

105TH CONGRESS
1ST SESSION

S. 1380

To amend the Elementary and Secondary Education Act of 1965 regarding charter schools.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1997

Mr. COATS (for himself, Mr. LIEBERMAN, Mr. D'AMATO, and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Elementary and Secondary Education Act of 1965 regarding charter schools.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Charter School Expan-
5 sion Act of 1997”.

6 **SEC. 2. INNOVATIVE CHARTER SCHOOLS.**

7 Title VI of the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

9 (1) in section 6201(a) (20 U.S.C. 7331(a))—

1 (A) in paragraph (1)(C), by striking “and”
2 after the semicolon;

3 (B) by redesignating paragraph (2) as
4 paragraph (3); and

5 (C) by inserting after paragraph (1) the
6 following:

7 “(2) support for planning, designing, and initial
8 implementation of charter schools as described in
9 part C of title X; and”;

10 (2) in section 6301(b) (20 U.S.C. 7351(b))—

11 (A) in paragraph (7), by striking “and”
12 after the semicolon;

13 (B) by redesignating paragraph (8) as
14 paragraph (9); and

15 (C) by inserting after paragraph (7) the
16 following:

17 “(8) planning, designing, and initial implemen-
18 tation of charter schools as described in part C of
19 title X; and”.

20 **SEC. 3. CHARTER SCHOOLS.**

21 (a) PURPOSE.—Section 10301(b) of the Elementary
22 and Secondary Education Act of 1965 (20 U.S.C.
23 8061(b)) is amended—

24 (1) in paragraph (1), by striking “and” after
25 the semicolon;

1 (2) in paragraph (2), by striking the period and
2 inserting “; and”; and

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

4 “(3) expanding the number of high-quality
5 charter schools available to students across the Na-
6 tion.”.

7 (b) CRITERIA FOR PRIORITY TREATMENT.—Section
8 10302 of such Act of 1965 (20 U.S.C. 8062) is amended
9 by adding at the end the following:

10 “(e) PRIORITY TREATMENT.—

11 “(1) IN GENERAL.—

12 “(A) FISCAL YEARS 1998, 1999, AND 2000.—

13 In awarding grants under this part for any of
14 the fiscal years 1998, 1999, and 2000 from
15 funds appropriated under section 10311 that
16 are in excess of \$51,000,000 for the fiscal year,
17 the Secretary shall give priority to States to the
18 extent that the States meet 1 or more of the
19 criteria described in paragraph (2).

20 “(B) SUCCEEDING FISCAL YEARS.—In

21 awarding grants under this part for fiscal year
22 2001 or any succeeding fiscal year from any
23 funds appropriated under section 10311, the
24 Secretary shall give priority to States to the ex-

1 tent that the States meet 1 or more of the cri-
2 teria described in paragraph (2).

3 “(2) PRIORITY CRITERIA.—The criteria referred
4 to in paragraph (1) are as follows:

5 “(A) The State has demonstrated signifi-
6 cant progress in increasing the number of char-
7 ter schools in the period prior to the period for
8 which a State educational agency or eligible ap-
9 plicant applies for a grant under this part.

10 “(B) The State law regarding charter
11 schools—

12 “(i) provides for at least 1 authorized
13 public chartering agency that is not a local
14 educational agency for each individual or
15 entity seeking to operate a charter school
16 pursuant to such State law; or

17 “(ii) in the case of a State in which
18 local educational agencies are the only au-
19 thorized public chartering agencies, allows
20 for an appeals process for the denial of an
21 application for a charter school.

22 “(C) The State law regarding charter
23 schools provides for the automatic waiver of
24 most State and local education laws and regula-

1 tions, except those laws and regulations related
2 to health, safety, and civil rights.

3 “(D) The State law regarding charter
4 schools provides for periodic review and evalua-
5 tion by the authorized public chartering agency
6 of each charter school to determine whether the
7 charter school is meeting or exceeding the aca-
8 demic performance requirements and goals for
9 charter schools as set forth under State law or
10 the school’s charter.

11 “(f) AMOUNT CRITERIA.—In determining the amount
12 of a grant to be awarded under this part to a State edu-
13 cational agency, the Secretary shall take into consider-
14 ation the number of charter schools that will be created
15 under this part in the State.”.

16 (c) APPLICATIONS.—Section 10303(b) of such Act
17 (20 U.S.C. 8063(b)) is amended—

18 (1) by redesignating paragraph (2) as para-
19 graph (3); and

20 (2) by inserting after paragraph (1) the follow-
21 ing:

22 “(2) describe how the State educational agen-
23 cy—

24 “(A) will inform each charter school in the
25 State regarding—

1 “(i) Federal funds that the charter
2 school is eligible to receive; and

3 “(ii) Federal programs in which the
4 charter school may participate;

5 “(B) will ensure that each charter school
6 in the State receives the charter school’s com-
7 mensurate share of Federal education funds
8 that are allocated by formula; and

9 “(C) will disseminate best or promising
10 practices of charter schools to each local edu-
11 cational agency in the State; and”.

12 (d) NATIONAL ACTIVITIES.—Section 10305 of such
13 Act (20 U.S.C. 8065) is amended to read as follows:

14 **“SEC. 10305. NATIONAL ACTIVITIES.**

15 “The Secretary shall reserve for each fiscal year the
16 lesser of 5 percent of the amount appropriated to carry
17 out this part for the fiscal year or \$5,000,000, to carry
18 out the following activities:

19 “(1) To provide charter schools, either directly
20 or through State educational agencies, with—

21 “(A) information regarding—

22 “(i) Federal funds that charter
23 schools are eligible to receive; and

24 “(ii) other Federal programs in which
25 charter schools may participate; and

1 “(B) assistance in applying for Federal
2 education funds that are allocated by formula,
3 including assistance with filing deadlines and
4 submission of applications.

