics.

"(B) Science.

"(C) English.

"(D) Civics and government.

"(E) Foreign languages.

"(F) Arts.

"(G) Geography.

"(H) History.

"(I) Economics.

"(3) NUMBER OF GRANTS AND ELIGIBLE RECIPIENTS.—The Secretary shall award not more than 10 grants under paragraph (1) to 10 different eligible recipients.

"(4) EQUITABLE DISTRIBUTION.—The Secretary shall award grants under paragraph (1) to eligible recipients from different geographic areas of the United States.

"(5) SPECIAL RULE.—Each grant under paragraph (1) shall be of sufficient size, scope and quality to be effective.

"(6) ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.—Each eligible recipient receiving a grant under paragraph (1) may use not more than 5 percent of the grant funds for administrative costs and the costs of providing technical assistance to a contractor.

"(c) GRANT REQUIREMENTS.—Each eligible recipient receiving a grant under subsection (b) shall—

"(1) enter into a contract with a contractor under which such contractor agrees—

"(A) to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of the subject matter for which such eligible recipient was awarded a grant, including approaches and processes to obtain parental involvement in a child's education; and

"(B) to use funds received from the eligible recipient to pay the Federal share of the cost of establishing and operating teacher training programs described in subparagraph (A);

"(2) make annual reports to the Secretary and be responsible for oversight of the funds expended at each teacher training program described in subparagraph (A); and

"(3) meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with this section and provide such technical assistance as may be necessary to carry out this section.

"(d) TEACHER TRAINING PROGRAMS.—The teacher training programs described in subsection (b) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Teacher Training Project, which members shall conduct inservice workshops for other teachers in the area served by the National Teacher Training Project site;

"(4) borrow teacher training principles and receive technical assistance from the National Writing Project; and

"(5) encourage teachers from all disciplines to participate in such teacher training programs.

"(e) FEDERAL SHARE.—The term 'Federal share' means, with respect to the costs of teacher training programs described in subsection (b), 50 percent of such costs to the contractor

"(f) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(g) PARTICIPANTS AND SELECTION PROCESS.—The selection process for participation in a teacher training program described in subsection (b) shall—

''(1) reward exemplary teachers with varying levels of teaching experience who are nominated by other teachers and administrators;

''(2) involve an application process to select participants for a summer program;

''(3) ensure the selection of a geographically and ethnically diverse group of teachers by soliciting applications from teachers of both public and private institutions in rural, urban and suburban settings of every State; and

''(4) automatically offer a place in a summer program to the 'Teacher of the Year' chosen pursuant to a Federal or State teacher recognition program.

''(h) LIMITATION.—A contractor entering into a contract under subsection (c)(1) shall not spend more than 5 percent of funds received under the contract for administrative costs.

''Subpart 2—State and Local Activities

''SEC. 2121. PROGRAM AUTHORIZED.

''The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

"SEC. 2122. ALLOCATION OF FUNDS.

"(a) RESERVATION OF FUNDS.—From the amount available to carry out this subpart for any fiscal year, the Secretary shall reserve—

"(1) ½ of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part;

"(2) ½ of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—The Secretary shall allocate the amount available to carry out this subpart and not reserved under subsection (a) to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of 1 percent of such amount:

"(1) Fifty percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) Fifty percent shall be allocated among such jurisdictions in accordance with the relative amounts

such jurisdictions received under part A of title I for the preceding fiscal year.

"(c) REALLOCATION.—If any jurisdiction does not apply for an allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection.

"SEC. 2123. WITHIN-STATE ALLOCATIONS.

"Of the amounts received by any State under this subpart for any fiscal year—

"(1) 75 percent shall be available for State level activities under section 2126 and local allowable activities under section 2129(b), of which—

"(A) not more than 5 percent may be used for the administrative costs of the State educational agency;

"(B) not more than 5 percent may be used for State-level activities under section 2126; and

"(C) of the remaining amount—

"(i) 50 percent shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative enrollments in public and private nonprofit elementary and secondary

schools within the boundaries of such agencies; and

"(ii) 50 percent of such amount shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(2) 25 percent shall be available to the State agency for higher education for activities under section 2130, of which not more than 5 percent may be used for the administrative costs of the State agency for higher education.

"SEC. 2124. PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE.

"(a) APPROPRIATION OF LESS THAN $250,000,000.—In any fiscal year for which the amount appropriated for this part is less than $250,000,000, each State shall ensure that all funds distributed in accordance with section 2123(1)(C) are used for professional development in mathematics and science.

"(b) APPROPRIATION EQUAL TO OR ABOVE $250,000,000.—In any fiscal year for which the amount appropriated for this part is at least $250,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(1)(C) that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus at least 10 percent of the amount appropriated for this part for such year in excess of $250,000,000 bears to the total amount appropriated for this part for such year.

"SEC. 2125. STATE APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive an allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

"(b) PROFESSIONAL DEVELOPMENT PLAN.—

"(1) IN GENERAL.—Each application under this section shall include a State plan for professional development that satisfies the requirements of this section.

"(2) CONTENTS.—Each such State plan shall—

"(A) be developed in conjunction with the State agency for higher education, nonprofit or-

ganizations of demonstrated effectiveness, institutions of higher education or schools of education, and with the extensive participation of local teachers, administrators, and pupil services personnel and show the role of each such entity in implementation of the plan;

''(B) be designed to give teachers, administrators, and pupil services personnel in the State the knowledge and skills necessary to provide all students the opportunity to meet challenging State content standards and challenging State student performance standards;

''(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

''(D) describe the need for teacher development beginning with recruitment, preservice, and induction, and continuing throughout the professional teaching career, taking into account the need, as determined by the State, for greater access to and participation in the teaching profession by individuals from historically underrepresented groups;

''(E) describe how the State requirements for licensure of teachers and administrators, in-

cluding certification and recertification, support challenging State content standards and challenging State student performance standards;

"(F) describe how the State will work with teachers, administrators, parents, local educational agencies, schools, educational service agencies, and institutions of higher education or nonprofit organizations of demonstrated effectiveness to ensure that such individuals or entities develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subjects;

"(G) describe how the State will prepare all teachers to teach children with diverse learning needs, including children with disabilities;

"(H) describe how the State will prepare teachers, paraprofessionals and pupil services personnel in intervention strategies to—

"(i) alleviate the need, and inappropriate referral, for special education services; and

"(ii) prepare general and special education staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with

such student's individualized education program;

"(I) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers, administrators, and pupil services personnel;

"(J) describe how the State will ensure a strong focus on professional development in mathematics and science taking into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups;

"(K) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content standards and challenging State student performance standards;

"(L) set specific outcome performance indicators for professional development; and

"(M) describe how parents can be involved in professional development programs to enhance their participation in the education of their children.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this subpart; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

"(c) ADDITIONAL MATERIAL.—Each State application shall include—

"(1) a description of how the activities assisted under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act, and parts B and D of the Individuals with Disabilities Education Act;

"(B) State and local funds;

"(C) resources from business and industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience; and

"(D) funds received from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and

Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State level activities under section 2126 and the higher education activities under section 2130.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section if such application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) REVIEW.—In reviewing applications under this section, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

"SEC. 2126. STATE LEVEL ACTIVITIES.

"Each State may use funds made available under section 2123(1) to carry out activities described in the plan under section 2125(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including

certification and recertification, to align such requirements with the State's challenging State content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State student performance standards;

''(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

''(3) providing technical assistance to schools and local educational agencies to help such schools and agencies provide effective professional development in the core academic subjects;

''(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

''(5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subjects, including efforts to train teachers in methods for achieving gender equity both in students' access to computers and other educational technology

and in teaching practices used in the application of educational technology;

"(6) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement organizations;

"(7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied to challenging State content standards and challenging State student performance standards, rather than by merely completing course credits;

"(8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

"(9) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have the full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects by, for example, encouraging girls and young women and

minorities to pursue advanced courses in mathematics and science;

"(10) professional development designed to—

"(A) provide the collaborative skills needed to appropriately serve children with disabilities in the general education setting consistent with such child's individualized education program; and

"(B) develop skills needed for effective intervention teaching strategies to alleviate the need, and inappropriate referral, for special education services;

"(11) professional development and recruitment activities designed to increase the numbers of minorities, individuals with disabilities and females teaching in the core academic subjects in which such individuals are underrepresented;

"(12) identifying, developing, or supporting parental involvement programs to better equip parents to participate in the education of their children;

"(13) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"(14) providing training for local education employees in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994; and

"(15) providing technical assistance to teachers, administrators, parents and related services personnel in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"SEC. 2127. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"(a) IN GENERAL.—Each local educational agency that desires a subgrant under this subpart shall submit an application to the State educational agency at such time

as the State educational agency may require, but not less frequently than every 3 years.

"(b) CONTENTS.—Each application under this section shall include—

"(1) the local educational agency's plan for professional development that—

"(A) has been developed with the extensive participation of teachers, administrators, staff, and pupil services personnel;

"(B) is aligned with the State's challenging State content standards and challenging State student performance standards;

"(C) includes an assessment of local needs for professional development as identified by the local educational agency and school staff;

"(D) describes a strategy, tied to challenging State content standards and challenging State student performance standards, for addressing those needs;

"(E) includes strong academic content and pedagogical components;

"(F) takes into account the need for greater access to and participation in the core academic subjects, especially in mathematics and science,

by students from historically underrepresented groups;

"(G) is of sufficient intensity and duration to have a positive and lasting impact on the student's performance in the classroom; and

"(H) sets specific outcome performance indicators;

"(2) an assurance that the activities conducted with the funds such agency received under this subpart will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of such activities;

"(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—

"(A) services of educational service agencies;

"(B) services of institutions of higher education;

"(C) State and local funds;

"(D) resources provided under part A of title I and other provisions of this Act;

"(E) resources from business, industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience;

"(F) resources provided under parts B and D of the Individuals with Disabilities Education Act; and

"(G) funds received from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities;

"(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128; and

"(5) a description of the strategies to be employed to more fully and effectively involve parents in the education of their children.

"(c) DURATION OF THE PLAN.—Each local plan described in subsection (b)(1) shall—

"(1) remain in effect for the duration of the local educational agency's participation under this subpart; and

"(2) be periodically reviewed and revised by the local educational agency, as necessary, to reflect changes in the local educational agency's strategies and programs under this subpart.

"SEC. 2128. LOCAL COST-SHARING.

"(a) IN GENERAL.—Each local educational agency shall provide at least 33 percent of the cost of the activities assisted under this subpart, excluding the cost of services provided to private school teachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—

"(1) IN GENERAL.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

"(A) Cash expenditures from non-Federal sources directed toward professional development activities.

"(B) Release time for teachers participating in professional development assisted under this subpart.

"(C) Funds received under one or more of the following programs, so long as such funds are used for professional development activities consistent with this subpart and the statutes under which such funds were received, and are used to benefit students and teachers in schools that otherwise would have been served with such funds:

"(i) Part A of title I.

"(ii) Parts B and D of the Individuals with Disabilities Education Act.

"(iii) The Safe and Drug-Free Schools and Communities program under part A of title V.

"(iv) Bilingual Education Programs under part A of title VII.

"(v) The Women's Educational Equity Act of 1994.

"(vi) Title III of the Goals 2000: Educate America Act.

"(vii) Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and the Department of Energy.

"(2) SPECIAL RULE.—A local educational agency may meet the requirement of subsection (a) through contributions described in paragraph (1) that are provided in cash or in kind, fairly evaluated.

"SEC. 2129. LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES.

"(a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this subpart for any fiscal year—

"(1) shall use at least 80 percent of such funds for professional development of teachers, administrators, pupil services personnel, parents, and other staff of individual schools in a manner that—

"(A) is determined by such teachers and staff;

"(B) to the extent practicable, takes place at the individual school site; and

"(C) is consistent with the local educational agency's application under section 2127, any school plan under part A of title I, and any other plan for professional development carried out with Federal, State, or local funds that emphasizes sustained, ongoing activities; and

"(2) may use not more than 20 percent of such funds for school district-level professional development activities, including the participation of administrators, policymakers, and parents.

"(b) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use such funds for activities that contribute

to the implementation of the local educational agency's professional development plan described in section 2127(b)(1), such as—

"(1) professional development for teams of teachers, administrators, pupil services personnel, or other staff from individual schools, to support teaching consistent with challenging State content standards and challenging State student performance standards and to create a school environment conducive to high achievement in the core academic subjects;

"(2) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel, and other school staff to enable such teachers, personnel, and staff to participate in professional development in the core academic subjects that are offered through professional associations, universities, and other providers such as community-based organizations, science centers and museums;

"(3) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular

work, such as group study and consultation with peers and supervisors;

"(4) support and time for teachers, pupil services personnel and other school staff to learn and implement effective intervention or collaboration for the instruction of children with disabilities placed into general education settings, consistent with such child's individualized education program;

"(5) professional development which incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including females, minorities, individuals with disabilities, limited-English proficient individuals and economically disadvantaged individuals;

"(6) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects and in the developmental, social, emotional and mental health needs of children;

"(7) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and pupil services personnel and that allow exchange of information on advances in content and pedagogy;

"(8) activities that provide followup for teachers who have participated in professional development ac-

tivities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;

''(9) preparing teachers and pupil services personnel to work with parents and families on fostering student achievement in the core academic subjects;

''(10) preparing teachers in the effective use of educational technology and assistive technology as instructional tools for increasing student understanding of the core academic subjects;

''(11) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;

''(12) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited-English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects;

''(13) professional development activities designed to increase the numbers of minorities, individuals with disabilities, and other underrepresented

groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials;

''(14) professional development activities and other support for new teachers as such teachers transition into the classroom to provide such teachers with practical support and increase retention;

''(15) professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to the Transition to Success program developed under part B of title I;

''(16) developing incentive strategies for rewarding teachers, administrators, and pupil services personnel collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State content standards and challenging State student performance standards;

''(17) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement programs;

"(18) developing strategies and programs to more effectively involve parents in the education of their children;

"(19) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"(20) release time with pay for teachers; and

"(21) professional development in experiential-based teaching methods such as service learning.

"SEC. 2130. HIGHER EDUCATION ACTIVITIES.

"(a) IN GENERAL.—

"(1) IN GENERAL.—From amounts made available under section 2123(2), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award grants to, or enter into contracts or cooperative agreements with, institutions of higher education or private nonprofit organizations working in conjunction with local educational agencies, for professional development activities in the core academic subjects that contribute to the State plan for professional development.

"(2) COMPETITIVE BASIS.—Each grant, contract or cooperative agreement described in paragraph (1) shall be awarded on a competitive basis.

"(3) JOINT EFFORTS.—Each activity assisted under this section, where applicable, shall involve the joint effort of the institution of higher education's school or department of education, if any, and the schools or departments in the specific disciplines in which such professional development will be provided.

"(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use such funds for—

"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers, pupil services personnel and administrators from individual schools or school districts;

"(2) preservice training activities; and

"(3) other sustained and intensive professional development activities related to achievement of the State plan for professional development.

"(c) PARTNERSHIPS.—Each institution of higher education receiving a grant under this section may also enter into a partnership with a private industry, museum, library, educational television station, or public or private nonprofit organization of demonstrated experience to carry

out professional development activities assisted under this section.

"SEC. 2131. CONSORTIUM REQUIREMENT.

"(a) IN GENERAL.—Any local educational agency receiving a grant under this part of less than $10,000 shall form a consortium with another local educational agency or an educational service agency serving another local educational agency to be eligible to participate in programs assisted under this part.

"(b) WAIVER.—The Chief State School Officer may waive the requirements of subsection (a) if distances or traveling time between schools make formation of the consortium more costly or less effective.

"(c) SPECIAL RULE.—Each consortium shall rely, as much as possible, on technology or other arrangements to deliver staff development tailored to the needs of each school or school district participating in a consortium described in subsection (a).

"Subpart 3—Professional Development Demonstration Project

"SEC. 2141. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) underlying the standards-driven framework of the Goals 2000: Educate America Act and the high academic standards for eligible students under title I

is a widespread need to prepare teachers to teach to higher standards;

''(2) prospective and current teachers need knowledge and skills beyond what such teachers currently possess;

''(3) while both the Goals 2000: Educate America Act and titles I and II have extensive references to professional development of teachers, there are no provisions to incorporate 'on-the-ground' planning and implementation to serve as models for local educational agencies across the Nation; and

''(4) better prepared teachers can lead to improved student achievement, especially for students who are furthest from reaching high standards.

''(b) PURPOSE.—It is the purpose of this subpart—

''(1) to address the need for professional development with a primary focus on teachers;

''(2) to provide both prospective teachers and current teachers opportunities to learn both the content and the pedagogy needed to teach to high standards; and

''(3) to build models, in a few cities and States, that demonstrate new organizational arrangements and deep investments in teachers necessary to better prepare teachers for new standards and assessments.

"SEC. 2142. DEMONSTRATION PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall carry out a demonstration project under which the Secretary awards grants in accordance with this subpart to eligible partnerships to enable such partnerships to plan and implement professional development programs.

"(2) PROGRAM REQUIREMENTS.—The programs described in paragraph (1)—

"(A) shall focus on increasing teachers' knowledge and understanding of content by providing teachers opportunities to improve their knowledge and to improve their classroom practice in order to help students meet high academic standards;

"(B) shall include teachers at all career stages, from student teachers or interns through senior team leaders or department chairs; and

"(C) may incorporate professional development for principals, pupil services personnel, aides, other school-based staff, and parents.

