106TH CONGRESS
*1st Session*

HOUSE OF REPRESENTATIVES

REPT. 106–394
Part 1

# STUDENT RESULTS ACT OF 1999

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## R E P O R T

OF THE

## COMMITTEE ON EDUCATION AND THE WORKFORCE HOUSE OF REPRESENTATIVES

ON

## H.R. 2

TOGETHER WITH

## ADDITIONAL AND DISSENTING VIEWS

[Including cost estimate of the Congressional Budget Office]

OCTOBER 18, 1999.—Ordered to be printed

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106TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPT. 106–394 Part 1

# STUDENT RESULTS ACT OF 1999

OCTOBER 18, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLING, from the Committee on Education and the Workforce, submitted the following

# R E P O R T

together with

## ADDITIONAL AND DISSENTING VIEWS

[To accompany H.R. 2]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Student Results Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—STUDENT RESULTS

PART A—BASIC PROGRAM

Sec. 101. Low-achieving children meet high standards.
Sec. 102. Purposes and intent.
Sec. 103. Authorization of appropriations.
Sec. 104. Reservation and allocation.
Sec. 105. State plans.
Sec. 106. Local educational agency plans.
Sec. 107. Eligible school attendance areas.
Sec. 108. Schoolwide programs.
Sec. 109. Targeted assistance schools.
Sec. 110. School choice.
Sec. 111. Assessment and local educational agency and school improvement.

Sec. 112. State assistance for school support and improvement.
Sec. 113. Academic achievement awards program.
Sec. 114. Parental involvement changes.
Sec. 115. Qualifications for teachers and paraprofessionals.
Sec. 116. Professional development.
Sec. 117. Participation of children enrolled in private schools.
Sec. 118. Coordination requirements.
Sec. 119. Grants for the outlying areas and the Secretary of the Interior.
Sec. 120. Amounts for grants.
Sec. 121. Basic grants to local educational agencies.
Sec. 122. Concentration grants.
Sec. 123. Targeted grants.
Sec. 124. Special allocation procedures.
Sec. 125. Secular, neutral, and nonideological.

PART B—EDUCATION OF MIGRATORY CHILDREN

Sec. 131. State allocations.
Sec. 132. State applications; services.
Sec. 133. Authorized activities.
Sec. 134. Coordination of migrant education activities.

PART C—NEGLECTED OR DELINQUENT YOUTH

Sec. 141. Neglected or delinquent youth.
Sec. 142. Findings.
Sec. 143. Allocation of funds.
Sec. 144. State plan and State agency applications.
Sec. 145. Use of funds.
Sec. 146. Purpose.
Sec. 147. Transition services.
Sec. 148. Programs operated by local educational agencies.
Sec. 149. Local educational agency applications.
Sec. 150. Uses of funds.
Sec. 151. Program requirements.
Sec. 152. Accountability.
Sec. 153. Program evaluations.

PART D—GENERAL PROVISIONS

Sec. 161. General provisions.

PART E—COMPREHENSIVE SCHOOL REFORM

Sec. 171. Comprehensive school reform.

TITLE II—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

Sec. 201. Magnet schools assistance.
Sec. 202. Continuation of awards.

TITLE III—TEACHER LIABILITY PROTECTION

Sec. 301. Teacher liability protection.

TITLE IV—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Subtitle A—Elementary and Secondary Education Act of 1965

Sec. 401. Amendments.

PART B—NATIVE HAWAIIAN EDUCATION

Sec. 402. Native Hawaiian education.

PART C—ALASKA NATIVE EDUCATION

Sec. 403. Alaska Native education.

Subtitle B—Amendments to the Education Amendments of 1978

Sec. 410. Amendments to the Educations Amendments of 1978.

Subtitle C—Tribally Controlled Schools Act of 1988

Sec. 420. Tribally controlled schools.

TITLE V—GIFTED AND TALENTED CHILDREN

Sec. 501. Amendment to esea relating to gifted and talented children.

TITLE VI—RURAL EDUCATION ASSISTANCE

Sec. 601. Rural education.

TITLE VII—MCKINNEY HOMELESS EDUCATION IMPROVEMENTS ACT OF 1999

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Purpose.
Sec. 704. Education for homeless children and youth.

TITLE VIII—SCHOOLWIDE PROGRAM ADJUSTMENT

Sec. 801. Schoolwide funds.

**SEC. 2. REFERENCES.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, chapter, part, subpart, section, subsection, or other provision, the reference shall be considered to be made to a title, chapter, part, subpart, section, subsection, or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

# TITLE I—STUDENT RESULTS

## PART A—BASIC PROGRAM

**SEC. 101. LOW-ACHIEVING CHILDREN MEET HIGH STANDARDS.**

The heading for title I is amended by striking "**DISADVANTAGED**" and inserting "**LOW-ACHIEVING**".

**SEC. 102. PURPOSES AND INTENT.**

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

**"SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND RECOGNITION OF NEED.**

"(a) FINDINGS.—Congress finds the following:

"(1) Schools that enroll high concentrations of children living in poverty face the greatest challenges but effective educational strategies based on scientifically based research can succeed in educating children to high standards.

"(2) High-poverty schools are much more likely to be identified as failing to meet State standards for satisfactory progress. As a result, these schools are generally the most in need of additional resources and technical assistance to build the capacity of these schools to address the many needs of their students.

"(3) The educational progress of children participating in programs under this title is closely associated with their being taught by a highly qualified staff, particularly in schools with the highest concentrations of poverty, where paraprofessionals, uncertified teachers, and teachers teaching out of field frequently provide instructional services.

"(4) Congress and the public would benefit from additional data in order to evaluate the efficacy of the changes made to this title in the Improving America's Schools Act of 1994.

"(5) States, local educational agencies, and schools should be given as much flexibility as possible in exchange for greater accountability for improving student achievement.

"(6) Programs funded under this part must demonstrate increased effectiveness in improving schools in order to ensure all children achieve to high standards.

"(b) PURPOSE AND INTENT.—The purpose and intent of this title are to ensure that all children have a fair and equal opportunity to obtain a high quality education.

"(c) RECOGNITION OF NEED.—The Congress recognizes the following:

"(1) 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.

"(2) Despite more than 3 decades of Federal assistance, a sizable achievement gap remains between minority and nonminority students, and between disadvantaged students and their more advantaged peers.

"(3) Too many students must attend local schools that fail to provide them with a quality education, and are given no alternatives to enable them to receive a quality education.

"(4) States, local educational agencies and schools should be held accountable for improving the academic achievement of all students, and for identifying and turning around low-performing schools.

"(5) Federal education assistance is intended not only to increase pupil achievement overall, but also more specifically and importantly, to help ensure that all pupils, especially the disadvantaged, meet challenging standards for curriculum content and pupil performance. It can only be determined if schools, local educational agencies, and States, are reaching this goal if pupil achievement results are reported specifically by disadvantaged and minority status.".

**SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

(a) LOCAL EDUCATIONAL AGENCY GRANTS.—Subsection (a) of section 1002 (20 U.S.C. 6302(a)) is amended by striking "$7,400,000,000 for fiscal year 1995" and inserting "$8,350,000,000 for fiscal year 2000".

(b) EDUCATION OF MIGRATORY CHILDREN.—Subsection (c) of section 1002 (20 U.S.C. 6302(c)) is amended by striking "$310,000,000 for fiscal year 1995" and inserting "$400,000,000 for fiscal year 2000".

(c) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—Subsection (d) of section 1002 (20 U.S.C. 6302(d)) is amended by striking "$40,000,000 for fiscal year 1995" and inserting "$50,000,000 for fiscal year 2000".

(d) CAPITAL EXPENSES.—Subsection (e) of section 1002 (20 U.S.C. 6302(e)) is amended to read as follows:

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $15,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, and $5,000,000 for fiscal year 2002.".

(e) ADDITIONAL ASSISTANCE.—Subsection (f) of section 1002 is amended to read as follows:

"(f) SCHOOL IMPROVEMENT.—Each State may reserve for the purpose of carrying out its duties under section 1116 and 1117, the greater of one half of 1 percent of the amount allocated under this part, or $200,000.".

(f) STATE ADMINISTRATION.—Section 1002 is amended by adding at the end the following:

"(h) STATE ADMINISTRATION.—

"(1) STATE RESERVATION.—Each State may reserve, from the grants it receives under parts A, C, and D, of this title, an amount equal to the greater of 1 percent of the amount it received under parts A, C, and D, for fiscal year 1999, or $400,000 ($50,000 for each outlying area), to carry out administrative duties assigned under parts A, C, and D.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years for additional State administration grants. Any such additional grants shall be allocated among the States in proportion to the grants received by each State for that fiscal year under parts A, C, and D of this title.

"(3) SPECIAL RULE.—The amount allocated to each State under this subsection may not exceed the amount of State funds expended by the State educational agency to administer elementary and secondary education programs in such State.".

**SEC. 104. RESERVATION AND ALLOCATION.**

Section 1003 (20 U.S.C. 6303) is repealed.

**SEC. 105. STATE PLANS.**

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

**"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 (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.

"(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 14302.

"(b) STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY.—

"(1) CHALLENGING STANDARDS.—(A) Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

"(B) The standards required by subparagraph (A) shall be the same standards that the State applies to all schools and children in the State.

"(C) The State shall have such standards for elementary and secondary school children served under this part in subjects determined by the State, but includ-

ing at least mathematics and reading or language arts, which shall include the same knowledge, skills, and levels of performance expected of all children.

"(D) Standards under this paragraph shall include—

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

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

"(II) contain coherent and rigorous content; and

"(III) encourage the teaching of advanced skills;

"(ii) challenging student performance standards that—

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

"(II) describe two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

"(III) describe a third level of performance, basic, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

"(E) For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed such standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

"(2) ADEQUATE YEARLY PROGRESS.—

"(A) IN GENERAL.—Each State plan shall demonstrate, based on assessments described under paragraph (4), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling all children to meet the State's challenging student performance standards;

"(ii) any local educational agency that received funds under this part toward enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards; and

"(iii) the State in enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards.

"(B) DEFINITION.—Adequate yearly progress shall be defined in a manner that—

"(i) applies the same high standards of academic performance to all students in the State;

"(ii) takes into account the progress of all students in the State and in each local educational agency and school served under section 1114 or 1115;

"(iii) uses the State challenging content and challenging student performance standards and assessments described in paragraphs (1) and (4);

"(iv) compares separately, within each State, local educational agency, and school, the performance and progress of students by gender, each major ethnic and racial group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

"(v) compares the proportions of students at the 'basic', 'proficient', and 'advanced' levels of performance with the proportions of students at each of the 3 levels in the same grade in the previous school year;

"(vi) at the State's discretion, may also include other academic measures such as promotion, completion of college preparatory courses, and high school completion, except that inclusion of such other measures may not change which schools or local educational agencies would otherwise be subject to improvement or corrective action under section 1116 if the discretionary indicators were not included;

"(vii) includes annual numerical goals for improving the performance of all groups specified in clause (iv) and narrowing gaps in performance between these groups; and

"(viii) includes a timeline for ensuring that each group of students described in clause (iv) meets or exceeds the State's proficient level of performance on each State assessment used for the purposes of section

1111 and section 1116 within 10 years from the date of enactment of the Student Results Act of 1999.

"(C) ANNUAL IMPROVEMENT FOR STATES.—For a State to make adequate yearly progress under subparagraph (A)(iii), not less than 90 percent of the local educational agencies within its jurisdiction shall meet the State's criteria for adequate yearly progress.

"(D) ANNUAL IMPROVEMENT FOR LOCAL EDUCATIONAL AGENCIES.—For a local educational agency to make adequate yearly progress under subparagraph (A)(ii), not less than 90 percent of the schools within its jurisdiction must meet the State's criteria for adequate yearly progress.

"(E) ANNUAL IMPROVEMENT FOR SCHOOLS.—For a school to make adequate yearly progress under subparagraph (A)(i), not less than 90 percent of each group of students described in subparagraph (A)(iv) who are enrolled in such school are required to take the assessments consistent with section 612(a)(17)(A) of the Individuals with Disabilities Education Act and paragraph (4)(F)(iv) on which adequate yearly progress is based.

"(F) PUBLIC NOTICE AND COMMENT.—Each State shall ensure that in developing its plan for adequate yearly progress, it diligently seeks public comment from a range of institutions and individuals in the State with an interest in improved student achievement and that the State makes and will continue to make a substantial effort to ensure that information under this part is widely known and understood by the public, parents, teachers, and school administrators throughout the State. Such efforts shall include, at a minimum, publication of such information and explanatory text, broadly to the public through such means as the Internet, the media, and public agencies.

"(G) REVIEW.—The Secretary shall review the information from States on the adequate yearly progress of schools and local educational agencies required under subparagraphs (A) and (B) for the purpose of determining State and local compliance with section 1116.

"(3) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt curriculum content and student performance standards, and assessments aligned with such standards, which will be applicable to all students enrolled in the State's public schools, then the State educational agency may meet the requirements of this subsection by—

"(A) adopting standards and assessments that meet the requirements of this subsection, on a statewide basis, limiting their applicability to students served under this part; or

"(B) adopting and implementing policies that ensure that each local educational agency in the State which receives grants under this part will adopt curriculum content and student performance standards, and assessments aligned with such standards, which meet all of the criteria in this subsection and any regulations regarding such standards and assessments which the Secretary may publish, and which are applicable to all students served by each such local educational agency.

"(4) ASSESSMENTS.—Each State plan shall demonstrate that the State has implemented a set of high-quality, yearly student assessments that include, at a minimum, assessments in mathematics and reading or language arts, that will be used, starting not later than the 2000–2001 school year, as the primary means of determining the yearly performance of each local educational agency and school served under this title in enabling all children served under this part to meet the State's challenging 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 the State's challenging content and student performance standards and provide coherent information about student attainment of such standards;

"(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

"(D) measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards and be administered not less than one or more times during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9; and

"(iii) grades 10 through 12;

"(E) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding;

"(F) provide for—

"(i) the participation in such assessments of all students;

"(ii) the reasonable adaptations and accommodations for students with disabilities defined under 602(3) of the Individuals with Disabilities Education Act necessary to measure the achievement of such students relative to State content and State student performance standards;

"(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas;

"(iv) notwithstanding clause (iii), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year; and

"(G) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school 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;

"(H) provide individual student reports, which include assessment scores, or other information on the attainment of student performance standards; and

"(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

"(5) SPECIAL RULE.—

"(A) IN GENERAL.—Assessment measures that do not meet the requirements of paragraph (4)(C) may be included as one of the multiple measures, if a State includes in the State plan information regarding the State's efforts to validate such measures.

"(B) STUDENT PROFICIENCY IN GRADES K–2.—States may measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards one or more times during grades K–2.

"(6) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages, but shall not mandate a specific assessment or mode of instruction.

"(7) ASSESSMENT DEVELOPMENT.—A State shall develop, and implement State assessments that are aligned to challenging State content standards that include, at a minimum, mathematics and reading or language arts by the 2000–2001 school year.

"(8) REQUIREMENT.—Each State plan shall describe—

"(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(c), and 1115(c) that is applicable to such agency or school; and

"(B) such other factors the State considers appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

"(1) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119 and technical assistance under section 1117; and

"(2)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

"(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

"(3) the State educational agency will notify local educational agencies and the public of the content and student performance standards and assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

"(4) 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;

"(5) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;

"(6) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(7) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

"(8) the State educational agency has involved the committee of practitioners established under section 1603(b) in developing the plan and monitoring its implementation; and

"(9) the State educational agency will inform local educational agencies of the local educational agency's authority to obtain waivers under title XIV and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999 (30 U.S.C. 589a et seq.).

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) SECRETARIAL DUTIES.—The Secretary shall—

"(A) establish a peer review process to assist in the review of State plans;

"(B) approve a State plan after its submission unless the Secretary determines that the plan does not meet the requirements of this section;

"(C) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

"(D) not decline to approve a State's plan before—

"(i) offering the State an opportunity to revise its plan;

"(ii) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

"(iii) providing a hearing;

"(E) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to 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; and

"(2) STATE REVISIONS.—States shall revise their plans if necessary to satisfy the requirements of this section. Revised plans shall be submitted to the Secretary for approval not later than 1 year after the date of the enactment of the Student Results Act of 1999.

"(e) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) be submitted for the first year for which this part is in effect after the date of the enactment of the Student Results Act of 1999;

"(B) remain in effect for the duration of the State's participation under this part; and

"(C) 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 yearly progress, the State shall submit such information to the Secretary.

"(f) LIMITATION ON CONDITIONS.—Nothing in this part 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 student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

"(g) PENALTIES.—

"(1) IN GENERAL.—If a State fails to meet the statutory deadlines for demonstrating that it has in place challenging content standards and student performance standards and assessments, and a system for measuring and monitoring adequate yearly progress, the State shall be ineligible to receive any administrative funds under section 1002(h) that exceed the amount received by the State for such purpose in the previous year.

"(2) ADDITIONAL FUNDS.—Based on the extent to which such content standards, performance standards, assessments, and monitoring of adequate yearly progress, are not in place, additional administrative funds shall be withheld in such amount as the Secretary determines appropriate, except that for each additional year that the State fails to comply with such requirements, the Secretary shall withhold not less than ⅕ of the amount the State receives for administrative expenses under section 1002(h).

"(3) WAIVER.—Notwithstanding title XIV of this Act and the Education Flexibility Partnership Act or any other provision of law, a waiver shall not be granted except that a State may request a 1-time, 1-year waiver to meet the requirements of this section.

"(h) SCHOOL REPORTS.—

"(1) IN GENERAL.—

"(A) ANNUAL REPORT.—Except as provided in subparagraph (C), not later than the beginning of the 2001–2002 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report on all schools that receive funds under this part. States and local educational agencies may issue report cards under this section only for local educational agencies and schools receiving funds under this part, except that if a State or local educational agency issues a report card for all students, the State or local educational agency may include the information under this section as part of such report card.

"(B) IMPLEMENTATION.—The State shall ensure the dissemination of this information at all levels. Such information shall be—

"(i) concise; and

"(ii) presented in a format and manner that parents can understand, and which, to the extent practicable, shall be in a language the parents can understand.

"(C) PUBLIC DISSEMINATION.—In the event the State does not include such information through a report card, the State shall, not later than the beginning of the 2001–2002 school year, publicly report the information described in paragraph (2) through other public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, for all schools that receive funds under this part.

"(2) CONTENT OF ANNUAL STATE REPORTS.—

"(A) REQUIRED INFORMATION.—The State shall, at a minimum, include in the annual State reports information for the State on each local educational agency and school receiving funds under this part regarding—

"(i) student performance on statewide assessments for the current and preceding years in at least reading or language arts and mathematics, including—

"(I) a comparison of the proportions of students who performed at 'basic', 'proficient', and 'advanced' levels in each subject area, for each grade level at which assessments are required under this part, with proportions in each of the same 3 categories at the same grade levels in the previous school year; and

"(II) a statement of the percentage of students not tested and a listing of categories of the reasons why they were not tested;

"(ii) retention in grade, completion of advanced placement courses, and 4-year graduation rates;

"(iii) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, and the percentage of class sections not taught by fully qualified teachers; and

"(iv) the professional qualifications of paraprofessionals, the number of paraprofessionals in the aggregate and the ratio of paraprofessionals to teachers in the classroom.

"(B) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:

"(i) gender;

"(ii) racial and ethnic group;

"(iii) migrant status;

"(iv) students with disabilities, as compared to students who are not disabled;

"(v) economically disadvantaged students, as compared to students who are not economically disadvantaged; and

"(vi) students with limited English proficiency, as compared to students who are proficient in English.

"(C) OPTIONAL INFORMATION.—A State may include in its report any other information it determines appropriate to reflect school quality and school achievement, including information on average class size by grade level, and information on school safety, such as the incidence of school violence and drug and alcohol abuse, and the incidence of student suspensions and expulsions.

"(3) CONTENT OF LOCAL EDUCATIONAL AGENCIES REPORTS.—

"(A) MINIMUM REQUIREMENTS.—The State shall ensure that each local educational agency collects appropriate data and includes in its annual report for each school that receives funds under this part, at a minimum—

"(i) the information described in paragraphs (2)(A) and (2)(B) for each local educational agency and school—

"(I) in the case of a local educational agency—

"(aa) the number and percentage of schools identified for school improvement, including schools identified under section 1116(c) of this Act;

"(bb) information that shows how students in its schools perform on the statewide assessment compared to students in the State as a whole;

"(II) in the case of a school—

"(aa) whether it has been identified for school improvement; and

"(bb) information that shows how its students performed on the statewide assessment compared to students in the local educational agency and the State as a whole.

"(B) OTHER INFORMATION.—A local educational agency may include in its annual reports any other appropriate information whether or not such information is included in the annual State report.

"(C) PUBLIC DISSEMINATION.—In the event the local educational agency does not include such information through a report card, the local educational agency shall, not later than the beginning of the 2001-2002 school year, publicly report the information described in paragraph (3) through other public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, only for schools that receive funds under this part, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

"(4) DISSEMINATION AND ACCESSIBILITY OF REPORTS.—

"(A) STATE REPORTS.—State annual reports under paragraph (2) shall be disseminated to all schools and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet, distribution to the media, and distribution through public agencies.

"(B) LOCAL EDUCATIONAL AGENCY REPORTS.—Local educational agency reports under paragraph (3) shall be disseminated to all schools receiving funds under this part, in the school district and to all parents of students attending these schools and made broadly available to the public through means such as posting on the Internet, distribution to the media, and distribution through public agencies.

"(5) PARENTS RIGHT-TO-KNOW.—

"(A) QUALIFICATIONS.—A local educational agency that receives funds under this part shall provide, upon request, in an understandable and uniform format, to any parent of a student attending any school receiving funds under this part, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

"(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

"(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

"(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

"(iv) Whether the child is provided services by paraprofessionals and the qualifications of such paraprofessional.

"(B) ADDITIONAL INFORMATION.—In addition to the information which parents may request under subparagraph (A), and the information provided in subsection (c), a school which receives funds under this part shall provide to each individual parent or guardian—

"(i) information on the level of performance of the individual student for whom they are the parent or guardian in each of the State assessments as required under this part; and

"(ii) timely notice that the student for whom they are the parent or guardian has been assigned or has been taught for 2 or more consecutive weeks by a substitute teacher or by a teacher not fully qualified.

"(6) PLAN CONTENT.—A State shall include in its plan under subsection (b) an assurance that it has in effect a policy that meets the requirements of this section.

"(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.".

**SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.**

(a) SUBGRANTS.—Paragraph (1) of section 1112(a) (20 U.S.C. 6312(a)(1)) is amended by striking "the Goals 2000: Educate America Act" and all that follows and inserting the following: "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate.".

(b) PLAN PROVISIONS.—Subsection (b) of section 1112 (20 U.S.C. 6312(b)) is amended—

(1) by striking "Each" in the matter preceding paragraph (1) and inserting "In order to help low-achieving children achieve to high standards, each";

(2) in paragraph (1)—

(A) by striking "part" each place it appears and inserting "title";

(B) in subparagraph (B), by inserting "low-achieving" before "children";

(C) by striking "and" at the end of subparagraph (B);

(D) by inserting "and" at the end of subparagraph (C); and

(E) by adding at the end the following new subparagraph:

"(D) determine the literacy levels of first graders and their need for interventions, and a description of how the local educational agency will ensure that any such assessments—

"(i) are developmentally appropriate; and

"(ii) use multiple measures to provide information about the variety of skills that scientifically based research has identified as leading to early acquisition of reading skills.";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking ", and school-to-work transition programs"; and

(B) in subparagraph (B), by striking "under part C or who were formerly eligible for services under part C in the two-year period preceding the date of the enactment of the Improving America's School Act of 1994, neglected or delinquent youth and youth at risk of dropping out" and inserting "under part C, neglected or delinquent youth, Indian children served under title IX,";

(4) in paragraph (7), by striking "eligible homeless children" and inserting "homeless children";

(5) by striking the period at the end of paragraph (9) and inserting "; and"; and

(6) by adding at the end the following new paragraphs:

"(10) a description of the actions the local educational agency will take to assist its low-performing schools, including schools identified under section 1116 as in need of improvement; and

"(11) a description of how the agency will promote the use of extended learning time, such as an extended school year and before and after school and summer programs.".

(c) ASSURANCES.—Subsection (c) of section 1112 (20 U.S.C. 6312(c)) is amended to read as follows:

"(c) ASSURANCES.—

"(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(A) inform eligible schools and parents of schoolwide project authority and the ability of such schools to consolidate funds from Federal, State, and local sources;

"(B) provide technical assistance and support to schoolwide programs;

"(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student performance standards;

"(D) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(b)(9);

"(E) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

"(F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

"(G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development 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;

"(H) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals;

"(I) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title XIV of this Act, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999; and

"(J) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families.

"(2) SPECIAL RULE.—In carrying out subparagraph (G) of paragraph (1) the Secretary—

"(A) shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

"(B) upon publication, shall disseminate to local educational agencies the Head Start performance standards as in effect under section 641A(a) of the Head Start Act, and such agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

"(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs which are expanded through the use of funds under this part.".

(d) PLAN DEVELOPMENT AND DURATION.—Section 1112 is amended by striking subsection (d) and inserting the following:

"(d) PLAN DEVELOPMENT AND DURATION.—

"(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.

"(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of the enactment of the Student Results Act of 1999 and shall remain in effect for the duration of the agency's participation under this part.

"(3) REVIEW.—Each such local educational agency shall periodically review, and as necessary, revise its plan.".

(e) STATE APPROVAL.—Section 1112 (20 U.S.C. 6312(e)) is amended by striking subsection (e) and inserting the following:

"(e) STATE APPROVAL.—

"(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

"(2) 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—

"(A) will enable schools served under this part to substantially help children served under this part meet the standards expected of all children described in section 1111(b)(1); and

"(B) will meet the requirements of this section.".

(f) PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

"(g) PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.—

"(1) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

"(A) the reasons for the identification of the child as being in need of English language instruction;

"(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; and

"(C) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

"(D) what the specific exit requirements are for the program;

"(E) the expected rate of graduation from the program into mainstream classes; and

"(F) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

"(2) CONSENT.—

"(A) AGENCY REQUIREMENTS.—

"(i) Each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part which does not include classes which exclusively or almost exclusively use the English language in instruction or if instruction is not tailored for limited English proficient children.

"(ii) If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(iii)(I) If a response cannot be obtained after written notice and a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such written notice and its specific efforts made to obtain such consent.

"(II) The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child at least 10 business days prior to providing any services under this part, and include a final notice requesting parental consent for such services.

"(B) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this Act shall—

"(i) select among methods of instruction, if more than one method is offered in the program; and

"(ii) have the right to have their child immediately removed from the program upon their request.

"(3) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

"(A) timely information about English language instruction programs for limited English proficient children assisted under this Act; and

"(B) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(4) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.".

**SEC. 107. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

Section 1113 (20 U.S.C. 6313) is amended to read as follows:

**"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

"(a) DETERMINATION.—

"(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 at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(3) LOCAL EDUCATIONAL AGENCY DISCRETION.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), a local educational agency may—

"(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

"(ii) 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;

"(iii) designate and serve a school attendance area or school that is not eligible under subsection (b), but that was eligible and that was served in the preceding fiscal year, but only for one additional fiscal year; and

"(iv) elect not to serve 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 1120A(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 such other sources equal or exceed the amount that would be provided under this part.

"(B) SPECIAL RULE.—Notwithstanding subparagraph (A)(iv), the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

"(b) RANKING ORDER.—If funds allocated in accordance with subsection (f) are insufficient to serve all eligible school attendance areas, a local educational agency—

"(1) shall annually rank from highest to lowest according to the percentage of children from low-income families in each agency's eligible school attendance areas in the following order—

"(A) eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent; and

"(B) all remaining eligible school attendance areas in which the concentration of children from low-income families is 75 percent or lower either by grade span or for the entire local educational agency;

"(2) shall, within each category listed in paragraph (1), serve schools in rank order from highest to lowest according to the ranking assigned under paragraph (1);

"(3) notwithstanding paragraph (2), may give priority, within each such category and in rank order from highest to lowest subject to paragraph (4), to eligible school attendance areas that serve children in elementary schools; and

"(4) not serve a school described in paragraph (1)(B) before serving a school described in paragraph (1)(A).

"(c) LOW-INCOME MEASURES.—In determining the number of children ages 5 through 17 who are from low-income families, the local educational agency shall apply the measures described in paragraphs (1) and (2) of this subsection:

"(1) ALLOCATION TO PUBLIC SCHOOL ATTENDANCE AREAS.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(A) to identify eligible school attendance areas;

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

"(C) to determine allocations under subsection (f).

"(2) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

"(A) CALCULATION.—A local educational agency shall have the final authority, consistent with section 1120 to calculate the number of private school children, ages 5 through 17, who are low-income by—

"(i) using the same measure of low-income used to count public school children;

"(ii) using the results of a survey that, to the extent possible, protects the identity of families of private school students and allowing such survey results to be extrapolated if complete actual data are not available; or

"(iii) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that attendance area.

"(B) COMPLAINT PROCESS.—Any dispute regarding low-income data on private school students shall be subject to the complaint process authorized in section 14505.

"(d) EXCEPTION.—This section (other than subsections (a)(3) and (f)) shall not apply to a local educational agency with a total enrollment of less than 1,500 children.

"(e) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (f), and permit such agency to treat as eligible, and serve, any school that children attend under a desegregation plan ordered by a State or court or approved by the Secretary, or such a plan that the agency continues to implement after it has expired, if—

"(1) the number of economically disadvantaged children enrolled in the school is not less than 25 percent of the school's total enrollment; and

"(2) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

"(f) ALLOCATIONS.—

"(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (b) in rank order on the basis of the total number of children from low-income families in each 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 125 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criteria 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 35 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) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;

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

"(C) where appropriate, neglected and delinquent children in community day school programs.

"(4) SCHOOL IMPROVEMENT RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to meet such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(b)(9).

"(5) FINANCIAL INCENTIVES AND REWARDS RESERVATION.—A local educational agency may reserve such funds as are necessary under this part to provide financial incentives and rewards to teachers who serve in eligible schools under subsection (b)(1)(A) and identified for improvement under section 1116(b)(1) for the purpose of attracting and retaining qualified and effective teachers.".