5 “(2) To provide for the completion of the 4-year
6 national study (which began in 1995) of charter
7 schools.

8 “(3) To provide—

9 “(A) information to applicants for assist-
10 ance under this part;

11 “(B) assistance to applicants for assistance
12 under this part with the preparation of applica-
13 tions under section 10303;

14 “(C) assistance in the planning and start-
15 up of charter schools;

16 “(D) training and technical assistance to
17 existing charter schools;

18 “(E) information to applicants and charter
19 schools regarding gaining access to private cap-
20 ital to support charter schools; and

21 “(F) for the dissemination of best or prom-
22 ising practices in charter schools to other public
23 schools.”.

1 (e) COMMENSURATE TREATMENT; RECORDS TRANS-
2 FER; PAPERWORK REDUCTION.—Part C of title X of such
3 Act (20 U.S.C. 8061 et seq.) is amended—

4 (1) by redesignating sections 10306 and 10307
5 as sections 10310 and 10311, respectively; and

6 (2) by inserting after section 10305 the follow-
7 ing:

8 **“SEC. 10306. FEDERAL FORMULA ALLOCATION DURING**
9 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
10 **MENT EXPANSIONS.**

11 “For purposes of the allocation to schools by the
12 States or their agencies of funds under part A of title I,
13 and any other Federal funds which the Secretary allocates
14 to States on a formula basis, the Secretary and each State
15 educational agency shall take such measures not later
16 than 6 months after the date of enactment of the Charter
17 School Expansion Act of 1997 as are necessary to ensure
18 that every charter school receives the Federal funding for
19 which the charter school is eligible not later than 5 months
20 after the charter school first opens, notwithstanding the
21 fact that the identity and characteristics of the students
22 enrolling in that charter school are not fully and com-
23 pletely determined until that charter school actually opens.
24 The measures similarly shall ensure that every charter
25 school expanding its enrollment in any subsequent year

1 of operation receives the Federal funding for which the
2 charter school is eligible not later than 5 months after
3 such expansion.

4 **“SEC. 10307. SOLICITATION OF INPUT FROM CHARTER**
5 **SCHOOL OPERATORS.**

6 “To the extent practicable, the Secretary shall ensure
7 that administrators, teachers, and other individuals di-
8 rectly involved in the operation of charter schools are con-
9 sulted in the development of any rules or regulations re-
10 quired to implement this part, as well as in the develop-
11 ment of any rules or regulations relevant to charter
12 schools that are required to implement part A of title I
13 of the Elementary and Secondary Education Act of 1965
14 (20 U.S.C. 6311 et seq.), the Individuals with Disabilities
15 Education Act (20 U.S.C. 1400 et seq.), or any other pro-
16 gram administered by the Secretary that provides edu-
17 cation funds to charter schools or regulates the activities
18 of charter schools.

19 **“SEC. 10308. RECORDS TRANSFER.**

20 “State educational agencies and local educational
21 agencies, to the extent practicable, shall ensure that a stu-
22 dent’s records and, if applicable, a student’s individualized
23 education program as defined in section 602(11) of the
24 Individuals with Disabilities Education Act (20 U.S.C.
25 1401(11)), are transferred to a charter school upon the

1 transfer of the student to the charter school, in accordance
 2 with applicable State law.

3 **“SEC. 10309. PAPERWORK REDUCTION.**

4 “To the extent practicable, the Secretary and each
 5 authorized public chartering agency shall ensure that im-
 6 plementation of this part results in a minimum of paper-
 7 work for any eligible applicant or charter school.”.

8 (f) PART C DEFINITIONS.—Section 10310(1) of such
 9 Act (as redesignated by subsection (e)(1)) (20 U.S.C.
 10 8066(1)) is amended—

11 (1) in subparagraph (A), by striking “an ena-
 12 bling statute” and inserting “a specific State statute
 13 authorizing the granting of charters to schools”;

14 (2) in subparagraph (H), by inserting “is a
 15 school to which parents choose to send their chil-
 16 dren, and that” before “admits”;

17 (3) in subparagraph (J), by striking “and”
 18 after the semicolon;

19 (4) in subparagraph (K), by striking the period
 20 and inserting “; and”; and

21 (5) by adding at the end the following:

22 “(L) has a written performance contract
 23 with the authorized public chartering agency in
 24 the State.”.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
2 10311 of such Act (as redesignated by subsection (e)(1))
3 (20 U.S.C. 8067) is amended by striking “\$15,000,000
4 for fiscal year 1995” and inserting “\$100,000,000 for fis-
5 cal year 1998”.

6 (h) TITLE XIV DEFINITIONS.—Section 14101 of
7 such Act (20 U.S.C. 8801) is amended—

8 (1) in paragraph (14), by inserting “, including
9 a public elementary charter school,” after “residen-
10 tial school”; and

11 (2) in paragraph (25), by inserting “, including
12 a public secondary charter school,” after “residential
13 school”.

14 (i) CONFORMING AMENDMENT.—The matter preced-
15 ing paragraph (1) of section 10304(e) of such Act (20
16 U.S.C. 8064(e)) is amended by striking “10306(1)” and
17 inserting “10310(1)”.

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