"(b) ELIGIBLE PARTNERSHIPS.—For the purpose of this subpart the term 'eligible partnership' means a partnership consisting of—

"(1) a local educational agency, a subunit of such agency, or a consortium of such agencies, in which at least 50 percent of the schools served by such agency, subunit, or consortium are eligible to participate in schoolwide programs under section 1114; or

"(2) other partners that—

"(A) shall include, at a minimum, a teachers' union (if appropriate), one or more institutions of higher education which may include faculty from schools of education and faculty from schools of arts and sciences, and a local parent or community council; and

"(B) may include a business partner or a nonprofit organization with a demonstrated record in staff development.

"SEC. 2143. GRANTS.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall award grants for planning, and grants for the implementation of, professional development programs under this subpart.

"(2) DISTRIBUTION.—The Secretary shall award not less than 75 percent of the funds available for grants under this part to eligible partnerships serving the schools with the greatest number of poor students.

To the extent possible, such grants shall be awarded to eligible partnerships serving both rural and urban school districts and in a manner that reflects geographic and racial diversity.

"(3) NUMBER OF GRANTS.—In the first year that the Secretary awards grants under this subpart, the Secretary shall award at least twice as many planning grants as implementation grants in order to receive well-developed plans for long-term funding under this subpart.

"(b) GRANT REQUIREMENTS.—

"(1) DURATION.—The Secretary shall award—

"(A) planning grants under this subpart for a period of not less than 6 months and not more than 9 months; and

"(B) implementation grants under this subpart for a period of four fiscal years.

"(2) AMOUNT.—The Secretary shall award grants under this subpart in an amount determined on the basis of the size of the program and the level of investment the eligible partnership is making in teacher development in the area served by the eligible partnership, including local, State, and Federal funds and existing higher education resources, except that

no grant under this subpart shall exceed $500,000 in any one fiscal year.

"SEC. 2144. PLAN.

''Each eligible partnership desiring assistance under this subpart shall develop a plan for the program to be assisted under this subpart. Such plan shall—

''(1) identify clearly how such plan will support an overall systemic reform strategy giving special attention to the role of teacher preparation for new standards and assessment;

''(2) describe the eligible partnership's instructional objectives and how the professional development activities will support such objectives;

''(3) specify the organizational arrangements and delivery strategies to be used, such as teacher centers, professional development schools, teacher networks, academic alliances, as well as the curriculum for teachers;

''(4) specify the commitments the local educational agencies, teacher's union, institutions of higher education or any other entity participating in such partnership are prepared to make, not only to support program activities such as release time, contractual flexibility, support for interns or student teachers if applicable, but also to sustain the central

aspects of the plan after the expiration of the grant; and

''(5) describe how the activities described under this subpart will lead to districtwide policy and budget changes.

''SEC. 2145. TECHNICAL ASSISTANCE.

''The Secretary is authorized to enter into an arrangement with an intermediary organization to enable such organization to provide technical assistance to eligible partnerships receiving assistance under this subpart.

''SEC. 2146. MATCHING FUNDS.

''The Secretary shall give special priority to awarding grants under this subpart to eligible partnerships that demonstrate such partnership's ability to raise matching funds from private sources.

''Subpart 4—General Provisions

''SEC. 2151. REPORTING AND ACCOUNTABILITY.

''(a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every three years, beginning with fiscal year 1997, on the State's progress toward the outcome performance indicators identified in such State's State plan, as well as on the effectiveness of State and local activities assisted under this part.

''(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall

submit a report to the State every three years, beginning with fiscal year 1997, regarding the progress of such agency toward outcome performance indicators identified in such agency's local plan, as well as on the effectiveness of such agency's activities under this part.

''(c) FEDERAL EVALUATION.—The Secretary shall report to the President and the Congress on the effectiveness of programs and activities assisted under this part in accordance with section 10701.

''SEC. 2152. DEFINITIONS.

''As used in this part—

''(1) the term 'core academic subjects' means subjects such as English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

''(2) the term 'sustained and intensive high-quality professional development' means professional development activities that—

''(A) are tied to challenging State content standards, challenging State student performance standards, voluntary national content standards or voluntary national student performance standards;

''(B) reflect up-to-date research in teaching and learning and include integrated content and

pedagogical components appropriate for students with diverse learning needs;

"(C) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

"(D) recognize teachers as an important source of knowledge that should inform and help shape professional development; and

"(3) the term 'outcome performance indicators' means measures of specific outcomes that the State or local educational agency identify as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills necessary to assist their students to meet challenging State content standards and challenging State student performance standards in the core academic subjects, such as—

"(A) the degree to which licensure requirements are tied to challenging State content standards and challenging State student performance standards;

"(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards or other na-

tionally recognized professional teacher enhancement organizations;

''(C) pass rates on teacher examinations for initial and continuing certification or licensure;

''(D) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

''(E) specific increases in the number of teachers licensed in each core academic subject.

''PART B—NATIONAL WRITING PROJECT

''SEC. 2201. SHORT TITLE.

''This part may be cited as the 'National Writing Project Act'.

''SEC. 2202. FINDINGS.

''The Congress finds that—

''(1) the United States faces a crisis in writing in schools and in the workplace;

''(2) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

''(3) over the past 2 decades, universities and colleges across the country have reported increasing

numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

"(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to such executives due to inadequate writing abilities;

"(5) writing and reading are both fundamental to learning, yet writing has been historically neglected in the schools and colleges, and most teachers in the United States elementary schools, secondary schools, and colleges have not been trained to teach writing;

"(6) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

"(7) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

"(8) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(9) the National Writing Project has become a model for programs to improve teaching in such other fields as mathematics, science, history, literature, performing arts, and foreign languages;

"(10) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

"(11) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

"(12) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

"(13) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

"(14) each year over 100,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school-year inservice programs through one of the 154 regional sites located in 45 States, the Commonwealth of Puerto Rico, and in four sites that serve United States teachers teaching in United States dependent and independent schools;

"(15) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

"(16) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support;

"(17) independent evaluation studies have found the National Writing Project to be highly cost-effective compared to other professional development programs for teachers; and

"(18) during 1991, the first year of Federal support for the National Writing Project, the National

Writing Project matched the $1,951,975 in Federal support with $9,485,504 in matching funds from State, local, and other sources.

"SEC. 2203. NATIONAL WRITING PROJECT.

"(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the 'grantee'), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

"(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

"(2) to support classroom research on effective teaching practice and to document student performance;

"(3) to coordinate activities assisted under this section with activities assisted under part A; and

"(4) to pay the Federal share of the cost of such programs.

"(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

"(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as 'contractors') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

"(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

"(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

"(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

"(4) encourage teachers from all disciplines to participate in such teacher training programs.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term 'Federal share' means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

"(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

"(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.

"(e) CLASSROOM TEACHER GRANTS.—

"(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

"(A) conduct classroom research;

"(B) publish models of student writing;

"(C) conduct research regarding effective practices to improve the teaching of writing; and

"(D) conduct other activities to improve the teaching and uses of writing.

"(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

"(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed $2,000.

"(f) NATIONAL ADVISORY BOARD.—

"(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

"(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

"(A) national educational leaders;

"(B) leaders in the field of writing; and

"(C) such other individuals as the National Writing Project deems necessary.

"(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

"(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

"(B) review the activities and programs of the National Writing Project; and

"(C) support the continued development of the National Writing Project.

"(g) EVALUATION.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act in accordance with section 10701. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the grant to the National Writing Project, $4,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this section.

"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

"Subpart 1—Comprehensive Regional Centers

"SEC. 2301. FINDINGS.

"The Congress finds that—

"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs assisted under this Act;

"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the Improving America's Schools Act of 1994 to improve programs and to provide all children opportunities to meet challenging State content standards and challenging State student performance standards;

"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited-English proficiency and students with disabilities, have great need for comprehensive technical assistance in order to use funds

under this Act to provide such students with opportunities to learn to challenging State content standards and challenging State student performance standards;

"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to meet challenging State content standards and challenging State student performance standards, as such schools and systems implement programs under this Act;

"(7) comprehensive technical assistance will provide one-stop shopping to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, local education and pupil services programs in ways that con-

tribute to improving schools and entire school systems; and

"(8) technical assistance in support of programs assisted under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

"SEC. 2302. PURPOSE.

"The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—

"(1) administering and implementing programs authorized by this Act;

"(2) implementing school reform programs; and

"(3) coordinating such programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State content standards and challenging State student performance standards.

"SEC. 2303. PROGRAM AUTHORIZED.

"(a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions, and one center at the Pacific Regional Education Laboratory in Honolulu, Hawaii, and may establish field offices for each such center, in order to

provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in the administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.

''(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is authorized to provide a technology-based technical assistance service that will—

''(1) support the administration and implementation of programs authorized by this Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and

''(2) be accessible to all States, local educational agencies, schools, community-based organizations, and others who are recipients of funds under this Act.

''SEC. 2304. ELIGIBLE ENTITIES.

''The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of such agencies and organizations.

''SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.

''Each comprehensive regional center established under section 2303(a) shall—

"(1) maintain staff expertise in at least all of the following areas:

"(A) instruction, curriculum improvement, school reform, pupil services, and other aspects of title I;

"(B) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities;

"(C) professional development for teachers, pupil services personnel, other school staff, and administrators to help students meet challenging State content standards and challenging State student performance standards;

"(D) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding;

"(E) safe and drug-free schools;

"(F) educational applications of technology;

"(G) parent involvement and participation;

"(H) the reform of schools and school systems;

"(I) the special needs of students living in rural areas and the special needs of local educational agencies serving rural areas; and

"(J) program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs assisted under this Act, as well as integrating and coordinating programs assisted under this Act with other Federal, State, and local programs and reforms;

"(3) work collaboratively with the Department's regional offices;

"(4) provide technical assistance using the highest quality and most cost-effective strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services such center provides, with the general reform assistance provided by the regional educational laboratories and the National Diffusion Network State Facilitators supported by the Office of Educational Research and Improvement; and

"(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

"SEC. 2306. INFORMATION COLLECTION AND EVALUATION.

''The Secretary shall evaluate activities assisted under this part, and shall report to the President and the Congress on the effectiveness of such activities by January 1, 1998.

"SEC. 2307. TRANSITION.

''(a) IN GENERAL.—The Secretary shall use funds appropriated to carry out this part for at least fiscal years 1995 and 1996 in order to ensure an orderly transition and phase-in of the comprehensive regional centers assisted under this subpart.

''(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary shall use funds appropriated to carry out this part to draw on the expertise of staff and services from existing categorical assistance centers assisted under this Act (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and, where appropriate and feasible, to continue to support, through grants or the extension of awards, such centers in order to ensure that services will not be interrupted, curtailed, or substantially diminished.

"SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this subpart, there are authorized to be appropriated $70,000,000 for fiscal

year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 2—National Diffusion Network

"SEC. 2311. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—In order to increase the effectiveness of the comprehensive regional centers established under subpart 1 and to promote school reform, the Secretary shall carry out a State-based outreach, consultation, and dissemination program through the National Diffusion Network and its State Facilitators. To carry out such program, the Secretary shall make one or more awards in each State to public educational agencies or public or private nonprofit educational organizations or institutions to assist State and local educational agencies, schools, and other appropriate educational entities in that State to identify and implement exemplary or promising educational programs and practices.

"(b) STATE FACILITATOR ACTIVITIES.—The National Diffusion Network State Facilitators for each State shall—

"(1) identify educational programs and practices for possible dissemination throughout the State and Nation;

"(2) identify needs for assistance throughout the State, including educational technology needs;

"(3) provide professional development and technical assistance services;

"(4) promote and facilitate teacher networks throughout the State; and

"(5) provide such other outreach, coordination, and dissemination services as may be necessary to achieve the purposes of this subpart.

"(c) COORDINATION AND ADMINISTRATION.—

"(1) COORDINATION.—The National Diffusion Network State Facilitators shall work in close cooperation, and coordinate their activities, with the comprehensive regional centers established under subpart 1.

"(2) ADMINISTRATION.—The National Diffusion Network State Facilitators program shall be administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

"(d) NATIONAL DIFFUSION NETWORK EFFECTIVE PROGRAMS AND PROMISING PRACTICES SYSTEM.—The Secretary shall develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network. Such system may include exemplary programs funded through any office of the De-

partment, the National Science Foundation, or other Federal agencies. Such system shall be coordinated, aligned with, and administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Secretary shall give priority to identifying, validating, and disseminating effective schoolwide projects, programs addressing the needs of high poverty schools, and programs with the capacity to offer high-quality, sustained technical assistance. The Office of Educational Research and Improvement Office of Reform Assistance and Dissemination shall also administer a grant program for the purpose of dissemination and the provision of technical assistance regarding such system.

"SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this subpart, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 3—Eisenhower Regional Mathematics and Science Education Consortiums

"SEC. 2321. PROGRAM ESTABLISHED.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science

Foundation, is authorized to award grants or contracts to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

"(A) disseminating exemplary mathematics and science education instructional materials; and

"(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

"(2) NUMBER.—The Secretary shall, in accordance with the provisions of this section, award at least 1 grant or contract to an eligible entity in each region.

"(3) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to section 2328 is less than $4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope and quality to carry out this section.

"(4) DESIGNATION.—Each regional consortium assisted under this section shall be known as an 'Eisenhower regional consortium'.

"(b) GRANT TERM AND REVIEW.—Grants or contracts under this subpart shall be awarded for a period of not more than 5 years and shall be reviewed before the end of the 30-month period beginning on the date the grant or contract is awarded. Grants or contracts under this subpart shall be awarded before the end of the 12-month period beginning on the date of the enactment of an Act making appropriations to carry out the provisions of this subpart.

"(c) AMOUNT.—In awarding grants or contracts under this subpart, the Secretary shall assure that there is a relatively equal distribution of the funds made available among the regions, but the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

"SEC. 2322. USE OF FUNDS.

"Funds provided under this subpart may be used by a regional consortium, under the direction of a regional board established pursuant to section 2324, to—

"(1) work cooperatively with the other regional consortiums and the Eisenhower National Clearinghouse for Science and Mathematics Education established under section 2123 to more effectively accomplish the activities described in this section;

"(2) assist, train and provide technical assistance to classroom teachers, administrators, and other

educators to identify, implement, assess or adapt the instructional materials, teaching methods and assessment tools described in paragraph (1);

''(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in paragraph (1) in the classroom;

''(4) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the regional consortium;

''(5) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

''(6) assist State and local educational agencies in identifying science equipment needs and help such agencies or consortia thereof assess the need for and desirability of regional mathematics and science academies;

''(7) develop and disseminate early childhood education mathematics and science instructional materials;

"(8) disseminate information regarding informal mathematics and science education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

"(9) collect data on activities assisted under this subpart in order to evaluate the effectiveness of the activities of the regional consortiums;

"(10) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

"(11) communicate, on a regular basis, with entities within the region who are delivering services to students and teachers of mathematics and science;

"(12) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science; and

"(13) increase the use of informal education entities (such as science technology centers, museums, libraries, Saturday academies, and 4H programs) for educational purposes to expand student knowledge and understanding.

"SEC. 2323. APPLICATION AND REVIEW.

"(a) IN GENERAL.—Each eligible entity desiring a grant or contract under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

"(1) demonstrate that the eligible entity has demonstrated expertise in the fields of mathematics and science education;

"(2) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

"(3) demonstrate that the eligible entity shall carry out the functions of the regional consortium;

"(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work;

"(6) demonstrate that the eligible entity will consider the resources of existing Star Schools consortia established pursuant to the Star Schools Program Assistance Act in carrying out the provisions of this subpart, where appropriate; and

"(7) assure that the entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

"(b) APPROVAL OF APPLICATION.—

"(1) IN GENERAL.—The Secretary shall approve or disapprove applications submitted pursuant to subsection (a) in accordance with the criteria and procedures established under paragraph (2).

"(2) PROCEDURES AND CRITERIA.—The Secretary shall develop procedures and criteria designed to ensure that grants or contracts are awarded on the basis of merit as determined by the competitive peer review process described in paragraph (3).

"(3) NATIONAL PANEL.—(A) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to submit to the Secretary recommendations for awards of grants or contracts under this subpart. The Sec-

retary shall appoint the members of such panel or panels.

"(B) Each panel appointed under subparagraph (A) shall include participation, to the extent feasible, from each region.

"SEC. 2324. REGIONAL BOARDS.

"(a) IN GENERAL.—Each eligible entity receiving a grant or contract under this subpart shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

"(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by subsection (a), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

"SEC. 2325. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section

2323 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—For the purpose of subsection (a), the Federal share shall be 80 percent.

"(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted pursuant to this section may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.

"SEC. 2326. EVALUATION.

"(a) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 10701, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

"(b) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators and students in the region.

"(c) REPORT.—At the end of each grant or contract period, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

"SEC. 2327. DEFINITIONS.

''For purposes of this subpart:

''(1) The term 'eligible entity' means—

''(A) a private nonprofit organization of demonstrated effectiveness;

''(B) an institution of higher education;

''(C) an elementary or secondary school;

''(D) a State or local educational agency;

''(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or

''(F) any combination of the entities described in subparagraphs (A) through (E),

with demonstrated expertise in mathematics and science education.

''(2) The terms 'mathematics' and 'science' include the technology education associated with such mathematics and science, respectively.

''(3) The term 'region' means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the

day preceding the date of enactment of the Goals 2000: Educate America Act.

''(4) The term 'regional consortium' means each regional mathematics and science education consortium established pursuant to section 2311.

''(5) The term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

''SEC. 2328. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $23,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this subpart.

''PART D—TERRITORIAL TEACHER TRAINING PROGRAM

''SEC. 2401. TERRITORIAL TEACHER TRAINING PROGRAM.