**SEC. 108. SCHOOLWIDE PROGRAMS.**

Section 1114 (20 U.S.C. 6314) is amended to read as follows:

**"SEC. 1114. SCHOOLWIDE PROGRAMS.**

"(a) PURPOSE.—The purpose of a schoolwide program under this section is—

"(1) to enable a local educational agency to consolidate funds under this part with other Federal, State, and local funds, to upgrade the entire educational program in a high poverty school; and

"(2) to help ensure that all children in such a school meet challenging State standards for student performance, particularly those children who are most at-risk of not meeting those standards.

"(b) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

"(1) IN GENERAL.—A local educational agency may consolidate funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 50 percent of the children are from low-income families, or not less than 50 percent of the children enrolled in the school are from such families.

"(2) STATE ASSURANCES.—A local educational agency may start new schoolwide programs under this section only after the State educational agency provides written information to each local educational agency in the State that demonstrates that such State educational agency has established the statewide system of support and improvement required by subsections (c)(1) and (e) of section 1117.

"(3) IDENTIFICATION OF STUDENTS NOT REQUIRED.—(A) No school participating in a schoolwide program shall be required to identify particular children under this part 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.

"(4) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—(A) Except as provided in subsection (c), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

"(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

"(C)(i) A school that consolidates funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as it maintains records that demonstrate that the schoolwide program, considered as a whole addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

"(5) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (c)(1)(E) in accordance with section 1119A for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

"(c) 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 (including taking into account the needs of migratory children as defined in section 1309(2)) that is based on information which includes 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 student performance described in section 1111(b)(1)(D);

"(ii) use effective methods and instructional strategies that are based upon scientifically based research that—

"(I) strengthen the core academic program in the school;

"(II) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

"(III) include strategies for meeting the educational needs of historically underserved populations;

"(iii)(I) address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student performance standards who are members of the target population of any program that is included in the schoolwide program;

"(II) address how the school will determine if such needs have been met; and

"(iv) are consistent with, and are designed to implement, the State and local improvement plans, if any.

"(D) Instruction by fully qualified (as defined in section 1610) teachers.

"(E) In accordance with section 1119A, high quality and ongoing professional development for teachers and paraprofessionals, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.

"(F) Strategies to increase parental involvement in accordance with section 1118, such as family literary services.

"(G) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs.

"(H) Measures to include teachers in the decisions regarding the use of assessments described in section 1111(b)(4) in order to provide information on, and to improve, the performance of individual students and the overall instructional program.

"(I) Activities to ensure that students who experience difficulty mastering the proficient or advanced levels of performance standards required by section 1111(b) shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.

"(2) PLAN.—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 on the day before the date of enactment of the Student Results Act of 1999), a comprehensive plan for reforming the total instructional program in the school that—

"(A) incorporates the components described in paragraph (1);

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

"(C) includes a list of State and local educational agency programs and other Federal programs under subsection (b)(4) that will be consolidated in the schoolwide program;

"(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessments required by section 1111(b)(4) and in a format and, to the extent practicable, in a language that they can understand; and

"(E) provides for the collection of data on the achievement and assessment results of students disaggregated by gender, major ethnic or racial groups, limited English proficiency status, migrant students, by children with disabilities as compared to other students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student.

"(3) PLAN DEVELOPMENT.—The comprehensive plan shall be—

"(A) developed during a 1-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 operated a schoolwide program on the day preceding the date of enactment of the Student Results Act of 1999, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance under such Act to reflect the provisions of this section;

"(B) developed with the involvement of the community to be served and individuals who will carry out such plan, including teachers, principals, administrators (including administrators of programs described in other parts of this title), if appropriate pupil services personnel, school staff and parents, and, if the plan relates to a secondary school, students from such school;

"(C) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

"(D) available to the local educational agency, parents, and the public, and the information contained in such plan shall be provided in a format, and to the extent practicable, in a language that they can understand; and

"(E) if appropriate, developed in coordination with programs under the Reading Excellence Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and part B of this title.

"(d) ACCOUNTABILITY.—A schoolwide program under this section shall be subject to the school improvement provisions of section 1116.".

**SEC. 109. TARGETED ASSISTANCE SCHOOLS.**

(a) IN GENERAL.—Subsection (a) of section 1115 (20 U.S.C. 6315(a)) is amended by striking "section 1113(c)" and inserting "section 1113(f)".

(b) ELIGIBLE CHILDREN.—Subsection (b) of section 1115 (20 U.S.C. 6315(b)) is amended to read as follows:

"(b) ELIGIBLE CHILDREN.—

"(1) ELIGIBLE POPULATION.—(A) The eligible population for services under this section is—

"(i) children not older than age 21 who are entitled to a free public education through grade 12; and

"(ii) children who are not yet at a grade level where the local educational agency provides a free public education.

"(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 student performance standards on the basis of assessments under this part, and, as appropriate, 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 2 may be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

"(2) CHILDREN INCLUDED.—(A)(i) Children with disabilities, migrant children, and children with limited English proficiency are eligible for services under this part on the same basis as other children.

"(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 but may be used to coordinate or supplement such services.

"(B) A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start or Even Start program or in preschool services under this title, is eligible for services under this part.

"(C)(i) A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this part.

"(ii) A child in a local institution for neglected or delinquent children or attending a community day program for such children is eligible for services under this part.

"(D) A child who is homeless and attending any school in the local educational agency is eligible for services under this part.".

(c) COMPONENTS OF TARGETED ASSISTANCE SCHOOL PROGRAM.—Subsection (c) of section 1115 (20 U.S.C. 6315(c)) is amended to read as follows:

"(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 title the opportunity to meet the State's challenging student performance standards in subjects as determined 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's challenging student performance standards expected for all children;

"(B) ensure that planning for students served under this part is incorporated into existing school planning;

"(C) use effective methods and instructional strategies that are based upon scientifically based research that strengthens the core academic program of the school and that—

"(i) give primary consideration to providing extended learning time such as an extended school year, before- and after-school, and summer programs and opportunities;

"(ii) help provide an accelerated, high-quality curriculum, including applied learning; and

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

"(D) coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs to elementary school programs;

"(E) provide instruction by fully qualified teacher as defined in section 1610;

"(F) in accordance with subsection (e)(3) and section 1119A, provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and administrators and other school staff, including, if appropriate, pupil services personnel, who work with participating children in programs under this section or in the regular education program; and

"(G) provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services.

"(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; and

"(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student performance standards, such as an extended school year, before- and after-school, and summer, programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement student performance standards in the classroom.".

(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—Subsection (d) of section 1115 (20 U.S.C. 6515(d) is amended to read as follows:

"(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this part, public school personnel who are paid

with funds received under this part may participate in general professional development and school planning activities.".

(e) COMPREHENSIVE SERVICES.—Paragraph (2) of section 1115(e) (20 U.S.C. 6315(e)(2)) is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

**SEC. 110. SCHOOL CHOICE.**

Section 1115A (20 U.S.C. 6316) is amended to read as follows:

**"SEC. 1115A. SCHOOL CHOICE.**

"(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for children eligible for assistance under this part, which permit parents to select the public school that their child will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a public school choice program shall first develop a plan that includes assurances that—

"(1) all eligible students across grade levels served under this part will have equal access to the program;

"(2) the program does not include schools that follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement the plan;

"(4) the plan will be developed with the involvement of parents and others in the community to be served and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;

"(5) parents of eligible students in the local educational agency will be given prompt notice of the existence of the public school choice program and its availability to them, and a clear explanation of how the program will operate;

"(6) the program will include charter schools and any other public school and shall not include a school that is or has been identified as a school in school improvement or is or has been in corrective action for the past 2 consecutive years;

"(7) transportation services or the costs of transportation may be provided by the local educational agency with funds under this part; and

"(8) such local educational agency will comply with the other requirements of this part.".

**SEC. 111. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.**

(a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C. 6317(a)) is amended—

(1) in paragraph (2), by striking "1111(b)(2)(A)(i)" and inserting "1111(b)(2)(B)";

(2) in paragraph (3), by striking "individual school performance profiles" and inserting "school reports";

(3) in paragraph (3), by striking "and" after the semicolon;

(4) in paragraph (4), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(5) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement assisted under this Act.".

(b) SCHOOL IMPROVEMENT.—Section 1116 (20 U.S.C. 6317) is amended by striking subsection (b) and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively, and amending them to read as follows:

"(b) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—A local educational agency shall identify for school improvement any school served under this part that—

"(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

"(B) was in school improvement status under this section on the day preceding the date of the enactment of the Student Results Act of 1999.

"(2) TRANSITION.—The 2-year period described in paragraph (1)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Student Results Act of 1999 during which a school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

"(3) TARGETED ASSISTANCE SCHOOLS.—To determine if a school that is conducting a targeted assistance program under section 1115 should be identified

as in need of improvement under this subsection, a local educational agency may choose to review the progress of only those students in such school who are served under this part.

"(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—

"(A) IN GENERAL.—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 the proposed identification is based.

"(B) SUPPORTING EVIDENCE.—If the school principal believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which such agency shall consider before making a final determination.

"(5) NOTIFICATION TO PARENTS.—A local educational agency shall, in an easily understandable format, provide in writing to parents of each student in a school identified for school improvement—

"(A) an explanation of what the school improvement identification means and how the school compares in terms of academic performance to other schools in the local educational agency and State;

"(B) the reasons for such identification;

"(C) the data on which such identification is based;

"(D) an explanation of what the school is doing to address the problem of low achievement;

"(E) an explanation of how parents can become involved in upgrading the quality of the school;

"(F) an explanation of the right of parents, pursuant to paragraph (6), to transfer their child to another public school, including a public charter school, that is not in school improvement, and how such transfer shall operate; and

"(G) notification to parents in a format and, to the extent practicable, in a language they can understand.

"(6) PUBLIC SCHOOL CHOICE OPTION.—

"(A) SCHOOLS IDENTIFIED FOR IMPROVEMENT.—

"(i) SCHOOLS IDENTIFIED ON OR BEFORE ENACTMENT.—Not later than 18 months after the date of enactment of the Student Results Act of 1999, a local educational agency shall provide all students enrolled in a school identified (on or before such date of enactment) for school improvement with an option to transfer to any other public school within the local educational agency or any public school consistent with subparagraph (B), including a public charter school that has not been identified for school improvement, unless such option to transfer is prohibited by State law, or local law, which includes school board-approved local educational agency policy.

"(ii) SCHOOLS IDENTIFIED AFTER ENACTMENT.—Not later than 18 months after the date on which a local educational agency identifies a school for school improvement, the agency shall provide all students enrolled in such school with an option described in clause (i).

"(B) COOPERATIVE AGREEMENT.—If all public schools in the local educational agency to which a child may transfer to, are identified for school improvement, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer.

"(C) TRANSPORTATION.—The local educational agency in which the schools have been identified for improvement may use funds under this part to provide transportation to students whose parents choose to transfer their child or children to a different school.

"(D) CONTINUE OPTION.—Once a school is no longer identified for school improvement, the local educational agency shall continue to provide public school choice as an option to students in such school for a period of not less than 2 years.

"(7) SCHOOL PLAN.—

"(A) IN GENERAL.—Each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency, and other outside experts for approval by the local educational agency. Such plan shall—

"(i) incorporate scientifically-based research strategies that strengthen the core academic program in the school;

"(ii) adopt policies that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

"(iii) address the professional development needs of staff, particularly teachers and principals;

"(iv) establish specific goals and objectives the school will undertake for making adequate yearly progress which include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2);

"(v) identify how the school will provide written notification to parents, in a format and to the extent practicable in a language such parents can understand; and

"(vi) specify the responsibilities of the local educational agency and the school under the plan.

"(B) CONDITIONAL APPROVAL.—A local educational agency may condition approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (9).

"(C) IMPLEMENTATION.—A school shall implement its plan or revised plan expeditiously, but not later than the beginning of the school year after which the school has been identified for improvement.

"(D) REVIEW.—The local educational agency shall promptly review the plan, work with the school as necessary, and approve the plan if it meets the requirements of this section.

"(8) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its plan.

"(B) SPECIFIC TECHNICAL ASSISTANCE.—Such technical assistance—

"(i) shall include effective methods and instructional strategies that are based upon scientifically based research that strengthens the core academic program in the school and addresses the specific elements of student performance problems in the school;

"(ii) may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by an institution of higher education, a private nonprofit organization, an educational service agency, a comprehensive regional assistance center under part A of title XIII, or other entities with experience in helping schools improve achievement.

"(C) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the local educational agency or an entity authorized by such agency shall be based upon scientifically based research.

"(9) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

"(A) IN GENERAL.—After providing technical assistance under paragraph (8) and subject to subparagraph (F), the local educational agency—

"(i) may take corrective action at any time with respect to a school that has been identified under paragraph (1);

"(ii) shall take corrective action with respect to any school that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (1); and

"(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

"(B) DEFINITION.—As used in this paragraph, the term 'corrective action' means action, consistent with State and local law, that—

"(i) substantially and directly responds to the consistent academic failure that caused the local educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and

"(ii) is designed to substantially increase the likelihood that students will perform at the proficient and advanced performance levels.

"(C) CERTAIN SCHOOLS.—In the case of a school described in subparagraph (A)(ii), the local educational agency shall take not less than 1 of the following corrective actions:

"(i) Withhold funds from the school.

"(ii) Decrease decisionmaking authority at the school level.

"(iii) Make alternative governance arrangements, including reopening the school as a public charter school.

"(iv) Reconstitute the school by requiring each person employed at the school to reapply for future employment at the same school or for any position in the local educational agency.

"(v) Authorize students to transfer to other higher performing public schools served by the local educational agency, including public charter schools, and provide such students transportation (or the costs of transportation) to such schools in conjunction with not less than 1 additional action described under this subparagraph.

"(vi) Institute and fully implement a new curriculum, including appropriate professional development for all relevant staff, that is based upon scientifically based research and offers substantial promise of improving educational achievement for low-performing students.

"(D) IMPLEMENTATION DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

"(E) PUBLICATION.—The local educational agency shall publish, and disseminate to the public and to parents in a format and, to the extent practicable, in a language that they can understand, any corrective action it takes under this paragraph through such means as the Internet, the media, and public agencies.

"(F) REVIEW.—(i) Before taking corrective action with respect to any school under this paragraph, a local educational agency shall provide the school an opportunity to review the school level data, including assessment data, on which the proposed determination is made.

"(ii) If the school believes that the proposed determination is in error for statistical or other substantive reasons, it may provide supporting evidence to the local educational agency, which shall consider such evidence before making a final determination.

"(10) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, it shall take such action as it finds necessary, consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out its responsibilities under this section.

"(11) SPECIAL RULE.—Schools that, for at least two of the three years following identification under paragraph (1), make adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer 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 schools receiving assistance under this part are making adequate yearly progress as defined in section 1111(b)(2) 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 consistent with section 1111, including statistically sound disaggregated results, as required by section 1111(b)(2).

"(2) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State educational agency shall identify for improvement any local educational agency that—

"(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

"(B) was in improvement status under this section as this section was in effect on the day preceding the date of enactment of the Student Results Act of 1999.

"(3) TRANSITION.—The 2-year period described in paragraph (2)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Student Results Act of 1999, during which a local educational agency did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

"(4) TARGETED ASSISTANCE SCHOOLS.—For purposes of targeted assistance schools in a local educational agency, a State educational agency may choose

to review the progress of only the students in such schools who are served under this part.

"(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—

"(A) REVIEW.—Before identifying a local educational agency for improvement under paragraph (2), a State educational agency shall provide the local educational agency with an opportunity to review the local educational agency data, including assessment data, on which that proposed identification is based.

"(B) SUPPORTING EVIDENCE.—If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, it may provide supporting evidence to the State educational agency, which such agency shall consider before making a final determination.

"(6) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents in a format, and to the extent practicable in a language they can understand, of each student enrolled in a school in a local educational agency identified for improvement, of the reasons for such agency's identification and how parents can participate in upgrading the quality of the local educational agency.

"(7) LOCAL EDUCATIONAL AGENCY REVISIONS.—

"(A) PLAN.—Each local educational agency identified under paragraph (2) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, school staff, and others. Such plan shall—

"(i) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;

"(ii) identify specific goals and objectives the local educational agency will undertake to make adequate yearly progress and which—

"(I) have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

"(II) address the professional development needs of staff; and

"(III) include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2);

"(iii) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable in a language, that they can understand, pursuant to paragraph (6); and

"(iv) specify the responsibilities of the State educational agency and the local educational agency under the plan.

"(B) IMPLEMENTATION.—The local educational agency shall implement its plan or revised plan expeditiously, but not later than the beginning of the school year after which the school has been identified for improvement.

"(8) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—

"(A) IN GENERAL.—For each local educational agency identified under paragraph (2), the State educational agency shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—

"(i) to develop and implement its revised plan as approved by the State educational agency consistent with the requirements of this section; and

"(ii) to work with schools needing improvement.

"(B) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be based upon scientifically based research.

"(9) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action in accordance with the following:

"(A) IN GENERAL.—After providing technical assistance under paragraph (8) and subject to subparagraph (D), the State educational agency—

"(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (2);

"(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (2); and

"(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

"(B) DEFINITION.—As used in this paragraph, the term 'corrective action' means action, consistent with State law, that—

"(i) substantially and directly responds to the consistent academic failure that caused the State educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and

"(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.

"(C) CERTAIN LOCAL EDUCATIONAL AGENCIES.—In the case of a local educational agency described in this paragraph, the State educational agency shall take not less than 1 of the following corrective actions:

"(i) Withhold funds from the local educational agency.

"(ii) Reconstitute school district personnel.

"(iii) Remove particular schools from the jurisdiction of the local educational agency and establish alternative arrangements for public governance and supervision of such schools.

"(iv) Appoint, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

"(v) Abolish or restructure the local educational agency.

"(vi) Authorize students to transfer from a school operated by a local educational agency to a higher performing public school operated by another local educational agency, or to a public charter school and provide such students transportation (or the costs of transportation to such schools, in conjunction with not less than 1 additional action described under this paragraph.

"(D) HEARING.—Prior to implementing any corrective action, the State educational agency shall provide due process and a hearing to the affected local educational agency, if State law provides for such process and hearing.

"(E) PUBLICATION.—The State educational agency shall publish, and disseminate to parents and the public any corrective action it takes under this paragraph through such means as the Internet, the media, and public agencies.

"(F) DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

"(10) SPECIAL RULE.—A local educational agency, that, for at least two of the three years following identification under paragraph (2), makes adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer be identified for school improvement.".

**SEC. 112. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.**

Section 1117 (20 U.S.C. 6318) is amended to read as follows:

**"SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.**

"(a) SYSTEM FOR SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools receiving funds under this part, in order to increase the opportunity for all students in those agencies and schools to meet the State's content standards and student performance standards.

"(b) PRIORITIES.—In carrying out this section, a State educational agency shall—

"(1) first, provide support and assistance to local educational agencies subject to corrective action under section 1116 and assist schools, in accordance with section 1116(b)(10), for which a local educational agency has failed to carry out its responsibilities under section 1116(b)(8) and (9);

"(2) second, provide support and assistance to other local educational agencies identified as in need of improvement under section 1116; and

"(3) third, provide support and assistance to other local educational agencies and schools participating under this part that need that support and assistance in order to achieve the purpose of this part.

"(c) APPROACHES.—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—

"(1) school support teams, composed of individuals who are knowledgeable about scientifically based research and practice on teaching and learning, particularly about strategies for improving educational results for low-achieving children; and

"(2) the designation and use of "Distinguished Educators", chosen from schools served under this part that have been especially successful in improving academic achievement.

"(d) FUNDS.—Each State educational agency—

"(1) shall use funds reserved under section 1002(f); and

"(2) may use State administrative funds authorized under section 1002(h) for such purpose.

"(e) ALTERNATIVES.—The State may devise additional approaches to providing the assistance described in paragraphs (1) and (2) of subsection (c), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and the State may seek approval from the Secretary to use funds made available under section 1002(h) for such approaches as part of the State plan.".

**SEC. 113. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

Subpart 1 of part A of title I is amended by inserting after section 1117 the following:

**"SEC. 1117A. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

"(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT AWARDS PROGRAM.—

"(1) IN GENERAL.—Each State receiving a grant under this part may establish a program for making academic achievement awards to recognize and financially reward schools served under this part that have—

"(A) significantly closed the achievement gap between the groups of students defined in section 1111(b)(2); or

"(B) exceeded their adequate yearly progress goals, consistent with section 1111(b)(2), for 2 or more consecutive years.

"(2) AWARDS TO TEACHERS.—A State program under paragraph (1) may also recognize and provide financial awards to teachers teaching in a school described in such paragraph whose students consistently make significant gains in academic achievement in the areas in which the teacher provides instruction.

"(b) FUNDING.—

"(1) RESERVATION OF FUNDS BY STATE.—For the purpose of carrying out this section, each State receiving a grant under this part may reserve, from the amount (if any) by which the funds received by the State under this part for a fiscal year exceed the amount received by the State under this part for the preceding fiscal year, not more than 30 percent of such excess amount.

"(2) USE WITHIN 3 YEARS.—Notwithstanding any other provision of law, the amount reserved under paragraph (1) by a State for each fiscal year shall remain available to the State until expended for a period not exceeding 3 years.

"(3) SPECIAL ALLOCATION RULE FOR SCHOOLS IN HIGH-POVERTY AREAS.—

"(A) IN GENERAL.—Each State receiving a grant under this part shall distribute at least 50 percent of the amount reserved under paragraph (1) for each fiscal year to schools described in subparagraph (B), or to teachers teaching in such schools.

"(B) SCHOOLS DESCRIBED.—A school described in subparagraph (A) is a school whose student population is in the highest quartile of schools statewide in terms of the percentage of children eligible for free and reduced priced lunches under the National School Lunch Act.".

**SEC. 114. PARENTAL INVOLVEMENT CHANGES.**

(a) LOCAL EDUCATIONAL AGENCY POLICY.—Subsection (a) of section 1118 (20 U.S.C. 6319(a)) is amended—

(1) in paragraph (1), by striking "programs, activities, and procedures" and inserting "activities and procedures".

(2) in paragraph (2) by striking subparagraphs (E) and (F) and inserting the following:

"(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part;

"(F) involve parents in the activities of the schools served under this part; and

"(G) promote consumer friendly environments at the local educational agency and schools served under this part.";

(3) in paragraph (3) by adding at the end the following new subparagraph:

"(C) Not less than 90 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part.".

(b) NOTICE.—Paragraph (1) of section 1118(b) (20 U.S.C. 6319(b)(1)) is amended by inserting after the first sentence the following: "Parents shall be notified of the

policy in a format, and to the extent practicable, in a language that they can understand.".

(c) PARENTAL INVOLVEMENT.—Paragraph (4) of section 1118(c) (20 U.S.C. 6319(c)(4)) is amended—

(1) in subparagraph (B), by striking "performance profiles required under section 1116(a)(3)" and inserting "school reports required under section 1111";

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (C) the following new subparagraphs:

"(D) notice of the schools' identification as a school in school improvement under section 1116(b), if applicable, and a clear explanation of what such identification means;

"(E) notice of the corrective action that has been taken against the school under section 1116(b)(9) and 1116(c)(9), if applicable, and a clear explanation of what such action means;"; and

(4) in subparagraph (G) (as so redesignated), by striking "subparagraph (D)" and inserting "subparagraph (F)".

(d) BUILDING CAPACITY FOR INVOLVEMENT.—Subsection (e) of section 1118 (20 U.S.C. 6319(e)) is amended to read as follows:

"(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—

"(1) shall provide assistance to participating parents in such areas as understanding the State's content standards and State student performance standards, the provisions of section 1111(b)(8), State and local assessments, the requirements of this part, and how to monitor a child'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) shall provide materials and training, such as—

"(A) coordinating necessary literacy training from other sources to help parents work with their children to improve their children's achievement; and

"(B) training to help parents to work with their children to improve their children's achievement;

"(3) shall 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) shall coordinate and integrate parent involvement programs and activities with Head Start, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool programs and other programs, to the extent feasible and appropriate;

"(5) shall conduct other activities, as appropriate and feasible, such as parent resource centers and opportunities for parents to learn how to become full partners in the education of their children;

"(6) shall ensure, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the homes of participating children in the language used in such homes;

"(7) shall provide such other reasonable support for parental involvement activities under this section as parents may request;

"(8) shall expand the use of electronic communications among teachers, students, and parents, such as through the use of websites and e-mail communications;

"(9) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training in improving instruction and services to the children of such parents in a format, and to the extent practicable, in a language the parent can understand;

"(10) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such activities;

"(11) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

"(12) may train and support parents to enhance the involvement of other parents;

"(13) may arrange meetings at a variety of times, such as in the mornings and evenings, in order to maximize the opportunities for parents to participate in school related activities;

"(14) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school;

"(15) may adopt and implement model approaches to improving parental involvement, such as Even Start;

"(16) may establish a districtwide parent advisory council to advise on all matters related to parental involvement in programs supported under this part; and

"(17) may develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for organizations and businesses to work with parents and schools, and encouraging the formation of partnerships between elementary, middle, and secondary schools and local businesses that include a role for parents.".

(e) ACCESSIBILITY.—Subsection (f) of section 1118 (20 U.S.C. 6319(f)) is amended to read as follows:

"(f) 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 and parents of migratory children, including providing information and school reports required under section 1111 in a format, and to the extent practicable, in a language such parents understand.".

**SEC. 115. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.**

Section 1119 (20 U.S.C. 6301) is amended to read as follows:

**"SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.**

"(a) TEACHERS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all teachers hired on or after the effective date of the Student Results Act of 1999 and teaching in a program supported with funds under this part are fully qualified.

"(2) PLAN.—Each State receiving assistance under this part shall develop and submit to the Secretary a plan to ensure that all teachers teaching within the State are fully qualified not later than December 31, 2003. Such plan shall include an assurance that the State will require each local educational agency and school receiving funds under this part publicly to report their annual progress on the agency's and the school's performance in increasing the percentage of classes in core academic areas taught by fully qualified teachers.

"(b) NEW PARAPROFESSIONALS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired one year or more after the effective date of the Student Results Act of 1999 and working in a program supported with funds under this part shall—

"(A) have completed at least 2 years of study at an institution of higher education;

"(B) have obtained an associate's (or higher) degree; or

"(C) have met a rigorous standard of quality that demonstrates, through a formal assessment—

"(i) knowledge of, and the ability to assist in instructing reading, writing, and math; or

"(ii) knowledge of, and the ability to assist in instructing reading readiness, writing readiness, and math readiness, as appropriate.

"(2) CLARIFICATION.—For purposes of paragraph (1)(C), the receipt of a high school diploma (or its recognized equivalent) shall be necessary but not by itself sufficient to satisfy the requirements of such paragraph.

"(c) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date that is one year after the effective date of the Student Results Act of 1999 and working in a program supported with funds under this part shall, not later than 3 years after such effective date, satisfy the requirements of subsection (b).

"(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—

"(A) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

"(B) whose duties consist solely of conducting parental involvement activities consistent with section 1118.

"(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessional's hiring date, possess a high school diploma or its recognized equivalent.

"(f) DUTIES OF PARAPROFESSIONALS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

"(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED.—A paraprofessional described in paragraph (1) may only be assigned—

"(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

"(B) to assist with classroom management, such as organizing instructional and other materials;

"(C) to provide assistance in a computer laboratory;

"(D) to conduct parental involvement activities;

"(E) to provide support in a library or media center;

"(F) to act as a translator; or

"(G) to provide instructional services to students;

"(3) ADDITIONAL LIMITATIONS.—A paraprofessional described in paragraph (1)—

"(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a fully qualified teacher; and

"(B) may not provide instructional services to students in the area of reading, writing, or math unless the paraprofessional has demonstrated, through a State or local assessment, the ability effectively to carry out reading, writing, or math instruction.

"(g) USE OF FUNDS.—

"(1) PROFESSIONAL DEVELOPMENT.—A local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

"(2) LIMITATION ON USE OF FUNDS FOR PARAPROFESSIONALS.—

"(A) IN GENERAL.—Beginning on and after the effective date of the Student Results Act of 1999, a local educational agency may not use funds received under this part to fund any paraprofessional hired after such date unless the hiring is to fill a vacancy created by the departure of another paraprofessional funded under this part and such new paraprofessional satisfies the requirements of subsection (b) or (c).

"(B) EXCEPTION.—Subparagraph (A) shall not apply for a fiscal year to a local educational agency that can demonstrate to the State that all teachers under the jurisdiction of the agency are fully qualified.

"(h) VERIFICATION OF COMPLIANCE.—

"(1) IN GENERAL.—In verifying compliance with this section, each local educational agency at a minimum shall require that the principal of each school operating a program under section 1114 or 1115 annually attest in writing as to whether such school is in compliance with the requirements of this section.

"(2) AVAILABILITY OF INFORMATION.—Copies of attestations under paragraph (1)—

"(A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

"(B) shall be available to any member of the general public upon request.".

**SEC. 116. PROFESSIONAL DEVELOPMENT.**

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1119 the following:

**"SEC. 1119A. PROFESSIONAL DEVELOPMENT.**

"(a) PURPOSE.—The purpose of this section is to assist each local educational agency receiving assistance under this part in increasing the academic achievement of

eligible children (as defined in section 1115(b)(1)(B)) through improved teacher quality.

"(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

"(1) REQUIRED ACTIVITIES.—Professional development activities under this section shall—

"(A) support professional development activities that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards;

"(B) support the recruiting, hiring, and training of fully qualified teachers, including teachers fully qualified through State and local alternative routes;

"(C) advance teacher understanding of effective instructional strategies based on scientifically-based research for improving student achievement, at a minimum, in reading or language arts and mathematics;

"(D) be directly related to the curriculum and content areas in which the teacher provides instruction;

"(E) be designed to enhance the ability of a teacher to understand and use the State's standards for the subject area in which the teacher provides instruction;

"(F) be tied to scientifically based research demonstrating the effectiveness of such professional development activities or programs in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;

"(G) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this paragraph shall not apply to an activity if such activity is one component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of their needs, their students' needs, and the needs of the local educational agency;

"(H) be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this part;

"(I) to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and academic content areas in which the teachers provide instruction; and

"(J) as a whole, be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

"(2) OPTIONAL ACTIVITIES.—Such professional development activities may include—

"(A) instruction in the use of data and assessments to inform and instruct classroom practice;

"(B) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;

"(C) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

"(D) the creation of career ladder programs for paraprofessionals (assisting teachers under this part) to obtain the education necessary for such paraprofessionals to become licensed and certified teachers;

"(E) instruction in ways to teach special needs children;

"(F) joint professional development activities involving programs under this part, Head Start, Even Start, or State-run preschool program personnel;

"(G) instruction in experiential-based teaching methods such as service or applied learning; and

"(H) mentoring programs focusing on changing teacher behaviors and practices to help novice teachers, including teachers who are members of a minority group, develop and gain confidence in their skills, to increase the likelihood that they will continue in the teaching profession, and generally to improve the quality of their teaching.

