

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2363

---

## AN ACT

To extend the educational flexibility program under section  
4 of the Education Flexibility Partnership Act of 1999.

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

1 **SECTION 1. EDUCATIONAL FLEXIBILITY PROGRAM EXTEN-**  
2 **SION.**

3 (a) **EXTENSION AUTHORITY.**—Notwithstanding any  
4 other provision of law, the Secretary of Education is au-  
5 thorized to carry out the educational flexibility program  
6 under section 4 of the Education Flexibility Partnership  
7 Act of 1999 (20 U.S.C. 5891b), until the date of enact-  
8 ment of an Act that reauthorizes programs under part A  
9 of title I of the Elementary and Secondary Education Act  
10 of 1965 (20 U.S.C. 6311 et seq.), for any State that was  
11 an Ed-Flex Partnership State on September 30, 2004.

12 (b) **DESIGNATION.**—

13 (1) **IN GENERAL.**—Any designation of a State  
14 as an Ed-Flex Partnership State that was in effect  
15 on September 30, 2004, shall be extended until the  
16 date of enactment of an Act that reauthorizes pro-  
17 grams under part A of title I of the Elementary and  
18 Secondary Education Act of 1965, if the Secretary  
19 of Education makes the determination described in  
20 paragraph (2).

21 (2) **DETERMINATION.**—The determination re-  
22 ferred to in paragraph (1) is a determination that  
23 the performance of the State educational agency, in  
24 carrying out the programs for which the State has

1 received a waiver under the educational flexibility  
2 program, justifies the extension of the designation.

Passed the Senate March 2, 2006.

Attest:

*Secretary.*

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2363**

---

**AN ACT**

To extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.