''There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the purpose of assisting teacher training programs in Guam, American Samoa, the Virgin Islands, the Commonwealth of the North-

ern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. From the sums appropriated pursuant to this section the Secretary shall make grants and enter into contracts for the purpose of providing training to teachers in schools in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. The Secretary may make grants to or contracts with any organization considered qualified to provide training for teachers in such schools and shall allot such sums among such territories on the basis of the need for such training.

"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

"SEC. 2501. PROJECT AUTHORIZED.

''The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics. The demonstration project authorized by this part shall be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards.

"SEC. 2502. APPLICATION REQUIRED.

''(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

''(1) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

''(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards;

''(3) assure that a significant portion of the benefits available for elementary and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

''(4) contain such additional assurances as the Secretary may reasonably require.

"(b) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that the demonstration project authorized by this subpart is conducted at elementary and secondary school sites in at least 15 States.

"SEC. 2503. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $5,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"TITLE III—TECHNOLOGY FOR EDUCATION

"SEC. 3001. SHORT TITLE.

"This title may be cited as the 'Technology for Education Act of 1994'.

"PART A—EDUCATIONAL TECHNOLOGY FOR ALL STUDENTS

"SEC. 3111. FINDINGS.

"The Congress finds that—

"(1) technology applications can help propel our Nation's school systems into very immediate and dramatic reform, without which our Nation will not meet the National Education Goals by the target year 2000;

"(2) creative uses of technology can reshape our Nation's outdated method of providing education and empower teachers to create an environment where students can be challenged through rigorous, rich classroom instruction at a pace that suits the learning style of each student;

"(3) the acquisition and use of technology in education throughout the United States has been inhibited by—

"(A) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement;

"(B) the inability of many State and local educational agencies to invest in and support needed technologies;

"(C) the lack of appropriate electrical and telephone connections in the classroom; and

"(D) the limited availability of technology-enhanced curriculum, professional development and administrative support resources and services in the educational marketplace;

"(4) advancements in technology offer new opportunities to promote partnerships among teachers, administrators, students, parents, communities, and

industry in the quest for knowledge and the process of learning;

"(5) technology, when used as an essential tool in the learning process, will help cultivate and maintain a technologically literate citizenry and internationally competitive work force;

"(6) the Department of Education, consistent with the overall national technology policy established by the President, must assume a vital leadership and coordinating role in developing the national vision and strategy to infuse advanced technology throughout all educational programs;

"(7) Federal support can ease the burden at the State and local levels by enabling the acquisition of advanced technology and initiating the development of teacher training and support as well as new educational products;

"(8) leadership at the Federal level should consider guidelines to ensure that educational technology is accessible to all users with maximum interoperability nationwide;

"(9) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of technology to dif-

ferent groups of students and make it a priority to serve those students in greatest need;

''(10) continuing professional development for teachers and administrators requires ongoing exposure to advancements in technology in order to keep such teachers and administrators excited and knowledgeable about the unfolding opportunities for the classroom; and

''(11) the increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and work force preparation, and underscores the need for technology policies at the Federal, State, tribal, and local levels that address preparation for school-to-work transitions.

''SEC. 3112. STATEMENT OF PURPOSE.

''It is the purpose of this part—

''(1) to promote equal access for all students to educational opportunities through advances in technology, including the information infrastructure, in order to achieve the National Education Goals by the year 2000;

''(2) to provide funding that will assist activities undertaken by the State and local school districts to promote and provide equipment, teacher training, and technical support;

''(3) to support technical assistance, professional development, information and resource dissemination, in order to help States, local school districts, and teachers successfully integrate technology into kindergarten through 12th grade classrooms;

''(4) to support the development of educational and instructional programming in core subject areas, which programming shall address the National Education Goals;

''(5) to offer opportunities for creative partnerships within the marketplace in order to develop state-of-the-art educational technology products that promote the use of advanced technologies in the classroom;

''(6) to avoid duplication and the development of incompatible systems by strengthening and building upon existing telecommunications infrastructures dedicated to educational purposes; and

''(7) to ensure that uses of educational technology are consistent with the overall national technology policy established by the President.

''SEC. 3113. DEFINITIONS.

''For the purpose of this part—

''(1) the term 'all students' means students from a broad range of backgrounds and circumstances, in-

cluding disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

''(2) the term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States;

''(3) the term 'instructional programming' means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction;

''(4) the terms 'interoperable' and 'interoperability' refer to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

''(5) the term 'local educational agency' includes an elementary or secondary school funded by the Bureau of Indian Affairs, except that such schools shall not be subject to the jurisdiction of any State edu-

cational agency other than the Bureau of Indian Affairs;

''(6) the term 'Office' means the Office of Educational Technology;

''(7) the term 'public telecommunications entity' has the same meaning given to such term by section 397(12) of the Communications Act of 1934;

''(8) the term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part; and

''(9) the term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM discs, and video and audio tapes.

''Subpart 1—National Programs in Technology for Education

''SEC. 3121. PURPOSES.

''It is the purpose of this subpart to promote achievement of the National Education Goals and—

"(1) to provide leadership at the Federal level, through the Department, by developing a national vision and strategy—

"(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State, tribal, and local levels;

"(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

"(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

"(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

"(2) to promote awareness of the potential of technology for improving teaching and learning;

"(3) to support State and local efforts to increase the effective use of technology for education;

"(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

"(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

"(6) to promote high-quality professional development opportunities for teachers, pupil-services personnel and administrators regarding the integration of technology into instruction and administration;

"(7) to support development, production, and distribution of technology enhanced curriculum, and instruction and administrative support resources and services;

"(8) to promote the effective uses of technology in existing Federal education programs, such as part A of title I and vocational education programs; and

"(9) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

"SEC. 3122. FEDERAL LEADERSHIP.

"(a) ACTIVITIES AUTHORIZED.—

"(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this subpart, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the United States National Commission on Libraries and Information Sciences, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, the Bureau of Indian Affairs, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this subpart.

"(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this subpart, the Secretary may accept funds from, or transfer funds to, other Federal departments or agencies.

"(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

"(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of the Improving America's Schools Act of 1994, and update when the Secretary determines appropriate, a national long-range plan that supports the

overall national technology policy and carries out the purposes of this subpart.

"(2) PLAN REQUIREMENTS.—The Secretary shall—

"(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

"(B) transmit such plan to the President and to the appropriate committees of the Congress; and

"(C) publish such plan in a form that is readily accessible to the public.

"(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—

"(A) how the Secretary will encourage the effective use of technology to provide all students

the opportunity to achieve State content standards and State student performance standards, especially through programs administered by the Department;

''(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

''(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

''(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

''(C) how the Secretary will work with educators, State and local educational agencies, and

appropriate representatives of the private sector to facilitate the effective use of technology in education;

"(D) how the Secretary will promote—

"(i) higher achievement of all students through the integration of technology into the curriculum;

"(ii) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

"(iii) the use of technology to assist in the implementation of State systemic reform strategies;

"(iv) the application of technological advances to use in education; and

"(v) increased opportunities for the professional development of teachers in the use of new technologies;

"(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

"(F) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;

"(G) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 3206(c)(2) to promote the purposes of this subpart; and

"(H) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.

"(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 317 of the Goals 2000: Educate America Act.

"(d) USES OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this subpart, including—

"(A) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers

offer to educators regarding the educational uses of technology, including professional development;

"(B) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this subpart;

"(C) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

"(D) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

"(E) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

"(F) the development and evaluation of software and other products, including multimedia television programming, that incorporate ad-

vances in technology and help achieve the National Education Goals, State content standards and State student performance standards;

"(G) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

"(H) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

"(I) research on, and the evaluation of, the effectiveness and benefits of technology in education, giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

"(J) a biennial assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to

the extent possible, existing information and resources;

"(K) conferences on, and dissemination of information regarding, the uses of technology in education;

"(L) the development of model strategies to promote gender equity in the use of technology;

"(M) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

"(N) such other activities as the Secretary determines will meet the purposes of this subpart.

"(2) SPECIAL RULES.—

"(A) The Secretary shall carry out the activities described in paragraph (1) directly or by grant or contract.

"(B) Each grant or contract under this section shall be awarded—

"(i) on a competitive basis; and

"(ii) pursuant to a peer review process.

"(e) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(2) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

"(3) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3123. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants, on a competitive basis, to regional educational technology assistance consortia in accordance with the provisions of this section. In awarding grants under this section, the Secretary shall ensure that each geographic region of the United States shall be served by such a consortium.

"(2) REQUIREMENTS.—Each consortium receiving a grant under this section shall—

"(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

"(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

"(C) foster regional cooperation and resource and coursework sharing.

"(3) SPECIAL RULE.—Each consortium receiving a grant under this section shall use not less than 80

percent of the grant funds to carry out paragraph (2) of subsection (b).

"(b) FUNCTIONS.—

"(1) TECHNICAL ASSISTANCE.—Each consortium receiving a grant under this section shall—

"(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

"(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, and schools on the types and features of various educational technology equipment and software available, evaluate and make recommendations on equipment and software that support the National Education Goals and are suited for a school's particular needs, and compile and share information regarding creative and effective applications of technology in the classroom in order to support the purposes of this subpart;

"(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet State content standards or State student performance standards that may be developed; and

"(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

"(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall—

"(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—

"(i) intensive school year and summer workshops that use teachers to train other teachers; and

"(ii) distance educational professional development, including—

"(I) interactive training telecourses using researchers, educators, and telecommunications personnel who

have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

"(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;

"(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;

"(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and

"(V) mobile education technology and training resources;

"(B) develop training resources that—

"(i) are relevant to the needs of the region and schools within the region;

"(ii) are relevant to the needs of adult literacy staff and volunteers, including on-site courses on how to—

"(I) use instructional technology; and

"(II) develop instructional materials for adult learning; and

"(iii) are aligned with the needs of teachers and administrators in the region;

"(C) establish a repository of professional development and technical assistance resources;

"(D) identify and link technical assistance providers to State and local educational agencies, as needed;

"(E) provide followup to ensure that training, professional development, and technical assistance meet the needs of educators, parents and students served by the region;

"(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

"(G) assist local educational agencies and schools in working with community members and parents to develop support from commu-

nities and parents for educational technology programs and projects.

"(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall—

"(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;

"(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources; and

"(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

"(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides,

with appropriate entities assisted in whole or in part by the Department.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3124. EDUCATIONAL TECHNOLOGY PRODUCT DEVELOPMENT.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) support development of curriculum-based learning resources using state-of-the-art technologies and techniques designed to improve student learning; and

"(2) support development of long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions.

"(b) FEDERAL ASSISTANCE AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants, on a competitive basis, to eligible consortia to pay the Federal share of the cost of developing, producing, and distributing products consisting of curriculum-based learning resources, services, and instructional

programming for teachers and students, which incorporate state-of-the-art applications of advanced technology, including educational radio and television.

"(2) ELIGIBLE CONSORTIUM.—For the purpose of this subsection the term 'eligible consortium' means a consortium—

"(A) that shall include—

"(i) a State or local educational agency; and

"(ii) a business, industry or telecommunications entity; and

"(B) that may include—

"(i) a public or private nonprofit organization; or

"(ii) a postsecondary institution.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications describing products that are developed—

"(A) so that the product may be adapted and applied nationally at a reasonable cost over a broad technology platform;

"(B) to raise the achievement levels of all students, particularly students who are not realizing their potential;

"(C) in consultation with classroom teachers;

"(D) through consultation and collaboration with appropriate education entities in designing the product to ensure relevance to the voluntary national content standards, the voluntary national student performance standards and State curriculum frameworks; and

"(E) so that the product can be adapted for use by adults in need of literacy services, including English as a second language and preparation for a secondary school diploma or its recognized equivalent.

"(4) MATCHING REQUIREMENT.—The Secretary may require any recipient of a grant or contract under this subpart to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(5) REQUIREMENTS FOR FEDERAL ASSISTANCE.—Each eligible consortium desiring Federal assistance under this section shall submit an application to the Secretary at such time and in such man-

ner as the Secretary may prescribe. Each application shall include—

"(A) a description of how the product will improve the achievement levels of students;

"(B) a description of how the activities assisted under this section will promote professional development of teachers and administrators in the uses and applications of the product, including the development of training materials;

"(C) a description of design, development, field testing, evaluation, and distribution of products, where appropriate;

"(D) an assurance that the product shall effectively serve a significant number or percentage of economically disadvantaged students;

"(E) plans for dissemination of products to a wide audience of learners;

"(F) provisions for closed captioning or descriptive video, where appropriate;

"(G) a description of how ownership and rights to the use and marketing of any product developed by the consortium, including intellectual property rights, will be allocated among consortium participants; and

"(H) a description of the contributions, including services and funds, to be made by each member of the consortium, and how any revenues derived from the sale of any product developed by the consortium shall be distributed.

"(c) CONSUMER REPORT.—The Secretary shall disseminate information about products developed pursuant to provisions of this section to State and local educational agencies, and other organizations or individuals that the Secretary determines to be appropriate, through print and electronic media that are accessible to the education community at large.

"(d) PROCEEDS.—The Secretary shall not prohibit an eligible consortium or any of the members of such consortium from receiving financial benefits from the distribution of any products resulting from the assistance received under this section. Notwithstanding any other provision of law, any profits or royalties received by a State educational agency, local educational agency, or other nonprofit member of an eligible consortium receiving assistance under this section shall be used to support further development of curriculum-based learning resources, services, and programming or to provide access to such products for a wider audience.

"(e) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3125. RESEARCH ON EDUCATIONAL APPLICATIONS OF ADVANCED TECHNOLOGIES.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) provide direction and support for the conduct of research on advanced educational technologies; and

"(2) provide support for long-term, comprehensive educational applications of advanced high performance computer and communication technologies and video technologies in support of the core subjects of the National Education Goals.

"(b) GENERAL AUTHORITY.—The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, is authorized to support research on educational applications of advanced learning technologies.

"(c) GRANTS AUTHORIZED.—The Secretary, through the Office of Educational Technology, shall award grants to or enter into contracts for research projects intended to develop educational applications of advanced technologies.

"(d) APPLICATION.—Each entity desiring assistance under this section shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) define clearly the scope and content of the subject matter of the research and the relevance of the advanced technology to such content;

"(2) describe the potential market for both the hardware and software developed under this section; and

"(3) assess the applications of the advanced technology in a way that will validate the technology's impact on student learning and achievement.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3126. HIGH PERFORMANCE EDUCATIONAL COMPUTING AND TELECOMMUNICATIONS NETWORKS.

"(a) PURPOSE.—It is the purpose of this section to support the development, demonstration, and evaluation of the educational aspects of high performance computing and communication technologies and of the national information infrastructure, including the use of high performance

computing and communication and the national information infrastructure in—

"(1) providing professional development for teachers and other educators, as appropriate;

"(2) enhancing academic curricula for elementary and secondary school students in order to provide such students with opportunities to meet challenging State student performance standards;

"(3) facilitating communications among schools, local educational agencies, parents of students, and local communities;

"(4) facilitating an effective transition from secondary school to employment; and

"(5) other such areas of education as the Secretary deems appropriate.

"(b) AUTHORITY.—

"(1) IN GENERAL.—(A) The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, shall support the development of an electronic network program for the dissemination of educational information throughout the United States, including information about effective technology-enhanced programs, resources and services.

"(B) In carrying out subparagraph (A) the Secretary shall—

"(i) to the extent possible, coordinate activities assisted under this section with other dissemination activities assisted by the Department in order to—

"(I) avoid duplication; and

"(II) utilize the existing resources of the Department;

"(ii) consult with educators, State and local educational agencies, telecommunications providers, and other appropriate education entities throughout the United States to determine information requirements and policies for the effective dissemination of information;

"(iii) provide access to the existing Department of Energy FEDIX/MOLIS Information System regarding information about excess equipment (computers and supporting materials) within the Federal Government that are available for transfer to elementary and secondary schools; and

"(iv) make use of existing networks or developing networks, to the extent possible.

"(2) REQUIREMENTS; SPECIFICATIONS; AND PROTOTYPE OPERATIONS.—The Secretary is authorized to—

"(A) identify educational high performance computing and telecommunications network requirements;

"(B) develop specifications for the implementation of such requirements within any national telecommunications network;

"(C) establish prototype operations on existing networks to validate and further develop the educational specifications which will facilitate the use of such networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents;

"(D) represent the needs and interests of elementary and secondary schools in the Federal planning and development of a national information infrastructure; and

"(E) identify policy issues, such as communication rate structures and intellectual property rights, that affect the ability of the public schools to make effective use of the emerging information highways, and make recommendations to the Congress regarding such issues.

"(c) TYPES OF GRANTS.—The Secretary, through the Office of Educational Technology, shall award the following types of grants:

"(1) REQUIREMENTS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the identification of educational high performance computing and telecommunications network requirements. The solicitation shall request proposals to—

"(A) identify and describe existing and planned educational high performance computing and telecommunications network efforts;

"(B) identify potential uses of such networks in kindergarten through 12th grade education by schools throughout the United States;

"(C) assess impediments to the development of such networks in kindergarten through 12th grade education, such as—

"(i) technological impediments;

"(ii) availability of technology-enhanced curriculum, instruction, and administrative support resources and services in schools; and

"(iii) parent, student, teacher and administrator attitudes toward technology-enhanced education;

"(D) assess the anticipated costs and benefits to be derived from such network access in kindergarten through 12th grade education and recommend priorities for development of such network; and

"(E) identify the range of possible educational applications of, and potential sources of funding for, both networks and information resources and databases that exist or are being developed by other Federal departments or agencies.