"(c) PROGRAM PARTICIPATION.—Each local educational agency receiving assistance under this part may design professional development programs so that—

"(1) all school staff in schools participating in a schoolwide program under section 1114 can participate in professional development activities; and

"(2) all school staff in targeted assistance schools may participate in professional development activities if such participation will result in better addressing the needs of students served under this part.

"(d) PARENTAL PARTICIPATION.—Parents may participate in professional development activities under this part if the school determines that parental participation is appropriate.

"(e) CONSORTIA.—In carrying out such professional development programs, local educational agencies may provide services through consortia arrangements with other local educational agencies, educational service agencies or other local consortia, institutions of higher education, or other public or private institutions or organizations.

"(f) CONSOLIDATION OF FUNDS.—Funds provided under this part that are used for professional development purposes may be consolidated with funds provided under title II of this Act and other sources.

"(g) DEFINITION.—The term 'fully qualified' has the same meaning given such term in section 1610.

"(h) SPECIAL RULE.—No State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(c)(9).".

**SEC. 117. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.**

(a) GENERAL REQUIREMENT.—Subsection (a) of section 1120 (20 U.S.C. 6321(a)) is amended to read as follows:

"(a) GENERAL REQUIREMENT.—

"(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under 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 (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs, and shall ensure that teachers and families of these students participate, on an equitable basis, in services and activities developed pursuant to sections 1118 and 1119A.

"(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall 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, and shall be provided in a timely manner.

"(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, which the local educational agency may determine each year or every 2 years.

"(5) PROVISION OF SERVICES.—The local educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions.".

(b) CONSULTATION.—Subsection (b) of section 1120 (20 U.S.C. 6321(b)) is amended to read as follows:

"(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 such 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, where, and by whom the services will be provided;

"(D) how the services will be assessed and how the results of that assessment will be used to improve those services;

"(E) the size and scope of the equitable services to be provided to the eligible private school children, and the amount of funds generated by low-income private school children in each participating attendance area;

"(F) the method or sources of data that are used under subsection (a)(4) and section 1113(c)(2) to determine the number of children from low-income families in participating school attendance areas who attend private schools; and

"(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third party providers. If the local educational agency disagrees with the views of the private school officials on the provision of services, through a contract, the local educational agency shall provide in writing to such private school officials, an analysis of the reasons why the local educational agency has chosen not to use a contractor.

"(2) TIMING.—Such consultation shall include meetings of agency and private school officials and 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. Such meetings shall continue throughout implementation and assessment of services provided under this section.

"(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.

"(4) DOCUMENTATION.—Each local educational agency shall provide to the State educational agency, and maintain in its records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred.

"(5) COMPLIANCE.—Private school officials shall have the right to appeal to the State as to whether the consultation provided for in this section was meaningful and timely, and that due consideration was given to the views of private school officials. If the private school wishes to appeal, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State, and the local educational agency shall forward the documentation provided in subsection (b)(3) to the State.".

(c) STANDARDS FOR BYPASS.—Subsection (d) of section 1120 (20 U.S.C. 6321(d)) is amended to read as follows:

"(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;

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 14505 and 14506; and

"(3) in making the determination, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.".

(d) CAPITAL EXPENSES.—Effective September 30, 2002, subsection (e) of section 1120 (20 U.S.C. 6321(e)) is hereby repealed.

**SEC. 118. COORDINATION REQUIREMENTS.**

Section 1120B (20 U.S.C. 6323 et seq.) is amended—

(1) in subsection (a), by striking "to the extent feasible" and all that follows through the period and inserting "with local Head Start agencies, and if feasible, other early childhood development programs.";

(2) in subsection (b)—

(A) in paragraph (3) by striking "and" after the semicolon;

(B) in paragraph (4) by striking the period and inserting "; and"; and

(C) by adding at the end, the following:

"(5) linking the educational services provided in such local educational agency with the services provided in local Head Start agencies.".

**SEC. 119. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.**

Section 1121 is amended to read as follows:

**"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 in the amount determined in accordance with subsection (b); and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

"(b) ASSISTANCE TO OUTLYING AREAS.—

"(1) FUNDS RESERVED.—From the amount made available for any fiscal year under subsection (a), the Secretary shall award grants to the outlying areas.

"(2) COMPETITIVE GRANTS.—For fiscal years 2000 and 2001, the Secretary shall carry out the competition described in paragraph (3), except that the amount reserved to carry out such competition shall not exceed the amount reserved under this section for the freely associated states for fiscal year 1999.

"(3) LIMITATION FOR COMPETITIVE GRANTS.—

"(A) COMPETITIVE GRANTS.—The Secretary shall use funds described in paragraph (2) to award grants, on a competitive basis, to the outlying areas and freely associated States to carry out the purposes of this part.

"(B) AWARD BASIS.—The Secretary shall award grants under subparagraph (A) on a competitive basis, pursuant to the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(C) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the freely associated States shall not receive any funds under this part after September 30, 2001.

"(D) ADMINISTRATIVE COSTS.—The Secretary may provide not more than five percent of the amount reserved for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory under subparagraph (B).

"(4) SPECIAL RULE.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the freely associated States under this section.

"(c) DEFINITIONS.—For the purposes of subsection (a) and (b)—

"(1) the term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

"(2) the term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

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

**SEC. 120. AMOUNTS FOR GRANTS.**

Section 1122 (20 U.S.C. 6332 et seq.) is amended to read as follows:

**"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.**

"(a) ALLOCATION FORMULA.—Of the amount authorized to be appropriated to carry out this part for each of fiscal years 2000 through 2004 (referred to in this subsection as the current fiscal year)—

"(1) an amount equal to the amount appropriated to carry out section 1124 for fiscal year 1999 plus 42.5 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1124;

"(2) an amount equal to the amount appropriated to carry out section 1124A for fiscal year 1999 plus 7.5 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the

amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1124A; and

"(3) an amount equal to 50 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 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.—

"(1) AMOUNTS FOR SECTIONS 1124 AND 1125.—For each fiscal year, the amount made available to each local educational agency under each of sections 1124 and 1125 shall be—

"(A) not less than 95 percent of the amount made available in the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

"(B) not less than 90 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and

"(C) not less than 85 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

"(2) AMOUNT FOR SECTION 1124A.—The amount made available to each local educational agency under section 1124A shall be not less than 85 percent of the amount made available in the preceding fiscal year.

"(3) PAYMENTS.—If sufficient funds are appropriated, the amounts described in paragraph (2) shall be paid to all local educational agencies that received grants under section 1124A for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria for that fiscal year provided in section 1124A(a)(1)(A) except that a local educational agency that does not meet such minimum eligibility criteria for 4 consecutive years shall no longer be eligible to receive a hold harmless amount referred to in paragraph (2).

"(4) POPULATION DATA.—In any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold harmless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold harmless amounts specified in this subsection.

"(d) RATABLE REDUCTIONS.—

"(1) IN GENERAL.—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 subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

"(e) DEFINITION.—For the purpose of this section and sections 1124, 1124A, and 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

**SEC. 121. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

Section 1124 (20 U.S.C. 6333 et seq.) is amended to read as follows:

**"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational

agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

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

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

"(2) CALCULATION OF GRANTS.—

"(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

"(i) the 2 Secretaries shall publicly disclose the reasons for their determination in detail; and

"(ii) paragraph (3) shall apply.

"(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—(i) For any fiscal year in which this paragraph applies, the Secretary shall calculate grants under this section for each local educational agency.

"(ii) The amount of a grant under this section for each large local educational agency shall be the amount determined under clause (i).

"(iii) For small local educational agencies, the State educational agency may either—

"(I) distribute grants under this section in amounts determined by the Secretary under clause (i); or

"(II) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small agencies.

"(iv) An alternative method under clause (iii)(II) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the eligibility criteria of subsection (b).

"(v) If a small local educational agency is dissatisfied with the determination of its grant by the State educational agency under clause (iii)(II), it may appeal that determination to the Secretary, who shall respond not later than 45 days after receipt of such appeal.

"(vi) As used in this subparagraph—

"(I) the term 'large local educational agency' means a local educational agency serving an area with a total population of 20,000 or more; and

"(II) the term 'small local educational agency' means a local educational agency serving an area with a total population of less than 20,000.

"(3) ALLOCATIONS TO COUNTIES.—

"(A) CALCULATION.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations issued by the Secretary.

"(B) DIRECT ALLOCATIONS.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes it has data that would better target funds than allocating them by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

"(C) ASSURANCES.—If the Secretary approves the State educational agency's application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that such allocations shall be made—

"(i) using precisely the same factors for determining a grant as are used under this part; or

"(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

"(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that it shall establish a procedure through which a local educational agency that is dissatisfied with its determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

"(4) PUERTO RICO.—

"(A) IN GENERAL.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) 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; and

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

"(B) MINIMUM PERCENTAGE.—The percentage in subparagraph (A)(i) shall not be less than—

"(i) for fiscal year 2000, 75.0 percent;

"(ii) for fiscal year 2001, 77.5 percent;

"(iii) for fiscal year 2002, 80.0 percent;

"(iv) for fiscal year 2003, 82.5 percent;

"(v) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.

"(C) LIMITATION.—If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in subparagraph (A) shall be the greater of the percentage in subparagraph (A)(i) or the percentage used for the preceding fiscal year.

"(5) DEFINITION.—For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is both—

"(1) 10 or more; and

"(2) more than 2 percent of the total school-age population in the agency's jurisdiction.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2); and

"(B) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

"(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for local educational agencies or counties, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall publicly disclose their reasons. 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, in such form as those criteria have been updated

by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(4) OTHER CHILDREN TO BE COUNTED.—The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

"(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

"(1) 0.25 percent of total grants under this section; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

"(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.".

**SEC. 122. CONCENTRATION GRANTS.**

Section 1124A (20 U.S.C. 6334 et seq.) is amended to read as follows:

**"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, which is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) in the agency exceeds either—

"(i) 6,500; or

"(ii) 15 percent of the total number of children aged 5 through 17 in the agency.

"(B) Notwithstanding section 1122, no State described in subparagraph (A) shall receive less than the lesser of—

"(i) 0.25 percent of total grants; or

"(ii) the average of—

"(I) one-quarter of 1 percent of the sums available to carry out this section for such fiscal year; and

"(II) the greater of—

"(aa) $340,000; or

"(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

"(2) SPECIAL RULE.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the number of children counted under section 1124(c) for that fiscal year; and

"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for that fiscal year.

"(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) LOCAL ALLOCATIONS.—(A) Grant amounts under this section shall be determined in accordance with section 1124(a)(2) and (3).

"(B) For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of its allocation under this section to make grants to local educational agencies that meet the criteria of paragraph (1)(A)(i) or (ii) but that are in ineligible counties that do not meet these criteria.

"(b) STATES RECEIVING MINIMUM GRANTS.—In States that receive the minimum grant under subsection (a)(1)(B), the State educational agency shall allocate such funds among the local educational agencies in each State either—

"(1) in accordance with paragraphs (2) and (4) of subsection (a); or

"(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) 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 paragraph.".

**SEC. 123. TARGETED GRANTS.**

Section 1125 (20 U.S.C 6335 et seq.) is amended to read as follows:

**"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population aged 5 to 17 years, inclusive, in the local educational agency. For each fiscal year for which the Secretary uses county population data to calculate grants, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

"(1) IN GENERAL.—The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the weighted child count determined under subsection (c); and

"(B) the amount in paragraph 1124(a)(1)(B).

"(2) PUERTO RICO.—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 the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(4).

"(c) WEIGHTED CHILD COUNT.—

"(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clause (i) or (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that county constituting up to 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 29.70 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under subsection 1124(c) multiplied by 1.72.

"(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under clauses (i) and (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(d) CALCULATION OF GRANT AMOUNTS.—Grants under this section shall be calculated in accordance with section 1124(a)(2) and (3).

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) 0.25 percent of total appropriations; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available to carry out this section; and

"(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.".

**SEC. 124. SPECIAL ALLOCATION PROCEDURES.**

Section 1126 (20 U.S.C. 6337 et seq.) is amended to read as follows:

**"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

"(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

"(1) IN GENERAL.—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 children as described in subparagraph (B) of section 1124(c)(1), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) SPECIAL RULE.—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.

"(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

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

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

"(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.

"(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 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.".

**SEC. 125. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.**

Part A is amended by adding at the end the following:

**"SEC. 1128. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.**

"Any school that receives funds under this part shall ensure that educational services or other benefits provided under this part, including materials and equipment, shall be secular, neutral, and nonideological.".

## PART B—EDUCATION OF MIGRATORY CHILDREN

**SEC. 131. STATE ALLOCATIONS.**

Section 1303 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6393) is amended—

(1) by amending subsection (a) to read as follows:

"(a) STATE ALLOCATIONS.—

"(1) FISCAL YEAR 2000.—For fiscal year 2000, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to—

"(A) 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

"(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, nor more than 48 percent, of the average expenditure per pupil in the United States.

"(2) SUBSEQUENT YEARS.—

"(A) BASE AMOUNT.—

"(i) IN GENERAL.—Except as provided in subsection (b) and clause (ii), each State is entitled to receive under this part, for fiscal year 2001 and succeeding fiscal years, an amount equal to—

"(I) the amount that such State received under this part for fiscal year 2000; plus

"(II) the amount allocated to the State under subparagraph (B).

"(ii) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2000 under this part, the State shall receive, for fiscal year 2001 and succeeding fiscal years, an amount equal to—

"(I) the amount that such State would have received under this part for fiscal year 2000 if its application under section 1304 for the year had been approved; plus

"(II) the amount allocated to the State under subparagraph (B).

"(B) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2001 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2000 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—

"(i) the sum of—

"(I) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

"(II) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

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

(2) by amending subsection (b) to read as follows:

"(b) ALLOCATION TO PUERTO RICO.—

"(1) FISCAL YEAR 2000.—For fiscal year 2000, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

"(A) 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; and

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

"(2) SUBSEQUENT FISCAL YEARS.—For each fiscal year after fiscal year 2000, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (a)(2)(B)(i)(I) and (a)(2)(B)(i)(II) for the Commonwealth of Puerto Rico during the previous fiscal year, by the product of—

"(A) 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; and

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

"(3) MINIMUM ALLOCATION.—

"(A) FISCAL YEAR 2000.—The percentage in paragraph (1)(A) shall not be less than 75.0 percent.

"(B) SUBSEQUENT FISCAL YEARS.—The percentage in paragraph (2)(A) shall not be less than—

"(i) for fiscal year 2001, 77.5 percent;

"(ii) for fiscal year 2002, 80.0 percent;

"(iii) for fiscal year 2003, 82.5 percent; and

"(iv) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.

"(4) SPECIAL RULE.—If the application of paragraph (3) would result in any of the 50 States or the District of Columbia receiving less under this part than it recieved under this part for the preceding fiscal year, the percentage in paragraph (1) or (2), respectively, shall be the greater of the percentage in paragraph (1)(A) or (2)(A) the percentage used for the preceding fiscal year."; and

(3) by striking subsections (d) and (e).

**SEC. 132. STATE APPLICATIONS; SERVICES.**

(a) PROGRAM INFORMATION.—Section 1304(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(b)) is amended—

(1) in paragraph (1), by striking "addressed through" and all that follows through the semicolon at the end and inserting the following:

"addressed through—

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

"(B) joint planning among local, State, and Federal educational programs serving migrant children, including programs under parts A and C of title VII;

"(C) the integration of services available under this part with services provided by those other programs; and

"(D) measurable program goals and outcomes;";

(2) in paragraph (5), by striking "the requirements of paragraph (1); and" and inserting "the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs;";

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.".

(b) ASSURANCES.—Section 1304(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(c)) is amended—

(1) in paragraph (1), by striking "1306(b)(1);" and inserting "1306(a);";

(2) in paragraph (3)—

(A) by striking "appropriate";

(B) by striking "out, to the extent feasible," and inserting "out"; and

(C) by striking "1118;" and inserting "1118, unless extraordinary circumstances make implementation consistent with such section impractical;"; and

(3) in paragraph (7), by striking "section 1303(e)" and inserting "paragraphs (1)(A) and (2)(B)(i) of section 1303(a)".

**SEC. 133. AUTHORIZED ACTIVITIES.**

Section 1306 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6396) is amended to read as follows:

**"SEC. 1306. AUTHORIZED ACTIVITIES.**

"(a) IN GENERAL.—

"(1) FLEXIBILITY.—Each State educational agency, through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds shall first be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

"(2) UNADDRESSED NEEDS.—Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A of this title may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).

"(b) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

"(c) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subsection (a)(1).".

**SEC. 134. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.**

(a) DURATION.—Section 1308(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(a)(2)) is amended by striking "subpart" and inserting "subsection".

(b) STUDENT RECORDS.—Section 1308(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(b)) is amended to read as follows:

"(b) STUDENT RECORDS.—

"(1) ASSISTANCE.—The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of migratory children in each State. The Secretary, in consultation with the States, shall determine the minimum data elements for records to be maintained and transferred when funds under this part are used for such purpose. The Secretary may assist States to implement a system of electronic records maintenance and transfer for migrant students.

"(2) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this part shall make student records available to another local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.".

(c) AVAILABILITY OF FUNDS.—Section 1308(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(c)) is amended by striking "$6,000,000" and inserting "$10,000,000".

(d) INCENTIVE GRANTS.—Section 1308(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(d)) is amended to read as follows:

"(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than $3,000,000 to award grants of not more than $250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted.".

## PART C—NEGLECTED OR DELINQUENT YOUTH

**SEC. 141. NEGLECTED OR DELINQUENT YOUTH.**

The heading for part D of title I is amended to read as follows:

## "PART D—PREVENTION AND INTERVENTION PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH".

**SEC. 142. FINDINGS.**

Section 1401(a) is amended—

(1) in paragraph (3), by striking the following "Preventing students from dropping out of local schools and addressing" and inserting "Addressing";

(2) by striking paragraphs (6) through (9) and adding the following:

"(6) Youth returning from correctional facilities need to be involved in programs that provide them with high level skills and other support to help them stay in school and complete their education.".

**SEC. 143. ALLOCATION OF FUNDS.**

Section 1412(b) is amended to read as follows:

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—

"(1) IN GENERAL.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children counted under subparagraph (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

"(A) 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; and

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

"(2) MINIMUM ALLOCATION.—The percentage in paragraph (1)(A) shall not be less than—

"(A) for fiscal year 2000, 75.0 percent;

"(B) for fiscal year 2001, 77.5 percent;

"(C) for fiscal year 2002, 80.0 percent;

"(D) for fiscal year 2003, 82.5 percent; and

"(E) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.

"(3) SPECIAL RULE.—If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in paragraph (1) shall be the greater of the percentage in paragraph (1)(A) or the percentage used for the preceding fiscal year.".

**SEC. 144. STATE PLAN AND STATE AGENCY APPLICATIONS.**

Section 1414 is amended to read as follows:

**"SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.**

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit, for approval by the Secretary, a plan for meeting the educational needs of neglected and delinquent youth, for assisting in their transition from institutions to locally operated programs, and which is integrated with other programs under this Act or other Acts, as appropriate, consistent with section 14306.

"(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 and technical 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;

"(ii) carry out the evaluation requirements of section 1416;

"(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

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

"(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 section 1111, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(4) describes how the program will meet the goals and objectives of the State plan under this subpart;

"(5) 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 1416 are of high quality;

"(6) describes how the agency will carry out the evaluation requirements of section 14701 and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 14501 of this title;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998, vocational and tech-

nical education programs, State and local dropout prevention programs, and special education programs;

"(9) describes how States will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated youth prior to their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program;

"(10) describes how appropriate professional development will be provided to teachers and other staff;

"(11) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

"(12) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

"(13) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

"(14) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

"(15) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth—

"(A) is identified as in need of special education services while the youth is in the facility; and

"(B) intends to return to the local school;

"(16) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or the recognized equivalent if the youth does not intend to return to school;

"(17) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(18) describes any additional services provided to youth, such as career counseling, distance learning, and assistance in securing student loans and grants; and

"(19) provides assurances that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.".

**SEC. 145. USE OF FUNDS.**

Section 1415(a) is amended—

(1) in paragraph (1)(B), by inserting "and vocational and technical training" after "secondary school completion"; and

(2) in paragraph (2)(B)—

(A) in clause (i), by inserting "and" after the semicolon;

(B) in clause (ii), by striking "; and" and inserting a period; and

(C) by striking clause (iii).

**SEC. 146. PURPOSE.**

Section 1421 is amended by striking paragraph (3) and inserting the following:

"(3) operate programs for youth returning from correctional facilities in local schools which may also serve youth at risk of dropping out of school.".

**SEC. 147. TRANSITION SERVICES.**

Section 1418(a) is amended by striking "10 percent" and inserting "15 percent".

**SEC. 148. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.**

Section 1422 is amended—

(1) in subsection (a), by striking "retained";

(2) by amending subsection (b) to read as follows:

"(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a program of support for children returning from such school to a school not operated by a correctional agency but served by such local educational agency if more than 30 percent of the youth

attending the school operated by the correctional facility will reside outside the boundaries of the local educational agency after leaving such facility."; and

(3) by adding at the end of section 1422 the following:

"(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.".

**SEC. 149. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

Section 1423 is amended by striking paragraphs (4) through (9) and inserting the following:

"(4) a description of the program operated by participating schools for children returning from correctional facilities and the types of services that such schools will provide such youth and other at-risk youth;

"(5) a description of the youth returning from correctional facilities and, as appropriate, other at-risk youth expected to be served by the program and how the school will coordinate existing educational programs to meet the unique educational needs of such youth;

"(6) as appropriate, a description of how schools will coordinate with existing social and other services to meet the needs of students returning from correctional facilities and other participating students;

"(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education and mentoring services for participating students;

"(8) as appropriate, a description of how programs will involve parents in efforts to improve the educational achievement of their children, prevent the involvement of their children in delinquent activities, and encourage their children to remain in school and complete their education;

"(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 and vocational and technical education programs serving this at-risk population of youth.".

**SEC. 150. USES OF FUNDS.**

Section 1424 is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) programs that serve youth returning from correctional facilities to local schools to assist in the transition of such youth to the school environment and help them remain in school in order to complete their education;

"(2) providing assistance to other youth at risk of dropping out of school;

"(3) the coordination of social and other services for participating youth if the provision of such services will improve the likelihood that such youth will complete their education;

"(4) special programs to meet the unique academic needs of participating youth, including vocational and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

"(5) programs providing mentoring and peer mediation.".

**SEC. 151. PROGRAM REQUIREMENTS.**

Section 1425 is amended—

(1) in paragraph (1), by striking "where feasible, ensure educational programs" and inserting the following: "to the extent practicable, ensure that educational programs";

(2) in paragraph (3), by striking "where feasible," and inserting the following: "to the extent practicable,";

(3) in paragraph (8), by striking "where feasible," and inserting the following: "to the extent practicable,";

(4) in paragraph (9), by inserting "and technical" after "vocational"; and

(5) by amending paragraph (11) to read as follows:

"(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for youth.".

**SEC. 152. ACCOUNTABILITY.**

Section 1426(1) is amended by striking "male students and for female students" and inserting "students".

**SEC. 153. PROGRAM EVALUATIONS.**

Section 1431(a) is amended by striking "sex, and if feasible," and inserting "gender,".

## PART D—GENERAL PROVISIONS

**SEC. 161. GENERAL PROVISIONS.**

Part F of title I is amended to read as follows:

## "PART F—GENERAL PROVISIONS

**"SEC. 1601. FEDERAL REGULATIONS.**

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

"(b) NEGOTIATED RULEMAKING PROCESS.—

"(1) IN GENERAL.—Prior to publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, paraprofessionals, and members of local boards of education involved with the implementation and operation of programs under this title.

"(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendation may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

"(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(A) establish a negotiated rulemaking process on a minimum of three key issues, including—

"(i) accountability;

"(ii) implementation of assessments;

"(iii) use of paraprofessionals;

"(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, including representation from all geographic regions of the United States; and

"(C) prepare a draft of proposed regulations that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days prior to the first meeting under such process.

"(4) PROCESS.—Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 1 year after the date of the enactment of the Student Results Act of 1999; and

"(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

"(c) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

**"SEC. 1602. AGREEMENTS AND RECORDS.**

"(a) AGREEMENTS.—All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 1601 unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from and not adhere to such agreements.

"(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

**"SEC. 1603. 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 and provide any such proposed rules, regulations, and policies to the committee of practitioners under subsection (b) for their review and comment;

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

"(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs; and

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

"(2) SUPPORT AND FACILITATION.—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 challenging State student performance standards.

"(b) COMMITTEE OF PRACTITIONERS.—

"(1) IN GENERAL.—Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

"(2) MEMBERSHIP.—Each such committee shall include—

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

"(B) administrators, including the administrators of programs described in other parts of this title;

"(C) teachers, including vocational educators;

"(D) parents;

"(E) members of local boards of education;

"(F) representatives of private school children; and

"(G) pupil services personnel.

"(3) DUTIES.—The duties of such committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

**"SEC. 1604. 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.

**"SEC. 1605. APPLICABILITY TO HOME SCHOOLS.**

"Nothing in this Act shall be construed to affect home schools.

**"SEC. 1606. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.**

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

**"SEC. 1607. LOCAL ADMINISTRATIVE COST LIMITATION.**

"(a) LOCAL ADMINISTRATIVE COST LIMITATION.—Each local educational agency may use not more than 4 percent of funds received under part A for administrative expenses.

"(b) REGULATIONS.—The Secretary, after consulting with State and local officials and other experts in school finance, shall develop and issue regulations that define

the term administrative cost for purposes of this title. Such definition shall be consistent with generally accepted accounting principles. The Secretary shall publish final regulations on this section not later than 1 year after the date of enactment of the Student Results Act of 1999.

**"SEC. 1608. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OF TEACHERS AND PARAPROFESSIONALS.**

"(a) PROHIBITION ON MANDATORY TESTING OR CERTIFICATION.—Notwithstanding any other provision of law, the Secretary is prohibited from using Federal funds to plan, develop, implement, or administer any mandatory national teacher or paraprofessional test or certification.

"(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

**"SEC. 1609. GAO STUDIES.**

"(a) STUDY ON PARAPROFESSIONALS.—The General Accounting Office shall conduct a study of paraprofessionals under part A of title I.

"(b) STUDY ON PORTABILITY.—The General Accounting Office shall conduct a study regarding how funds made available under this title could follow a child from school to school.

"(c) STUDY ON ELECTRONIC TRANSFER OF MIGRANT STUDENT RECORDS.—The General Accounting Office shall conduct a study on the feasibility of electronically transferring and maintaining migrant student records.

"(d) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than October 1, 2001, the Comptroller General shall conduct a comprehensive analysis and evaluation regarding the impact on this title of individual waivers for schools, local educational agency waivers, and statewide waivers granted pursuant to the Education Flexibility Partnership Act of 1999 (20 U.S.C. 589a et seq.). The Comptroller General shall submit a report to the Committee on Education and the Workforce of the House of Representatives. In conducting such analysis and evaluation, the Comptroller General shall consider the following factors:

"(1) CONSISTENCY.—The extent to which the State's educational flexibility plan is consistent with 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 such standards.

"(2) STATE WAIVERS.—Evaluate the effect that waivers of State law have on addressing the needs and the performance of students in schools subject to this title.

"(3) ALLOCATION OF FUNDS.—The extent to which waivers have affected the allocation of funds to schools, including schools with the highest concentrations of poverty, and schools with the highest educational needs, that are eligible to receive funds under this title.

**"SEC. 1610. DEFINITIONS.**

"For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Education.

"(2) FULLY QUALIFIED.—The term 'fully qualified'—

"(A) when used with respect to a public elementary or secondary school teacher (other than a teacher teaching in a public charter school), means that the teacher has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and

"(B) when used with respect to—

"(i) an elementary school teacher, means that the teacher holds a bachelor's degree and demonstrates knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curriculum; or

"(ii) a middle or secondary school teacher, means that the teacher holds a bachelor's degree and demonstrates a high level of competency in all subject areas in which he or she teaches through—

"(I) a high level of performance on a rigorous State or local academic subject areas test; or

"(II) completion of an academic major in each of the subject areas in which he or she provides instruction.

"(3) The term 'scientifically-based research'—

"(A) means the application of rigorous, systematic, and objective procedures; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

**"SEC. 1611. PAPERWORK REDUCTION.**

"(a) FINDINGS.—The Congress finds that—

"(1) instruction and other classroom activities provide the greatest opportunity for students, especially at-risk and disadvantaged students, to attain high standards and achieve academic success;

"(2) one of the greatest obstacles to establishing an effective, classroom-centered education system is the cost of paperwork compliance;

"(3) paperwork places a burden on teachers and administrators who must complete Federal and State forms to apply for Federal funds and absorbs time and money which otherwise would be spent on students;

"(4) the Education at a Crossroads Report released in 1998 by the Education Subcommittee on Oversight and Investigations states that requirements by the Department of Education result in more than 48.6 million hours of paperwork per year; and

"(5) paperwork distracts from the mission of schools, encumbers teachers and administrators with nonacademic responsibilities, and competes with teaching and classroom activities which promote learning and achievement.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that Federal and State educational agencies should reduce the paperwork requirements placed on schools, teachers, principals, and other administrators.".

## PART E—COMPREHENSIVE SCHOOL REFORM

**SEC. 171. COMPREHENSIVE SCHOOL REFORM.**

Title I is amended by adding at the end the following:

## "PART G—COMPREHENSIVE SCHOOL REFORM

**"SEC. 1701. COMPREHENSIVE SCHOOL REFORM.**

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—Congress finds the following:

"(A) A number of schools across the country have shown impressive gains in student performance through the use of comprehensive models for schoolwide change that incorporate virtually all aspects of school operations.

"(B) No single comprehensive school reform model may be suitable for every school, however, schools should be encouraged to examine successful, externally developed comprehensive school reform approaches as they undertake comprehensive school reform.

"(C) Comprehensive school reform is an important means by which children are assisted in meeting challenging State student performance standards.

"(2) PURPOSE.—The purpose of this section is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically-based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and performance standards.

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to provide grants to State educational agencies to provide subgrants to local educational agencies to carry out the purpose described in subsection (a)(2).

"(2) ALLOCATION.—

"(A) RESERVATION.—Of the amount appropriated under this section, the Secretary may reserve—

"(i) not more than 1 percent for schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

"(ii) not more than 1 percent to conduct national evaluation activities described under subsection (e).

"(B) IN GENERAL.—Of the amount of funds remaining after the reservation under subparagraph (A), the Secretary shall allocate to each State for a fiscal year, an amount that bears the same ratio to the amount appropriated for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount allocated under section 1124 to all States for that year.

"(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate any such funds to other States that the Secretary considers in need of additional funds to carry out the purposes of this section.

"(c) STATE AWARDS.—

"(1) STATE APPLICATION.—

"(A) IN GENERAL.—Each State educational agency 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 other information as the Secretary may reasonably require.

"(B) CONTENTS.—Each State application shall also describe—

"(i) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section.

"(ii) how the agency will ensure that only comprehensive school reforms that are based on scientifically-based research receive funds under this section;

"(iii) how the agency will disseminate materials regarding information on comprehensive school reforms that are based on scientifically-based research;

"(iv) how the agency will evaluate the implementation of such reforms and measure the extent to which the reforms resulted in increased student academic performance; and

"(v) how the agency will provide, upon request, technical assistance to the local educational agency in evaluating, developing, and implementing comprehensive school reform.

"(2) USES OF FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (E), a State educational agency that receives an award under this section shall use such funds to provide competitive grants to local educational agencies receiving funds under part A.

"(B) GRANT REQUIREMENTS.—A grant to a local educational agency shall be—

"(i) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency;

"(ii) in an amount not less than $50,000 to each participating school; and

"(iii) renewable for 2 additional 1-year periods after the initial 1-year grant is made if schools are making substantial progress in the implementation of their reforms.

"(C) PRIORITY.—The State, in awarding grants under this paragraph, shall give priority to local educational agencies that—

"(i) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

"(ii) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

"(D) GRANT CONSIDERATION.—In making subgrant awards under this part, the State educational agency shall take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

"(E) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant award under this section may reserve not more than 5 percent of

such award for administrative, evaluation, and technical assistance expenses.

"(F) SUPPLEMENT.—Funds made available under this section shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out this section.

"(3) REPORTING.—Each State educational agency that receives an award under this section shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools selected to receive subgrant awards under this section, the amount of such award, and a description of the comprehensive school reform model selected and in use.

"(d) LOCAL AWARDS.—

"(1) IN GENERAL.—Each local educational agency that applies for a subgrant under this section shall—

"(A) identify which schools eligible for funds under part A plan to implement a comprehensive school reform program, including the projected costs of such a program;

"(B) describe the scientifically-based comprehensive school reforms that such schools will implement;

"(C) describe how the agency will provide technical assistance and support for the effective implementation of the scientifically-based school reforms selected by such schools; and

"(D) describe how the agency will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

"(2) COMPONENTS OF THE PROGRAM.—A local educational agency that receives a subgrant award under this section shall provide such funds to schools that implement a comprehensive school reform program that—

"(A) employs innovative strategies and proven methods for student learning, teaching, and school management that are based on scientifically-based research and effective practices and have been replicated successfully in schools with diverse characteristics;

"(B) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and challenging student performance standards and addresses needs identified through a school needs assessment;

"(C) provides high-quality and continuous teacher and staff professional development;

"(D) includes measurable goals for student performance and benchmarks for meeting such goals;

"(E) is supported by teachers, principals, administrators, and other professional staff;

"(F) provides for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

"(G) uses high quality external technical support and assistance from an entity, which may be an institution of higher education, with experience and expertise in schoolwide reform and improvement;

"(H) includes a plan for the evaluation of the implementation of school reforms and the student results achieved; and

"(I) identifies how other resources, including Federal, State, local, and private resources, available to the school will be used to coordinate services to support and sustain the school reform effort.

"(3) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Department of Education, but may develop its own comprehensive school reform programs for schoolwide change that comply with paragraph (2).

"(e) EVALUATION AND REPORT.—

"(1) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs developed pursuant to this section.

"(2) EVALUATION.—This national evaluation shall evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms, and assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

"(3) REPORTS.—Prior to the completion of a national evaluation, the Secretary shall submit an interim report outlining first year implementation activities to the Committees on Education and the Workforce and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate.

"(f) DEFINITION.—The term 'scientifically-based research'—

"(1) means the application of rigorous, systematic, and objective procedures in the development of comprehensive school reform models; and

"(2) shall include research that—

"(A) employs systematic, empirical methods that draw on observation or experiment;

"(B) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(C) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(D) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

# TITLE II—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

**SEC. 201. MAGNET SCHOOLS ASSISTANCE.**

Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.) is amended to read a follows:

# "TITLE V—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

## "PART A—MAGNET SCHOOL ASSISTANCE

**"SEC. 5101. 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 2,000,000 students nationwide now attending such schools, of which more than 65 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 school students from other students in the school; and

"(ii) students by racial characteristics;

"(B) local educational agencies can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such agencies 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) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that school districts do not select only the highest achieving students to attend the magnet schools;

"(D) consistent with desegregation guidelines, local educational agencies 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; and

"(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 voluntarily 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 technologically oriented society and a highly competitive economy;

"(C) maximize the ability of local educational agencies to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform; and

"(D) ensure that grant recipients provide adequate data which demonstrates an ability to improve student achievement.

**"SEC. 5102. STATEMENT OF PURPOSE.**

"The purpose of this part is to assist in the desegregation of schools served by local educational agencies 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 that promote diversity and increase choices in public elementary and secondary schools and educational programs; 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 and technical skills of students attending such schools.

**"SEC. 5103. PROGRAM AUTHORIZED.**

"The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part 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. 5104. DEFINITION.**

"For the purpose of this part, the term 'magnet school' means a public elementary or secondary school or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

**"SEC. 5105. ELIGIBILITY.**

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part 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, 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. 5106. APPLICATIONS AND REQUIREMENTS.**

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies 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 reasonably require.

"(b) INFORMATION AND ASSURANCES.—Each such application 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) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

"(D) how funds under this part will be used to improve student academic performance for all students attending the magnet schools; 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 5102;

"(B) employ fully qualified teachers (as defined in section 1119) in the courses of instruction assisted under this part;

"(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 placement in those projects.

**"SEC. 5107. PRIORITY.**

"In approving applications under this part, 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; and

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination.

**"SEC. 5108. USE OF FUNDS.**

"(a) IN GENERAL.—Grant funds made available under this part 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, 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 maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are fully qualified (as defined in section 1119), and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

"(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; and

"(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended.

"(b) SPECIAL RULE.—Grant funds under this part 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' academic performance based on the State's challenging content standards and challenging student performance standards or 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 and technical skills.

**"SEC. 5109. PROHIBITIONS.**

"(a) TRANSPORTATION.—Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

"(b) PLANNING.—A local educational agency shall not expend funds under this part after the third year that such agency receives funds under this part for such project.

**"SEC. 5110. LIMITATIONS.**

"(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

"(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning not more than 50 percent of the funds received under this part for the first year of the project, 15 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

"(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

"(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July 1 of the applicable fiscal year.

**"SEC. 5111. EVALUATIONS.**

"(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5112(a) for any fiscal year to carry out evaluations, technical assistance, and dissemination projects with respect to magnet school projects and programs assisted under this part.

"(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

"(1) how and the extent to which magnet school programs lead to educational quality and improvement;

"(2) the extent to which magnet school programs enhance student access to quality education;

"(3) 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

"(4) 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.

**"SEC. 5112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.**

"(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $120,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

"(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 of such agencies that did not receive a grant under this part in the preceding fiscal year.

## "PART B—PUBLIC SCHOOL CHOICE

**"SEC. 5201. SHORT TITLE.**

"This part may be cited as the 'Public School Choice Act of 1999'.

**"SEC. 5202. FINDINGS AND PURPOSE.**

"(a) FINDINGS.—The Congress finds that—

"(1) a wide variety of educational opportunities, options, and choices in the public school system is needed to help all children achieve to high standards;

"(2) high-quality public school choice programs that are genuinely open and accessible to all students (including poor, minority, limited English proficient,

and disabled students) broaden educational opportunities and promote excellence in education;

"(3) current research shows that—

"(A) students learn in different ways, benefiting from different teaching methods and instructional settings; and

"(B) family involvement in a child's education is a key factor supporting student achievement;

"(4) public school systems have begun to develop a variety of innovative programs that offer expanded choices to parents and students; and

"(5) the Federal Government should support and expand efforts to give students and parents the high-quality public school choices they seek, to help eliminate barriers to effective public school choice, and to disseminate the lessons learned from high-quality choice programs so that all public schools can benefit from these efforts.

"(b) PURPOSE.—It is the purpose of this part to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, and evaluation of, and dissemination of information about, public school choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

**"SEC. 5203. GRANTS.**

"(a) IN GENERAL.—From funds appropriated under section 5206(a) and not reserved under section 5206(b), the Secretary is authorized to make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice.

"(b) DURATION.—Grants under this part shall not exceed three years.

**"SEC. 5204. USES OF FUNDS.**

"(a) IN GENERAL—

"(1) PUBLIC SCHOOL CHOICE.—Funds under this part may be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to promote public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.

"(2) INNOVATIVE APPROACHES.—Such approaches at the school, local educational agency, and State levels may include—

"(A) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

"(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions;

"(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

"(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment; and

"(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

"(b) LIMITATIONS.—Funds under this part—

"(1) shall supplement, and not supplant, non-Federal funds expended for existing programs;

"(2) may not be used for transportation; and

"(3) may not be used to fund projects that are specifically authorized under part A of title V, or part C of title X.

**"SEC. 5205. GRANT APPLICATION; PRIORITIES.**

"(a) APPLICATION REQUIRED.—A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary.

"(b) APPLICATION CONTENTS.—Each application shall include—

"(1) a description of the program for which funds are sought and the goals for such program;

"(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-Federal projects;

"(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities;

"(4) a description of the policies and procedures the applicant will use to ensure—

"(A) its accountability for results, including its goals and performance indicators; and

"(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

"(5) such other information as the Secretary may require.

"(c) PRIORITIES.—

"(1) HIGH-POVERTY AGENCIES.—The Secretary shall give a priority to applications for projects that would serve high-poverty local educational agencies.

"(2) PARTNERSHIPS.—The Secretary may give a priority to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

**"SEC. 5206. AUTHORIZATION OF APPROPRIATIONS.**

"(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $20,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.—From the amount appropriated under subsection (a) for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

"(c) EVALUATIONS.—The Secretary may use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part, which shall, at a minimum, address—

"(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and

"(2) the extent to which public schools of choice supported with funds under this part are—

"(A) held accountable to the public;

"(B) effective in improving public education; and

"(C) open and accessible to all students.

**"SEC. 5207. DEFINITIONS.**

"For purposes of this part:

"(1) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term 'high-poverty local educational agency' means a local educational agency in which—

"(A) the percentage of children, ages 5 to 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available is 20 percent or greater; or

"(B) the number of such children exceeds 10,000.

"(2) OTHER TERMS.—Other terms used in this part shall have the meaning given such terms in section 14101 (20 U.S.C. 8801).".

**SEC. 202. CONTINUATION OF AWARDS.**

Notwithstanding the amendment made by section 201, any local educational agency or consortium of such agencies that was awarded a grant under section 5111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7211) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

# TITLE III—TEACHER LIABILITY PROTECTION

**SEC. 301. TEACHER LIABILITY PROTECTION.**

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

# "TITLE XV—TEACHER LIABILITY PROTECTION

**"SEC. 15001. SHORT TITLE.**

"This title may be cited as the 'Teacher Liability Protection Act of 1999'.

**"SEC. 15002. FINDINGS AND PURPOSE.**

"(a) FINDINGS.—Congress makes the following findings:

"(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

"(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

"(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

"(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

"(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

"(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

"(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

"(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

**"SEC. 15003. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.**

"(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

"(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

"(1) citing the authority of this subsection;

"(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

"(3) containing no other provisions.

**"SEC. 15004. LIMITATION ON LIABILITY FOR TEACHERS.**

"(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

"(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

"(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

"(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

"(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

"(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

"(A) possess an operator's license; or

"(B) maintain insurance.

"(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

"(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

"(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

"(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

"(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

"(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

"(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

"(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

"(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

"(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

"(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

"(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

"(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

"(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).

**"SEC. 15005. LIABILITY FOR NONECONOMIC LOSS.**

"(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

"(b) AMOUNT OF LIABILITY.—

"(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

"(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

**"SEC. 15006. DEFINITIONS.**

For purposes of this title:

"(1) ECONOMIC LOSS.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

"(2) HARM.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

"(3) NONECONOMIC LOSSES.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

"(4) SCHOOL.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

"(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

"(6) TEACHER.—The term 'teacher' means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

**"SEC. 15007. EFFECTIVE DATE.**

"(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of the Student Results Act of 1999.

"(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the Student Results Act of 1999, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.".

# TITLE IV—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

## Subtitle A—Elementary and Secondary Education Act of 1965

**SEC. 401. AMENDMENTS.**

Part A of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.) is amended to read as follows:

### "PART A—INDIAN EDUCATION

**"SEC. 9101. FINDINGS.**

"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 standards and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

"(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals 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; 9 percent of Indian students who were eighth graders in 1988 had dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level 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 their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

**"SEC. 9102. PURPOSE.**

"(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all other students.

"(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

## "Subpart 1—Formula Grants to Local Educational Agencies

**"SEC. 9111. PURPOSE.**

"It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students in meeting those standards and assist the Nation in reaching the National Education Goals.

**"SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

"(a) IN GENERAL.—

"(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 9117 and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

"(b) INDIAN TRIBES.—

"(1) IN GENERAL.—If a local educational agency that is eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4) for such grant, an Indian tribe that represents not less than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

"(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe is not subject to section 9114(c)(4), section 9118(c), or section 9119.

**"SEC. 9113. AMOUNT OF GRANTS.**

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency which has an approved application under this subpart an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 9117 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

"(b) MINIMUM GRANT.—

"(1) IN GENERAL.—Notwithstanding subsection (e), a local educational agency or an Indian tribe (as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

"(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

"(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

"(c) DEFINITION.—For the purpose of this section, the term 'average per-pupil expenditure of a State' means an amount equal to—

"(1) the sum of 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; divided by

"(2) the aggregate number of children who were included 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) Subject to subsection (e), in addition to the grants awarded 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 or the Tribally Controlled Schools Act of 1988; 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) Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 9114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 9114(c)(4), section 9118(c), or section 9119.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(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.

**"SEC. 9114. APPLICATIONS.**

"(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2)(A) is consistent with State and local plans under other provisions of this Act; and

"(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards under title I;

"(3) explains how Federal, State, and local programs, especially under title I, will meet the needs of such students;

"(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

"(5) describes the professional development opportunities that will 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 programs assisted under this subpart have been properly trained to carry out such programs; and

"(6) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee of parents described in subsection (c)(4); and

"(ii) the community served by the local educational agency; and

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

"(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

"(1) the local educational agency will use funds received under this subpart only to supplement the level of funds that, in the absence of the Federal funds made available under this subpart, such 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 functions of the Secretary under this subpart; and

"(B) determine the extent to which funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

"(3) the program for which assistance is sought—

"(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students to whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian community; and

"(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(4) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) parents of Indian children in the local educational agency's schools and teachers; and

"(ii) if appropriate, Indian students attending secondary schools;

"(B) a majority of whose members are parents of Indian children;

"(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program in accordance with section 9115(c), has—

"(i) reviewed in a timely fashion the program; and

"(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaskan Native students; and

"(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

**"SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.**

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

"(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114(b);

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) culturally related activities that support the program described in the application submitted by the local educational agency;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

"(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

"(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Vocational and Technical Education Act of 1998, including programs for tech-prep, mentoring, and apprenticeship;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purposes described in section 9111; and

"(8) family literacy services.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

"(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

"(2) the schoolwide program is consistent with the purposes described in section 9111.

"(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

**"SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.**

"(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

"(b) COORDINATION OF PROGRAMS.—Upon the receipt of an acceptable plan, the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to coordinate, in accordance with such plan, its federally funded education and related services programs, or portions thereof, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

"(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include any Federal program, or portion thereof, under which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services which would be used to serve Indian students.

"(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), it shall—

"(1) identify the programs or funding sources to be consolidated;

"(2) be consistent with the purposes of this section authorizing the services to be integrated in a demonstration project;

"(3) describe a comprehensive strategy which identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the goals set forth in this subpart;

"(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

"(5) identify the projected expenditures under the plan in a single budget;

"(6) identify the local, State, or tribal agency or agencies to be involved in the delivery of the services integrated under the plan;

"(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement its plan;

"(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time; and

"(9) be approved by a parent committee formed in accordance with section 9114(c)(4), if such a committee exists.

"(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the applicant to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected department or departments shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the applicant or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the intent of this subpart or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian students.

"(f) PLAN APPROVAL.—Within 90 days after the receipt of an applicant's plan by the Secretary, the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval.

"(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Student Results Act of 1999, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency head for a demonstration program under this section shall be—

"(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

"(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency shall include—

"(1) the use of a single report format related to the plan for the individual project which shall be used by an eligible entity to report on the activities undertaken under the project;

"(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

"(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

"(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

"(i) REPORT REQUIREMENTS.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format, together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including the demonstration of student achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

"(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

"(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the purposes of this section.

"(l) ADMINISTRATION OF FUNDS.—

"(1) IN GENERAL.—Program funds shall be administered in such a manner as to allow for a determination that funds from a specific program or programs are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted which shall be allocated to such program.

"(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under its approved plan to the individual programs under which funds were authorized, nor shall the eligible entity be required to allocate expenditures among such individual programs.

"(m) OVERAGE.—All administrative costs may be commingled and participating entities shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this section.

"(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984.

"(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

"(1) PRELIMINARY REPORT.—Not later than 2 years after the date of the enactment of the Student Results Act of 1999, the Secretary of Education shall submit a preliminary report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the status of the implementation of the demonstration program authorized under this section.

"(2) FINAL REPORT.—Not later than 5 years after the date of the enactment of the Student Results Act of 1999, the Secretary of Education shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the results of the implementation of the demonstration program authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the purposes of this section.

"(p) DEFINITIONS.—For the purposes of this section, the term 'Secretary' means—

"(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

**"SEC. 9117. STUDENT ELIGIBILITY FORMS.**

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—

"(1) IN GENERAL.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as described in section 9161(3)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organiza-

tion (and address thereof) responsible for maintaining updated and accurate membership rolls of the tribe of any parent or grandparent of the child from whom the child claims eligibility;

"(B) a statement of whether the tribe or band of Indians with respect to which the child, parent, or grandparent of the child claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as described in section 9161(3)) with respect to which the child claims eligibility; and

"(C) the dated signature of the parent or guardian of the child.

"(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 9113.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.

"(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish such eligibility; and

"(2) to meet the requirements of subsection (a).

"(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of the local educational agency and the geographic location of such agency.

"(B) A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this part; and

"(B) be liable to the United States for any funds that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 9113.

"(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in awarding funds under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, the Secretary shall use only one of the following, as selected by the school:

"(1) A count of the number of students in those schools certified by the Bureau.

"(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

"(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (g)(1)), the local educational agency shall—

"(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, so long as that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and

"(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

**"SEC. 9118. PAYMENTS.**

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines that, with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE TO MAINTAIN EFFORT.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of such agency's failure to maintain its fiscal effort at such 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) WAIVER.—(A) The Secretary may waive the requirement of paragraph (1), for not more than 1 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 a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

"(2) otherwise become available for reallocation under this subpart.

**"SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.**

"Before submitting an application to the Secretary under section 9114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the

application, it shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

## "Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

**"SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.**

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institution of higher education, or a consortium of such institutions.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally disadvantaged children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the unique health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

"(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

"(K) family literacy services; or

"(L) other services that meet the purpose described in subsection (a)(1).

"(2) PROFESSIONAL DEVELOPMENT.—Professional development of teaching professionals and paraprofessional may be a part of any program assisted under this section.

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

"(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

"(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has demonstrated—

"(I) educational merit; and

"(II) the ability to be replicated.

"(2) APPLICATION.—(A) 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.

"(B) Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (1)(D), shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

"(iii) information demonstrating that the proposed program is either a research-based program (which may be a research-based program that has been modified to be culturally appropriate for the students who will be served);

"(iv) a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over; and

"(v) such other assurances and information as the Secretary may reasonably require.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

**"SEC. 9122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.**

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

"(1) an institution of higher education, including an Indian institution of higher education;

"(2) a State or local educational agency, in consortium with an institution of higher education; and

"(3) an Indian tribe or organization, in consortium with an institution of higher education.

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

"(B) For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(e) APPLICATION.—Each eligible entity 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.

"(f) SPECIAL RULE.—In making grants under this section, the Secretary—

"(1) shall consider the prior performance of the eligible entity; and

"(2) may not limit eligibility to receive a grant under this section on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

## "Subpart 3—National Research Activities

**"SEC. 9141. NATIONAL ACTIVITIES.**

"(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

"(1) conduct research related to effective approaches for 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 that are consistent with the purpose of this part.

"(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.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education Programs and the Office of Educational Research and Improvement.

## "Subpart 4—Federal Administration

**"SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.**

"(a) MEMBERSHIP.—There is established 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 United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

**"SEC. 9152. PEER REVIEW.**

"The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or 3.

**"SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.**

"In making grants under subpart 2 or 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

**"SEC. 9154. MINIMUM GRANT CRITERIA.**

"The Secretary may not approve an application for a grant under subpart 2 unless the application is for a grant that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

"(2) based on relevant research findings.

## "Subpart 5—Definitions; Authorizations of Appropriations

**"SEC. 9161. DEFINITIONS.**

"For the purposes of this part:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained the age of 16 years; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) FREE PUBLIC EDUCATION.—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.

"(3) INDIAN.—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) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native; or

"(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.

**"SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.**

"(a) SUBPART 1.—For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated $62,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

"(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3 of this part, there are authorized to be appropriated $4,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004.".

## PART B—NATIVE HAWAIIAN EDUCATION

**SEC. 402. NATIVE HAWAIIAN EDUCATION.**

Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is repealed.

## PART C—ALASKA NATIVE EDUCATION

**SEC. 403. ALASKA NATIVE EDUCATION.**

Part C of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7931 et seq.) is amended—

(1) by repealing sections 9304 through 9306 and inserting the following:

**"SEC. 9304. PROGRAM AUTHORIZED.**

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purpose of this part.

"(2) PERMISSIBLE ACTIVITIES.—Programs under this part may include—

"(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

"(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

"(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

"(ii) instructional programs that make use of Native Alaskan languages; and

"(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

"(C) professional development activities for educators, including—

"(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

"(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

"(iii) recruiting and preparing teachers who are Alaska Natives, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction;

"(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

"(E) family Literacy Services;

"(F) the development and operation of student enrichment programs in science and mathematics that—

"(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter high school, to excel in science and math; and

"(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the program;

"(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

"(H) other research and evaluation activities related to programs under this part; and

"(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

"(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children under paragraph (2)(D) may include—

"(A) programs for parents and their infants, from prenatal through age three;

"(B) preschool programs; and

"(C) training, education, and support for parents in such areas as reading readiness, observation, story-telling, and critical thinking.—

"(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004 to carry out this part.";

(2) in section 9307—

(A) by amending subsection (b) to read as follows:

"(b) APPLICATIONS.—State and local educational agencies may apply for an award under this part only as part of a consortium involving an Alaska Native organization. This consortium may include other eligible applicants.";

(B) by amending subsection (d) to read as follows:

"(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the project about its application."; and

(C) by striking subsection (e); and

(3) by redesignating sections 9307 and 9308 as sections 9305 and 9306, respectively.

# Subtitle B—Amendments to the Education Amendments of 1978

**SEC. 410. AMENDMENTS TO THE EDUCATIONS AMENDMENTS OF 1978.**

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

## "PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

**"SEC. 1120. FINDING AND POLICY.**

"(a) FINDING.—Congress finds and recognizes that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children.

"(b) POLICY.—It is the policy of the United States to work in full cooperation with Indian tribes toward the goal of assuring that the programs of the Bureau of Indian Affairs funded school system are of the highest quality and meet the unique educational and cultural needs of Indian children.

**"SEC. 1121. ACCREDITATION AND STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.**

"(a) PURPOSE; DECLARATIONS OF PURPOSES.—

"(1) PURPOSE.—The purpose of the standards implemented under this section shall be to afford Indian students being served by a school funded by the Bureau of Indian Affairs the same opportunities as all other students in the United States to achieve the same challenging State performance standards expected of all students.

"(2) DECLARATIONS OF PURPOSES.—Local school boards for schools operated by the Bureau of Indian Affairs, in cooperation and consultation with their tribal governing bodies and their communities, are encouraged to adopt declarations of purposes of education for their communities taking into account the implications of such purposes on education in their communities and for their schools. In adopting such declarations of purpose, the school boards shall consider the effect those declarations may have on the motivation of students and faculties. Such declarations shall represent the aspirations of the community for the kinds of people the community would like its children to become, and shall include assurances that all learners will become accomplished in things and ways important to them and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share. These declarations of

purpose shall influence the standards for accreditation to be accepted by the schools.

"(b) STUDIES AND SURVEYS RELATING TO STANDARDS.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the Secretary, in consultation with the Secretary of Education, consortia of education organizations, and Indian organizations and tribes, and making the fullest use possible of other existing studies, surveys, and plans, shall carry out by contract with an Indian organization, studies and surveys to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

"(c) REVISION OF MINIMUM ACADEMIC STANDARDS.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the Secretary shall—

"(A) propose revisions to the minimum academic standards published in the Federal Register on September 9, 1995 (50 Fed. Reg. 174) for the basic education of Indian children attending Bureau funded schools in accordance with the purpose described in subsection (a) and the findings of the studies and surveys conducted under subsection (b);

"(B) publish such proposed revisions to such standards in the Federal Register for the purpose of receiving comments from the tribes, tribal school boards, Bureau funded schools, and other interested parties; and

"(C) consistent with the provisions of this section and section 1131, take such actions as are necessary to coordinate standards implemented under this section with the Comprehensive School Reform Plan developed by the Bureau and—

"(i) with the standards of the improvement plans for the States in which any school operated by the Bureau of Indian Affairs is located; or

"(ii) in the case where schools operated by the Bureau are within the boundaries of reservation land of 1 tribe but within the boundaries of more than 1 State, with the standards of the State improvement plan of 1 such State selected by the tribe.

"(2) FURTHER REVISIONS.—Not later that 6 months after the close of the comment period, the Secretary shall establish final standards, distribute such standards to all tribes and publish such final standards in the Federal Register. The Secretary shall revise such standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(3) APPLICABILITY OF STANDARDS.—Except as provided in subsection (e), the final standards published under paragraph (2) shall apply to all Bureau funded schools not accredited under subsection (f), and may also serve as a model for educational programs for Indian children in public schools.

"(4) CONSIDERATIONS WHEN ESTABLISHING AND REVISING STANDARDS.—In establishing and revising such standards, the Secretary shall take into account the unique needs of Indian students and support and reinforcement of the specific cultural heritage of each tribe.

"(d) ALTERNATIVE OR MODIFIED STANDARDS.—The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school are in compliance with the minimum accreditation standards required for schools in the State or region where the school is located.

"(e) WAIVER OF STANDARDS; ALTERNATIVE STANDARDS.—A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsections (c) and (d) if such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, not later than 60 days after a waiver under this subsection, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and not subject to review.

"(f) ACCREDITATION AND IMPLEMENTATION OF STANDARDS.—

"(1) DEADLINE FOR MEETING STANDARDS.—Not later than the second academic year after publication of the standards, to the extent necessary funding is provided, all Bureau funded schools shall meet the standards established under subsections (c) and (d) or shall be accredited—

"(A) by a tribal accrediting body, if the accreditation standards of the tribal accrediting body have been accepted by formal action of the tribal governing body and are equal to or exceed the accreditation standards of the State or region in which the school is located;

"(B) by a regional accreditation agency; or

"(C) by State accreditation standards for the State in which it is located.

"(2) DETERMINATION OF STANDARDS TO BE APPLIED.—The accreditation type or standards applied for each school shall be determined by the school board of the school, in consultation with the Administrator of the school, provided that in the case where the School Board and the Administrator fail to agree on the type of accreditation and standards to apply, the decision of the school board with the approval of the tribal governing body shall be final.

"(3) ASSISTANCE TO SCHOOL BOARDS.—The Secretary, through contracts and grants, shall assist school boards of contract or grant schools in implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented.

"(4) FISCAL CONTROL AND FUND ACCOUNTING STANDARDS.—The Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract and grant schools. Such standards shall provide data comparable to those used by Bureau operated schools.

"(g) ANNUAL PLAN FOR MEETING OF STANDARDS.—Except as provided in subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. On an annual basis, the Secretary shall submit to the appropriate committees of Congress, all Bureau funded schools, and the tribal governing bodies of such schools, a detailed plan to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section. Such plan shall include detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school and specific timelines for bringing each school up to the level required by such standards.

"(h) CLOSURE OR CONSOLIDATION OF SCHOOLS.—

"(1) IN GENERAL.—Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection.

"(2) EXCEPTIONS.—This subsection shall not apply—

"(A) in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation; or

"(B) when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

"(3) REGULATIONS.—The Secretary shall, by regulation, promulgate standards and procedures for the closure, transfer to another authority, consolidation, or substantial curtailment of Bureau schools, in accordance with the requirements of this subsection.

"(4) NOTICE.—Whenever closure, transfer to another authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified immediately, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to another authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated school board shall be notified at least 6 months prior to the end of the school year preceding the proposed closure date. Copies of any such notices and information shall be transmitted promptly to the appropriate committees of Congress and published in the Federal Register.