"(2) SPECIFICATIONS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the design and development of educational specifications which may be used to ensure educational access to any national educational high performance computing and telecommunications network. The solicitation shall request proposals to—

"(A) incorporate—

"(i) the findings of the grant recipients under paragraph (1); and

"(ii) the priorities recommended for such networks by the Secretary consistent with the overall national technology policy established by the President;

"(B) provide for design alternatives and specifications that address—

"(i) linkage of schools and communities with each other, with central resource centers, and with Federal and State agencies over existing or planned telecommunications networks;

"(ii) uses of alternative connectivity modes, such as fiber optics, satellites, and land-based broadcasting;

"(iii) integrated uses of two-way interactive voice, video, and data communications;

"(iv) uses of interactive multimedia;

"(v) system capacity, such as maximum telecommunications traffic in a variety of use modes;

"(vi) availability of needed technologies;

"(vii) availability of support services; and

"(viii) assessment of the impact of proposed educational access specifications on existing or planned telecommunications networks; and

"(C) provide comprehensive specifications which will ensure educational access to any national educational high performance computing and telecommunications network as the primary deliverable product of the specifications grants described in this paragraph.

"(3) PROTOTYPE DEVELOPMENT GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for prototype operations on existing networks in order to validate and further develop the educational specifications which will facilitate use of existing or planned educational high performance computing and telecommunications networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents. The solicitation shall request proposals to—

"(A) incorporate the design limits of the comprehensive educational high performance computing and telecommunications network specifications developed by grant recipients under paragraph (2);

"(B) support prototype operations for at least 1 year in a minimum of 5 test sites which are selected to represent a variety of economic, social, urban and rural settings;

"(C) provide for inservice training and technical assistance during the period of prototype operations;

"(D) provide provisions for the identification and correction of operational problems during the period of prototype operations (including design flaws);

"(E) include a comprehensive evaluation of all aspects of the prototype, including—

"(i) design flaws;

"(ii) training requirements, including resources and strategies for initial and ongoing training;

"(iii) technical support requirements;

"(iv) financing constraints;

"(v) availability and utility of information resources and services accessed during the prototype operations period;

"(vi) factors which enhanced or impeded prototype operations; and

"(vii) an overall assessment of the impact of such technology on the educational process; and

"(F) provide recommended revisions of the Secretary's educational high performance computing and telecommunications network specifications based on findings of the comprehensive evaluation of prototype operations.

"(d) TIMELINE.—The Secretary, through the Office of Educational Technology, shall award grants under this section as follows:

"(1) REQUIREMENT GRANTS.—The Secretary shall award requirement grants under subsection (c)(1) within 6 months of the date of enactment of the Improving America's Schools Act of 1994.

"(2) DEVELOPMENT OF DESIGN SPECIFICATIONS.—The Secretary shall award grants under subsection (c)(2) within 18 months of the date of enactment of the Improving America's Schools Act of 1994.

"(3) PROTOTYPE OPERATIONS.—The Secretary shall award grants under subsection (c)(3) within 30 months of the date of enactment of the Improving America's Schools Act of 1994.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for fiscal year

1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3127. STUDY, EVALUATION AND REPORT OF FUNDING ALTERNATIVES.

''The Secretary, through the Office of Educational Technology, shall conduct a study to evaluate, and report to the Congress on, the feasibility of several alternative models for providing sustained and adequate funding for schools throughout the United States so that such schools are able to acquire and maintain technology-enhanced curriculum, instruction, and administrative support resources and services. Such report shall be submitted to the Congress not later than 1 year after the date of enactment of the Improving America's Schools Act of 1994.

"Subpart 2—State and Local Programs for School Technology Resources, Technical Support, and Professional Development

"SEC. 3131. STATEMENT OF PURPOSE.

''It is the purpose of this subpart to provide Federal assistance in the form of grants to support—

''(1) the acquisition of equipment and supporting resources, training, and maintenance of technology; and

''(2) regional consortia to enable such consortia to provide professional development and technical as-

sistance that fosters integration of technology into the kindergarten through 12th grade classrooms, libraries, and school library media centers.

"SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having a systemic statewide plan that meets such criteria as the Secretary may establish in order to enable such agencies to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to—

"(A) purchase quality technology resources;

"(B) install various linkages necessary to acquire connectivity;

"(C) integrate technology into the curriculum in order to improve student learning and achievement;

"(D) provide teachers and library media personnel with training or access to training;

"(E) provide administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;

"(F) promote the sharing, distribution, and application of educational technologies that are determined to be effective in individual schools;

"(G) assist schools in promoting parent involvement; and

"(H) assist the community in providing literacy-related services.

"(2) AMOUNT.—(A) Except as provided in subparagraphs (B) and (C), the Secretary shall award grants under this section to each State educational agency for a fiscal year in an amount which bears the same relationship to the amount appropriated pursuant to the authority of subsection (b) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

"(B) No State educational agency shall receive a grant pursuant to subparagraph (A) in any fiscal year in an amount which is less than one-half of 1 percent of the amount appropriated pursuant to the authority of subsection (b) for such year.

"(C) If the sum of the amounts appropriated pursuant to the authority of section 3132(c) is equal to or less than $50,000,000 for any fiscal year, then the Secretary shall award grants under this section for such year on a competitive basis to local educational agencies, either separately or in cooperation with a local educational agency or a State educational agency, which submit to the Secretary an application, containing the information described in paragraphs (1) through (3) of subsection (e), that the Secretary approves. In awarding such grants, the Secretary shall give priority to applications from local educational agencies with the highest number or percentage of disadvantaged students or the greatest need for educational technology.

"(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES; TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under this section shall—

"(A) identify the local educational agencies served by the State educational agency that—

"(i) have the highest number or percentage of children in poverty; and

"(ii) demonstrate to such State educational agency the greatest need for tech-

nical assistance in developing the application described in subsection (d); and

"(B) offer such technical assistance to such local educational agencies.

"(4) LIMITATION ON STATE COSTS.—Not more than 5 percent of grant funds awarded to a State educational agency under this section for any fiscal year may be used by the State or State educational agency for administrative costs or technical assistance.

"(b) SELECTION OF GRANTS.—Each State educational agency, in awarding grants under this section, shall—

"(1) ensure that each grant such agency awards to a local educational agency shall be of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this title effectively; and

"(2) award grants to local educational agencies on a competitive basis.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"(d) LOCAL USES OF GRANT FUNDS.—Each local educational agency receiving assistance under this section may use such assistance—

"(1) to acquire connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

"(2) for ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies; and

"(3) to acquire connectivity with wide area networks for purposes of accessing information and educational programming sources.

"(e) LOCAL APPLICATIONS.—Each local educational agency desiring assistance from a State educational agency under this section shall submit an application consistent with the objectives of the systemic statewide plan to such agency at such time and in such manner as such agency may prescribe. Such application, at a minimum, shall—

"(1) include a strategic, long-range (3- to 5-year), plan that includes—

"(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

"(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

"(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies at times other than the regular school day;

"(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center; and

"(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers and administrators served by the local educational agency, such as State tech-

nology offices, intermediate educational support units, regional educational laboratories or institutions of higher education;

"(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

"(F) the projected timetable for implementing such plan in schools;

"(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

"(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from State and local sources;

"(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

"(3) describe how the acquired instructionally based technologies will help the local educational agency—

"(A) promote equity in education in order to support State content standards and State student performance standards that may be developed; and

"(B) provide access for teachers, parents and students to the best teaching practices and curriculum resources through technology; and

"(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

"(A) will be integrated into the school curriculum; and

"(B) will affect student achievement and progress toward meeting the National Education Goals and any State content standards and State student performance standards that may be developed.

"(f) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements under this Act or the Goals 2000: Educate America Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (e) if the State edu-

cational agency determines that such approval would further the purposes of this section.

"Subpart 3—Special Rule Applicable to Appropriations

"SEC. 3141. SPECIAL RULE.

"(a) APPROPRIATION OF LESS THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is less than $50,000,000, the Secretary shall aggregate such amounts and make available—

"(1) 50 percent of such aggregate amount to carry out subpart 1 for such year; and

"(2) 50 percent of such aggregate amount to carry out subpart 2 for such year.

"(b) APPROPRIATION EQUAL TO OR GREATER THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is equal to or greater than $50,000,000, the Secretary shall aggregate such amounts and make available—

''(1) the sum of $25,000,000 plus 35 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 1 for such year; and

''(2) the sum of $25,000,000 plus 65 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 2 for such year.

''PART B—STAR SCHOOLS PROGRAM

''SEC. 3201. SHORT TITLE.

''This part may be cited as the 'Star Schools Act'.

''SEC. 3202. PURPOSE.

''It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and disabled, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

''(1) develop, construct, acquire, maintain and operate telecommunications audio and visual facilities and equipment;

''(2) develop and acquire educational and instructional programming; and

''(3) obtain technical assistance for the use of such facilities and instructional programming.

"SEC. 3203. GRANTS AUTHORIZED.

"(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible telecommunications partnerships to pay the Federal share of the cost of—

"(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

"(2) the development and acquisition of live, interactive instructional programming;

"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

"(4) the establishment of teleconferencing facilities and resources for broadcasting interactive training to teachers;

"(5) obtaining technical assistance; and

"(6) the coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

"(b) DURATION.—

"(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

"(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 5-year period.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $35,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

"(d) LIMITATIONS.—

"(1) AMOUNT.—A grant made to an eligible telecommunications partnership under this part shall not exceed $5,000,000 in any 1 fiscal year.

"(2) RESERVATIONS.—

"(A) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

"(B) FACILITIES AND EQUIPMENT.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for telecommunications facilities and equipment.

"(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for any fiscal year shall be not more than 75 percent.

"(2) WAIVER.—The Secretary may reduce or waive the requirements of the non-Federal share required under paragraph (1) for good cause, as determined by the Secretary.

"(f) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the ac-

tivities of such department or agency relating to a telecommunications network for educational purposes.

"(g) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

"(2) descriptive video of the visual content of such program, as appropriate.

"SEC. 3204. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

"(a) IN GENERAL.—In order to be eligible for a grant under this part, an eligible telecommunications partnership shall consist of—

"(1) a public agency or corporation established for the purposes of developing and operating telecommunications services to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interest of elementary and secondary schools which are eligible for assistance under part A of title I; or

"(2) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in subparagraph (A) or (B):

"(A) a local educational agency serving a significant number of elementary and secondary schools that are eligible for assistance under part A of title I or elementary and secondary schools operated for Indian children by the Department of the Interior under section 1121(c);

"(B) a State educational agency;

"(C) an institution of higher education or a State higher education agency;

"(D) a teacher training center or academy which—

"(i) provides teacher preservice and in-service training; and

"(ii) receives Federal financial assistance or has been approved by a State agency;

"(E)(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications service, including entities involved in telecommunications through satellite, cable, telephone or computers; or

"(ii) a public broadcasting entity with such experience; or

"(F) a public or private elementary or secondary school.

"(b) SPECIAL RULE.—An eligible telecommunications partnership shall be organized on a statewide or multistate basis.

"SEC. 3205. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible telecommunications partnership which desires to receive a grant under section 3203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF THE APPLICATION.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

"(H) the development of educational programming for use on a telecommunications network;

"(2) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

"(3) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages, as well as other subjects to be offered;

"(4) describe the training policies for teachers and other school personnel to be implemented to ensure the effective use of telecommunications facilities and equipment for which assistance is sought;

"(5) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(6) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

"(7) describe the manner in which traditionally underserved students, such as students who are disadvantaged, limited-English proficient, disabled, or

illiterate, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

''(8) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

''(9) if any member of the consortia is receiving assistance under section 3122, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

''(10) describe the activities or services for which assistance is sought, including activities and services such as—

''(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

''(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

''(C) linking networks together, for example, around an issue of national importance, such as national elections;

"(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

"(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

"(F) incorporating community resources, such as libraries and museums, into instructional programs;

"(G) providing teacher training to early childhood development and Head Start teachers and staff;

"(H) providing teacher training to vocational education teachers and staff;

"(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed;

"(J) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and

"(K) providing parent education programs during and after the regular school day which reinforce the student's course of study and actively involve parents in the learning process; and

"(11) include such additional assurances as the Secretary may reasonably require.

"(c) APPROVAL OF APPLICATION; PRIORITY.—The Secretary, in approving applications under this part, shall give priority to applications which demonstrate that—

"(1) a concentration and quality of mathematics, science, and foreign languages resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;

"(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network;

"(3) the eligible telecommunications partnership will serve the broadest range of institutions, including in the case of elementary and secondary schools, those elementary and secondary schools having a significant number of students eligible to be counted under part A of title I, programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;

"(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;

"(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development leading to comprehensive effective instructional strategies, outcomes-based curriculum and parenting practices;

"(6) the eligible telecommunications partnership will—

"(A) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

"(B) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum; and

"(C) provide instruction for students, teachers, and parents;

"(7) the eligible telecommunications partnership will serve a multistate area;

"(8) the eligible telecommunications partnership will give priority to the provision of equipment and linkages to isolated areas;

"(9) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) will participate in the partnership and will donate equipment or in kind services for telecommunications linkages; and

"(10) the eligible telecommunications partnership will, in providing services with assistance under this part, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications under this part, the Secretary shall assure an equitable geographic distribution of grants under this part.

"SEC. 3206. LEADERSHIP AND EVALUATION ACTIVITIES.

"(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 3203(c)(1) in each fiscal year, the Secretary may reserve not more than 5 percent of such amount for national leadership, evaluation, and peer review activities.

"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—

"(1) LEADERSHIP.—Funds reserved for leadership activities under subsection (a) may be used for—

"(A) disseminating information, including lists and descriptions of services available from recipients; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) EVALUATION.—Funds reserved for evaluation activities under subsection (a) may be used to conduct independent evaluations of the activities assisted under this part and of distance learning in general, including—

"(A) analyses of distance learning efforts, including such efforts that are assisted under

this part and such efforts that are not assisted under this part; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) PEER REVIEW.—Funds reserved for peer review activities under subsection (a) may be used for peer review of—

"(A) applications for grants under this part; and

"(B) activities assisted under this part.

"SEC. 3207. ADMINISTRATIVE PROVISIONS.

"(a) CONTINUING ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this part for a second 5-year grant period an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 3205 that such partnership will—

"(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

"(B) use all grant funds received under this part for the second 5-year grant period to provide expanded services by—

"(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

"(ii) providing new courses of instruction; and

"(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, or lack secondary school diplomas or their recognized equivalent.

"(2) SPECIAL RULES.—Grant funds received pursuant to the application of paragraph (1) shall be used to supplement and not supplant services provided by the recipient under this part in the previous fiscal year.

"(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under this part in acquiring satellite time, where appropriate, as economically as possible.

"SEC. 3208. OTHER ASSISTANCE.

"(a) SPECIAL STATEWIDE NETWORK.—

"(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assist-

ance to a statewide telecommunications network under this subsection if such network—

"(A) provides 2-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

"(b) SPECIAL LOCAL NETWORK.—

"(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

"(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

"(A) include 2-way full motion interactive video, audio and text communications;

"(B) link together elementary and secondary schools, colleges, and universities;

"(C) provide parent participation and family programs;

"(D) include a staff development program; and

"(E) have a significant contribution and participation from business and industry.

"(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting the National Education Goals.

"(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

"SEC. 3209. DEFINITIONS.

"As used in this part—

"(1) the term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency;

"(2) the term 'instructional programming' means courses of instruction, training courses, and

resources used in such instruction and training, which have been prepared in audio and visual form on tape, disc, film, live, and presented by means of telecommunications devices;

''(3) the term 'public broadcasting entity' has the same meaning given that term by section 397 of the Communications Act of 1934; and

''(4) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

''PART C—READY-TO-LEARN TELEVISION

''SEC. 3301. READY-TO-LEARN.

''(a) IN GENERAL.—The Secretary is authorized to enter into contracts, cooperative agreements, or grants with entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

''(b) AVAILABILITY.—In making such contracts, cooperative agreements, or grants, the Secretary shall ensure

that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

"SEC. 3302. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award contracts, cooperative agreements, or grants to eligible entities to—

"(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(2) contract with entities (such as public broadcasting entities and those funded under the Star Schools Act) in order that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a contract, cooperative agreement, or grant under subsection (a), an entity shall be—

''(1) a nonprofit entity (including a public telecommunications entity) able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

''(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

''(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

''SEC. 3303. DUTIES OF SECRETARY.

''The Secretary is authorized—

''(1) to establish and administer a Special Projects of National Significance program to award contracts, cooperative agreements, or grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State educational agencies, local educational agencies, local

schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited-English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

"(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) to develop and disseminate training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

"(4) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood develop-

ment, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 3304. APPLICATIONS.

''Each eligible entity desiring a contract, cooperative agreement, or grant under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3305. REPORTS AND EVALUATION.

''(a) ANNUAL REPORT TO SECRETARY.—An entity receiving funds under section 3301 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including—

''(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

''(2) the support materials that have been developed to accompany the programming, and the method

by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of the information made available under section 3302(a); and

"(2) a description of the training materials made available under section 3303(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 3306. ADMINISTRATIVE COSTS.

''With respect to the implementation of section 3302, entities receiving a contract, cooperative agreement, or grant from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the contract, cooperative agreement, or grant.

"SEC. 3307. DEFINITION.

''For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out section 3302.

''(b) SPECIAL PROJECTS.—Of the amount appropriated under subsection (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under section 3303(1)(C).

"PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

"SEC. 3401. SHORT TITLE.

"This part may be cited as the 'Elementary Mathematics and Science Equipment Act'.

"SEC. 3402. STATEMENT OF PURPOSE.

"It is the purpose of this part to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

"SEC. 3403. PROGRAM AUTHORIZED.

"The Secretary is authorized to make allotments to State educational agencies under section 3404 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

"SEC. 3404. ALLOTMENTS OF FUNDS.