"(5) REPORT.—The Secretary shall make a report to the appropriate committees of Congress, the affected tribe, and the designated school board describing the process of the active consideration or review referred to in paragraph (4). The report shall include a study of the impact of such action on the student pop-

ulation, identify those students with particular educational and social needs, and ensure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representatives and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students.

"(6) LIMITATION ON CERTAIN ACTIONS.—No irrevocable action may be taken in furtherance of any such proposed school closure, transfer to another authority, consolidation or substantial curtailment (including any action which would prejudice the personnel or programs of such school) prior to the end of the first full academic year after such report is made.

"(7) TRIBAL GOVERNING BODY APPROVAL REQUIRED FOR CERTAIN ACTIONS.—The Secretary may terminate, contract, transfer to any other authority, consolidate, or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after of January 1, 1999;

"(B) any program of such a school that is operated on or after January 1, 1999; or

"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988,

only if the tribal governing body approves such action.

"(i) APPLICATION FOR CONTRACTS OR GRANTS FOR NON-BUREAU FUNDED SCHOOLS OR EXPANSION OF BUREAU FUNDED SCHOOLS.—

"(1) IN GENERAL.—(A)(i) The Secretary shall only consider the factors described in subparagraph (B) in reviewing—

"(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and

"(II) applications from any tribe or school board of any Bureau funded school for—

"(aa) a school which is not a Bureau funded school; or

"(bb) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 1127.

"(ii) With respect to applications described in this subparagraph, the Secretary shall give consideration to all the factors described in subparagraph (B), but no such application shall be denied based primarily upon the geographic proximity of comparable public education.

"(B) With respect to applications described in subparagraph (A) the Secretary shall consider the following factors relating to the program and services that are the subject of the application:

"(i) The adequacy of the facilities or the potential to obtain or provide adequate facilities.

"(ii) Geographic and demographic factors in the affected areas.

"(iii) The adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by the tribe or the Bureau.

"(iv) Geographic proximity of comparable public education.

"(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.

"(vi) Adequacy and comparability of programs already available.

"(vii) Consistency of available programs with tribal educational codes or tribal legislation on education.

"(viii) The history and success of these services for the proposed population to be served, as determined from all factors, including but not limited to standardized examination performance.

"(2) DETERMINATION ON APPLICATION.—(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) not later than 180 days after such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3) REQUIREMENTS FOR APPLICATIONS.—(A) Notwithstanding paragraph (2)(B), an application described in paragraph (1)(A) may be approved by the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A) shall provide information concerning each of the factors described in paragraph (1)(B).

"(4) DENIAL OF APPLICATIONS.—Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant not later than 180 days after the application is submitted to the Secretary;

"(B) provide assistance to the applicant to overcome stated objections; and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act and an opportunity to appeal the objections raised by the Secretary.

"(5) EFFECTIVE DATE OF A SUBJECT APPLICATION.—(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective at the beginning of the academic year following the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary under paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"(6) STATUTORY CONSTRUCTION.—Nothing in this section shall be read so as to preclude the expansion of grades and related facilities at a Bureau funded school where such expansion and the maintenance of such expansion is occasioned or paid for with non-Bureau funds.

"(j) GENERAL USE OF FUNDS.—Funds received by Bureau funded schools from the Bureau of Indian Affairs and under any program from the Department of Education or any other Federal agency for the purpose of providing education or related services may be used for schoolwide projects to improve the educational program for all Indian students.

"(k) STUDY ON ADEQUACY OF FUNDS AND FORMULAS.—The Comptroller General shall conduct a study, in consultation with Indian tribes and local school boards, to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau funded schools, taking into account unique circumstances applicable to Bureau funded schools, as well as expenditures for comparable purposes in public schools nationally. Upon completion of the study, the Secretary of the Interior shall take such action as necessary to ensure distribution of the findings of the study to all affected Indian tribes, local school boards, and associations of local school boards.

**"SEC. 1122. NATIONAL CRITERIA FOR HOME LIVING SITUATIONS.**

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, Indian organizations and tribes, and Bureau funded schools, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, needs for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy. Such standards shall be implemented in Bureau operated schools, and shall serve as minimum standards for contract or grant schools. Once established, any revisions of such standards shall be developed according to the requirements established under section 1138A.

"(b) IMPLEMENTATION.—The Secretary shall implement the revised standards established under this section immediately upon their completion.

"(c) PLAN.—At the time of each annual budget submission for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau funded schools that provide home-living (dormitory) situations up to the standards established under this section. Such plan shall include a statement of the relative needs of each Bureau funded home-living (dormitory) school, projected future needs of each Bureau funded home-living (dormitory) school, detailed information on the status of each school in relation to the standards established under this section, specific cost estimates for meeting each standard for each such school, aggregate cost estimates for bringing all such schools into compliance with the criteria established under this section, and specific timelines for bringing each school into compliance with such standards.

"(d) WAIVER.—The criteria established under this section may be waived in the same manner as the standards provided under section 1121(c) may be waived.

"(e) CLOSURE FOR FAILURE TO MEET STANDARDS PROHIBITED.—No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section), may be closed, transferred to another authority, consolidated, or have its program substantially curtailed for failure to meet the criteria.

**"SEC. 1123. REGULATIONS.**

"(a) PART 32 OF TITLE 25 OF CODE OF FEDERAL REGULATIONS.—The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Such provisions may be altered only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) REGULATION DEFINED.—For purposes of this part, the term 'regulation' means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the executive branch.

**"SEC. 1124. SCHOOL BOUNDARIES.**

"(a) ESTABLISHMENT BY SECRETARY.—The Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau funded school.

"(b) ESTABLISHMENT BY TRIBAL BODY.—In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

"(c) BOUNDARY REVISIONS.—

"(1) IN GENERAL.—On or after July 1, 1999, no geographical attendance area shall be revised or established with respect to any Bureau funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been afforded—

"(A) at least 6 months notice of the intention of the Bureau to revise or establish such attendance area; and

"(B) the opportunity to propose alternative boundaries.

Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs. The Secretary shall cause such revisions to be published in the Federal Register.

"(2) TRIBAL RESOLUTION DETERMINATION.—Nothing in this section shall be interpreted as denying a tribal governing body the authority, on a continuing basis, to adopt a tribal resolution allowing parents the choice of the Bureau funded school their children may attend, regardless of the attendance boundaries established under this section.

"(d) FUNDING RESTRICTIONS.—The Secretary shall not deny funding to a Bureau funded school for any eligible Indian student attending the school solely because that student's home or domicile is outside of the geographical attendance area established for that school under this section. No funding shall be made available without tribal authorization to enable a school to provide transportation for any student to or from the school and a location outside the approved attendance area of the school.

"(e) RESERVATION AS BOUNDARY.—In any case where there is only 1 Bureau funded program located on an Indian reservation, the attendance area for the program shall be the boundaries (established by treaty, agreement, legislation, court decisions, or executive decisions and as accepted by the tribe) of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(f) OFF-RESERVATION HOME-LIVING (DORMITORY) SCHOOLS.—Notwithstanding any geographical attendance areas, attendance at off-reservation home-living (dormitory) schools shall include students requiring special emphasis programs to be implemented at each off-reservation home-living (dormitory) school. Such attendance shall be coordinated between education line officers, the family, and the referring and receiving programs.

**"SEC. 1125. FACILITIES CONSTRUCTION.**

"(a) COMPLIANCE WITH HEALTH AND SAFETY STANDARDS.—The Secretary shall immediately begin to bring all schools, dormitories, and other Indian education-related facilities operated by the Bureau or under contract or grant with the Bureau into compliance with all applicable tribal, Federal, or State health and safety standards, whichever provides greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), with section 504 of the Rehabilitation Act of 1973, and with the Americans with Disabilities Act of 1990. Nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of the Student Results Act of 1999.

"(b) COMPLIANCE PLAN.—At the time that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all facilities covered under subsection (a) of this section into compliance with the standards referred to in subsection (a). Such plan shall include detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific timelines for bringing each school into compliance with such standards.

"(c) CONSTRUCTION PRIORITIES.—

"(1) SYSTEM TO ESTABLISH PRIORITIES.—On an annual basis the Secretary shall submit to the appropriate committees of Congress and cause to be published in the Federal Register, the system used to establish priorities for replacement and construction projects for Bureau funded schools and home-living schools, including boarding schools and dormitories. At the time any budget request for education is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all Bureau funded school construction priorities.

"(2) LONG-TERM CONSTRUCTION AND REPLACEMENT LIST.—In addition to the plan submitted under subsection (b), the Secretary shall—

"(A) not later than 18 months after the date of enactment of the Student Results Act of 1999, establish a long-term construction and replacement list for all Bureau funded schools;

"(B) using the list prepared under subparagraph (A), propose a list for the orderly replacement of all Bureau funded education-related facilities over a period of 40 years to enable planning and scheduling of budget requests;

"(C) cause the list prepared under subsection (B) to be published in the Federal Register and allow a period of not less than 120 days for public comment;

"(D) make such revisions to the list prepared under subparagraph (B) as are appropriate based on the comments received; and

"(E) cause the final list to be published in the Federal Register.

"(3) EFFECT ON OTHER LIST.—Nothing in this section shall be construed as interfering with or changing in any way the construction priority list as it exists on the date of the enactment of the Student Results Act of 1999.

"(d) HAZARDOUS CONDITION AT BUREAU SCHOOL.—

"(1) CLOSURE OR CONSOLIDATION.—A Bureau funded school may be closed or consolidated, and the programs of a Bureau funded school may be substantially curtailed by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau funded school.

"(2) INSPECTION.—(A) After making a determination described in paragraph (1), the Bureau health and safety officer shall conduct an inspection of the condition of such plant accompanied by an appropriate tribal, county, municipal, or State health and safety officer in order to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by not later than the date that is 30 days after the date on which the action described in paragraph (1) is taken. No further negative action may be taken unless the findings are concurred in by the second, non-Bureau of Indian Affairs inspector.

"(B) If the health and safety officer conducting the inspection of a plant required under subparagraph (A) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made under paragraph (1) shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

"(C) If a Bureau funded school is temporarily closed or consolidated or the programs of a Bureau funded school are substantially curtailed under this sub-

section and the Secretary determines that the closure, consolidation, or curtailment will exceed 1 year, the Secretary shall submit to the Congress, by not later than 6 months after the date on which the closure, consolidation, or curtailment was initiated, a report which sets forth the reasons for such temporary actions, the actions the Secretary is taking to eliminate the conditions that constitute the hazard, and an estimated date by which such actions will be concluded.

"(e) FUNDING REQUIREMENT.—

"(1) DISTRIBUTION OF FUNDS.—Beginning with the fiscal year following the year of the date of the enactment of the Student Results Act of 1999, all funds appropriated for the operations and maintenance of Bureau funded schools shall be distributed by formula to the schools. No funds from this account may be retained or segregated by the Bureau to pay for administrative or other costs of any facilities branch or office, at any level of the Bureau.

"(2) REQUIREMENTS FOR CERTAIN USES.—No funds shall be withheld from the distribution to the budget of any school operated under contract or grant by the Bureau for maintenance or any other facilities or road related purpose, unless such school has consented, as a modification to the contract or in writing for grants schools, to the withholding of such funds, including the amount thereof, the purpose for which the funds will be used, and the timeline for the services to be provided. The school may, at the end of any fiscal year, cancel an agreement under this paragraph upon giving the Bureau 30 days notice of its intent to do so.

"(f) NO REDUCTION IN FEDERAL FUNDING.—Nothing in this section shall be construed to diminish any Federal funding due to the receipt by the school of funding for facilities improvement or construction from a State or any other source.

**"SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.**

"(a) FORMULATION AND ESTABLISHMENT OF POLICY AND PROCEDURE; SUPERVISION OF PROGRAMS AND EXPENDITURES.—The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs.

"(b) DIRECTION AND SUPERVISION OF PERSONNEL OPERATIONS.—Not later than 6 months after the date of the enactment of the Student Results Act of 1999, the Director of the Office of Indian Education Programs shall direct and supervise the operations of all personnel directly and substantially involved in the provision of education services by the Bureau, including school or institution custodial or maintenance personnel, facilities management, contracting, procurement, and finance personnel. The Assistant Secretary for Indian Affairs shall coordinate the transfer of functions relating to procurement, contracts, operation, and maintenance to schools and other support functions to the Director.

"(c) EVALUATION OF PROGRAMS; SERVICES AND SUPPORT FUNCTIONS; TECHNICAL AND COORDINATING ASSISTANCE.—Education personnel who are under the direction and supervision of the Director of the Office of Indian Education Programs in accordance with the first sentence of subsection (b) shall—

"(1) monitor and evaluate Bureau education programs;

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions; and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, curriculum, and operation and maintenance of school facilities.

"(d) CONSTRUCTION, IMPROVEMENT, OPERATION, AND MAINTENANCE OF FACILITIES.—

"(1) PLAN FOR CONSTRUCTION.—The Assistant Secretary shall submit in the annual budget a plan—

"(A) for school facilities to be constructed under section 1125(c);

"(B) for establishing priorities among projects and for the improvement and repair of educational facilities, which together shall form the basis for the distribution of appropriated funds; and

"(C) for capital improvements to be made over the 5 succeeding years.

"(2) PROGRAM FOR OPERATION AND MAINTENANCE.—

"(A) IN GENERAL.—The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include—

"(i) a method of computing the amount necessary for each educational facility;

"(ii) similar treatment of all Bureau funded schools;

"(iii) a notice of an allocation of appropriated funds from the Director of the Office of Indian Education Programs directly to the education line officers and appropriate school officials;

"(iv) a method for determining the need for, and priority of, facilities repair and maintenance projects, both major and minor. In making such determination, the Assistant Secretary shall cause to be conducted a series of meetings at the agency and area level with representatives of the Bureau funded schools in those areas and agencies to receive comment on the lists and prioritization of such projects; and

"(v) a system for the conduct of routine preventive maintenance.

"(B) The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate education line officers, except that no funds under this chapter may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner.

"(3) IMPLEMENTATION.—The requirements of this subsection shall be implemented as soon as practicable after the date of the enactment of the Student Results Act of 1999.

"(e) ACCEPTANCE OF GIFTS AND BEQUESTS.—Notwithstanding any other provision of law, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use and benefit of particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use and shall report to the appropriate committees of Congress the amount and terms of such gift or bequest, the manner in which such gift or bequest shall be used, and any results achieved by such action.

"(f) FUNCTIONS CLARIFIED.—For the purpose of this section, the term 'functions' includes powers and duties.

**"SEC. 1127. ALLOTMENT FORMULA.**

"(a) FACTORS CONSIDERED; REVISION TO REFLECT STANDARDS.—

"(1) FORMULA.—The Secretary shall establish, by regulation adopted in accordance with section 1138A, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—

"(A) the number of eligible Indian students served and total student population of the school;

"(B) special cost factors, such as—

"(i) the isolation of the school;

"(ii) the need for special staffing, transportation, or educational programs;

"(iii) food and housing costs;

"(iv) maintenance and repair costs associated with the physical condition of the educational facilities;

"(v) special transportation and other costs of isolated and small schools;

"(vi) the costs of home-living (dormitory) arrangements, where determined necessary by a tribal governing body or designated school board;

"(vii) costs associated with greater lengths of service by education personnel;

"(viii) the costs of therapeutic programs for students requiring such programs; and

"(ix) special costs for gifted and talented students;

"(C) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located; and

"(D) such other relevant factors as the Secretary determines are appropriate.

"(2) REVISION OF FORMULA.—Upon the establishment of the standards required in sections 1121 and 1122, the Secretary shall revise the formula established under this subsection to reflect the cost of funding such standards. Not

later than January 1, 2001, the Secretary shall review the formula established under this section and shall take such steps as are necessary to increase the availability of counseling and therapeutic programs for students in off-reservation home-living (dormitory) schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1122 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling and therapeutic programs.

"(b) PRO RATA ALLOTMENT.—Notwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted pro rata in accordance with the formula established under subsection (a).

"(c) ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT FOR SCHOOL BOARD ACTIVITIES.—

"(1) ANNUAL ADJUSTMENT.—For fiscal year 2001, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

"(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools;

"(C) take into account the provision of residential services on less than a 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved;

"(D) use a weighted unit of 2.0 for each eligible Indian student that—

"(i) is gifted and talented; and

"(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school; and

"(E) use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a yearlong credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

The adjustment required under subparagraph (E) shall be used for such school after—

"(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year for which the certification is made; and

(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.

"(2) RESERVATION OF AMOUNT.—

"(A) IN GENERAL.—From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) $8,000; or

"(ii) the lesser of—

"(I) $15,000; or

"(II) 1 percent of such allotted funds,

for school board activities for such school, including (notwithstanding any other provision of law) meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

"(B) TRAINING.—Each school board shall see that each new member of the school board receives, within 12 months of the individual's assuming a position on the school board, 40 hours of training relevant to that individual's service on the board. Such training may include legal issues pertaining to schools funded by the Bureau, legal issues pertaining to school boards, ethics, and other topics deemed appropriate by the school board.

"(d) RESERVATION OF AMOUNT FOR EMERGENCIES.—The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the

Director of the Office of Indian Education Programs, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs, including emergency repairs of educational facilities, at a schoolsite (as defined by section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever, the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.

"(e) SUPPLEMENTAL APPROPRIATIONS.—Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

"(f) ELIGIBLE INDIAN STUDENT DEFINED.—For the purpose of this section, the term 'eligible Indian student' means a student who—

"(1) is a member of or is at least ¼ degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau because of their status as Indians; and

"(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation home-living (dormitory) school.

"(g) TUITION.—

"(1) IN GENERAL.—An eligible Indian student may not be charged tuition for attendance at a Bureau school or contract or grant school. A student attending a Bureau school under paragraph (2)(C) may not be charged tuition for attendance at such a school.

"(2) ATTENDANCE OF NON-INDIAN STUDENTS AT BUREAU SCHOOLS.—The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

"(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards or accreditation;

"(B) the school board consents;

"(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site; or

"(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students, and shall be in addition to the school's allocation under this section.

"(3) ATTENDANCE OF NON-INDIAN STUDENTS AT CONTRACT AND GRANT SCHOOLS.—The school board of a contract or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students shall be in addition to funding received under this section.

"(h) FUNDS AVAILABLE WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, at the election of the school board of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision.

"(i) STUDENTS AT RICHFIELD DORMITORY, RICHFIELD, UTAH.—Tuition for out-of-State Indian students in home-living (dormitory) arrangements at the Richfield dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds authorized in this section and section 1130 at a rate not to exceed the amounts per weighted student unit for that year for the instruction of such students. No additional administrative cost funds shall be added to the grant.

**"SEC. 1128. ADMINISTRATIVE COST GRANTS.**

"(a) GRANTS; EFFECT UPON APPROPRIATED AMOUNTS.—

"(1) GRANTS.—Subject to the availability of appropriated funds, the Secretary shall provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools, provided that no school operated as a stand-alone institution shall receive less than $200,000.00 per year for these purposes, in order to—

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice; and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) EFFECT UPON APPROPRIATED AMOUNTS.—Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

"(b) DETERMINATION OF GRANT AMOUNT.—

"(1) IN GENERAL.—The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

"(2) DIRECT COST BASE FUNDS.—The Secretary shall—

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization; and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c) ADMINISTRATIVE COST PERCENTAGE RATE.—

"(1) IN GENERAL.—For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

"(A) the sum of—

"(i) the amount equal to—

"(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(II) the minimum base rate; plus

"(ii) the amount equal to—

"(I) the standard direct cost base; multiplied by

"(II) the maximum base rate; by

"(B) the sum of—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year; plus

"(ii) the standard direct cost base.

"(2) ROUNDING.—The administrative cost percentage rate shall be determined to the 1/100 of a decimal point.

"(d) COMBINING FUNDS.—

"(1) IN GENERAL.—Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(2) INDIRECT COST FUNDS.—Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in paragraph (1).

"(e) AVAILABILITY OF FUNDS.—Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(f) TREATMENT OF FUNDS.—Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost

underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(g) TREATMENT OF ENTITY OPERATING OTHER PROGRAMS.—In applying this section and section 105 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

"(1) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988; and

"(2) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act;

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs that are associated with operating the contract or grant school, and of the indirect costs, that are associated with all of such other programs, provided that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

"(h) DEFINITIONS.—For purposes of this section:

"(1) ADMINISTRATIVE COST.—(A) The term 'administrative cost' means the costs of necessary administrative functions which—

"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program;

"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds; and

"(iii) are either—

"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds; or

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term 'administrative cost' may include—

"(i) contract or grant (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) BUREAU ELEMENTARY AND SECONDARY FUNCTIONS.—The term 'Bureau elementary and secondary functions' means—

"(A) all functions funded at Bureau schools by the Office;

"(B) all programs—

"(i) funds for which are appropriated to other agencies of the Federal Government; and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3) DIRECT COST BASE.—(A) Except as otherwise provided in subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

"(i) the second fiscal year preceding such fiscal year; or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(4) MAXIMUM BASE RATE.—The term 'maximum base rate' means 50 percent.

"(5) MINIMUM BASE RATE.—The term 'minimum base rate' means 11 percent.

"(6) STANDARD DIRECT COST BASE.—The term 'standard direct cost base' means $600,000.

"(7) TRIBAL ELEMENTARY OR SECONDARY EDUCATIONAL PROGRAMS.—The term 'tribal elementary or secondary educational programs' means all Bureau ele-

mentary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

"(i) STUDIES FOR DETERMINATION OF FACTORS AFFECTING COSTS; BASE RATES LIMITS; STANDARD DIRECT COST BASE; REPORT TO CONGRESS.—

"(1) STUDIES.—Not later than 120 days after the date of enactment of the Student Results Act of 1999, the Director of the Office of Indian Education Programs shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting required administrative costs of tribal elementary and secondary education programs, using the formula set forth in subsection (c); and

"(B) conduct a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs;

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs; and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate; and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) GUIDELINES.—The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1131) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c); and

"(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted onsite with a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor; commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how the factors may effectively be incorporated into such formula.

"(3) CONSULTATION WITH INSPECTOR GENERAL.—In carrying out the studies required under this subsection, the Director shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

"(4) CONSIDERATION OF DELIVERY OF ADMINISTRATIVE SERVICES.—Determinations described in paragraph (2)(C) shall be based on what is practicable at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or whether other services were delivered instead, during the period of the study.

"(5) REPORT.—Upon completion of the studies conducted under paragraph (1), the Director shall submit to Congress a report on the findings of the studies, together with determinations based upon such studies that would affect the definitions set forth under subsection (e) that are used in the formula set forth in subsection (c).

"(6) PROJECTION OF COSTS.—The Secretary shall include in the Bureau's justification for each appropriations request beginning in the first fiscal year after the completion of the studies conducted under paragraph (1), a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary education programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(7) DETERMINATION OF PROGRAM SIZE.—For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as necessary to carry out this section.

"(2) REDUCTIONS.—If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grants determined under subsection (b) bears to the total of all grants determined under subsection (b) section for all tribes and tribal organizations for such fiscal year.

"(k) APPLICABILITY TO SCHOOLS OPERATING UNDER TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

**"SEC. 1129. DIVISION OF BUDGET ANALYSIS.**

"(a) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of the Student Results Act of 1999, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (hereinafter referred to as the 'Division'). Such Division shall be under the direct supervision and control of the Director of the Office.

"(b) FUNCTIONS.—In consultation with the tribal governing bodies and tribal school boards, the Director of the Office, through the Division, shall conduct studies, surveys, or other activities to gather demographic information on Bureau funded schools and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

"(c) ANNUAL REPORTS.—Not later than the date that the Assistant Secretary for Indian Affairs makes the annual budget submission, for each fiscal year after the date of the enactment of the Student Results Act of 1999, the Director of the Office shall submit to the appropriate committees of Congress (including the Appropriations committees), all Bureau funded schools, and the tribal governing bodies of such schools, a report which shall contain—

"(1) projections, based upon the information gathered pursuant to subparagraph (b) and any other relevant information, of amounts necessary to provide Indian students in Bureau funded schools the educational program set forth in this part;

"(2) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (1); and

"(3) such other information as the Director of the Office considers appropriate.

"(d) USE OF REPORTS.—The Director of the Office and the Assistant Secretary for Indian Affairs shall use the annual report required by subsection (c) when preparing their annual budget submissions.

**"SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.**

"(a) ESTABLISHMENT OF SYSTEM AND FORWARD FUNDING.—

"(1) IN GENERAL.—The Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section

1127. All amounts appropriated for distribution under this section may be made available under paragraph (2).

"(2) TIMING FOR USE OF FUNDS.—(A) For the purposes of affording adequate notice of funding available pursuant to the allotments made under section 1127, amounts appropriated in an appropriations Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such amounts are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, not later than July 1 of the fiscal year for which the funds are appropriated, allotments to each affected school made under section 1127 of 85 percent of such appropriation; and

"(ii) publish, not later than September 30 of such fiscal year, the allotments to be made under section 1127 of the remaining 15 percent of such appropriation, adjusted to reflect the actual student attendance.

"(3) LIMITATION.—(A) Notwithstanding any other provision of law or regulation, the supervisor of a Bureau funded school may expend an aggregate of not more than $50,000 of the amount allotted the school under section 1127 to acquire materials, supplies, equipment, services, operation, and maintenance for the school without competitive bidding if—

"(i) the cost for any single item purchased does not exceed $15,000;

"(ii) the school board approves the procurement;

"(iii) the supervisor certifies that the cost is fair and reasonable;

"(iv) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(v) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the price paid, the quantities acquired, and any other information the supervisor or school board considers relevant.

"(B) Not later than 6 months after the date of enactment of the Student Results Act of 1999, the Secretary shall cause to be sent to each supervisor of a Bureau operated program and school board chairperson, the education line officer or officers of each agency and area, and the Bureau Division in charge of procurement, at both the local and national levels, notice of this paragraph.

"(C) The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph, and shall be responsible for the provision of guidelines on the use of this paragraph and adequate training on such guidelines.

"(4) EFFECT OF SEQUESTRATION ORDER.—If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1127 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—

"(A) to fund allotments under section 1127, the Secretary, notwithstanding any other law, may use—

"(i) funds appropriated for the operation of any Bureau school that is closed or consolidated; and

"(ii) funds appropriated for any program that has been curtailed at any Bureau school; and

"(B) the Secretary may waive the application of the provisions of section 1121(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1127 for such fiscal year.

"(b) LOCAL FINANCIAL PLANS FOR EXPENDITURE OF FUNDS.—

"(1) PLAN REQUIRED.—(A) In the case of all Bureau operated schools, allotted funds shall be expended on the basis of local financial plans which ensure meeting the accreditation requirements or standards for the school established pursuant to section 1121 and which shall be prepared by the local school supervisor in active consultation with the local school board for each school. The local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan.

"(B) The supervisor—

"(i) shall put into effect the decisions of the school board;

"(ii) shall provide the appropriate local union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time such copies are submitted to the local school board; and

"(iii) may appeal any such action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

"(c) USE OF SELF-DETERMINATION GRANTS FUNDS.—Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

"(d) TECHNICAL ASSISTANCE AND TRAINING.—In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and the Secretary shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

"(e) SUMMER PROGRAM OF ACADEMIC AND SUPPORT SERVICES.—

"(1) IN GENERAL.—A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary for Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

"(2) USE OF OTHER FUNDS.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934, and this Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

"(3) TECHNICAL ASSISTANCE AND PROGRAM COORDINATION.—The Assistant Secretary for Indian Affairs, acting through the Director of the Office, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

"(f) COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—From funds allotted to a Bureau school under section 1127, the Secretary shall, if specifically requested by the tribal governing body (as defined in section 1141), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

"(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.

"(B) Support services, including procurement and facilities maintenance.

"(C) Transportation.

"(2) EQUAL BENEFIT AND BURDEN.—Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

"(g) PRODUCT OR RESULT OF STUDENT PROJECTS.—Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

"(h) NOT CONSIDERED FEDERAL FUNDS FOR MATCHING REQUIREMENTS.—Notwithstanding any other provision of law, funds received by a Bureau funded school under this title shall not be considered Federal funds for the purposes of meeting a matching funds requirement for any Federal program.

**"SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.**

"(a) FACILITATION OF INDIAN CONTROL.—It shall be the policy of the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate tribal control of Indian affairs in all matters relating to education.

"(b) CONSULTATION WITH TRIBES.—

"(1) IN GENERAL.—All actions under this Act shall be done with active consultation with tribes.

"(2) REQUIREMENTS.—The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information available from or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

**"SEC. 1132. INDIAN EDUCATION PERSONNEL.**

"(a) IN GENERAL.—Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to classification, pay and leave, respectively, and the sections of such title relating to the appointment, promotion, hours of work, and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (p)).

"(b) REGULATIONS.—Not later than 60 days after the date of enactment of the Student Results Act of 1999, the Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

"(1) the establishment of education positions;

"(2) the establishment of qualifications for educators and education personnel;

"(3) the fixing of basic compensation for educators and education positions;

"(4) the appointment of educators;

"(5) the discharge of educators;

"(6) the entitlement of educators to compensation;

"(7) the payment of compensation to educators;

"(8) the conditions of employment of educators;

"(9) the leave system for educators;

"(10) the annual leave and sick leave for educators and

"(11) such matters as may be appropriate.

"(c) QUALIFICATIONS OF EDUCATORS.—

"(1) REQUIREMENTS.—In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

"(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

"(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

"(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be

hired in an education position to teach courses on tribal culture and language and that subject to subsection (e)(2), a determination by a school board that such a person be hired shall be instituted supervisor; and

"(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subparagraph (A)(ii) or that such individual has applied at the national level for an education position.

"(2) EXCEPTION FOR CERTAIN TEMPORARY EMPLOYMENT.—The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

"(d) HIRING OF EDUCATORS.—

"(1) REQUIREMENTS.—In prescribing regulations to govern the appointment of educators, the Secretary shall require—

"(A)(i) that educators employed in a Bureau operated school (other than the supervisor of the school) shall be hired by the supervisor of the school. In cases where there are no qualified applicants available, such supervisor may consult the national list maintained pursuant to subsection (c)(1)(A)(ii);

"(ii) each school supervisor shall be hired by the education line officer of the agency office of the Bureau in which the school is located;

"(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office; and

"(iv) each education line officer and educators employed in the Office of the Director of Indian Education Programs shall be hired by the Director;

"(B) that before an individual is employed in an education position in a school by the supervisor of a school (or with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school shall be consulted. A determination by such school board that such individual should or should not be so employed shall be instituted by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education);

"(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that a determination by such school board that such individual should or should not be employed shall be instituted by the agency superintendent for education; and

"(D) that before an individual may be employed in an education position in the Office of the Director (other than the position of Director), the national school boards representing all Bureau schools shall be consulted.