"(a) IN GENERAL.—From the amount appropriated under section 3410 for any fiscal year, the Secretary shall reserve—

"(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Mi-

cronesia, and Palau according to their respective needs for assistance under this part; and

"(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this part.

"(b) ALLOTMENT.—

"(1) IN GENERAL.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

"(A) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

"(B) one-half of such remainder shall be distributed according to each State's share of allocations under part A of title I.

"(2) MINIMUM.—Except as provided in paragraph (3), no State educational agency shall receive an allotment under this subsection for any fiscal year in an amount that is—

"(A) less than one-half of 1 percent of the amount made available under this subsection for such fiscal year; or

"(B) less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

"(3) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under paragraph (2)(B) for such year, the Secretary shall ratably reduce the allotment to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (2)(B) for such fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis as such allotments were reduced.

"(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this part which the Secretary determines will not be required for that fiscal year to carry out this part shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agen-

cies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a part of the State educational agency's allotment under subsection (b) for that year.

"(d) DEFINITION.—For the purposes of this part the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(e) DATA.—The number of children aged 5 to 17, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

"SEC. 3405. STATE APPLICATION.

"(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this part shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such

time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) provide assurances that—

"(A) the State educational agency shall use the allotment provided under this part to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this part;

"(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

"(C) every public elementary school in the State is eligible to receive assistance under this part once over the 5-year duration of the program assisted under this part;

"(D) funds provided under this part will supplement, not supplant, State and local funds made available for activities authorized under this part;

"(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for

teacher preparation and inservice professional development for elementary mathematics and science;

"(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

"(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this part;

"(2) provide, if appropriate, a description of how funds paid under this part will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(3) describe procedures—

"(A) for submitting applications for programs described in section 3406 for distribution of assistance under this part within the State; and

"(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

"(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this part shall be used for the administrative costs of such agency associated with carrying out the program assisted under this part.

"SEC. 3406. LOCAL APPLICATION.

"(a) APPLICATION.—A local educational agency that desires to receive a grant under this part shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this part only once.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) describe how the local educational agency plans to set priorities on the use and distribution

among schools of grant funds received under this part to meet the purpose of this part;

"(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part based on failure to provide such matching funds;

"(3) describe, if applicable, how funds under this part will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

"(c) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applications that—

"(1) assign highest priority to providing assistance to schools which—

"(A) are most seriously underequipped; or

"(B) serve large numbers or percentages of economically disadvantaged students;

"(2) are attentive to the needs of underrepresented groups in science and mathematics;

"(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

"(4) assign priority to providing equipment and materials for students in grades 1 through 6.

"SEC. 3407. PROGRAM REQUIREMENTS.

"(a) COORDINATION.—Each State educational agency receiving an allotment under this part shall—

"(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this part;

"(2) evaluate applications of local educational agencies;

"(3) award grants to local educational agencies based on the priorities described in section 3406(c); and

"(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

"(b) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this part only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

"(2) CAPITAL IMPROVEMENTS.—Grant funds under this part may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this part is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

"SEC. 3408. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this part, shall develop

procedures for State and local evaluations of the programs assisted under this part.

''(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this part in accordance with section 10701.

''SEC. 3409. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

''PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM

''SEC. 3501. PROGRAM AUTHORIZED.

''The Secretary shall award grants or make allocations for the acquisition of school library media resources for the use of students, library media specialists, and teachers in elementary and secondary schools in accordance with this part.

''SEC. 3502. FUNDING REQUIREMENTS.

''(a) IN GENERAL.—From the amount appropriated to carry out part A in each fiscal year, the Secretary shall make available at least 10 percent but not more than 20 percent of such amount to make awards in accordance with subsection (b) to States having a plan approved under section 3503.

"(b) SPECIAL RULE.—

"(1) AMOUNTS BELOW $50,000,000.—If the amount made available under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall award grants to States, on a competitive basis, taking into account such factors as age and condition of existing school library media collections and the relative economic need of the students to be served.

"(2) AMOUNTS EQUAL TO OR EXCEEDING $50,000,000.—If the amount made available under subsection (a) for a fiscal year equals or exceeds $50,000,000, then the Secretary shall allocate to each State an amount which bears the same relationship to such amount as the amount such State received under title II for such year bears to the amount all States received under such title for such year.

"SEC. 3503. STATE PLANS.

"In order for a State to receive a grant or an allocation of funds under this part for any fiscal year, such State shall have in effect for such fiscal year a State plan. Such plan shall—

"(1) designate the State educational agency as the State agency responsible for the administration of the program assisted under this part;

"(2) set forth a program under which funds paid to the State in accordance with section 3502 will be expended solely for—

"(A) acquisition of school library media resources, including books and foreign language resources, for the use of students, school library media specialists, and teachers in elementary and secondary schools in the United States; and

"(B) administration of the State plan, including development and revision of standards, relating to school library media resources, except that the amount used for administration of the State plan in any fiscal year shall not exceed 3 percent of the amount available to such State under section 3502 for such fiscal year; and

"(3) set forth criteria to be used in allotting funds for school library media resources among the local educational agencies of the State, which allotment shall take into consideration the relative need of the students, school media specialists, and teachers to be served.

"SEC. 3504. DISTRIBUTION OF ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"From the funds made available under section 3502 to a State in each fiscal year, such State shall distribute

not less than 97 percent of such funds for such year to local educational agencies within such State on the same basis as allocations are made available to States under section 2122.

"PART F—BUDDY SYSTEM COMPUTER EDUCATION

"SEC. 3601. SHORT TITLE.

''This part may be cited as the 'Buddy System Computer Education Act'.

"SEC. 3602. PURPOSE.

''It is the purpose of this part to award demonstration grants to develop and expand public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment in order to—

''(1) enhance learning by providing students with the technological tools and guidance necessary to develop skills critical to educational growth and success in the workplace, including—

''(A) mastery of fundamental computer technology and applications;

''(B) improved written and visual communication skills;

''(C) improved critical thinking and problem solving abilities; and

"(D) improved ability to work in a collaborative, teamwork-driven environment;

"(2) encourage parental involvement in education and total family use and understanding of computers and telecommunications through at-home applications; and

"(3) establish foundations for lifelong learning through improvement in education skills and student motivation and attitudes.

"SEC. 3603. GRANT AUTHORIZATION.

"(a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a program of awarding a grant to each of 3 States to enable such States to create a computer-based education project for children in grades 4 through 6 in accordance with the requirements of section 3604.

"(2) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis.

"(3) PREFERENCE.—In awarding grants under this part, the Secretary shall give preference to applications—

"(A) from States that have a demonstrated ability or commitment to computer-based technology education; and

"(B) describing projects that serve school districts which serve a large number or percentage of economically disadvantaged students.

"(b) SITE SELECTION AND PROJECT IMPLEMENTATION.—Site selection and implementation of the computer-based education projects assisted under this part shall take place not later than 9 months after funds are appropriated to carry out this part pursuant to the authority of section 3608.

"SEC. 3604. PROGRAM REQUIREMENTS.

"Each State receiving a grant to conduct a computer-based education project under this part shall—

"(1) provide a continuous 3-year computer-based education project to 2 consecutive groups of 4th, 5th, and 6th grade elementary school students during the period commencing with each such group's entry into 4th grade and ending the summer following each such group's completion of 6th grade;

"(2) ensure that each student in each of the classes participating in the project shall participate in the project;

"(3) conduct such project in not more than 7 public elementary schools within the State; and

"(4) ensure that each student participating in the project shall have access to a computer—

"(A) at school during the school year; and

"(B) at home during the school year and summer.

"SEC. 3605. APPLICATIONS.

"(a) APPLICATION REQUIRED.—In order to receive a grant under this part, the State educational agency shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require. Such application shall include an assurance from the State educational agency that the State educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part on the basis of the failure to provide such matching funds.

"(b) APPLICATION PERIOD.—States shall be eligible to submit applications for assistance under this part during a 3-month period determined by the Secretary.

"SEC. 3606. USE OF FUNDS.

"Grant funds under this part shall be used to provide hardware and software components to all sites, and training for classroom teachers as well as parents, administrators and technical personnel.

"SEC. 3607. EVALUATION.

''The Secretary shall evaluate the demonstration program assisted under this part and shall report to the Congress regarding the overall effectiveness of such program.

"SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"TITLE IV—MAGNET SCHOOLS ASSISTANCE

"SEC. 4101. FINDINGS.

''The Congress finds that—

''(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

''(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 1,400,000 students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

''(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering the Magnet Schools Assistance program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of—

"(i) magnet students from other students in the school; and

"(ii) students by racial characteristics;

"(B) school districts can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such districts have more flexibility in the administration of such program in order to serve students attending a school who are not enrolled in the magnet school program;

"(C) school districts must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

"(D) consistent with desegregation guidelines, school districts must seek to enable participation in magnet school programs by students

who reside in the neighborhoods where the programs operate; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance;

"(5) it is in the best interest of the Federal Government to—

"(A) continue the Federal Government's support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

"(B) ensure that all students have equitable access to quality education that will prepare such students to function well in a culturally diverse, technologically oriented, and highly competitive, global community; and

"(C) maximize the ability of school districts to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform.

"SEC. 4102. STATEMENT OF PURPOSE.

''The purpose of this title is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for—

''(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

''(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State student performance standards;

''(3) the development and design of innovative educational methods and practices; and

''(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

"SEC. 4103. PROGRAM AUTHORIZED.

''The Secretary, in accordance with this title, is authorized to make grants to local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this title for magnet schools that are—

''(1) part of an approved desegregation plan; and

''(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

''SEC. 4104. DEFINITION.

''For the purpose of this title, the term 'magnet school' means a public school or public education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

''SEC. 4105. ELIGIBILITY.

''A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this title to carry out the purposes of this title if such agency or consortium—

''(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

''(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or

consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 4106. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this title shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) INFORMATION AND ASSURANCES.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this title will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project seeks to increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this title may no longer be available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this title cannot be continued without the use of funds under this part;

"(D) how funds under this title will be used to implement services and activities that are consistent with—

"(i) the State plan described in section 1111; and

"(ii) the local educational agency's plan described in section 1112; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this title for the purposes specified in section 4102;

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this title to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 4107. PRIORITY.

"In approving applications under this title, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects, which include revisions to enable a magnet school to implement effective educational approaches that are consistent with the State's and the local educational agency's State or local improvement plans, if any;

"(3) propose to select students to attend magnet school projects on the basis of multiple criteria which may include a lottery, rather than solely academic examination; and

"(4) propose to draw on comprehensive community involvement plans.

"SEC. 4108. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds made available under this title may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continu-

ation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State, and instructional staff, where applicable, and who are necessary for the conduct of programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this title.

"(b) SPECIAL RULE.—Grant funds under this title may be used in accordance with paragraphs (2) and (3) of subsection (a), only if the activities described in such paragraphs are directly related to improving the students'

reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"SEC. 4109. PROHIBITIONS.

"Grants under this title may not be used for transportation, or for any activity that does not augment academic improvement.

"SEC. 4110. LIMITATION ON PAYMENTS.

"(a) DURATION OF AWARDS.—A grant under this title shall be awarded for a period that shall not exceed four fiscal years.

"(b) LIMITATION ON PLANNING FUNDS.—

"(1) IN GENERAL.—A local educational agency may expend for planning not more than 50 percent of the funds received under this title for the first year of the project, 25 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

"(2) SPECIAL RULE.—A local educational agency shall not expend funds under this title for planning after the third year of a project assisted under this title.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of any project assisted under this title shall not exceed

100 percent for the first and second years of the project, 90 percent for the third such year, and 70 percent for the fourth or any subsequent such year including any year for which a grant is renewed pursuant to a new grant competition under this title.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project assisted under this title may be in cash or in kind, including planned equipment or services, fairly valued, and may include other Federal education funds.

''(d) LIMITATION ON GRANTS.—No local educational agency or consortium receiving a grant under this section shall receive more than $4,000,000 under this part in any one fiscal year.

''(e) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies or consortia under this title not later than June 30 of the applicable fiscal year.

''SEC. 4111. INNOVATIVE PROGRAMS.

''(a) IN GENERAL.—From amounts reserved under section 4112(d) for each fiscal year, the Secretary shall award grants to local educational agencies described in section 4105 to enable such agencies to conduct innovative programs that—

''(1) carry out the purpose of this part; and

"(2) involve strategies other than magnet schools, such as neighborhood or community model schools—

"(A) organized around a special emphasis, theme or concept; and

"(B) involving extensive parent and community involvement.

"(b) APPLICABILITY.—Sections 4103, 4106, 4107, and 4108, shall not apply to grants awarded under subsection (a).

"(c) APPLICATIONS.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"SEC. 4112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this title, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award

grants to local educational agencies or consortia that did not receive a grant under this part in the preceding fiscal year.

"(c) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary may reserve not more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects assisted under this part.

"(2) CONTENTS.—Each evaluation described in paragraph (1), at a minimum, shall address—

"(A) how and the extent to which magnet school programs lead to educational quality and improvement;

"(B) the extent to which magnet school programs enhance student access to quality education;

"(C) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

"(D) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under subsection (a) for each fiscal year to award grants under section 4111.

"TITLE V—BETTER SCHOOLS FOR AMERICA

"PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"SEC. 5101. FINDINGS.

"The Congress finds as follows:

"(1) The seventh National Education Goal provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment that is conducive to learning.

"(2) The widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to the physical and mental well-being of such students, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately 3,000,000 thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day.

"(4) Violence that is linked to prejudice and intolerance victimizes entire communities leading to more violence and discrimination.

"(5) Violence and drug abuse have numerous personal and societal roots, and character education is an important component of any comprehensive strategy to address the serious problems of violence and drug abuse.

"(6) The tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by such students' communities and the Nation, which can ill afford to lose such students' skills, talents, and vitality.

"(7) Alcohol and tobacco are the most widely used drugs among young people. Both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol

and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address all drugs.

"(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. However, because the nicotine in tobacco is addictive, many tobacco users find it difficult to stop using tobacco once such users have started. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

"(9) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal

drug use and should measure the success of their programs against clearly defined goals and objectives.

''(10) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve the goals of providing a safe, disciplined, and drug-free learning environment.

''SEC. 5102. PURPOSE.

''The purpose of this title is to support programs to meet the seventh National Educational Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

''(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

''(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for pro-

grams of drug and violence prevention, early intervention, rehabilitation referral, and education for school dropouts and other high-risk youth;

''(3) States for development, training, technical assistance, and coordination activities;

''(4) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities; and

''(5) public and private nonprofit organizations to conduct training, demonstrations, research, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth.

''SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $660,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than 10 percent shall be available in each fiscal year to carry out subpart 2.

"Subpart 1—State Grants for Drug and Violence Prevention Programs

"SEC. 5111. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount made available to carry out this subpart for each fiscal year under section 5103, the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau, to be allotted in accordance with the Secretary's determination of their respective needs;

"(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

"(3) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 5119; and

"(4) may reserve not more than $1,000,000 for the national impact evaluation required by section 5118(a).

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and the sum of such amounts received by all the States.

"(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments may be made by the Secretary in the same manner as allotments are made under paragraph (1).

"(4) DEFINITION.—For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 5112. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive an allotment under section 5111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(2) contains assurances that the application was developed in consultation and coordination with appropriate State officials and others, including the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representa-

tives of parents, students, and community-based organizations; and

"(3) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 5115.

"(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5113(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures such agency will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 5116;

"(3) a description of how the State educational agency will use funds such agency reserves under section 5113(b);

"(4) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 5113(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.

"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5114(a) by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other

State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 5114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 5114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this subpart that are consistent with

the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

"SEC. 5113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, coaches and athletic di-

rectors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;

"(C) making available to local educational agencies cost effective programs for youth violence and drug abuse prevention;

"(D) demonstration projects in drug and violence prevention;

"(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

"(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

"(G) evaluation activities required by this subpart.

"(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—A State educational agency may use not more than 5 percent of the amount made available under subsection (a) for the administrative costs of carrying out such agency's responsibilities under this subpart.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall distribute not less than 90 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2) DISTRIBUTION.—(A) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for ad-

ditional funds to carry out drug and violence prevention programs authorized by this subpart.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to not more than 10 percent of the local educational agencies in the State, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider factors such as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high incidence of violence associated with prejudice and intolerance;

"(VI) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VII) high rates of referrals of youths to juvenile court;

"(VIII) high rates of expulsions and suspensions of students from schools; and

"(IX) high rates of reported cases of child abuse and domestic violence.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 5115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local educational agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

"SEC. 5114. GOVERNOR'S PROGRAMS.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the amount reserved under subsection (a)(1) for the ad-

ministrative costs incurred in carrying out the duties of such officer under this section.

"(b) PROGRAMS AUTHORIZED.—

"(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (c) for—

"(A) children and youth who are not normally served by State or local educational agencies; or

"(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

"(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, comprehensive health education, early intervention, pupil services, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

"(7) professional development workshops for teachers and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

"(9) developing and implementing strategies to prevent illegal gang activity;

"(10) coordinating and conducting community-wide violence and safety assessments and surveys;

"(11) age appropriate programs to prevent child abuse;

"(12) activities such as community service and service-learning projects; and

"(13) evaluating programs and activities assisted under this section.

"SEC. 5115. LOCAL APPLICATIONS.