"(2) INFORMATION REGARDING APPLICATION AT NATIONAL LEVEL.—Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall be immediately forwarded to the Secretary, who shall, as soon as practicable but in no event in more than 30 days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this paragraph. Notwithstanding subsection (e), if the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual has applied at the national level for an education position in the Bureau, the appointment of such individual at the local level shall be conditional for a period of 90 days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

"(3) STATUTORY CONSTRUCTION.—Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards authority over, or control of, educators at Bureau funded schools or the authority to issue management decisions.

"(e) DISCHARGE AND CONDITIONS OF EMPLOYMENT OF EDUCATORS.—

"(1) REGULATIONS.—In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

"(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

"(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

"(C) that educators employed in Bureau schools be notified 30 days prior to the end of the school year whether their employment contract will be renewed for the following year.

"(2) PROCEDURES FOR DISCHARGE.—The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B)) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the education line officer of the appropriate agency office of the Bureau. Upon such an appeal, the agency education line officer may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

"(3) RECOMMENDATIONS OF SCHOOL BOARDS FOR DISCHARGE.—Each local school board for a Bureau school shall have the right—

"(A) to recommend to the supervisor of such school that an educator employed in the school be discharged; and

"(B) to recommend to the education line officer of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

"(f) APPLICABILITY OF INDIAN PREFERENCE LAWS.—

"(1) IN GENERAL.—Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action under this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants a written waiver of the application of such laws with respect to such personnel action and states that such waiver is necessary. This paragraph shall not relieve the Bureau's responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if such action is intended to fill a vacancy (no matter how such vacancy is created).

"(2) TRIBAL ORGANIZATION DEFINED.—For purposes of this subsection, the term 'tribal organization' means—

"(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act); or

"(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1141 which has been delegated by such governing body the authority to grant a waiver under this subsection with respect to personnel action.

"(3) INDIAN PREFERENCE LAW DEFINED.—The term 'Indian preference laws' means section 12 of the Act of June 18, 1934 or any other provision of law granting a preference to Indians in promotions and other personnel actions. Such term shall not include section 7(b) of the Indian Self-Determination and Education Assistance Act.

"(g) COMPENSATION OR ANNUAL SALARY.—

"(1) IN GENERAL.—(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation for educators and education positions at rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable or on the basis of the Federal Wage System schedule in effect for the locality, and for the comparable positions, the rates of compensation in effect for the senior executive service.

"(B) The Secretary shall establish the rate of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of the Student Results Act of 1999 and thereafter) to comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay Act. The Secretary shall allow the local school boards authority to implement only the aspects of the Defense Department Overseas Teacher pay provisions that are considered essential for recruitment and retention. Implementation of such provisions shall not be construed to require the implementation of the Act in its entirety.

"(C)(i) Beginning with the fiscal year following the date of enactment of the Student Results Act of 1999, each school board may set the rate of compensation or annual salary rate for teachers and counselors (including academic counselors) who are new hires at the school and who have not worked at the school on the date of implementation of this provision, at rates consistent with the rates paid for individuals in the same positions, with the same tenure and training, in any other school within whose boundaries the Bureau school lies. In instances where the adoption of such rates cause a reduction in the payment of compensation from that which was in effect for the fiscal year following the date of enactment of the Student Results Act of 1999, the new rate may be applied to the compensation of employees of the school who worked at the school on the date of enactment of that Act by applying those rates to each contract renewal such that the reduction takes effect in three equal installments. Where adoption of such rates lead to an increase in the payment of compensation from that which was in effect for the fiscal year following the date of enactment of the Student Results Act of 1999, the school board may make such rates applicable at the next contract renewal such that either—

"(I) the increase occurs in its entirety; or

"(II) the increase is applied in 3 equal installments.

"(ii) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau prior to April 28, 1988, in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(D) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make an election under subsection (p) is in effect on January 1, 1990.

"(2) POST-DIFFERENTIAL RATES.—(A) The Secretary may pay a post-differential rate not to exceed 25 percent of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post-differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post-differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

"(ii) A request under clause (i) shall be deemed granted at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with modification, or disapproved by the Secretary.

"(iii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post-differential authorized under this subparagraph at the beginning of a school year if—

"(I) the local school board requests that such differential be discontinued or decreased; or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(iv) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous year and listing the positions contracted under those grants of authority.

"(h) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) of this section shall not be so liquidated.

"(i) TRANSFER OF REMAINING SICK LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to such person's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

"(j) INELIGIBILITY FOR EMPLOYMENT OF VOLUNTARILY TERMINATED EDUCATORS.—An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

"(k) DUAL COMPENSATION.—In the case of any educator employed in an education position described in subsection (l)(1)(A) who—

"(1) is employed at the close of a school year,

"(2) agrees in writing to serve in such position for the next school year, and

"(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5533 of title 5, United States Code, relating to dual compensation,

shall not apply to such educator by reason of any such employment during a recess period for any receipt of additional compensation.

"(l) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

"(m) PRORATION OF PAY.—

"(1) ELECTION OF EMPLOYEE.—Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period. Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.

"(2) CHANGE OF ELECTION.—During the course of such year the employee may change election once.

"(3) LUMP SUM PAYMENT.—That portion of the employee's pay which would be paid between academic school years may be paid in a lump sum at the election of the employee.

"(4) DEFINITIONS.—For purposes of this subsection, the terms 'educator' and 'education position' have the meanings contained in paragraphs (1) and (2) of subsection (o). This subsection applies to those individuals employed under the provisions of section 1132 of this title or title 5, United States Code.

"(n) EXTRACURRICULAR ACTIVITIES.—

"(1) STIPEND.—Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(2) ELECTION NOT TO RECEIVE STIPEND.—If an employee elects not to be compensated through the stipend established by this subsection, the appropriate provisions of title 5, United States Code, shall apply.

"(3) APPLICABILITY OF SUBSECTION.—This subsection applies to all Bureau employees, whether employed under section 1132 of this title or title 5, United States Code.

"(o) DEFINITIONS.—For the purpose of this section—

"(1) EDUCATION POSITION.—The term 'education position' means a position in the Bureau the duties and responsibilities of which—

"(A) are performed on a school-year basis principally in a Bureau school and involve—

"(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

"(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;

"(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

"(iv) support services at, or associated with, the site of the school; or

"(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

"(2) EDUCATOR.—The term 'educator' means an individual whose services are required, or who is employed, in an education position.

"(p) COVERED INDIVIDUALS; ELECTION.—This section shall apply with respect to any educator hired after November 1, 1979 (and to any educator who elected for coverage under that provision after November 1, 1979) and to the position in which such individual is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

**"SEC. 1133. COMPUTERIZED MANAGEMENT INFORMATION SYSTEM.**

"(a) ESTABLISHMENT OF SYSTEM.—Not later than July 1, 2001, the Secretary shall establish within the Office, a computerized management information system, which shall provide processing and information to the Office. The information provided shall include information regarding—

"(1) student enrollment;

"(2) curriculum;

"(3) staffing;

"(4) facilities;

"(5) community demographics;

"(6) student assessment information;

"(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements;

"(8) relevant reports;

"(9) personnel records;

"(10) finance and payroll; and

"(11) such other items as the Secretary deems appropriate.

"(b) IMPLEMENTATION OF SYSTEM.—Not later than July 1, 2002, the Secretary shall complete implementation of such a system at each field office and Bureau funded school.

**"SEC. 1134. UNIFORM EDUCATION PROCEDURES AND PRACTICES.**

"The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

**"SEC. 1135. RECRUITMENT OF INDIAN EDUCATORS.**

"The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

**"SEC. 1136. BIENNIAL REPORT; AUDITS.**

"(a) BIENNIAL REPORTS.—The Secretary shall submit to each appropriate committee of Congress, all Bureau funded schools, and the tribal governing bodies of such schools, a detailed biennial report on the state of education within the Bureau and any problems encountered in Indian education during the 2-year period covered by the report. Such report shall contain suggestions for the improvement of the Bureau educational system and for increasing tribal or local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall include—

"(1) information on the funds provided to previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act, and recommendations with respect to the future use of such funds;

"(2) the needs and costs of operations and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 and recommendations with respect to meeting such needs and costs; and

"(3) the plans required by sections 1121(g), 1122(c), and 1125(b).

"(b) FINANCIAL AND COMPLIANCE AUDITS.—The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau operated school at least once in every 3 years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1130.

**"SEC. 1137. RIGHTS OF INDIAN STUDENTS.**

"The Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau funded schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression, and such students' right to due process in connection with disciplinary actions, suspensions, and expulsions.

**"SEC. 1138. REGULATIONS.**

"(a) IN GENERAL.—The Secretary is authorized to issue only such regulations as are necessary to ensure compliance with the specific provision of this Act. The Secretary shall publish proposed regulations in the Federal Register, shall provide a period of not less than 90 days for public comment thereon, and shall place in parentheses after each regulatory section the citation to any statutory provision providing authority to promulgate such regulatory provision.

"(b) MISCELLANEOUS.—

"(1) CONSTRUCTION.—The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of this Act and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

"(2) GENERAL APPLICABILITY OF CERTAIN RULES; LEGAL AUTHORITY TO BE STATED.—Regulations required to be adopted under sections 2006 through 2018 and any revisions of the standards developed under section 2001 or 2002 shall be deemed rules of general applicability prescribed for the administrations of an applicable program for the purposes of section 437 of the Elementary and Secondary Education Amendments of 1967 and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section. Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which provision is based.

**"SEC. 1138A. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.**

"(a) MEETINGS.—

"(1) IN GENERAL.—The Secretary shall obtain tribal involvement in the development of proposed regulations under this part and the Tribally Controlled Schools Act of 1988. The Secretary shall obtain the advice of and recommendations from representatives of Indian tribes with Bureau-funded schools on their reservations, Indian tribes whose children attend Bureau funded off-reservation boarding schools, school boards, administrators or employees of Bureau-funded schools, and parents and teachers of students enrolled in Bureau-funded schools.

"(2) ISSUES.—The Secretary shall provide for a comprehensive discussion and exchange of information concerning the implementation of this part and the Tribally Controlled Schools Act of 1988 through such mechanisms as regional meetings and electronic exchanges of information. The Secretary shall take into account the information received through such mechanisms in the development of proposed regulations and shall publish a summary of such information in the Federal Register together with such proposed regulations.

"(b) DRAFT REGULATIONS.—

"(1) IN GENERAL.—After obtaining the advice and recommendations described in subsection (a)(1) and before publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 and shall submit such regulations to a negotiated rulemaking process. Participants in the negotiations process shall be chosen by the Secretary from individuals nominated by the entities described in subsection (a)(1). To the maximum extent possible, the Secretary shall ensure that the tribal representative membership chosen pursuant to the preceding sentence reflects the proportionate share of students from tribes

served by the Bureau-funded school system. The negotiation process shall be conducted in a timely manner in order that the final regulations may issued by the Secretary no later than 18 months after enactment of this section, provided that the authority of the Secretary to promulgate regulations under this part and the Tribally Controlled Schools Act of 1988 shall expire if final regulations are not promulgated within the time stated in this sentence. If the Secretary determines that an extension of the deadline in the preceding sentence is necessary, the Secretary may submit proposed legislation to Congress for extension of such deadline.

"(2) EXPANSION OF NEGOTIATED RULEMAKING.—All regulations pertaining to this part and the Tribally Controlled Schools Act of 1988 that are promulgated after the date of enactment of this subsection shall be subject to a negotiated rulemaking (including the selection of the regulations to be negotiated), unless the Secretary determines that applying such a requirement with respect to given regulations is impracticable, unnecessary, or contrary to the public interest (within the meaning of section 553(b)(3)(B) of title 5), and publishes the basis for such determination in the Federal Register at the same time as the proposed regulations in question are first published. All published proposed regulations shall conform to agreements resulting from such negotiated rulemaking unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants in that process why the Secretary has decided to depart from such agreements. Such negotiated rulemaking shall be conducted in accordance with the provisions of subsection (a), and the Secretary shall ensure that a clear and reliable record of agreements reached during the negotiation process is maintained.

"(c) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to activities carried out under this section.

**"SEC. 1139. EARLY CHILDHOOD DEVELOPMENT PROGRAM.**

"(a) IN GENERAL.—The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (g) for such fiscal year (less amounts provided under subsection (f)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe;

"(ii) the tribe that authorized such tribal organization; or

"(iii) any tribe that—

"(I) is a member of such consortium; or

"(II) authorizes any tribal organization that is a member of such consortium; bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a);

"(ii) is a member of a consortium that is eligible to receive such funds; or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) LIMITATION.—No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members;

"(B) to any tribal organization which is authorized—

"(i) by only 1 tribe that has less than 500 members; or

"(ii) by 1 or more tribes that have a combined total membership of less than 500 members; or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c) APPLICATION.

"(1) IN GENERAL.—A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization, or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) CONTENTS.—Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) REQUIREMENT OF PROGRAMS FUNDED.—The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care;

"(B) nutrition education;

"(C) health education and screening;

"(D) family literacy services;

"(E) educational testing; and

"(F) other educational services;

"(2) may include instruction in the language, art, and culture of the tribe; and

"(3) shall provide for periodic assessment of the program.

"(e) COORDINATION OF FAMILY LITERACY PROGRAMS.—Family literacy programs operated under this section or other similar programs operated by the Bureau shall coordinate with family literacy programs for Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving Indians.

"(f) ADMINISTRATIVE COSTS.—The Secretary shall, out of funds appropriated under subsection (g), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe, tribal organization, or consortium of tribes in establishing and maintaining the early childhood development program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001, 2002, 2003, and 2004.

**"SEC. 1140. TRIBAL DEPARTMENTS OR DIVISIONS OF EDUCATION.**

"(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

"(b) GRANTS.—Grants provided under this section shall—

"(1) be based on applications from the governing body of the tribe;

"(2) reflect factors such as geographic and population diversity;

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations (and on former Indian reservations in Oklahoma);

"(4) provide for the development of coordinated educational programs on Indian reservations (and on former Indian reservations in Oklahoma) (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities;

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs; and

"(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act that are in effect on the date that application for such grants are made.

"(c) PRIORITIES.—

"(1) IN GENERAL.—In making grants under this section, the Secretary shall give priority to any application that—

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application; and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law;

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible;

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law; and

"(D) provides a plan and schedule for—

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education; and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption;

except that when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) TIME PERIOD OF GRANT.—Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) TERMS, CONDITIONS, OR REQUIREMENTS.—The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001, 2002, 2003, and 2004.

**"SEC. 1141. DEFINITIONS.**

"For the purposes of this part, unless otherwise specified:

"(1) AGENCY SCHOOL BOARD.—The term 'agency school board' means a body, the members of which are appointed by all of the school boards of the schools located within an agency, including schools operated under contract or grant, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties, and in agencies having schools or a school operated under contract or grant, one such member at least shall be from such a school.

"(2) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

"(3) BUREAU FUNDED SCHOOL.—The term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract or grant school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.

"(4) BUREAU SCHOOL.—The term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school.

"(5) CONTRACT OR GRANT SCHOOL.—The term 'contract or grant school' means an elementary or secondary school or dormitory which receives financial assistance for its operation under a contract, grant or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, or under the Tribally Controlled Schools Act of 1988.

"(6) EDUCATION LINE OFFICER.—The term 'education line officer' means education personnel under the supervision of the Director, whether located in the central, area, or agency offices.

"(7) FINANCIAL PLAN.—The term 'financial plan' means a plan of services provided by each Bureau school.

"(8) INDIAN ORGANIZATION.—the term 'Indian organization' means any group, association, partnership, corporation, or other legal entity owned or controlled

by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes.

"(9) LOCAL EDUCATIONAL AGENCY.—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, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education.

"(10) LOCAL SCHOOL BOARD.—The term 'local school board', when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes.

"(11) OFFICE.—The term 'Office' means the Office of Indian Education Programs within the Bureau.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(13) SUPERVISOR.—The term 'supervisor' means the individual in the position of ultimate authority at a Bureau school.

"(14) TRIBAL GOVERNING BODY.—The term 'tribal governing body' means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

"(15) TRIBE.—The term '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, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

# Subtitle C—Tribally Controlled Schools Act of 1988

**SEC. 420. TRIBALLY CONTROLLED SCHOOLS.**

Sections 5202 through 5212 of Public Law 100-297 (25 U.S.C. 2501 et seq.) are amended to read as follows:

**"SEC. 5202. FINDINGS.**

"Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

"(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

"(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act has not provided the full opportunity to develop leadership skills crucial to the realization of self-government and has denied Indians an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

"(3) Indians will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons;

"(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

"(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction that education can and should provide;

"(6) true local control requires the least possible Federal interference; and

"(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.

**"SEC. 5203. DECLARATION OF POLICY.**

"(a) RECOGNITION.—Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assur-

ing maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

"(b) COMMITMENT.—Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.

"(c) NATIONAL GOAL.—Congress declares that a major national goal of the United States is to provide the resources, processes, and structure which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice and to achieve the measure of self-determination essential to their social and economic well-being.

"(d) EDUCATIONAL NEEDS.—Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.

"(e) FEDERAL RELATIONS.—Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

"(f) TERMINATION.—Congress hereby repudiates and rejects House Resolution 108 of the 83d Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

**"SEC. 5204. GRANTS AUTHORIZED.**

"(a) IN GENERAL.—

"(1) ELIGIBILITY.—The Secretary shall provide grants to Indian tribes, and tribal organizations that—

"(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract school;

"(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

"(C) elect to assume operation of Bureau funded schools with the assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

"(2) DEPOSIT OF FUNDS.—Grants provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is made.

"(3) USE OF FUNDS.—(A) Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education related activities for which any funds that compose the grant may be used under the laws described in section 5205(a), including, but not limited to, expenditures for—

"(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes; and

"(ii) support services for the school, including transportation.

"(B) Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).

"(b) LIMITATIONS.—

"(1) 1 GRANT PER TRIBE OR ORGANIZATION PER FISCAL YEAR.—Not more than 1 grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

"(2) NONSECTARIAN USE.—Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

"(3) ADMINISTRATIVE COSTS LIMITATION.—Funds provided under any grant under this part may not be expended for administrative costs (as defined in section 1128(h)(1) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128 of such Act.

"(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOLSITES.—

"(1) IN GENERAL.—In the case of a grantee that operates schools at more than one schoolsite, the grantee may expend not more than the lesser of—

"(A) 10 percent of the funds allocated for such schoolsite under section 1128 of the Education Amendments of 1978; or

"(B) $400,000 of such funds, at any other schoolsite.

"(2) DEFINITION OF SCHOOLSITE.—For purposes of this subsection, the term 'schoolsite' means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau for which a discreet student count is identified under the funding formula established under section 1127 of the Education Amendments of 1978.

"(d) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed—

"(1) to require a tribe or tribal organization to apply for or accept; or

"(2) to allow any person to coerce any tribe or tribal organization to apply for, or accept,

a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications and the timing of such applications shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided.

"(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

"(f) RETROCESSION.—

"(1) IN GENERAL.—Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary that is not later than 120 days after the date on which the tribal governing body requests the retrocession. A later date as may be specified if mutually agreed upon by the Secretary and the tribal governing body. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.

"(2) STATUS AFTER RETROCESSION.—The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau operated school or as a school operated under contract under title XI of the Education Amendments of 1978.

"(3) TRANSFER OF EQUIPMENT AND MATERIALS.—Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

"(A) with assistance under this part; or

"(B) upon assumption of operation of the program under this part if the school was a Bureau funded school under title XI of the Education Amendments of 1978 before receiving assistance under this part.

"(g) PROHIBITION OF TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided under this part may not be terminated, modified, suspended, or reduced solely for the convenience of the administering agency.

**"SEC. 5205. COMPOSITION OF GRANTS.**

"(a) IN GENERAL.—The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—

"(1) the total amount of funds allocated for such fiscal year under sections 1127 and 1128 of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part which are operated by such Indian tribe or tribal organization, including, but not limited to, funds provided under such sections, or under any other provision of law, for transportation costs;

"(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act, or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to those referenced under section 1126(d) of the Education Amendments of 1978 or any other law); and

"(3) the total amount of funds that are allocated to such schools for such fiscal year under—

"(A) title I of the Elementary and Secondary Education Act of 1965;

"(B) the Individuals with Disabilities Education Act; and

"(C) any other Federal education law, that are allocated to such schools for such fiscal year.

"(b) SPECIAL RULES.—

"(1) IN GENERAL.—(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) of subsection (a) shall be subject to the provisions of this part and shall not be subject to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

"(i) title I of the Elementary and Secondary Education Act of 1965;

"(ii) the Individuals with Disabilities Education Act; or

"(iii) any Federal education law other than title XI of the Education Amendments of 1978.

"(B) Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii) or (iii) of subparagraph (A).

"(2) SCHOOLS CONSIDERED CONTRACT SCHOOLS.—Tribally controlled schools for which grants are provided under this part shall be treated as contract schools for the purposes of allocation of funds under sections 1126(d), 1127, and 1128 of the Education Amendments of 1978.

"(3) SCHOOLS CONSIDERED BUREAU SCHOOLS.—Tribally controlled schools for which grants are provided under this chapter shall be treated as Bureau schools for the purposes of allocation of funds provided under—

"(A) title I of the Elementary and Secondary Education Act of 1965;

"(B) the Individuals with Disabilities Education Act; and

"(C) any other Federal education law, that are distributed through the Bureau.

"(4) ACCOUNTS; USE OF CERTAIN FUNDS.—(A) Notwithstanding section 5204(a)(2), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under section 5204(a), the grantee shall maintain a separate account for such funds. At the end of the period designated for the work covered by the funds received, the grantee shall submit to the Secretary a separate accounting of the work done and the funds expended to the Secretary. Funds received from these accounts may only be used for the purpose for which they were appropriated and for the work encompassed by the application or submission under which they were received.

"(B) Notwithstanding subparagraph (A), a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least 25 percent of the total cost of such new construction.

"(C) Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of the funds. A period so determined may be extended upon mutual agreement of the Secretary and the grantee.

"(5) ENFORCEMENT OF REQUEST TO INCLUDE FUNDS.—If the Secretary fails to carry out a request made under subsection (a)(2) within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).

**"SEC. 5206. ELIGIBILITY FOR GRANTS.**

"(a) RULES.—

"(1) IN GENERAL.—A tribally controlled school is eligible for assistance under this part if the school—

"(A) on April 28, 1988, was a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part;

"(B) was a Bureau operated school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b);

"(C) is a school for which the Bureau has not provided funds, but which has met the requirements of subsection (c); or

"(D) is a school with respect to which an election has been made under paragraph (2) and which has met the requirements of subsection (b).

"(2) NEW SCHOOLS.—Any application which has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe for a school which is not in operation on the date of enactment of the Student Results Act of 1999 shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).

"(b) ADDITIONAL REQUIREMENTS FOR BUREAU FUNDED SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

"(1) BUREAU FUNDED SCHOOLS.—A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on the date of enactment of the Student Results Act of 1999, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—

"(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—

"(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school; and

"(ii) make a determination as to whether the school is eligible for assistance under this part; and

"(B) the Secretary makes a determination that the school is eligible for assistance under this part.

"(2) CERTAIN ELECTING SCHOOLS.—(A) By not later than the date that is 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—

"(i) in the case of a school which is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization; and

"(ii) whether the school is eligible for assistance under this part.

"(B) In considering applications submitted under paragraph (1)(A), the Secretary—

"(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the tribe or tribal organization is not already operating the school; and

"(ii) shall determine that the school is eligible for assistance under this part, unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school.

"(C) In considering applications submitted under paragraph (1)(A), the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—

"(i) equipment;

"(ii) bookkeeping and accounting procedures;

"(iii) ability to adequately manage a school; or

"(iv) adequately trained personnel.

"(c) ADDITIONAL REQUIREMENTS FOR A SCHOOL WHICH IS NOT A BUREAU FUNDED SCHOOL.—

"(1) IN GENERAL.—A school which is not a Bureau funded school under title XI of the Education Amendments of 1978 meets the requirements of this subsection if—

"(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary as to whether the school is eligible for assistance under this part; and

"(B) the Secretary makes a determination that a school is eligible for assistance under this part.

"(2) DEADLINE FOR DETERMINATION BY SECRETARY.—(A) By not later than the date that is 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

"(B) In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

"(i) with respect to the applicant's proposal—

"(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(II) geographic and demographic factors in the affected areas;

"(III) adequacy of the applicant's program plans;

"(IV) geographic proximity of comparable public education; and

"(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

"(ii) with respect to all education services already available—

"(I) geographic and demographic factors in the affected areas;

"(II) adequacy and comparability of programs already available;

"(III) consistency of available programs with tribal education codes or tribal legislation on education; and

"(IV) the history and success of these services for the proposed population to be served, as determined from all factors including, if relevant, standardized examination performance.

"(C) The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

"(D) Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.

"(E) If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months after the date on which the Secretary received the application, or on an earlier date, at the Secretary's discretion.

"(d) FILING OF APPLICATIONS AND REPORTS.—

"(1) IN GENERAL.—All applications and reports submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the education line officer designated by the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs. The date on which such filing occurs shall, for purposes of this part, be treated as the date on which the application or amendment was submitted to the Secretary.

"(2) SUPPORTING DOCUMENTATION.—Any application that is submitted under this chapter shall be accompanied by a document indicating the action taken by the tribal governing body in authorizing such application.

"(e) EFFECTIVE DATE FOR APPROVED APPLICATIONS.—Except as provided by subsection (c)(2)(E), a grant provided under this part, and any transfer of the operation of a Bureau school made under subsection (b), shall become effective beginning the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or at an earlier date determined by the Secretary.

"(f) DENIAL OF APPLICATIONS.—

"(1) IN GENERAL.—Whenever the Secretary refuses to approve a grant under this chapter, to transfer operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

"(A) state the objections in writing to the tribe or tribal organization within the allotted time;

"(B) provide assistance to the tribe or tribal organization to overcome all stated objections.

"(C) at the request of the tribe or tribal organization, provide the tribe or tribal organization a hearing on the record under the same rules and regulations that apply under the Indian Self-Determination and Education Assistance Act; and

"(D) provide an opportunity to appeal the objection raised.

"(2) TIMELINE FOR RECONSIDERATION OF AMENDED APPLICATIONS.—The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.

"(g) REPORT.—The Bureau shall submit an annual report to the Congress on all applications received, and actions taken (including the costs associated with such ac-

tions), under this section at the same time that the President is required to submit to Congress the budget under section 1105 of title 31.

**"SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.**

"(a) IN GENERAL.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been met with respect to such school until the eligibility determination is revoked by the Secretary.

"(b) ANNUAL REPORTS.—

"(1) IN GENERAL.—Each recipient of a grant provided under this part shall complete an annual report which shall be limited to—

"(A) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

"(B) an annual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

"(C) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

"(D) a program evaluation conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).

"(2) EVALUATION REVIEW TEAMS.—Where appropriate, other tribally controlled schools and representatives of tribally controlled community colleges shall make up members of the evaluation review teams.

"(3) EVALUATIONS.—In the case of a school which is accredited, evaluations will be conducted at intervals under the terms of accreditation.

"(4) SUBMISSION OF REPORT.—

"(A) TO TRIBALLY GOVERNING BODY.—Upon completion of the report required under paragraph (a), the recipient of the grant shall send (via first class mail, return receipt requested) a copy of such annual report to the tribal governing body (as defined in section 1132(f) of the Education Amendments of 1978) of the tribally controlled school.

"(B) TO SECRETARY.—Not later than 30 days after receiving written confirmation that the tribal governing body has received the report send pursuant to subsection (A), the recipient of the grant shall send a copy of the report to the Secretary.

"(c) REVOCATION OF ELIGIBILITY.—

"(1) IN GENERAL.—(A) The Secretary shall not revoke a determination that a school is eligible for assistance under this part if—

"(i) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school; and

"(ii) at least one of the following subclauses applies with respect to the school:

"(I) The school is certified or accredited by a State or regional accrediting association or is a candidate in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by the students within the education programs are, or will be, accepted at grade level by a State certified or regionally accredited institution.

"(II) A determination made by the Secretary that there is a reasonable expectation that the accreditation described in subclause (I), or the candidacy in good standing for such accreditation, will be reached by the school within 3 years and that the program offered by the school is beneficial to the Indian students.

"(III) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized regional or State accreditation agency.

"(IV) The schools accept the standards promulgated under section 1121 of the Education Amendments of 1978 and an evaluation of performance is conducted under this section in conformance with the regulations pertaining to Bureau operated schools by an impartial evaluator chosen by the grantee, but no grantee shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

"(V) A positive evaluation of the school is conducted by an impartial evaluator agreed upon by the Secretary and the grantee every 2 years under standards adopted by the contractor under a contract for a school

entered into under the Indian Self-Determination and Education Assistance Act (or revisions of such standards agreed to by the Secretary and the grantee) prior to the date of enactment of this Act. If the Secretary and the grantee other than the tribal governing body fail to agree on such an evaluator, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply.

"(B) The choice of standards employed for the purpose of subparagraph (A)(ii) shall be consistent with section 1121(e) of the Education Amendments of 1978.

"(2) NOTICE REQUIREMENTS FOR REVOCATION.—The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A) until the Secretary—

"(A) provides notice to the tribally controlled school and the tribal governing body (within the meaning of section 1141(14) of the Education Amendments of 1978) of the tribally controlled school which states—

"(i) the specific deficiencies that led to the revocation or resumption determination; and

"(ii) the actions that are needed to remedy such deficiencies; and

"(B) affords such authority an opportunity to effect the remedial actions.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is practicable to effect such remedial actions. Such notice and technical assistance shall be in addition to a hearing and appeal to be conducted pursuant to the regulations described in section 5206(f)(1)(C).