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a distribution under section 5113(d) for any fis-

cal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2) DEVELOPMENT.—(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an ongoing basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities and the agencies that administer such programs, projects, and activities; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) a description of the current alcohol, tobacco, and other drug problems as well as the violence, safety, prejudice, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program);

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 5112;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how such agency will assess and publicly report progress toward attaining these goals;

"(C) how the local educational agency will use its distribution under this subpart;

"(D) how the local educational agency will coordinate such agency's programs and projects with community-wide efforts to achieve such agency's goals for drug and violence prevention; and

"(E) how the local educational agency will coordinate such agency's programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—

"(1) IN GENERAL.—A State educational agency shall use a peer review process in reviewing local applications under this section.

"(2) CONSIDERATIONS.—(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which such plan is consistent with, and supports, the State's application under section 5112 and the State's plan under section 1111.

"(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds distributed to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under section 1111.

"SEC. 5116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt

and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning; and

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart.

"(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this subpart may include—

"(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health con-

sequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

''(2) programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

''(A) the dissemination of information about drug prevention;

''(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

''(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and other drug use, such as—

''(i) family counseling;

''(ii) early intervention activities that prevent family dysfunction, enhance school

performance, and boost attachment to school and family; and

"(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders

in designing and implementing strategies to prevent school violence;

''(C) the implementation of strategies, such as conflict resolution and peer mediation, and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse;

''(D) the development and implementation of character education programs that are tailored by communities, parents and schools, and based on the tenets of democracy, self discipline, and personal and civic responsibility, and guided by the principles of community and national laws, in order to reduce the problems of violence and drug abuse; and

''(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

''(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

''(6) acquiring and installing metal detectors and hiring security personnel;

"(7) reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities;

"(8) professional development workshops for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(9) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(10) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement; and

"(11) the evaluation of any of the activities authorized under this subsection.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 10 percent of the funds made available to a local educational agency under this subpart may be used to carry out the

activities described in paragraphs (5), (6), and (7) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5), (6), and (7), of subsection (b) if funding for such activities is not received from other Federal agencies.

"SEC. 5117. EVALUATION AND REPORTING.

"(a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs assisted under this subpart and submit a report of the findings of such evaluation to the President and the Congress.

"(b) STATE REPORT.—

"(1) IN GENERAL.—By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 5114 and section 5113(b) and local programs under section

5113(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 5112.

"(2) SPECIAL RULE.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

"SEC. 5118. PROGRAMS FOR HAWAIIAN NATIVES.

"(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 5111(a)(3) to carry out this

section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Hawaiian natives.

"(b) DEFINITION OF 'HAWAIIAN NATIVE'.—For the purposes of this section, the term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 5121. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 5103, the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, prekindergarten through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individ-

uals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

''(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

''(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

''(3) drug and violence prevention research that is coordinated with other Federal agencies and is directed toward improving programs and activities under this part;

''(4) program evaluations in accordance with section 10701 that address issues not addressed under section 5117(a);

''(5) direct services to schools and school systems afflicted with especially severe drug and violence problems;

''(6) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

"(8) developing and disseminating drug and violence prevention materials, including model curricula; and

"(9) other activities that meet unmet national needs related to the purposes of this part.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 5122. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

"(a) IN GENERAL.—From funds made available to carry out this subpart under section 5103, the Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education

by preventing violent behavior and the illegal use of alcohol and other drugs by such students.

''(b) APPLICATIONS.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

''(c) EQUITABLE PARTICIPATION.—The Secretary shall make every reasonable effort to ensure the equitable participation in the activities assisted under this section of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

''Subpart 3—General Provisions

''SEC. 5131. DEFINITIONS.

''For the purposes of this part, the following terms have the following meanings:

''(1) The term 'drug and violence prevention' means—

''(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive,

or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

"(3) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(4) The term 'school-aged population' means the population aged five through 17, as determined by the

Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

''(5) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

''SEC. 5132. MATERIALS.

''(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

''(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

''SEC. 5133. PROHIBITED USES OF FUNDS.

''No funds under this part may be used for—

''(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

''(2) medical services, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or other drugs.

"PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"SEC. 5201. SHORT TITLE.

''This part may be cited as the 'School Dropout Assistance Act'.

"SEC. 5202. PURPOSE.

''The purpose of this part is to reduce the number of children who do not complete their elementary and secondary education by providing grants to local educational agencies to establish—

''(1) effective programs to identify potential student dropouts, including pregnant and parenting teenagers, and prevent such students from dropping out of school;

''(2) effective programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education;

''(3) effective early intervention programs designed to identify at-risk students in elementary and secondary schools; and

''(4) model systems for collecting and reporting information to local school officials on the number, ages, sex, race or ethnicity, and grade levels of the children not completing their elementary and second-

ary education and the reasons why such children have dropped out of school.

"SEC. 5203. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ALLOTMENT TO CATEGORIES OF LOCAL EDUCATIONAL AGENCIES.—From the amount appropriated under section 5208 for any fiscal year, the Secretary shall first reserve not more than $2,000,000 for the purposes of evaluating programs carried out with assistance under this part in accordance with section 10701. From the remaining amount, the Secretary shall allot the following percentages to each of the following categories of local educational agencies:

"(1) Local educational agencies administering schools with a total enrollment of 100,000 or more elementary and secondary school students shall be allotted 25 percent of such remaining amount.

"(2) Local educational agencies administering schools with a total enrollment of at least 20,000 but less than 100,000 elementary and secondary school students shall be allotted 40 percent of such remaining amount.

"(3) Local educational agencies administering schools with a total enrollment of less than 20,000 elementary and secondary school students shall be allotted 30 percent of such remaining amount. Grants

may be made under this paragraph to educational service agencies and consortia of not more than 5 local educational agencies in any case in which the total enrollment of the largest such local educational agency is less than 20,000 elementary and secondary students. Such agencies and consortia may also apply in conjunction with the State educational agency. Not less than 20 percent of funds available under this paragraph shall be awarded to local educational agencies administering schools with a total enrollment of less than 2,000 elementary and secondary school students.

"(4) Community-based organizations shall be allotted 5 percent of such remaining amount. Grants under this category shall be made after consultation between the community-based organization and the local educational agency that is to benefit from such a grant.

"(b) SPECIAL CONSIDERATION.—

"(1) IN GENERAL.—The Secretary shall give special consideration to awarding funds available for each category described in paragraphs (1), (2), and (3) of subsection (a) to local educational agencies participating in an educational partnership.

"(2) EDUCATIONAL PARTNERSHIPS.—Educational partnerships under this subsection shall include—

"(A) a local educational agency; and

"(B) a business concern or business organization, community-based organization, nonprofit private organization, institution of higher education, State educational agency, State or local public agency, private industry council (established under the Job Training Partnership Act), museum, library, or educational television or broadcasting station.

"(c) AWARD OF GRANT.—From the amount allotted for any fiscal year to a category of local educational agencies under subsection (a), the Secretary shall award as many grants as practicable within each such category to local educational agencies and educational partnerships whose applications have been approved by the Secretary for such fiscal year under section 5204 and whose applications propose a program of sufficient size, scope, and quality to be effective. Any local educational agency, educational partnership, or community-based organization that has received a grant under this part shall be eligible for additional funds subject to the requirements under this part. The grants shall

be made under such terms and conditions as the Secretary shall prescribe consistent with the provisions of this part.

"(d) USE OF FUNDS WHEN NOT FULLY ALLOTTED TO CATEGORIES UNDER SUBSECTION (a).—

"(1) IN GENERAL.—Whenever the Secretary determines that the full amount of the sums allotted under any category set forth under subsection (a) will not be required for applications of the local educational agencies in the case of categories described in paragraphs (1) through (3) of subsection (a), the Secretary shall make the amount not so required available to another category under subsection (a). In carrying out the provisions of this subsection, the Secretary shall assure that the transfer of amounts from one category to another is made to a category in which there is the greatest need for funds.

"(2) PEER REVIEW.—In order to transfer funds under this subsection, the Secretary shall use a peer review process to determine that such excess funds are not needed to fund projects in particular categories and shall prepare a list of the categories in which funds were not fully expended and the reasons therefor, and make such list available to local educational agencies and educational partnerships, upon request. The Secretary may use the peer review process to de-

termine grant recipients of funds transferred in accordance with this subsection.

"(e) FEDERAL SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this part may not exceed—

"(A) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

"(B) 75 percent of such cost in each such succeeding fiscal year.

"(2) REMAINING COSTS.—The remaining cost of a project that receives assistance under this part may be paid from any source other than funds made available under this part, except that not more than 10 percent of the remaining cost in any fiscal year may be provided from Federal sources other than this part.

"(3) NON-FEDERAL SHARE.—The share of payments from sources other than funds made available under this part may be in cash or in kind fairly evaluated, including plant, equipment or services.

"SEC. 5204. APPLICATION.

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—A grant under this part may be made only to a local educational agency or an educational partnership which submits an application to

the Secretary containing such information as may be required by the Secretary by regulation.

''(2) DURATION.—Each such application shall be for a 3-year period.

''(b) CONTENTS.—Each such application shall—

''(1) provide documentation of—

''(A) the number of children who were enrolled in the schools of the applicant for the 5 academic years prior to the date application is made who have not completed their elementary or secondary education and who are classified as school dropouts; and

''(B) the percentage that such number of children is of the total school-age population in the applicant's schools;

''(2) include a plan for the development and implementation of a school dropout information collection and reporting system for documenting the extent and nature of the dropout problem, which system shall collect and cross tabulate data, where feasible, by sex according to race or ethnicity and socioeconomic status;

''(3) include a plan for coordinated activities involving at least 1 secondary school and its feeder jun-

ior high or middle schools and elementary schools for local educational agencies that have feeder systems;

"(4) when applicable, describe how programs assisted under this part will be coordinated with, and not duplicate, programs assisted under title I;

"(5) include a description of how the program assisted under this part is consistent with the second National Education Goal and other Federal programs as appropriate; and

"(6) contain such other information as the Secretary considers necessary to determine the nature of the local needs, the quality of the proposed project, and the capability of the applicant to carry out the project.

"(c) PRIORITY.—The Secretary shall, in approving applications under this section, give priority to applications which both show the replication of successful programs conducted in other local educational agencies or the expansion of successful programs within a local educational agency and reflect very high numbers or very high percentages of school dropouts in the schools of the applicant in each category described in section 5203(a).

"(d) SPECIAL CONSIDERATION.—The Secretary shall give additional special consideration to applications that include—

"(1) provisions which emphasize early intervention services designed to identify at-risk students in elementary or early secondary schools; and

"(2) provisions for significant parental involvement.

"(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).

"SEC. 5205. AUTHORIZED ACTIVITIES.

"Grants under this part shall be used to carry out plans set forth in applications approved under section 5204. In addition, grants may be used for educational, occupational, and basic skills testing services and activities, including, but not limited to—

"(1) the establishment of systemwide or school-level policies, procedures, and plans for dropout prevention and school reentry;

"(2) the development and implementation of activities, including extended day or summer programs, designed to address poor achievement, basic skills deficiencies, language deficiencies, or course failures, in order to assist students at risk of dropping out of school and students reentering school;

"(3) the establishment or expansion of work-study, apprentice, or internship programs;

"(4) the use of resources of the community, including contracting with public or private entities or community-based organizations of demonstrated performance, to provide services to the grant recipient or the target population;

"(5) the evaluation and revision of program placement of students at risk;

"(6) the evaluation of program effectiveness of dropout programs;

"(7) the development and implementation of programs for traditionally underserved groups of students;

"(8) the implementation of activities which will improve student motivation and the school learning environment;

"(9) the provision of training for school personnel on strategies and techniques designed to—

"(A) identify children at risk of dropping out;

"(B) intervene in the instructional program with support and remedial services;

"(C) develop realistic expectations for student performance; and

"(D) improve student-staff interactions;

"(10) the study of the relationship between drugs and dropouts and between youth gangs and dropouts, and the coordination of dropout prevention and reentry programs with appropriate drug prevention and community organizations for the prevention of youth gangs;

"(11) the study of the relationship between disabling conditions and student dropouts;

"(12) the study of the relationship between the dropout rate for gifted and talented students compared to the dropout rate for the general student enrollment;

"(13) the use of educational telecommunications and broadcasting technologies and educational materials designed to extend, motivate, and reinforce school, community, and home dropout prevention and reentry activities;

"(14) the development and implementation of efforts to identify and address factors in a student's decision to drop out of school that are related to gender and family roles;

"(15) the provision of other educational, occupational and testing services and activities which directly relate to the purpose of this part;

"(16) activities which offer jobs and college admissions for successful completion of the program for which assistance is sought;

"(17) summer employment programs;

"(18) occupational training programs;

"(19) career opportunity and skills counseling;

"(20) job placement services;

"(21) the development of skill employment competency testing programs;

"(22) special school staff training projects; and

"(23) mentoring programs.

"SEC. 5206. DISTRIBUTION OF ASSISTANCE; LIMITATION ON COSTS.

"(a) DISTRIBUTION OF ASSISTANCE.—The Secretary shall ensure that, to the extent practicable, in approving grant applications under this part—

"(1) grants are equitably distributed on a geographic basis within each category set forth in section 5203(a);

"(2) the amount of a grant to a local educational agency for a fiscal year is proportionate to the extent and severity of the local school dropout problem;

"(3) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to school dropout prevention; and

"(4) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to persuading school dropouts to return to school and assisting former school dropouts with specialized services once school dropouts return to school.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant made under this part may be used for administrative costs.

"SEC. 5207. REPORTS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1995, which sets forth the progress of the Commissioner of Education Statistics, established under section 14003(b), to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.

"SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

"PART A—BILINGUAL EDUCATION PROGRAMS

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'Bilingual Education Act'.

"SEC. 7102. FINDINGS.

"The Congress finds that—

"(1) there are large and growing numbers of children and youth of limited-English proficiency, many of whom have a cultural heritage that differs from that of their English proficient peers;

"(2) limited-English proficient children and youth face a number of challenges in receiving an education that will enable such children and youth to participate fully in American society, including—

"(A) segregated education programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited-English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth;

"(3) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited-English proficiency;

"(4) the Federal Government also, as exemplified by the Federal Government's efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited-English proficient children and youth an equal educational opportunity;

"(5) in carrying out the Federal Government's responsibilities with respect to ensuring equal educational opportunity for children and youth of limited-English proficiency, the Federal Government has learned that—

"(A) large numbers of such children and youth have needs that must be met by a program of instruction designed specifically for such children and youth;

"(B) a primary purpose of such programs must be developing the English language skills of such children and youth;

"(C) the use of a child or youth's native language and culture in classroom instruction can—

"(i) promote self-esteem and contribute to academic achievement and learning Eng-

lish by limited-English proficient children and youth;

''(ii) benefit English proficient children and youth who also participate in such programs; and

''(iii) develop our Nation's national language resources, thus promoting our Nation's competitiveness in the global economy;

''(D) parent and community participation in bilingual education programs contributes to program effectiveness; and

''(E) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators and other staff can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and

''(6) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act) have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the edu-

cation needs of language minority students in the United States.

"SEC. 7103. POLICY; AUTHORIZATION OF APPROPRIATIONS.

"(a) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies and consortia of local educational agencies, institutions of higher education and community based organizations to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited-English proficiency that—

"(1) develop the English of such children and youth and, to the extent possible, the native language skills of such children and youth;

"(2) educate such children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State content standards and challenging State student performance standards in academic areas;

"(3) develop bilingual skills and multicultural understanding; and

"(4) provide similar assistance to Native Americans with certain modifications relative to the unique

status of Native American languages under Federal law.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $215,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''SEC. 7104. DEFINITIONS.

''For the purpose of this title:

''(1) BILINGUAL EDUCATION PROGRAM.—(A) The term 'bilingual education program'—

''(i) means a program of instruction designed specifically for children and youth of limited-English proficiency at any grade level, including the preschool, elementary, or secondary school levels, that is intended—

''(I) to help such children and youth develop proficiency in English and, to the extent possible, the native language of such children and youth; and

''(II) to achieve to high academic standards in all courses of study; and

''(ii) may include activities to assist the parents of such children and youth enrolled in

bilingual education programs to participate in the education of their children.

"(B)(i) A bilingual education program may be conducted in English, the native language, or both languages, except that all bilingual education programs shall develop proficiency in the English language. The native language may be used in the instructional program to facilitate the acquisition of English, to develop overall linguistic competence, and to develop competence in the academic curriculum.

"(ii) A bilingual education program shall, to the extent possible, incorporate the cultural heritage of the children or youth of limited-English proficiency served by the program, as well as the cultural heritage of other children in American society.

"(C) Children and youth proficient in English may participate in a bilingual education program to enable all children and youth participating in a bilingual education program to become proficient in English and a second language.

"(2) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged three through 21.

"(3) DIRECTOR.—The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section

210 of the Department of Education Organization Act.

"(4) JURISDICTION WHERE A NATIVE AMERICAN LANGUAGE HAS OFFICIAL STATUS.—The term 'jurisdiction where a Native American language has official status' refers to States, territories, commonwealths, cities, counties, reservations, Alaska Native villages, school districts, and other jurisdictions similar to those described in this paragraph that have legally recognized a Native American language for conducting an aspect of their official business.

"(5) LIMITED-ENGLISH PROFICIENCY AND LIMITED-ENGLISH PROFICIENT.—The terms 'limited-English proficiency' and 'limited-English proficient', when used with reference to an individual, mean an individual—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or

"(ii) is a Native American or Alaska Native and comes from an environment where a language other than English has

had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

"(B) who, by reason thereof, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(6) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

"(7) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional

Native American languages used in their educational programs and with at least five years successful experience in providing educational services in traditional Native American languages.

"(8) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual of limited-English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

"(9) OTHER PROGRAMS FOR PERSONS OF LIMITED-ENGLISH PROFICIENCY.—The term 'other programs for persons of limited-English proficiency' means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited-English proficiency.

"SEC. 7105. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominately for Native American or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an ele-

mentary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this part, subject to the following qualifications:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of edu-

cational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this part, each eligible entity described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the proposed program.

"Subpart 1—Financial Assistance for Bilingual Education

"SEC. 7111. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.

"(a) PURPOSE.—The purpose of this subpart is to assist local educational agencies, through the grants authorized by subsections (b), (c), and (d), to—

"(1) develop and enhance their capacity to provide high-quality instruction to children and youth of limited-English proficiency; and

"(2) to help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State content standards and challenging State student

performance standards expected for all children and youth as required by section 1111(b).

"(b) DEVELOPMENT AND ENHANCEMENT GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies, or community based organizations in consortia with one or more local educational agencies and an institution of higher education, to—

"(A) develop new bilingual education programs;

"(B) enhance or expand existing bilingual education programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and

"(C) meet the short-term needs of local educational agencies without bilingual education programs to serve children and youth of limited-English proficiency.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 2 years, except that grants to carry out paragraph (1)(A) shall be awarded for a period of not more than 3 years.

"(c) COMPREHENSIVE SCHOOL GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing schoolwide bilingual education programs that serve all (or virtually all) children and youth of limited-English proficiency in schools with significant concentrations of such children and youth.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies if the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the schoolwide program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(d) COMPREHENSIVE DISTRICT GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual edu-

cation programs that serve a significant number of children and youth of limited-English proficiency in districts with significant concentrations of such children and youth.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies where the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Recipients of grant funds under subsections (b), (c), and (d) may use such funds for—

"(A) identification and acquisition of curricular materials, educational software, and technologies to advance the education of children and youth of limited-English proficiency;

"(B) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(C) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited-English proficiency;

"(D) tutorials and academic or career counseling for children and youth of limited-English proficiency; and

"(E) such other activities, related to the purposes of this part, as the Secretary may approve.

"(2) ADDITIONAL ACTIVITIES.—Recipients of funds under subsections (c) and (d) may—

"(A) use such funds for preservice and in-service professional development of staff participating, or preparing to participate, in the program, including staff who will not directly participate in the bilingual instructional program (which in the case of teachers who are participating in the program may include release time with pay), if such activities are directly related to serving children and youth of limited-English

proficiency and will help accomplish the purposes of this subpart; and

"(B) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, which may include program design, the development of materials and procedures, and activities to involve parents in the educational program and to enable parents and family members to assist in the education of children and youth of limited-English proficiency.

"(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To the extent possible, the Secretary shall award grants under this section throughout the Nation in a manner that—

"(1) reflects the geographic distribution of children and youth of limited-English proficiency throughout the Nation;

"(2) takes into account significant increases in limited-English proficient children and youth in areas with low concentrations of such children and youth; and

"(3) ensures that activities assisted under this part address the full needs of school systems of all sizes and geographic areas, including rural schools.

"(g) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited-English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(h) APPLICATIONS.—

"(1) IN GENERAL.—Any local educational agency or community based organization that desires a grant under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) CONTENTS.—Each such application shall—

"(A) describe—

"(i) the need for the proposed program, including data on the number of the children and youth of limited-English proficiency in the school or district to be served and the characteristics of such children and youth, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to English proficient peers, and, where applicable, the recency of immigration; and

"(ii) the program to be implemented and how such program's design—

"(I) relates to the linguistic and academic needs of the children and youth of limited-English proficiency to be served; and

"(II) is consistent with, and promotes the goals in, the local educational agency's improvement plan under section 1112, particularly as such plan relates to the education of children and youth of limited-English proficiency; and

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education programs if the applicant receives an award under this subpart.

"(3) ADDITIONAL INFORMATION.—Each application for a grant under subsection (c) or (d) shall—

"(A) describe—

"(i) current services the applicant provides to children and youth of limited-English proficiency;

"(ii) what services children and youth of limited-English proficiency will receive under the grant that such children or youth will not otherwise receive;

"(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited-English proficiency; and

"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(B) provide assurances that—

"(i) the program funded will be integrated with the overall educational program; and

"(ii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

"(i) LIMITATION ON FUNDING.—

"(1) DEVELOPMENT AND ENHANCEMENT GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

"(2) COMPREHENSIVE SCHOOL GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

"(3) SPECIAL RULE.—Notwithstanding paragraphs (1) and (2), the Secretary is authorized to award grants for bilingual education programs that are not conducted in the native language if an applicant has demonstrated that the applicant cannot develop and implement a bilingual education program that is conducted in the native language because—

"(A) the diversity of limited-English proficient students' native languages and the small number of students speaking each respective language make instruction in the native language impractical; or

"(B) despite documented efforts, the applicant has not been able to hire instructional personnel who are able to communicate in the students' native language.

"(j) STATE REVIEW OF APPLICATIONS UNDER PART A.—In order for an eligible applicant to apply for funds under this subpart, such applicant shall submit the application to the State educational agency for review. The State educational agency shall transmit such application to the Secretary along with such agency's timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111.

"(k) CAPACITY BUILDING.—

"(1) IN GENERAL.—Each recipient of a grant under this section shall use the grant funds in ways that will build such recipient's capacity to continue to offer high quality bilingual education programs and services to children and youth of limited-English proficiency once Federal assistance is reduced or eliminated.

"(2) SPECIAL RULE.—In making awards under this subpart for any fiscal year, the Secretary shall, consistent with the quality of applications and the funds available under this part, increase the amount

of funds used to support grants under subsections (c) and (d) over the amount used to support grants under subsections (c) and (d) in the previous fiscal year.

''(l) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

''(m) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

''(n) PARENTAL NOTIFICATION.—

''(1) IN GENERAL.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed of the—

''(A) benefits and nature of the bilingual educational program and of the instructional alternatives; and

"(B) reasons for the selection of their child as being in need of bilingual education.

"(2) OPTION TO DECLINE.—(A) Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed that such parents have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if such parents so choose.

"(B) Nothing in this section shall be construed to relieve a local educational agency, community based organization or consortium receiving assistance under this part of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(3) INFORMATION.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

"(A) timely information about projects funded under this subpart; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(o) PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.—Programs authorized under this title that serve Native American children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited-Spanish proficiency, except that one outcome of such programs serving Native American children shall be increased English proficiency among such children.

"Subpart 2—Research and Evaluation

"SEC. 7121. AUTHORITY.

"The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for children and youth of limited-English proficiency.

"SEC. 7122. RESEARCH.

"(a) AWARDS.—The Secretary may award grants and enter into contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality bilingual educational programs for persons of limited-English proficiency.

"(b) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"(c) RESEARCH AND DISSEMINATION.—The Secretary, through the Office of Educational Research and Improvement, if appropriate, shall—

"(1) conduct research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by teachers and other staff who do not know the native language of a limited-English proficient child in their classrooms; and

"(2) disseminate the findings of such research.

"SEC. 7123. ACADEMIC EXCELLENCE AWARDS.

"(a) AWARDS.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the

adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited-English proficiency to meet challenging State content standards and challenging State student performance standards.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) PEER REVIEW.—The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited-English proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) COORDINATION.—Recipients of funds under this section shall coordinate the activities assisted under this section with activities carried out by comprehensive regional centers assisted under subpart 1 of part C of title II.

"SEC. 7124. STATE GRANT PROGRAM.

"(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency effectively provides for the education of children and youth of limited-English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency may use funds for programs authorized by this section to—

"(A) assist local educational agencies in the State with program design, capacity building,

assessment of student performance, and program evaluation;

"(B) operate a bilingual education advisory panel under subsection (d); and

"(C) collect data concerning children and youth of limited-English proficiency.

"(2) SPECIAL RULE.—Recipients of awards under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) STATE BILINGUAL EDUCATION ADVISORY PANEL.—Each State educational agency that receives funds under this section shall appoint a broad-based bilingual education advisory panel, with substantial representation from persons knowledgeable about the education of limited-English proficient students, to develop and recommend to the State educational agency guidelines for reviewing, and providing the Secretary with comments regarding, applications for funds under subparts 1 and 3 that come from within the State.

"(e) APPLICATIONS.—A State educational agency desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, containing such information and assurances as the Secretary may require.

"SEC. 7125. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

"(a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

"(1) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

"(2) develop a data base management and monitoring system for improving the operation and effectiveness of programs assisted under this part.

"SEC. 7126. EVALUATIONS.

"(a) PROGRAM EVALUATIONS UNDER SUBPART 1.—

"(1) IN GENERAL.—Each recipient of funds under subpart 1 shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of the program assisted under such subpart every 2 years.

"(2) USE.—Such evaluation shall be used by a recipient of funds under subpart 1—

"(A) to improve such program;

"(B) to further define such program's goals and objectives; and

"(C) to determine program effectiveness.

"(3) CONTENTS.—Such evaluation shall include—

"(A) student outcome indicators that measure progress toward the challenging State student performance standards set out in the State plan approved or being developed under section 1111, including data comparing children and youth of limited-English proficiency with nonlimited-English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(B) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the professional development of the program staff, and appropriateness of the language of instruction;

"(C) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited-English proficiency; and

"(D) such other information as the Secretary may require.

"(b) PROGRAM EVALUATIONS UNDER SUBPART 3.—

"(1) IN GENERAL.—Each recipient of funds under subpart 3 shall provide the Secretary with an evaluation of the program assisted under such subpart every 2 years.

"(2) DATA.—Such evaluation shall include data on—

"(A) post-program placement of persons trained;

"(B) how the training relates to the employment of persons served by the program;

"(C) program completion; and

"(D) such other information as the Secretary may require.

"Subpart 3—Professional Development

"SEC. 7131. PURPOSE.

"The purpose of this subpart is to improve the quality of instruction for children and youth of limited-English proficiency—

"(1) through professional development programs designed—

"(A) for persons preparing to provide services for children and youth of limited-English proficiency;

"(B) to improve the skills of persons providing services to children and youth of limited-English proficiency; and

"(C) for other staff in schools serving children and youth of limited-English proficiency; and

"(2) by disseminating information on appropriate instructional practices and activities for children and youth of limited-English proficiency to other school personnel, including teachers not serving such children and youth.

"SEC. 7132. PROFESSIONAL DEVELOPMENT GRANTS.

"(a) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—The Secretary is authorized to make grants to institutions of higher education for—

"(1) preservice and inservice professional development for individuals who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited-English proficiency, which in the case of teachers who are involved in the provision of such services may include release time with pay; and

"(2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited-English proficiency.

"(b) GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES.—The Secretary may make grants to State and local educational agencies for inservice professional development programs that prepare school personnel to provide effective services to limited-English proficient students.

"(c) USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.—Awards under this section may be used to develop a program participant's competence in a second language.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—An institution of higher education, or a State or local educational agency desir-

ing to receive an award under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) CONSULTATION AND ASSESSMENT.—Each such application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited-English proficiency to determine such school's need for, and the design of, the program for which funds are sought.

"(3) SPECIAL RULE.—(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a masters or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited-English proficiency.

"(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited-English proficiency.

"(4) REVIEW.—In order for an institution of higher education or a local educational agency to apply for funds under this section, the State educational agency serving such institution shall review the application and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111 and section 2125(b)(1).

"SEC. 7133. FELLOWSHIPS.

"(a) ACADEMIC FELLOWSHIPS.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

"(b) REPAYMENT.—

"(1) IN GENERAL.—Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the area for which the assistance was awarded or in an activity such as those authorized under this part for a period of time equivalent to the period of

time during which such person receives assistance under this section; or

''(B) repay such assistance.

''(2) TERMS AND CONDITIONS.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

''SEC. 7134. STIPENDS.

''The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this subpart.

''PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

''SEC. 7201. SHORT TITLE.

''This part may be cited as the 'Foreign Language Assistance Act of 1994'.

''SEC. 7202. FINDINGS.

''The Congress finds as follows:

''(1) Foreign language proficiency is crucial to our Nation's economic competitiveness and national security. Significant improvement in the quantity

and quality of foreign language instruction offered in our Nation's elementary and secondary schools is necessary.

"(2) All Americans need a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.

"(3) Proficiency in two or more languages should be promoted for all American students. Multilingualism enhances cognitive and social growth, competitiveness in the global marketplace, national security, and understanding of diverse people and cultures.

"(4) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

"(5) Four out of five new jobs in the United States are created from foreign trade.

"(6) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation, and when children are most open to appreciating and valuing a culture other than their own.

"(7) Foreign language study can increase children's capacity for critical and creative thinking skills and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

"(8) Children who have studied a foreign language in elementary school achieve expected gains and score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

"SEC. 7203. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary and secondary school students.

"(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

"(b) REQUIREMENTS.—

"(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to

a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

"(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

"(A) show the promise of being continued beyond the grant period;

"(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

"(C) may include a professional development component.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.

"(3) SPECIAL RULE.—Not less than three-fourths of the funds appropriated under section 7206 shall be

used for the expansion of foreign language learning in the elementary grades.

"(4) RESERVATION.—The Secretary may reserve not more than 5 percent of funds appropriated under section 7206 to evaluate the efficacy of programs under this part.

"SEC. 7204. APPLICATIONS.

"(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

"(1) include intensive summer foreign language programs for professional development;

"(2) link non-native English speakers in the community with the schools in order to promote two-way language learning; or

"(3) promote the sequential study of a foreign language for students, beginning in elementary schools.

"SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.

"(a) INCENTIVE PAYMENTS.—From amounts appropriated under section 7206 the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

"(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

"(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides at least 45 minutes of instruction in a foreign language at least 4 days per week throughout an academic year.

"SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $35,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this

part, of which not more than $20,000,000 may be used in each fiscal year to carry out section 7205.

"PART C—ADMINISTRATION

"SEC. 7301. COORDINATION WITH RELATED PROGRAMS.

"In order to maximize the effectiveness of Federal efforts aimed at serving the educational needs of children and youth of limited-English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department, including programs in such areas as teacher training, program content, research, and curriculum.

"SEC. 7302. REPORT ON BILINGUAL EDUCATION.

"The Secretary shall, within three years of the date of enactment of the Improving America's Schools Act of 1994, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—

"(1) information regarding—

"(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding 3 fiscal years;

"(B) the number of individuals benefiting from the programs assisted under this title;

"(C) the evaluation of activities carried out under this title during the preceding 3 fiscal

years and the extent to which each such activity achieves the policy set forth in section 7103(a);

"(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the 3 succeeding fiscal years; and

"(E) the research activities carried out under this title during the preceding 3 fiscal years and the major findings of such research activities; and

"(2) an analysis and synthesis of such information.

"SEC. 7303. STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW.

"(a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under part A, the Secretary shall take State educational agency recommendations into account.

"(b) PEER REVIEW.—

"(1) IN GENERAL.—In making awards under part A and in making funding decisions for continuation grants under such parts, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited-English proficient students.

''(2) FUNDING.—The Secretary may use not more than 0.2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review of applications for assistance under such programs.

''PART D—SPECIAL RULE

''SEC. 7401. SPECIAL RULE.

''Notwithstanding any other provision of law, no recipient of a grant under title VII of this Act (as such title was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of such title (as such section was in effect on the day preceding the date of enactment of such Act).

''TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

''PART A—ARTS IN EDUCATION

''SEC. 8101. SUPPORT FOR ARTS EDUCATION.

''(a) FINDINGS.—The Congress finds that—

''(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

''(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) such transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals;

"(6) arts education should be an integral part of the elementary and secondary school curriculum;

"(7) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings; and

"(8) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities.

"(b) PURPOSE.—The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and in-service professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs developed by Very Special Arts which assure the participation in mainstream settings in arts and education programs of persons of all ages with disabilities;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) COORDINATION.—

"(1) IN GENERAL.—A recipient of funds under this part shall, to the extent possible, coordinate projects assisted under this part with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) SPECIAL RULE.—In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art.

"(f) AUTHORIZATION.—

"(1) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $9,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

"PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"SEC. 8151. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to

programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of

acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

''(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''PART C—PUBLIC CHARTER SCHOOLS

''SEC. 8201. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds that—

''(1) enhancement of parent and student choices among public schools can assist in promoting com-

prehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

''(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

''(3) the new schools developed through such process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for students consistent with challenging State content standards and challenging State student performance standards for all students;

''(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

"(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which reduction can have a significant effect on student achievement; and

"(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform.

"(b) PURPOSE.—It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of such schools, including the effects on students, staff, and parents.

"SEC. 8202. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 8203 to enable such agencies to conduct a charter school grant program in accordance with this part.

"(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 8203, the Secretary may award a grant to an eligible

applicant that serves such State and has an application approved pursuant to section 8203(c).

"(c) PROGRAM PERIODS.—

"(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this part shall be awarded for a period of not more than 3 years.

"(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants awarded by the Secretary or by State educational agencies to eligible applicants under this part shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

"(A) not more than 18 months for planning and program design; and

"(B) not more than 2 years for the initial implementation of a charter school.

"(d) LIMITATION.—The Secretary and State educational agencies shall not award more than one grant under this part to support a particular charter school.

"(e) USE OF GRANTS.—

"(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award grants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

"(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving a grant from the Secretary or a State educational agency shall use such grant funds to plan and implement a charter school in accordance with this part.

"(3) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

"(4) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 20 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a grant under this part, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

"SEC. 8203. APPLICATIONS.