"(d) APPLICABILITY OF SECTION PURSUANT TO ELECTION UNDER SECTION 5209(b).—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)—

"(1) subsection (b) of this section shall apply; and

"(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.

**"SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.**

"(a) PAYMENTS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—

"(A) the first payment shall be made not later than July 15 of each year in an amount equal to 85 percent of the amount which the grantee was entitled to receive during the preceding academic year; and;

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) NEWLY FUNDED SCHOOLS.—For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) LATE FUNDING.—With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) APPLICABILITY OF CERTAIN TITLE 31 PROVISIONS.—The provisions of chapter 39 of Title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3).

"(5) RESTRICTIONS.—Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.

"(b) INVESTMENT OF FUNDS.—

"(1) TREATMENT OF INTEREST AND INVESTMENT INCOME.—Notwithstanding any other provision of law, any interest or investment income that accrues to any funds provided under this part after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law. Such interest income shall be spent on behalf of the school.

"(2) PERMISSIBLE INVESTMENTS.—Funds provided under this part may be invested by the Indian tribe or tribal organization before such funds are expended for the purposes of this part so long as such funds are—

"(A) invested by the Indian tribe or tribal organization only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States, or securities that are guaranteed or insured by the United States; or

"(B) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

"(c) RECOVERIES.—For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.

**"SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.**

"(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—The following provisions of the Indian Self-Determination and Education Assistance Act (and any subsequent revisions thereto or renumbering thereof), shall apply to grants provided under this part:

"(1) Section 5(f) (relating to single agency audit).

"(2) Section 6 (relating to criminal activities; penalties).

"(3) Section 7 (relating to wage and labor standards).

"(4) Section 104 (relating to retention of Federal employee coverage).

"(5) Section 105(f) (relating to Federal property).

"(6) Section 105(k) (relating to access to Federal sources of supply).

"(7) Section 105(l) (relating to lease of facility used for administration and delivery of services).

"(8) Section 106(f) (relating to limitation on remedies relating to cost allowances).

"(9) Section 106(j) (relating to use of funds for matching or cost participation requirements).

"(10) Section 106(k) (relating to allowable uses of funds).

"(11) Section 108(c) (Model Agreements provisions (1)(a)(5) (relating to limitations of costs), (1)(a)(7) (relating to records and monitoring), (1)(a)(8) (relating to property), and (a)(1)(9) (relating to availability of funds).

"(12) Section 109 (relating to reassumption).

"(13) Section 111 (relating to sovereign immunity and trusteeship rights unaffected).

"(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.—

"(1) IN GENERAL.—Contractors for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect upon the date of enactment of the Student Results Act of 1999 may, by giving notice to the Secretary, elect to have the provisions of this part apply to such activity in lieu of such contract.

"(2) EFFECTIVE DATE OF ELECTION.—Any election made under paragraph (1) shall take effect on the later of—

"(A) October 1 of the fiscal year succeeding the fiscal year in which such election is made; or

"(B) 60 days after the date of such election.

"(3) EXCEPTION.—In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election.

"(c) NO DUPLICATION.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or services if a grant has been made under this part to pay such expenses.

"(d) TRANSFERS AND CARRYOVERS.—

"(1) BUILDINGS, EQUIPMENT, SUPPLIES, MATERIALS.—A tribe or tribal organization assuming the operation of—

"(A) a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act; or

"(B) a contract school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act.

"(2) FUNDS.—Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather that to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.

"(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2), any dispute regarding a grant authorized to be made pursuant to this part or any amendment to such grant, and any dispute involving an administrative cost grant under section 1128 of the Education Amendments of 1978 shall be administered under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975. The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.

**"SEC. 5210. ROLE OF THE DIRECTOR.**

"Applications for grants under this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

**"SEC. 5211. REGULATIONS.**

"The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this part. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this part, the Secretary shall not issue regulations. Regulations issued pursuant to this part shall not have the standing of a Federal statute for the purposes of judicial review.

**"SEC. 5212. THE TRIBALLY CONTROLLED GRANT SCHOOL ENDOWMENT PROGRAM.**

"(a) IN GENERAL.—

"(1) Each school receiving grants under this part may establish, at a Federally insured banking and savings institution, a trust fund for the purposes of this section.

"(2) The school may provide—

"(A) for the deposit into the trust fund, only funds from non-Federal sources, except that the interest on funds received from grants under this part may be used for this purpose;

"(B) for the deposit in the account of any earnings on funds deposited in the account; and

"(C) for the sole use of the school any noncash, in-kind contributions of real or personal property, such property may at any time be converted to cash.

"(b) INTEREST.—Interest from the fund established under subsection (a) may periodically be withdrawn and used, at the discretion of the school, to defray any expenses associated with the operation of the school.

**"SEC. 5213. DEFINITIONS.**

"For the purposes of this part:

"(1) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

"(2) ELIGIBLE INDIAN STUDENT.—The term 'eligible Indian student' has the meaning of such term in section 1127(f) of the Education Amendments of 1978.

"(3) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including Alaska Native Village or regional corporations (as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(4) LOCAL EDUCATIONAL AGENCY.—The term a '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 such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(6) TRIBAL ORGANIZATION.—(A) The term 'tribal organization' means—

"(i) the recognized governing body of any Indian tribe; or

"(ii) any legally established organization of Indians which—

"(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and

"(II) includes the maximum participation of Indians in all phases of its activities.

"(B) In any case in which a grant is provided under this part to an organization to provide services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

"(7) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agency and which is not directly administered by the Bureau of Indian Affairs.".

# TITLE V—GIFTED AND TALENTED CHILDREN

**SEC. 501. AMENDMENT TO ESEA RELATING TO GIFTED AND TALENTED CHILDREN.**

Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.) is amended to read as follows:

## "PART B—GIFTED AND TALENTED CHILDREN

**"SEC. 10201. SHORT TITLE.**

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1999'.

**"SEC. 10202. FINDINGS.**

"The Congress finds the following:

"(1) While the families or communities of some gifted students can provide private programs with appropriately trained staff to supplement public educational offerings, most high-ability students, especially those from inner cities, rural communities, or low-income families, must rely on the services and personnel provided by public schools. Therefore, gifted education programs, provided by qualified professionals in the public schools, are needed to provide equal educational opportunities.

"(2) Due to the wide dispersal of students who are gifted and talented and the national interest in a well-educated populace, the Federal Government can most effectively and appropriately conduct scientifically based research and development to provide an infrastructure and to ensure that there is a national capacity to educate students who are gifted and talented to meet the needs of the 21st century.

"(3) State and local educational agencies often lack the specialized resources and trained personnel to consistently plan and implement effective programs for the identification of gifted and talented students and for the provision of educational services and programs appropriate for their needs.

"(4) Because gifted and talented students generally are more advanced academically, are able to learn more quickly, and study in more depth and complexity than others their age, their educational needs require opportunities and experiences that are different from those generally available in regular education programs.

"(5) Typical elementary school students who are academically gifted and talented already have mastered 35 to 50 percent of the school year's content in several subject areas before the year begins. Without an advanced and challenging curriculum, they often lose their motivation and develop poor study habits that are difficult to break.

"(6) Elementary and secondary teachers have students in their classrooms with a wide variety of traits, characteristics, and needs. Most teachers receive some training to meet the needs of these students, such as students with limited English proficiency, students with disabilities, and students from diverse cultural and racial backgrounds. However, most teachers do not receive training on meeting the needs of students who are gifted and talented.

**"SEC. 10203. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.**

"(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

"(b) SUBPART 2.—

"(1) IN GENERAL.—Subpart 2 shall be in effect only for—

"(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $50,000,000; and

"(B) all succeeding fiscal years.

"(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2—

"(A) shall give special consideration to a request for the continuation of an award within the State, made by any public or private agency, institution, or organization that was awarded a grant or contract under subpart 1 for a fiscal year for which such subpart was in effect; and

"(B) may use funds received under such grant for the purpose of permitting the agency, institution, or organization to continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

## "Subpart 1—Discretionary Grant Program

**"SEC. 10211. PURPOSE.**

"The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, 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.

**"SEC. 10212. GRANTS TO MEET EDUCATIONAL NEEDS OF GIFTED AND TALENTED STUDENTS.**

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 10203, from the sums available to carry out this subpart 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, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart 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) APPLICATION.—Each entity desiring assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application 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) the proposed programs can be evaluated.

"(b) USES OF FUNDS.—Programs and projects assisted under this subpart may include the following:

"(1) Carrying out—

"(A) scientifically based 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 purpose of this subpart.

"(2) Professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.

"(3) 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, including summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education.

"(4) Implementing innovative strategies, such as cooperative learning, peer tutoring and service learning.

"(5) Programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

"(c) COORDINATION.—Scientifically based research activities supported under this subpart—

"(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 such Office; and

"(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Office.

**"SEC. 10213. PROGRAM PRIORITIES.**

"(a) GENERAL PRIORITY.—In the administration of this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—

"(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

"(2) assists schools in the identification of, and 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).

"(b) SERVICE PRIORITY.—In approving applications for assistance under section 10212(a)(2), the Secretary shall ensure that in each fiscal year at least ½ of the applications approved under such section address the priority described in subsection (a)(2).

"(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES FOR AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—For fiscal year 2001 and succeeding fiscal years, the Secretary shall ensure that a percentage of the excess amount described in paragraph (2) is used to increase (in proportion to any increases in such excess amounts) the number and size of the grants under this subpart to State educational agencies to begin implementing activities described in section 10222(b) through competitive subgrants to local educational agencies.

"(2) EXCESS AMOUNT.—For purposes of paragraph (1), the excess amount described in this paragraph is, for fiscal year 2001 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this subpart for the year exceed such funds for fiscal year 2000.

**"SEC. 10214. GENERAL PROVISIONS FOR SUBPART.**

"(a) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary—

"(1) shall use a peer review process in reviewing applications under this subpart;

"(2) shall ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State and local educational agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) shall evaluate the effectiveness of programs under this subpart in accordance with section 14701, 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 the Congress not later than 2 years after the date of the enactment of the Student Results Act of 1999.

"(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this subpart 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—

"(1) shall administer and coordinate the programs authorized under this subpart;

"(2) shall serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

"(3) shall assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

## "Subpart 2—Formula Grant Program

**"SEC. 10221. PURPOSE.**

"The purpose of this subpart is to provide grants to States to support programs, teacher preparation, and other services designed to meet the needs of the Nation's gifted and talented students in elementary and secondary schools.

**"SEC. 10222. ESTABLISHMENT OF PROGRAM; USE OF FUNDS.**

"(a) IN GENERAL.—In the case of each State that in accordance with section 10224 submits to the Secretary an application for a fiscal year, subject to section 10203, the Secretary shall make a grant for the year to the State for the uses specified in subsection (b). The grant shall consist of the allotment determined for the State under section 10223.

"(b) AUTHORIZED ACTIVITIES.—Each State receiving a grant under this subpart shall use the funds provided under the grant to assist local educational agencies to develop or expand gifted and talented education programs through one or more of the following activities:

"(1) Development and implementation of programs to address State and local needs for in-service training programs for general educators, specialists in gifted and talented education, administrators, or other personnel at the elementary and secondary levels.

"(2) Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.

"(3) Supporting innovative approaches and curricula used by local educational agencies (or consortia of such agencies) or schools or (consortia of schools).

"(4) Providing funds for challenging, high-level course work, disseminated through new and emerging technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that do not have the resources otherwise to provide such course work.

"(c) COMPETITIVE PROCESS.—A State receiving a grant under this subpart shall distribute at least 95 percent of the amount of the grant to local educational agencies through a competitive process that results in an equitable distribution by geographic area within the State.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) COURSE WORK PROVIDED THROUGH EMERGING TECHNOLOGIES.—Activities under subsection (b)(4) may include development of curriculum packages, compensation of distance-learning educators, or other relevant activities, but funds provided under this subpart may not be used for the purchase or upgrading of technological hardware.

"(2) ADMINISTRATIVE COSTS.—A State receiving a grant under this subpart may use not more than 5 percent of the amount of the grant for State administrative costs.

**"SEC. 10223. ALLOTMENTS TO STATES.**

"(a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall reserve ½ of 1 percent for the Secretary of the Interior for programs under this subpart for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall allot the total amount made available to carry out this subpart for any fiscal year and not reserved under subsection (a) to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico 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) MINIMUM GRANT AMOUNT.—No State receiving an allotment under paragraph (1) may receive less than ¼ of 1 percent of the total amount allotted under such paragraph.

"(c) REALLOTMENT.—If any State does not apply for an allotment under this section for any fiscal year, the Secretary shall reallot such amount to the remaining States in accordance with this section.

**"SEC. 10224. APPLICATION.**

"(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application under this section shall include assurances that—

"(1) funds received under this subpart will be used to support gifted and talented students in public schools and public charter schools, including students from all economic, ethnic, and racial backgrounds, students of limited English proficiency, students with disabilities, and highly gifted students;

"(2) not less than 95 percent of the amount of the funds provided under the grant shall be used for the purpose of making, in accordance with this subpart and on a competitive basis, subgrants to local educational agencies;

"(3) funds received under this subpart shall be used only to supplement, but not supplant, the amount of State and local funds expended for specialized education and related services provided for the education of gifted and talented students; and

"(4) the State shall develop procedures to evaluate program effectiveness.

"(c) APPROVAL.—To the extent funds are made available for this subpart, the Secretary shall approve an application of a State if such application meets the requirements of this section.

**"SEC. 10225. ANNUAL REPORTING.**

"Beginning 1 year after the date of the enactment of the Student Results Act of 1999, a State receiving a grant under this subpart shall submit an annual report to the Secretary that describes the number of students served and the activities supported with funds provided under this subpart. The report shall include a description of the measures taken to comply with paragraphs (1) and (4) of section 10224(b). To the extent practicable and otherwise authorized by law, this report shall be submitted as part of any consolidated State performance report for State formula grant programs under this Act.

## "Subpart 3—National Center for Research and Development in the Education of Gifted and Talented Children and Youth

**"SEC. 10231. CENTER FOR RESEARCH AND DEVELOPMENT.**

"(a) 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 and other public or private agencies and organizations, for the purpose of carrying out activities described in section 10212(b)(1).

"(b) 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 institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(c) COORDINATION.—Scientifically based research activities supported under this subpart—

"(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 such Office; and

"(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Office.

## "Subpart 4—General Provisions

**"SEC. 10241. 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. 10242. 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 serving such children.

**"SEC. 10243. DEFINITIONS.**

"For purposes of this part:

"(1) The term 'scientifically based research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to the education of gifted and talented children; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**"SEC. 10244. AUTHORIZATION OF APPROPRIATIONS.**

"(a) SUBPART 1 OR 2.—Subject to section 10203, there are authorized to be appropriated $10,000,000 to carry out subpart 1 or 2 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

"(c) SUBPART 3.—There are authorized to be appropriated to carry out subpart 3 $1,950,000 for each of fiscal years 2000 through 2004.".

# TITLE VI—RURAL EDUCATION ASSISTANCE

**SEC. 601. RURAL EDUCATION.**

Part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8271 et seq.) is amended to read as follows:

## "PART J—RURAL EDUCATION INITIATIVE

**"SEC. 10951. SHORT TITLE.**

"This part may be cited as the 'Rural Education Initiative Act of 1999'.

**"SEC. 10952. FINDINGS.**

"Congress finds the following:

"(1) The National Center for Educational Statistics reports that 46 percent of our Nation's public schools serve rural areas.

"(2) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific and unique needs of rural school districts and schools.

"(3) Small school districts often cannot use Federal grant funds distributed by formula because the formula allocation does not provide enough revenue to carry out the program the grant is intended to fund.

"(4) Rural schools often cannot compete for Federal funding distributed by competitive grants because the schools lack the personnel needed to prepare grant applications and the resources to hire specialists in the writing of Federal grant proposals.

"(5) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in reading, science, and mathematics). As a result, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subject areas than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

## "Subpart 1—Small and Rural School Program

**"SEC. 10961. FORMULA GRANT PROGRAM AUTHORIZED.**

"(a) ALTERNATIVE USES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to support local or statewide education reform efforts intended to improve the academic

achievement of elementary school and secondary school students and the quality of instruction provided for the students.

"(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

"(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

"(ii) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture; or

"(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

"(2) CERTIFICATION.—The Secretary shall determine whether or not to waive the criteria described in paragraph (1)(A)(ii) based on certification provided by the local educational agency, or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

"(c) APPLICABLE FUNDING.—In this section, the term 'applicable funding' means funds provided under each of titles II, IV, VI, parts A and C of title VII, and part I of title X.

"(d) DISBURSAL.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

"(e) SUPPLEMENT NOT SUPPLANT.—Funds used under this section shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purpose of this subpart.

"(f) SPECIAL RULE.—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.

**"SEC. 10962. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to support local or statewide education reform efforts intended to improve the academic achievement of elementary school and secondary school students and the quality of instruction provided for the students.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—A local educational agency shall be eligible to receive a grant under this section if—

"(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

"(ii) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture; or

"(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

"(2) CERTIFICATION.—The Secretary shall determine whether or not to waive the criteria described in paragraph (1)(A)(ii) based on certification provided by the local educational agency, or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

"(c) ALLOCATION.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant to an eligible local educational agency for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 10961(c) for the preceding fiscal year.

"(2) DETERMINATION OF THE INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students, over 50 students, in average daily attendance in such eligible agency plus $20,000, except that the initial amount may not exceed $60,000.

"(3) RATABLE ADJUSTMENT.—

"(A) IN GENERAL.—If the amount made available for this subpart for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

"(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

"(5) CENSUS DETERMINATION.—

"(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency.

"(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

"(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

"(e) SPECIAL RULE.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year shall be ineligible to receive funds for such fiscal year under subpart 2.

"(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State or local education funds.

**"SEC. 10963. ACCOUNTABILITY.**

"(a) ACADEMIC ACHIEVEMENT.—

"(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 10961 or 10962 for a fiscal year shall administer an assessment consistent with section 1111 of title I.

"(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 10961 or 10962 shall use the same assessment described in paragraph (1) for each year of participation in the program under such section.

"(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 10961(c) shall—

"(1) after the 2d year that a local educational agency participates in a program under section 10961 or 10962 and on the basis of the results of the assessments described in subsection (a), determine whether the students served by the local educational agency participating in the program performed in accordance with section 1111 of title I; and

"(2) only permit those local educational agencies that so participated and met the requirements of section 1111(b)(2) of title I to continue to so participate.

## "Subpart 2—Low-Income And Rural School Program

**"SEC. 10971. PROGRAM AUTHORIZED.**

"(a) RESERVATIONS.—From amounts appropriated under section 10982 for this subpart for a fiscal year, the Secretary shall reserve ½ of 1 percent to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purpose of this subpart.

"(b) GRANTS TO STATES.—

"(1) IN GENERAL.—From amounts appropriated under section 10982 for this subpart that are not reserved under subsection (a), the Secretary shall award grants for a fiscal year to State educational agencies that have applications approved under section 10973 to enable the State educational agencies to award subgrants to eligible local educational agencies for local authorized activities described in subsection (c)(2).

"(2) ALLOCATION.—From amounts appropriated for this subpart, the Secretary shall allocate to each State educational agency for a fiscal year an amount that bears the same ratio to the amount of funds appropriated under section 10982

for this subpart that are not reserved under subsection (a) as the number of students in average daily attendance served by eligible local educational agencies in the State bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

"(3) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—

"(A) NONPARTICIPATING STATE.—If a State educational agency elects not to participate in the program under this subpart or does not have an application approved under section 10973 a specially qualified agency in such State desiring a grant under this subpart shall apply directly to the Secretary to receive an award under this subpart.

"(B) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under paragraph (2) directly to specially qualified agencies in the State.

"(c) LOCAL AWARDS.—

"(1) ELIGIBILITY.—A local educational agency shall be eligible to receive funds under this subpart if—

"(A) 20 percent or more of the children aged 5 to 17, inclusive, served by the local educational agency are from families with incomes below the poverty line; and

"(B) all of the schools served by the agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

"(2) USES OF FUNDS.—Grant funds awarded to local educational agencies or made available to schools under this subpart shall be used for—

"(A) educational technology, including software and hardware;

"(B) professional development;

"(C) technical assistance;

"(D) teacher recruitment and retention;

"(E) parental involvement activities; or

"(F) academic enrichment programs.

**"SEC. 10972. STATE DISTRIBUTION OF FUNDS.**

"(a) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

"(1) on a competitive basis; or

"(2) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools (as appropriate) in the State, as determined by the State.

"(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs.

**"SEC. 10973. APPLICATIONS.**

"Each State educational agency and specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall include specific measurable goals and objectives to be achieved which may include specific educational goals and objectives relating to increased student academic achievement, decreased student drop-out rates, or such other factors that the State educational agency or specially qualified agency may choose to measure.

**"SEC. 10974. REPORTS.**

"(a) STATE REPORTS.—Each State educational agency that receives a grant under this subpart shall provide an annual report to the Secretary. The report shall describe—

"(1) the method the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;

"(2) how local educational agencies and schools used funds provided under this subpart; and

"(3) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 10973.

"(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—

"(1) how such agency uses funds provided under this subpart; and

"(2) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 10971(b)(4)(A).

"(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Education and the Workforce for the House of Representatives and the Committee on Health, Education, Labor, and Pensions for the Senate an annual report. The report shall describe—

"(1) the methods the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;

"(2) how eligible local educational agencies and schools used funds provided under this subpart; and

"(3) progress made in meeting specific measurable educational goals and objectives.

**"SEC. 10975. DEFINITIONS.**

"For the purposes of this subpart—

"(1) The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(2) The term 'specially qualified agency' means an eligible local educational agency, located in a State that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year in accordance with section 10971(b)(4).

## "Subpart 3—General Provisions

**"SEC. 10981. 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.

**"SEC. 10982. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this part $125,000,000 for fiscal year 2000 and such sums as may be necessary for each of 4 succeeding fiscal years to be distributed equally between subparts 1 and 2.".

# TITLE VII—MCKINNEY HOMELESS EDUCATION IMPROVEMENTS ACT OF 1999

**SEC. 701. SHORT TITLE.**

This title may be cited as the "Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999".

**SEC. 702. FINDINGS.**

Congress makes the following findings:

(1) An estimated 1,000,000 children in the United States will experience homelessness this year.

(2) Homelessness has a devastating impact on the educational opportunities of children and youth; homeless children go hungry at more than twice the rate of other children; have 4 times the rate of delayed development; and are twice as likely to repeat a grade.

(3) Despite steady progress in school enrollment and attendance resulting from the passage in 1987 of the Stewart B. McKinney Homeless Assistance Act, homeless students still face numerous barriers to education, including residency, guardianship and registration requirements, as well as delays in the transfer of school records, and inadequate transportation service.

(4) School is one of the few secure factors in the lives of homeless children and youth, providing stability, structure, and accomplishment during a time of great upheaval.

(5) Homeless children and youth need to remain in school so that they acquire the skills necessary to escape poverty and lead productive, healthy lives as adults.

(6) In the 12 years since the passage of the McKinney Act, educators and service providers have learned much about policies and practices which help remove the barriers described.

**SEC. 703. PURPOSE.**

The purpose of this title is to strengthen subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431 et seq.) by amending it—

(1) to include innovative practices, proven to be effective in helping homeless children and youth enroll, attend, and succeed in school; and

(2) to help ensure that such individuals receive a quality education and secure their chance for a brighter future.

**SEC. 704. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.**

Subtitle B of title VII of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

# "Subtitle B—Education for Homeless Children and Youth

**"SEC. 721. STATEMENT OF POLICY.**

"It is the policy of Congress that—

"(1) each State educational agency ensure that each child of a homeless individual and each homeless youth has equal access to the same free, 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 the State's 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 review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, public education as provided to other children and youth;

"(3) homelessness alone is not 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 such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

**"SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.**

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such 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) IN GENERAL.—Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than $100,000.

"(2) RESERVATION.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

"(B)(i) The Secretary shall 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 the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agree-

ment shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

"(3) DEFINITION.—As used in this subsection, the term "State" shall not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(d) 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 homeless children, and 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, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—

"(1) IN GENERAL.—(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, as the subtitle was then in effect, 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 such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle, as the subtitle was then in effect, for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) SPECIAL RULE.—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 such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.

"(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free, public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based solely on such child or youth's status as homeless.

"(B) EXCEPTION.—A State that has established a separate school for homeless children in the fiscal year preceding the date of the enactment of the Stewart B. McKinney Homeless Education Assistance Improvement Act of 1999 shall remain eligible to receive funds under this subtitle for such program.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) 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;

"(2) develop and carry out the State plan described in subsection (g);

"(3) collect and transmit to the Secretary, information gathered pursuant to paragraphs (1) and (2), at such time and in such manner as the Secretary may require;

"(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

"(5) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

"(A) educators, including child development and preschool program personnel;

"(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

"(C) local educational agency liaisons for homeless children and youth; and

"(D) community organizations and groups representing homeless children and youth and their families.

"(g) STATE PLAN.—

"(1) IN GENERAL.—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 student 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, enrollment personnel, and pupil services 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, administered by the State agency, 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)(3);

"(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 shall 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 assurances that—

"(i) except as provided in subsection (e)(3)(B), State and local educational agencies will adopt policies and practices to ensure that homeless children and youth are not segregated solely on the basis of their status as homeless; and

"(ii) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.

"(2) COMPLIANCE.—Each plan adopted under this subsection shall also demonstrate how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

"(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(A) IN GENERAL.—Each local educational agency serving a homeless child or youth assisted under this subtitle 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 duration of their homelessness;

"(II) if the child becomes permanently housed, for the remainder of the academic year; or

"(III) 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 public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall keep, to the extent feasible, a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian.

"(C) ENROLLMENT.—(i) Except as provided in clause (iii), a school that a homeless child seeks to enroll in shall, in accordance with this paragraph, immediately enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, or other documentation.

"(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

"(iii) A school described in clause (i) is not required to accept a homeless child until the school receives the immunization records for such child. If the child or youth needs to obtain immunizations, the enrolling school shall promptly refer parent or guardian of the child or youth to the appropriate authorities. If a child is denied enrollment because of the lack of immunization records, the school denying such enrollment shall refer the parents of the homeless child or youth to the liaison in accordance with subparagraph (E).

"(D) RECORDS.—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—

"(i) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(ii) in a manner consistent with section 444 of the General Education Provisions Act.

"(E) ENROLLMENT DISPUTES.—If there is a dispute over school selection or enrollment—

"(i) except as provided in subparagraph (C)(iii), the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

"(ii) the parent or guardian shall be provided with a written explanation of the school's decision regarding enrollment, including the right to appeal the decision; and

"(iii) the parent or guardian shall be referred to the liaison, who shall carry out the dispute resolution process as described in paragraph (6)(D) as expeditiously as possible, after receiving notice of the dispute.

"(F) PLACEMENT CHOICE.—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.

"(G) DEFINITION.—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.

"(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information required by the local educational agency of a parent or guardian of a nonhomeless child.

"(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle 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;

"(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 (20 U.S.C. 6301 et seq.) 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 and technical education;

"(D) programs for gifted and talented students; and

"(E) school nutrition programs.

"(5) COORDINATION.—

"(A) IN GENERAL.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act. (42 U.S.C. 5701 et seq.).

"(B) HOUSING ASSISTANCE.—If applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

"(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

"(i) ensure that homeless children and youth have access to available education and related support services; and

"(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth.

"(6) LIAISON.—

"(A) DUTIES.—Each local liaison for homeless children and youth, designated pursuant to subsection (g)(1)(H)(ii), shall ensure that—

"(i) homeless children and youth enroll in, and have an equal opportunity to succeed in, schools of that agency;

"(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

"(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; and

"(iv) public notice of the educational rights of homeless children and youth is disseminated where such children and youth receive services under this Act (such as family shelters and soup kitchens).

"(B) NOTICE.—State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

"(D) DISPUTE RESOLUTION.—Unless another individual is designated by State law, the local educational agency liaisons for homeless children and youth shall provide resource information and assist in resolving disputes under this subtitle, should they arise.

"(7) REVIEW AND REVISIONS.—

"(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle, 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).

"(B) CONSIDERATION.—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.

"(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

**"SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.**

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e) and from 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) SERVICES.—

"(A) IN GENERAL.—Services under paragraph (1)—

"(i) may be provided through programs on school grounds or at other facilities;

"(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth; and

"(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

"(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

"(i) may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to the requirements of clause (ii).

"(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregates homeless children and youth from other children and youth except as is necessary for short periods of time—

"(I) for health and safety emergencies; or

"(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.

"(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and 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 reasonably require. Each such application shall include—

"(1) an assessment of the educational and related needs of homeless children and youth in such agency (which may be undertaken as a part of needs assessments for other disadvantaged groups);

"(2) 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;

"(3) 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 such agency for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;

"(4) an assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g); and

"(5) a description of policies and procedures, consistent with section 722(e)(3)(B), 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) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants that result in an equitable distribution of geographic areas within the State to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

"(2) NEED.—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, and meets the requirements of section 722(g)(3);

"(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 State agency determines appropriate.

"(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

"(A) the applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs;

"(B) the types, intensity, and coordination of the services to be provided under the program;

"(C) the involvement of parents or guardians;

"(D) the extent to which homeless children and youth will be integrated within the regular education program;

"(E) the quality of the applicant's evaluation plan for the program;

"(F) the extent to which services provided under this subtitle will be coordinated with other available services; and

"(G) such other measures as the State educational agency considers indicative of a high-quality program.

"(4) DURATION OF GRANTS.—Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children and youth;

"(2) 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 and technical education, and school nutrition programs);

"(3) professional development and other activities for educators and pupil services personnel that are 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;

"(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(7) the provision of before- and after-school, mentoring, 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;

"(8) if 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;

"(9) 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;

"(10) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;

"(11) the provision of pupil services (including violence prevention counseling) and referrals for such services;

"(12) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(13) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(14) the provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

"(15) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

**"SEC. 724. SECRETARIAL RESPONSIBILITIES.**

"(a) REVIEW OF PLANS.—In reviewing the State plan submitted by a State educational agency 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, if requested by the State educational agency.