"(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives shall be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program and the availability of grants for the establishment of such schools;

"(2) contain assurances that the State educational agency—

"(A) has granted, will grant, or will obtain, a waiver of all State law applicable to each charter school receiving a grant under this section, except that this subparagraph only shall apply to a State that has enacted a statute regarding the waiver of State law for charter schools to the extent permitted by such statute; and

"(B) will assist each eligible applicant in the State in receiving a waiver under section 8204(d);

"(3) contain assurances that the State educational agency will require each eligible applicant receiving a grant to submit an application to the State educational agency containing—

"(A) a description of the educational program to be implemented by the proposed charter school, including—

"(i) how the program will enable all students to meet State student performance standards;

"(ii) the grade levels or ages of children to be served; and

"(iii) the curriculum and instructional practices to be used;

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the method by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal or State statutory or regulatory requirements that the applicant believes are necessary for the successful operation of the charter school;

"(H) a description of how the grant funds will be used, including a description of how grant funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part; and

"(L) such other information and assurances as the Secretary and the State educational agency may require.

"(c) APPLICATIONS FROM ELIGIBLE APPLICANTS.—Each eligible applicant desiring a grant pursuant to section 8202(e)(1) or 8202(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require. Each such application shall

contain the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purpose of this sentence subparagraphs (J), (K), and (L) of such subsection shall be applied by striking ''and the State educational agency'' each place such term appears.

''SEC. 8204. ADMINISTRATION.

''(a) ADMINISTRATION CRITERIA.—The Secretary shall select grant recipients under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration factors, such as—

''(1) the contribution that charter school will make to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

''(2) the degree of flexibility afforded by the State and local educational agencies in grant waivers and otherwise assisting teachers and others in establishing charter schools within the State;

''(3) the quality of the proposed curriculum and instructional practices;

''(4) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency, to the charter school;

''(5) the extent of community support for the application;

"(6) the ambitiousness of the objectives for the charter school;

"(7) the quality of the plan for assessing achievement of such objectives; and

"(8) the likelihood that the charter school will meet such objectives and improve educational results for students.

"(b) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for grants under this part.

"(c) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award grants under this part in a manner that, to the extent possible, ensures that such grants—

"(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

"(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

"(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such require-

ment relating to the elements of a charter school described in section 8207(1), if—

''(1) the waiver is requested in an approved application under this part; and

''(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

''SEC. 8205. USES OF FUNDS.

''A recipient of a grant under this part may use the grant funds only for—

''(1) post-award planning and design of the educational program, which may include—

''(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

''(B) professional development of teachers and other staff who will work in the charter school; and

''(2) initial implementation of the charter school, which may include—

''(A) informing the community about the school;

''(B) acquiring necessary equipment and educational materials and supplies;

''(C) acquiring or developing curriculum materials;

"(D) minor remodeling or renovation of facilities needed to meet State or local health or safety laws or regulations; and

"(E) other initial operational costs that cannot be met from State or local sources.

"SEC. 8206. NATIONAL ACTIVITIES.

"The Secretary may reserve not more than 10 percent of the funds available to carry out this part for any fiscal year for—

"(1) peer review of applications under section 8204;

"(2) an evaluation of charter schools, including those assisted under this part; and

"(3) other activities designed to enhance the success of the activities assisted under this part, such as—

"(A) development and dissemination of model State charter school laws and model contracts or other means of authorizing and monitoring the performance of charter schools;

"(B) collection and dissemination of information on successful charter schools; and

"(C) conferences, publications, and use of telecommunications and other means to share

ideas and information among grant recipients and others about charter schools.

"SEC. 8207. DEFINITIONS.

"As used in this part:

"(1) The term 'charter school' means a public school that—

"(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements are specifically waived for the purpose of this program; and

"(J) meets all applicable Federal, State, and local health and safety requirements.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means an authorized public chartering agency participating in a

partnership with a developer to establish a charter school in accordance with this part.

"(4) The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law to authorize or approve a charter school.

"SEC. 8208. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART D—CIVIC EDUCATION

"SEC. 8251. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—(A) The Secretary is authorized to carry out a program to enhance the attainment of the third and sixth National Education Goals by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

"(B) Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall—

"(A) continue and expand the educational activities of the 'We the People . . . The Citizen and the Constitution' program administered by the Center for Civic Education; and

"(B) enhance student attainment of challenging content standards in civics and government.

"(3) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract or grant with the Center for Civic Education to carry out the program described in paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and the Bill of Rights;

"(2) at the request of a participating school, school and community simulated congressional hearings following the course of study; and

"(3) an annual national competition of simulated congressional hearings for secondary students who wish to participate in such program.

"(c) PROGRAM CONTENT.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—After the provisions of subsection (b) have been implemented, funds provided under this section may be used for—

"(1) advanced training of teachers about the United States Constitution and the political system the United States created; or

"(2) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution, which course shall provide for—

"(A) optional school and community simulated State legislative hearings;

"(B) an annual competition of simulated legislative hearings at the State legislative district, State, and national levels for middle school

students who wish to participate in the program; and

"(C) participation by public and private middle schools in the 50 States, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"SEC. 8252. INSTRUCTION IN CIVICS, GOVERNMENT, AND THE LAW.

"(a) PROGRAM ESTABLISHED.—The Secretary is authorized to carry out a program of grants and contracts to assist State and local educational agencies and other public and private nonprofit agencies, organizations and institutions to enhance—

"(1) attainment by students of challenging State content standards and challenging State student performance standards in civics, government, and the law; and

"(2) attainment by the Nation of the third and the sixth National Education Goals.

"(b) AUTHORIZED ACTIVITIES.—Assistance under this section may support new and ongoing programs in elementary and secondary schools that provide for—

"(1) the development and implementation of curricular programs that enhance student understanding of—

"(A) the values and principles which underlie, and the institutions and processes which comprise, our Nation's system of government;

"(B) the role of law in our constitutional democracy, including activities to promote—

"(i) legal literacy;

"(ii) a dedication by students to the use of nonviolent means of conflict resolution such as arbitration, mediation, negotiation, trials, and appellate hearings; and

"(iii) respect for cultural diversity and acceptance of cultural differences; and

"(C) the rights and responsibilities of citizenship;

"(2) professional development for teachers, including preservice and inservice training;

"(3) outside-the-classroom learning experiences for students, including community service activities;

"(4) the active participation of community leaders, from the public and private sectors, in the schools; and

"(5) the provision of technical assistance to State and local educational agencies and other institutions and organizations working to further the progress of the Nation in attaining the third and sixth National Education Goals regarding civics and government.

"(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—

"(1) SUBMISSION OF APPLICATIONS.—A State or local educational agency, other public or private non-profit agency, organization, or institution that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) PEER REVIEW.—(A) The Secretary shall convene a panel of individuals for purpose of reviewing and rating applications submitted under paragraph (1).

"(B) Such individuals shall have experience with education programs in civics, government, and the law.

"(3) PRIORITY.—In making grants or awarding contracts under this section, the Secretary shall give priority consideration to applications which propose the operation of statewide programs.

"(d) DURATION OF GRANTS AND EXCEPTION.—

"(1) DURATION.—Except as provided in paragraph (2), the Secretary shall make grants and enter into contracts under this section for periods of two or three years.

"(2) EXCEPTION.—The Secretary may make a grant or enter into a contract under this section for a period of less than 2 years if the Secretary determines that special circumstances exist which warrant a 1-year grant or contract award.

"SEC. 8253. REPORT; AUTHORIZATION OF APPROPRIATIONS.

"(a) REPORT.—The Secretary shall report, on a biennial basis and in accordance with section 10701, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate regarding the distribution and use of funds authorized under this part.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this part, there are authorized to be appropriated $20,000,000 for fiscal year 1995 and such sums as necessary for each of the 4 succeeding fiscal years.

"(2) ALLOCATION.—From the amount appropriated under subsection (a), the Secretary shall allocate—

"(A) 50 percent of such amount to carry out section 8251; and

"(B) 50 percent of such amount to carry out section 8252.

"PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"SEC. 8301. FINDINGS.

"The Congress finds as follows:

"(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

"(2) It is a worthwhile goal to ensure that America's educators have access to programs for the continued improvement of their professional skills.

"(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up

Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. 8311. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this title to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pur-

suant to this subpart by such students shall be known as Allen J. Ellender fellowships.

"SEC. 8312. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including students with disabilities, ethnic minority students, and gifted and talented students; and

"(3) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 2—Program for Middle and Secondary School Teachers

"SEC. 8321. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 8322. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in section 8311(a);

"(2) that not more than one teacher in each school participating in the programs provided for in section 8311(a) may receive a fellowship in any fiscal year; and

"(3) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

"SEC. 8331. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

"(2) DEFINITION.—For the purpose of this subpart, the term 'older American' means an individual who has attained 55 years of age.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to economically disadvantaged older Americans, recent immigrants and stu-

dents of migrant parents who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 8332. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

"(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

"(3) that activities permitted by subsection (a) are fully described; and

"(4) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 4—General Provisions

"SEC. 8341. ADMINISTRATIVE PROVISIONS.

"(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 8342. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part $4,500,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 8311(a).

"PART F—GIFTED AND TALENTED CHILDREN

"SEC. 8401. SHORT TITLE.

''This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.

"SEC. 8402. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds and declares that—

''(1) all students can learn to high standards and must develop their talents and realize their potential if the United States is to prosper;

''(2) gifted and talented students are a national resource vital to the future of the Nation and our Nation's security and well-being;

''(3) too often schools fail to challenge students to do their best work, and students who are not challenged will not learn to challenging State content standards and challenging State student performance standards, fully develop their talents, and realize their potential;

''(4) unless the special abilities of gifted and talented students are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

''(5) gifted and talented students from economically disadvantaged families and areas, and students

of limited-English proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

"(6) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students for the provision of educational services and programs appropriate to their special needs;

"(7) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training and providing a national focal point of information and technical assistance that is necessary to ensure that the Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest; and

"(8) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used as a basis to—

"(A) develop a rich and challenging curriculum for all students; and

"(B) provide all students with important and challenging subject matter to study and encourage the habits of hard work.

"(b) STATEMENT OF PURPOSE.—It is the purpose of this part—

"(1) to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students;

"(2) to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part; and

"(3) to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.

"SEC. 8403. DEFINITIONS; CONSTRUCTION.

"(a) DEFINITIONS.—For purposes of this part, the term 'gifted and talented students' means children and

youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(b) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 8404. AUTHORIZED PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—From the sums appropriated under section 8407 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined by the Indian Self-Determination and Education Assistance Act) and Hawaiian native organizations) to assist such agencies, institutions, and organizations which submit applications in carrying

out programs or projects authorized by this part that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

''(2) CONTENTS.—Applications for funds under this part shall describe how—

''(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

''(B) how the proposed programs can be evaluated.

''(b) USES OF FUNDS.—Programs and projects assisted under this section may include—

''(1) professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

''(2) establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs,

summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;

''(3) training of personnel and parents involved in gifted and talented programs with respect to the impact of gender role-socialization on the educational needs of gifted and talented children and in gender equitable education methods, techniques and practices;

''(4) implementing innovative strategies, such as cooperative learning, peer tutoring and service learning;

''(5) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented students and the appropriate use of gifted and talented programs and methods to serve all students;

''(6) programs of technical assistance and information dissemination, including how gifted and talented programs and methods, where appropriate, could be adapted for use by all students; and

''(7) carrying out—

"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.

"(c) ESTABLISHMENT OF NATIONAL CENTER.—

"(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (5) of subsection (b).

"(2) DIRECTOR.—Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or

local educational agencies, or other public or private agencies and organizations.

''(d) LIMITATION.—Not more than $1,750,000 of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsection (b)(5) or (c).

''(e) COORDINATION.—Research activities supported under this section—

''(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the such office; and

''(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

''SEC. 8405. PROGRAM PRIORITIES.

''(a) GENERAL PRIORITY.—In the administration of this part the Secretary shall give highest priority—

''(1) to the identification of and the provision of services to gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited-English proficiency, and individuals with disabilities); and

"(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation, through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification of and the provision of services to gifted and talented students.

"(b) SERVICE PRIORITY.—In approving applications under section 8404(a), the Secretary shall assure that in each fiscal year at least one-half of the applications approved under such section address the priority described in subsection (a)(1).

"SEC. 8406. GENERAL PROVISIONS.

"(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs for serving such children.

"(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"(c) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of programs and projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part in accordance with section 10701, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than January 1, 1998.

"SEC. 8407. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums

as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this part.

"(b) SPECIAL RULE.—If the amount appropriated under subsection (a) for a fiscal year exceeds $20,000,000, 40 percent of such amount in excess of $20,000,000 shall be available for strategies and programs designed for the education of gifted and talented students that may be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging State content standards and challenging State student performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented.

"PART G—WOMEN'S EDUCATIONAL EQUITY

"SEC. 8451. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the 'Women's Educational Equity Act of 1994'.

"(b) FINDINGS.—The Congress finds that—

"(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

"(2) because of funding provided under the Women's Educational Equity Act, more curricula, training and other educational materials concerning educational equity for women and girls are available for national dissemination;

"(3) significant gender inequities still exist in teaching and learning practices, for example—

"(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

"(B) girls may often receive significantly less attention from classroom teachers than boys, and girls of color have less interaction with teachers than all other girls;

"(C) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

"(D) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, there are few women role models in the sciences, and women

continue to be concentrated in low-paying, traditionally female jobs that do not require mathematics and science skills; and

"(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such population;

"(4) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should, to the extent feasible, also help schools and local communities implement and institutionalize gender equitable practices;

"(5) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

"(6) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society cannot be achieved without educational equity for women and girls.

"SEC. 8452. STATEMENT OF PURPOSES.

"It is the purpose of this part—

''(1) to promote gender equity in education in the United States;

''(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

''(3) to promote equity in education to women and girls who suffer multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age.

''SEC. 8453. PROGRAM AUTHORIZED.

''The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, community groups, and individuals, to achieve the purposes of this part by providing support and technical assistance for—

''(1) the implementation of effective gender-equity policies and practices at all educational levels, including—

''(A) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

"(B) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

"(C) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

"(D) school-to-work transition programs, other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented, and guidance and counseling activities;

"(E) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited-English proficiency, disability, socioeconomic status, or age;

"(F) assisting pregnant students and students rearing children to remain in or to return

to secondary school, graduate, and prepare their preschool children to start school;

"(G) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls; and

"(H) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls; and

"(2) research and development, which shall be coordinated with the Office of Educational Research and Improvement's National Institute on the Education of At-Risk Students to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable, including—

"(A) research and development designed to advance gender equity, including the development of innovative strategies to improve teaching and learning practices;

"(B) the development of high quality and challenging assessment instruments that are nondiscriminatory;

"(C) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

"(D) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

"(E) the development of new dissemination and replication strategies;

"(F) updating high quality educational materials previously developed through awards made under this part; and

"(G) the implementation of nondiscriminatory tests of aptitude and achievement and alternative assessment instruments.

"SEC. 8454. APPLICATIONS.

"(a) APPLICATIONS.—A grant may be made, and a contract or cooperative agreement may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe, such as—

"(1) setting forth policies and procedures that will ensure a comprehensive evaluation of the activi-

ties carried out under the project, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

''(2) demonstrating how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;

''(3) demonstrating how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

''(4) describing how funds under this part will be used in a manner that is consistent with the School-to-Work Opportunities Act of 1994;

''(5) for applications for projects under section 8453(1), demonstrating how the applicant will foster partnerships and share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations, and other recipients of Federal educational funding which may include State literacy resource centers; and

''(6) for applications for projects under section 8453(1), demonstrating how parental involvement in the project will be encouraged.

"(b) SPECIAL RULE.—In approving applications under this part, the Secretary shall give special consideration to applications—

"(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act (as such part was in effect on October 1, 1988);

"(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

"(3) for projects that will—

"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

"(B) draw on a variety of resources, including local educational agencies, community-based organizations, institutions of higher education, and private organizations;

"(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant has terminated; and

"(D) address issues of national significance that can be duplicated.

"(c) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

"SEC. 8455. CRITERIA AND PRIORITIES.

"The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 8453 to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"SEC. 8456. REPORT.

"The Secretary, by January 1, 1999, shall submit to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

"SEC. 8457. EVALUATION AND DISSEMINATION.

"(a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate in accordance with section 10701, and disseminate, materials and programs developed under this part and shall report to the Congress regarding such evaluation materials and programs by January 1, 1998.

"(b) USE OF PROGRAM FUNDS.—The Secretary is authorized to use funds appropriated under section 8458 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.

"(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"SEC. 8458. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than two-thirds of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 8453(1).

"PART H—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 8501. FUND FOR THE IMPROVEMENT OF EDUCATION.

"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to

carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—

"(1) IN GENERAL.—Funds provided under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) developing and evaluating strategies for eliminating ability grouping practices and developing policies and programs that place all students on a college-preparatory path of study, particularly in academic fields such as mathematics, science, English, and social studies, including comprehensive inservice programs for teachers and counselors and academic enrichment programs that supplement regular courses for students;

"(ii) developing and evaluating programs that directly involve parents and family members in the academic progress of their children;

''(iii) developing and evaluating strategies for integrating instruction and assessment such that teachers and administrators can focus on what students should know and be able to do at particular grade levels, which instruction shall promote the synthesis of knowledge, encourage the development of problem-solving skills drawing on a vast range of disciplines, and promote the development of higher order thinking by all students;

''(iv) developing and evaluating strategies for supporting professional development for teachers across all disciplines and for guidance counselors and administrators, including inservice training that improves the skills of counselors and administrators in working with students from diverse populations;

''(v) research and development related to challenging State content standards and challenging State student performance standards for student learning; and

''(vi) the development and evaluation of model strategies for assessment of student

learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school based decisionmaking;

"(C) joint activities with other Federal agencies, such as the National Science Foundation, the Department of Health and Human Services, and the Department of Labor, and with institutions of higher education, to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote and evaluate coordinated pupil services programs;