"(c) REPORT.—The Secretary shall develop and issue not later than 60 days after the date of enactment of the Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999, a report to be made available to States, local educational agencies, and other applicable agencies regarding the following:

"(1) ENROLLMENT.—Such report shall review successful ways in which a State may assist local educational agencies to enroll homeless students on an immediate basis. The report issued by the Secretary shall—

"(A) clarify that enrollment includes a homeless child's or youth's right to actually attend school; and

"(B) clarify requirements that States are to review immunization and medical or school records and to make such revisions as appropriate and necessary in order to enroll homeless students in school more quickly.

"(2) TRANSPORTATION.—The report shall also address the transportation needs of homeless students. The report issued by the Secretary shall—

"(A) explicitly state that the goal of the transportation provisions contained in this Act is to provide educational stability by reducing mobility and therefore provide an effective learning environment for homeless children; and

"(B) encourage States to follow programs implemented in State law that have successfully addressed transportation barriers for homeless children.

"(d) 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.

"(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (e), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

"(g) INFORMATION.—

"(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

"(A) the number and location of homeless children and youth;

"(B) the education and related services such children and youth receive;

"(C) the extent to which such needs are being met; and

"(D) such other data and information as the Secretary deems necessary and relevant to carry out this subtitle.

"(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

"(h) REPORT.—Not later than 4 years after the date of the enactment of the Stewart B. McKinney Homeless Education Assistance Improvement Act of 1999, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youth, which shall include information on—

"(1) the education of homeless children and youth; and

"(2) the effectiveness of the programs supported under this subtitle.

**"SEC. 725. DEFINITIONS.**

"For the purpose of this subtitle, unless otherwise stated—

"(1) the terms 'local educational agency' and 'State educational agency' have the same meanings given such terms under section 14101, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

"(2) the term "Secretary" means the Secretary of Education; and

"(3) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

"For the purpose of carrying out this subtitle, there are authorized to be appropriated $36,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.".

# TITLE VIII—SCHOOLWIDE PROGRAM ADJUSTMENT

**SEC. 801. SCHOOLWIDE FUNDS.**

The Act is amended by adding at the end the following:

# "TITLE XVI—SCHOOLWIDE PROGRAM ADJUSTMENT

**"SEC. 16001. SCHOOLWIDE PROGRAM ADJUSTMENT.**

"Notwithstanding the provisions of section 1114, a local educational agency may consolidate funds under part A of title I, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.".

## PURPOSE

The purpose of H.R. 2, the Student Results Act of 1999 is to authorize Title I of the Elementary and Secondary Education Act (ESEA) and other programs assisting low achieving students. Programs authorized in the bill are: Title I, Part A (Education of the Disadvantaged), Migrant Education, Neglected and Delinquent, Magnet Schools Assistance, Native American and Alaska Native Programs, Gifted and Talented, Rural Education, and the Stewart B. McKinney Homeless Assistance program.

## COMMITTEE ACTION

In December of 1998, organizations, associations and governmental bodies were invited to submit to the Committee on Education and the Workforce their legislative recommendations for the authorization of the Elementary and Secondary Education Act. The Committee received recommendations from more than 50 respondents. Some of these submitting recommendations to the Committee were: American Association of School Administrators (AASA); American Federation of Teachers (AFT); Council of the Great City Schools; Council of Chief State School Officers; Council for American Private Education; Family Research Council; National Association of Bilingual Education (NABE); National Association of Elementary School Principals; National Conference of State Legisla-

tures; National Indian Education Association (NIEA); National PTA; National School Boards Association; National Science Teachers Association (NSTA); Sylvan Learning Systems, Inc.; National Association for College Admission Counseling; National Association of Social Workers; National Association of State Directors of Special Education, Inc. (NASDE); National Center for Home Education; United States Catholic Conference; Citizens for Educational Freedom; The Center for Law and Education; Arizona University, College of Education; California Association of Private School Organizations; Delaware State Department of Education; Georgia State Department of Education; Kansas State Department of Education; Mississippi State Department of Education; New Jersey State Department of Education; Oklahoma State Department of Education; South Carolina State Department of Education; Texas Education Agency; Washington State Superintendent of Public Instruction; Wyoming State Department of Education; New Jersey Catholic Conference; the Texas Catholic Conference; American Library Association; Archdiocese of Los Angeles; Archdiocese of Miami; The Child Care Consortium; Educational Engineering; The Lutheran Church—Missouri Synod; National Center on Economic Education; Charles J. O'Malley & Associates, Inc.; Our Kids, Inc.; Pearson Education; The Riggs Institute; Smith, Bucklin & Associates, Inc.; Spalding Education Foundation; Voyager Expanded Learning; and Very Special Arts (VSA).

HEARINGS

The Committee on Education and the Workforce, the Subcommittee on Early Childhood, Youth and Families, and the Subcommittee on Oversight and Investigations together have held 20 hearings both in and outside of Washington to review and make determinations on revising the Elementary and Secondary Education Act, specifically with regard to improving the education of the disadvantaged and low achieving students. A list of all of the hearings are as follows:

*Full Committee Hearings*

1. January 27, 1999, "The Administration's Education Proposals and Priorities for FY 2000"
2. January 28, 1999, "Implementing School Reform in States and Communities"
3. February 11, 1999, "The Administration's Education Proposals and Priorities for FY 2000"
4. April 14, 1999, "Title I of the Elementary and Secondary Education Act: An Overview"
5. June 10, 1999, "Key Issues in the Authorization of Title I of the Elementary and Secondary Education Act"
6. July 13, 1999, "Comprehensive School Reform: Current Status and Issues"
7. July 22, 1999, "Helping Migrant, Neglected, and Delinquent Children Succeed in School"
8. July 27, 1999, "Title I: What's Happening at the School District and School Building Level"

*Subcommittee on Early Childhood, Youth and Families*

1. April 8, 1999, "What Congress Can Learn from Successful State Education Reform Efforts"
2. May 25, 1999, "Education Reform: Putting the Needs of Our Children First"
3. June 9, 1999, "Academic Accountability"
4. June 24, 1999, "Examining the Bilingual Education Act"
5. July 15, 1999, "Elementary and Secondary Education Act: Educating Diverse Populations"
6. July 20, 1999, "Examining Education Programs Benefiting Native American Children"

*Field hearings*

1. June 21, 1999 " Title I: Local Efforts to Boost Student Achievement," in Waterford, Michigan
2. July 7, 1999, "Reauthorization of the Bilingual Education Act," in McAllen, Texas
3. August 12, 1999, "Excellence in Education through Innovative Alternatives," Greenville, South Carolina
4. September 8, 1999, "Challenges and Innovations in Elementary and Secondary Education," in Raleigh, North Carolina

*Subcommittee on Oversight and Investigations*

1. September 8, 1999, "Improving Student Achievement and Reforming the Federal Role in Education"

*Field hearing*

1. April 19, 1999, "Chicago Education Reforms and the Importance of Flexibility in Federal Education Programs

LEGISLATIVE ACTION

On February 11, 1999, Representative Bill Goodling (R–PA) introduced H.R. 2, the Dollars to the Classroom Act. As introduced, the bill contained three Titles; the amendment in the nature of a substitute offered by Mr. Goodling replaced the language of the original bill with major changes to the Elementary and Secondary Education Act and other education programs. The original three titles in the bill have either moved through a separate legislative process or are currently moving on other bills. The original first Title of H.R. 2 contained the Dollars to the Classroom resolution, which in the 106th Congress is contained in H. Res. 303, Dollars to the Classroom introduced by Rep. Joseph R. Pitts, which passed the House of Representatives on October 12, 1999; it is also similar to H. Res. 139 from the 105th Congress, which passed the House of Representatives on October 27, 1997. The original second Title contained the "Education Flexibility Partnership Act, Ed-Flex" which became Public Law 106–25, through H.R. 800, that was introduced by Representatives Michael N. Castle and Tim Roemer. The original third Title, which modified federal arbitrage laws, is within the jurisdiction of the Committee on Ways and Means, and has been included in H.R. 2488, the "Financial Freedom Act of 1999".

On the basis of the hearings, bills referred to the Committee and the Subcommittee, the recommendations of the Administration, and the recommendations of the education community, an amendment in the nature of a substitute was prepared. The Committee on Education and the Workforce considered this substitute, to H.R. 2, the Student Results Act of 1999 in legislative session on October 5, 6, 7, and 13, 1999 during which 47 amendments were considered on which 28 roll call votes were taken. The Committee on Education and the Workforce with a majority of the Committee present, favorably reported H.R. 2 as amended, to the House of Representatives by a vote of 42 to 6 on October 13, 1999.

Below is a description of the adopted amendments to H.R. 2:

• Goodling amendment in the Nature of a Substitute.

• Castle En Bloc amendment to clarify that only states, local educational agencies (LEAs) and schools who receive Title I funds do report cards or other public reports on the progress of groups of Title I students; ensures that if a state, LEA, or school already issues public report cards for all children that such report cards include the information under this Act for Title I students; clarifies that if a LEA issues no report card, they must publicly report information on schools receiving funds under this Act through some other public means; clarifies parental consent must be obtained for limited English proficient children in English language instruction programs funded under Title I, but such consent is not required for classes which are taught exclusively or almost exclusively in English; describes what an LEA must do when parental consent cannot be obtained to place a limited English proficient child in English instruction programs; allows LEAs to use Title I funds to provide improvements to schools in school improvements and for corrective action measures; allows LEAs in school improvement to get out of school improvement if they have made progress toward meeting the state's proficient and advanced levels of performance for two out of three years following such identification; and makes other technical and clarifying amendments.

• McCarthy amendment to make teacher mentoring programs an optional use of Title I funds.

• Souder amendment to permit school districts to offer public school choice if not prohibited by state or local law, including school board policies.

• Roemer amendment to create a new $20 million grant program to give funds to states to provide public school choice.

• Payne amendment to increase the schoolwide poverty threshold from 40% to 50%.

• Scott En Bloc amendment to allow school districts to use Title I funds to provide financial incentives and rewards to teachers who teach in failing schools for the purpose of attracting and retaining qualified and effective teachers and adds to the assessment of paraprofessionals that they can be assessed based on their ability to assist in instructing in reading readiness, writing readiness and math readiness, as appropriate.

• Clay amendment to require a GAO to evaluate the impact of Ed-Flex on Title I.

• Schaffer amendment to require public schools to ensure that educational services or other benefits provided by Title I are secular, neutral and nonideological.

• McIntosh amendment to provide limited civil litigation immunity for teachers, principals, local school board members, superintendents, and other educational professionals who engage in reasonable actions to maintain school discipline.

• Boehner amendment to repeal all Native Hawaiian programs under Part B, Title IX of the ESEA.

• Schaffer amendment to lower the authorization on capital expenses for private schools from $24 million to $15 million for FY 2000, from $16 million to $15 million for FY 2001, and from $8 million to $5 million for FY 2002.

• McIntosh amendment stating a Sense of Congress to encourage paperwork reduction practices by school districts and schools.

• Schaffer amendment to increase the state set aside for Academic Achievement Awards to schools from 25% to 30% and gives states the option to participate in such program.

• Hoekstra amendment to provide states flexibility in the method by which they report information about the quality and performance of Title I schools.

• Hoekstra amendment to reinstate the schoolwide poverty threshold to 40%. (An amendment by Mr. Payne increased it from 40% to 50%. The schoolwide poverty threshold is set at 40% in H.R. 2).

## SUMMARY

### TITLE I, PART A—BASIC PROGRAM

Title I, Part A of H.R. 2 extends and modifies Title I, Part A of the Elementary and Secondary Education Act (ESEA). Part A provides supplemental educational services to low-achieving students to assist them in meeting challenging state student performance standards. The bill maintains the existing standards and assessments-based structure to Title I; strengthens academic accountability by holding all States, school districts and schools accountable for ensuring that their students meet high academic standards; provides for distribution of report cards on the academic quality of Title I schools, including the qualifications of teachers and teachers' aides, to parents and communities; gives families the opportunity to leave failing Title I schools and enroll in other public schools or charter schools; provides rewards to Title I schools that are closing the achievement gap; ensures that all newly-hired teachers funded by Title I are fully qualified; raises the qualifications of teachers' aides; and provides greater flexibility to schoolwide programs.

### TITLE I, PART B—EDUCATION OF MIGRATORY CHILDREN

Title I, Part B of H.R. 2 extends and modifies Title I, Part C of the Elementary and Secondary Education Act, "Education of Migratory Children." The bill makes slight modifications to the eligibility requirements for receiving funds under this Part to better address the needs of migrant children. Some of the most important provisions seek to improve the transfer of migrant student records.

These provisions direct the Secretary to assist States in developing effective methods for the transfer of student records and for determining the minimum data elements to be transferred. The bill also provides States with increased flexibility in the use of funds.

TITLE I, PART C—NEGLECTED AND DELINQUENT YOUTH

Title I, Part C of H.R. 2 makes several minor changes to Title I, Part D of ESEA for neglected and delinquent children. The majority of changes are made to insure the Subpart 2 program for local educational agencies is focused primarily on addressing the needs of youth returning from local correctional facilities to their local schools or programs of alternative education. The amendments would still permit local educational agencies to serve the needs of other at risk children as long as they first meet the academic and other needs of youth returning from local correctional facilities. The bill also increases the amount of Subpart 1 funds States are to set aside to use to transition youth in State correctional facilities back to their local schools from 10 to 15 percent.

TITLE I, PART D—COMPREHENSIVE SCHOOL REFORM

Title I, Part D, of H.R. 2 puts into statutory form the comprehensive school reform grant program, which had previously existed by virtue of narrative, paragraph-style text included in the FY 1998 Labor, Health and Human Services, and Education Appropriations Act (P.L. 105–78). The comprehensive school reform grant program provides financial incentives for schools to develop comprehensive reforms to change an entire school. The reforms must be based upon reliable research and effective practices, and emphasize basic academics and parental involvement.

TITLE I, PART E—GENERAL PROVISIONS

Title I, Part E, of H.R. 2, includes general provisions governing Title I. Such provisions include negotiated rulemaking; State rulemaking; rules of construction; local educational agency cost limitations; General Accounting Office studies; and definitions.

TITLE II—MAGNET SCHOOLS ASSISTANCE

The Magnet Schools Assistance Program (MSAP) provides competitive grants to Local Education Agencies for magnet schools that are implementing school desegregation plans. Magnet schools offer special vocational or academic programs designed to attract students from outside the school's traditional enrollment area. MSAP grantees receive three-year awards, which cannot exceed $4 million per year. Funds may be used for planning and promoting academic programs, acquiring instructional equipment, and paying the salaries of fully qualified teachers who conduct programs in magnet schools. However, over the three-year period, a decreasing proportion of the grant may be used for planning activities; 50%, 15%, and 10% respectively.

TITLE III—TEACHER LIABILITY

Title III includes provisions which provide limited civil litigation immunity for teachers, principals, local school board members, su-

perintendents, and other education professionals who engage in reasonable actions to maintain order, discipline, and a positive education environment in America's schools and classrooms.

TITLE IV—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Title IV amends Title IX of the Elementary and Secondary Education Act, as well as Title XI of the Education Amendments of 1978, and the Tribally Controlled Schools Act of 1988. Taken together, these statutes provide most of the federal government's education aid that is specifically targeted to American Indian and Alaska Native students and the schools and organizations which serve them. In updating and improving these programs, the Committee has focused on improving student achievement, targeting resources to the programs that are providing the best results, greatly increasing the flexibility of the programs at the local level so that Native Americans, Hawaiians and Alaskans can make the decisions which impact themselves, reducing the administrative burden placed on participating entities, increasing the amount of aid that actually reaches the classroom, and increasing the emphasis placed on family literacy services for the effected populations. In addition, with respect to education programs funded by the Bureau of Indian Affairs, the Committee has shifted as much authority and responsibility to the Tribes, tribal organizations, and local school boards as possible while maintaining accountability for the use of federal funds. The Committee recognizes that, if given the chance, these entities, working with the parents of Indian children can and will do a far better job of improving student achievement than any federal agency.

TITLE V—GIFTED AND TALENTED CHILDREN

The Jacob K. Javits Gifted and Talented program was first authorized in 1988 to serve the educational needs of gifted and talented children. This program supports a national research effort and awards competitive grants to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations to help build a nationwide capability to meet the needs of gifted and talented students in elementary and secondary schools. Since 1989, the Javits Gifted and Talented Program has funded almost 100 grants that have supported model programs and practices for educating gifted and talented students nationwide. The Committee amendment to this part makes minor changes to current law and incorporates a version of H.R. 637, "The Gifted and Talented Students Education Act," introduced by Rep. Elton Gallegly (R–CA), to provide formula grants to States to implement successful research findings and model projects funded by the Javits program over the past 10 years.

Subpart 1 of the Committee amendment eliminates previously unfunded subsections and stipulates that all research conducted shall be "scientifically based." Subpart 2 provides formula grants, based on student population, to State educational agencies to support programs and services for gifted and talented students. Once the current program reaches funding sufficient to provide formula grants to the States, subpart 2 activities are triggered and conducted in lieu of subpart 1. The trigger for subpart 2 activities is

$50,000,000. Subpart 2 authorizes State educational agencies to distribute grants to local educational agencies, including charter schools, on a competitive basis to provide gifted and talented students with programs and services. Authorized activities for subpart 2 include: (1) professional development, including in-service training for general education teachers, administrators, or other personnel at the elementary and secondary levels; (2) innovative programs and services, including curriculum for high-ability students; (3) emerging technologies, including distance learning; and (4) technical assistance to schools and local districts. Subpart 3 maintains activities conducted by the National Research Center on the Gifted and Talented at $1,950,000 for both subparts 1 and 2.

TITLE VI—RURAL EDUCATION ASSISTANCE

The Committee amendment, a combination of H.R. 2725, "The Rural Education Initiative Act," introduced by Rep. Bill Barrett (R–NE) and H.R. 2997, "The Low-Income and Rural School Program," introduced by Rep. Van Hilleary (R–TN), addresses the unique problems associated with the education of students in rural school districts. Specifically, this amendment replaces Part J of Title X of the Elementary and Secondary Education Act, will address the different needs of (1) small, rural school districts and (2) low-income, rural school districts.

Subpart 1 of the Committee amendment addresses the needs of small, rural school districts. A local educational agency would be able to use applicable funding to support local or statewide education reform efforts intended to improve the academic achievement of elementary and secondary school students and the quality of instruction provided for these students. A local educational agency would be eligible to use funding under this subpart if: (1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and (2) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code (Beale Code) of 6, 7, 8, or 9, as determined by the Secretary of Agriculture. An eligible local educational agency would be able to combine funds from Title II, Professional Development Programs; Title IV, Safe and Drug-Free Schools and Communities; Title VI, Innovative Education Program Strategies; Title VII (Part A), Bilingual Education; Title VII (Part C), Emergency Immigrant Education Program; and Title X (Part I), 21st Century Community Learning Centers formula grant programs and use the money to support local or statewide education reform efforts. Grants under this subpart would be awarded to eligible local educational agencies based on the number of students in average daily attendance less the amount they received from the aforementioned formula grant programs. Minimum grants for local educational agencies would not be less than $20,000. The maximum a local educational agency could receive would be $60,000. Local educational agencies participating in this initiative would have to meet high accountability standards by demonstrating the ability to meet academic achievement standards under Title I, such as the State's definition of adequate yearly progress. Schools failing to meet these requirements would not be eligible for continued funding.

Subpart 2 of the Committee amendment addresses the needs of low-income, rural school districts. A local educational agency is eligible to use the applicable funding under subpart 2 if it serves (1) a school-age population, 20 percent or more of whom are from families with incomes below the poverty line; and (2) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code (Beale Code) of 6, 7, 8, or 9, as determined by the Secretary of Agriculture. Funds for this subpart are allocated among states by formula based on enrollment in eligible districts within those states. States, in turn, allocate funds to eligible local educational agencies competitively or according to a state-determined formula based on the number of students each eligible local educational agency serves. Funds awarded to local educational agencies or made available to schools under this subpart can be used for: educational technology; professional development; technical assistance; teacher recruitment and retention; parental involvement activities; or academic enrichment programs. A local education agency utilizing Subpart 2 may not utilize Subpart 1.

TITLE VII—MCKINNEY HOMELESS EDUCATION IMPROVEMENTS

Subtitle B of title VII of the Stewart B. Mckinney Homeless Assistance Act authorizes formula grants to States, based on state allocations for grants to local educational agencies under title I, part A of the Elementary and Secondary Education Act. Grants must be used for State and local programs to provide equal access to a free, public education for homeless children and youth, including a public preschool education, equivalent to that provided to other children and youth. Grants must also be used to establish an Office of Coordinator of Education of Homeless Children and Youth within each State educational agency; implement professional development activities for school personnel; and provide each child or youth the opportunity to meet the same State student performance standards that others are expected to meet. The Committee amendment to this part strengthens the McKinney Act by amending it to incorporate a version of H.R. 2888, "The Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999," introduced by Rep. Judy Biggert (R–IL) and provisions in the Administration's "Educational Excellence for All Children Act of 1999," to help homeless children enroll, attend, and succeed in school.

TITLE VIII—SCHOOLWIDE PROGRAM ADJUSTMENT

The Committee adopted an amendment to set the minimum percent of children from low-income families in order for a school to be eligible for a schoolwide program at 40 percent. See *infra* discussion on Committee Views, Title I, Part A, Schoolwide Programs.

## COMMITTEE STATEMENT AND VIEWS

### TITLE I, PART A—BASIC PROGRAM

*Historical perspective*

Title I, the largest federal Elementary and Secondary Education Act (ESEA) program, provides supplemental educational services to

children who are achieving below grade level. From the time it was first enacted in 1965 until the present, taxpayers have provided over $120 billion in funding, with the initial investment in 1965 of $960 million having risen to $7.7 billion in 1999.

The reach of Title I is broad. Title I grants or services are provided to almost all school districts in the country—approximately 90 percent—and 58 percent of public schools. Approximately 11,000,000 students are served, including 167,000 in private schools.

Over its 34 year history, Title I has been confronted with continuing questions about its effectiveness at raising the academic achievement of the students it serves. One example is the *Prospects* study, a national longitudinal study of Title I. The 1993 interim report from this study showed that Title I did not appear to help at-risk students in high-poverty schools to close their academic achievement gaps with students in low-poverty schools. The final report, released in 1997, confirmed the generally negative findings from the interim report:

> In the period covered by this study, children in high-poverty schools began school academically behind their peers in low-poverty schools, and were unable to close this gap in achievement as they progressed through school.
>
> When assessed against high academic standards, most students failed to exhibit the skill and mastery in reading and mathematics expected for their respective grade levels. Students in high-poverty schools were, by far, the least able to demonstrate the expected levels of academic proficiency. (*Prospects: The Congressionally Mandated Study of Educational Growth and Opportunity,* Puma et.al. 1997, p. iv)

On the other hand, the National Assessment of Title I (NATI), released in 1999, came to a different conclusion based on early results of changes made in the 1994 reauthorization. This study, mandated by Congress in the 1994 reauthorization of the Elementary and Secondary Education Act, found that the standards-based changes made in 1994 Title I legislation were working, in large part because the National Assessment of Educational Progress (NAEP) test scores improved from 1994 to 1998. However, that is only part of the picture. Though NAEP reading scores did increase modestly from 1994–1998, they only returned to the level that the scores were in 1992, and when compared to the long-term trends in NAEP from the 1970s to 1998, the scores are basically flat. More fundamentally, despite claims by the Clinton Administration, there is no direct link between NAEP and the changes made to Title I in 1994. The NATI study itself points out that "full implementation [of the 1994 reforms] in classrooms across the country has yet to be accomplished." Further, another report, the *Status of Education Reform in Public Elementary Schools: Principals' Perspectives,* indicated that most principals in Title I eligible schools were unaware of the standards-based reforms required by the 1994 legislation, and so it is even more difficult to attribute the increase in scores to the 1994 changes in Title I. Though these reports only represent

a sample of the studies that have been conducted since 1965, they are reflective of continuing concerns.

Factually one thing remains clear. The effectiveness of Title I at improving the academic achievement of students below grade level continues to be open to question. H.R. 2, the Student Results Act, addresses this issue through its recurring emphasis on academic accountability—requiring final aligned assessments to be in place by the 2000–2001 school year; making report cards on the academic quality of Title I schools available to parents and communities; providing public school choice to parents of students enrolled in low performing Title I schools; and requiring all groups of students (economically disadvantaged, limited English proficient, and others) and not just students in the aggregate to show improvement.

*Standards-based approach of Title I, Part A*

The structure of H.R. 2, the Student Results Act of 1999, maintains the existing standards-based approach to Title I that was adopted in the 1994 amendments (Improving America's Schools Act, P.L. 103–382) to Title I. The 1994 changes to the Title I statute required States to develop State content and performance standards by the 1997–98 school year, and State assessments aligned to those standards by the 2000–2001 school year. Student academic performance under Title I is measured by these assessments against a State's standards. In short, what this means is that students who receive Title I services are held accountable for meeting the same challenging state standards and assessments as all other non-Title I students. Though there has been progress in many States in implementing standards-based reform since the 1994 amendments, additional information is needed to reach a final conclusion at this juncture about the success or limitations of this approach in Title I.

Why? Two primary reasons. First, the 1994 authorization of Title I did not require States to have their final assessments in place and aligned with their standards until the 2000–2001 school year. To the Committee's knowledge, no State has reported that it has fully implemented its assessments as of the date of this committee report. So it is impossible to fully determine whether the approach that was started in 1994 is working or whether adjustments or other approaches are needed.

Second, studies being conducted by the Department are not yet complete. For example, the Committee did not receive the long-awaited Longitudinal Evaluation of School Change and Performance (LESCP) on Title I schools until June of this year, well into the authorization cycle. Of all the Department's studies, this is the one study which was anticipated to shed the most light on whether the 1994 changes to Title I were working. Neither the Committee nor the public has received the full data sets (specifically test score results) on which the report was based. Nevertheless, the authorization process must go forward. The Committee has chosen to continue the standards-based approach to Title I, but understands that it may be necessary to revisit the whole notion of standards based reform (incorporated in Title I) as new data sheds light upon its implementation.

*Ensuring quality and accountability for results—Academic accountability for all students and subgroups of students*

Current Title I law provides for academic accountability through States and school districts who ensure that Title I schools are making adequate progress. The Student Results Act continues and builds upon this system of accountability.

As mentioned earlier in this report, under Title I law, States develop state content and performance standards, and then align their assessments to those standards. For purposes of determining the academic progress of Title I students and schools, States, under current law, develop a definition of "adequate yearly progress" that: (1) is consistent with guidelines established by the Secretary; (2) "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 proficient and advanced levels of performance"; and (3) links progress primarily to performance on the state assessments but permitting progress to be established in part through the use of other measures. Once a State develops its definition, it then becomes the measure for determining whether Title I school districts and schools are making adequate yearly progress. Under current law, if a school or school district fails to make adequate yearly progress for two consecutive years, the school or school district is identified for school improvement. At that time, technical and other assistance is made available in an effort to bring about improvement. If the school or school district fails to make improvement after a period of 3 years, then corrective action must be taken to improve the school or school district. Corrective action may include such things as withholding funds, decreasing decision-making authority, reconstituting schools, making alternative governance arrangements, and authorizing students to transfer to other public schools.

This basic framework of current law is maintained in H.R. 2 with several additions that strengthen academic accountability. First, the definition of adequate yearly progress in section 1111 is further refined to: (1) ensure that states, in defining adequate yearly progress, take into account the progress of all students in the state as a whole, at the school district level, and at the school building level; (2) ensure that within each State, school district and school the performance and progress of students can be compared according to race, ethnicity, gender, English proficiency status, migrant status, disability status, and by economically disadvantaged status; (3) compare the proportions of students and subgroups of students that are at the basic, proficient and advanced levels of performance; (4) include annual numerical goals for improving all of the subgroups of students and narrowing academic achievement gaps; and (5) include a timeline for all subgroups of students to meet or exceed the state's proficient level of performance within 10 years.

Furthermore, under the bill, for a State to make adequate yearly progress, not less than 90 percent of the school districts within its jurisdiction are to meet the State's criteria for adequate yearly progress. For a school district to make adequate yearly progress, not less than 90 percent of the schools within its jurisdiction are to meet the State's criteria for adequate yearly progress. For a school to make adequate yearly progress, not less than 90 percent

of each subgroup of students who are enrolled are required to take the state assessments.

The Committee is aware and encouraged by several States that are already disaggregating data by subgroups of students, and reporting on the academic performance of such students at the local level. Alabama, Florida, Kansas, New York, North Carolina, and Texas provide several such examples according to recent report entitled *State Education Indicators With a Focus on Title I, 1998.*

The Committee is also aware that some States may choose to include in their state plans information on the progress of the same students from one school year to the next, and not inconsistent with federal privacy statutes or other laws. Such information, if included, could be provided through a variety of existing sources, including statewide assessments or local assessments in those State and local educational agencies that give such assessments in every grade.

The Student Results Act also strengthens the academic accountability provisions found in section 1116 relating to school improvement. Section 111(b)(5) provides for parents to be notified if their child's school is designated for school improvement. This designation triggers the right of the parent to transfer their child out of such schools as discussed in greater detail in the section below. In addition, if a school in school improvement does not improve within two years of having been so designated, then corrective action shall be taken against such school. Under current law, the time period within which to improve and thereby avoid corrective action is three years.

*School choice for students attending schools identified for school improvement*

The Student Results Act provides a right of public school choice for students attending low-performing (i.e. schools identified for school improvement) Title I schools. Once a school is identified for school improvement, the school district must then develop and implement a public school choice program for parents of children attending such a school within 18 months. While the Committee recognizes that it may take up to 18 months to implement this public choice program, the Committee considers 18 months to be an outer limit. It is expected that school districts will act expeditiously to implement a choice program.

A recent Department of Education report (July 1999) entitled *State ESEA Title I Participation Information, 1996–97,* shows about 16 percent of Title I schools or 7,065 out of 45,399 schools have been identified for school improvement. Attachment B in the Appendix are two tables from the aforementioned report which show the numbers of schools and school districts, state by state, that have been identified for school improvement.

The Committee wishes to make clear that the choice program envisioned by this section is a requirement for school districts that have or will have schools identified for school improvement. School choice and the specific right to transfer to another public school is required to be implemented unless affirmatively prohibited by State or local law, which includes school board-approved local educational agency policy.

One of the problems in education today is that some students, especially those participating in Title I programs, are trapped in substandard schools without a way out. This change to Title I provides a way out. It gives them the choice to transfer to another public school that is not low performing. And if there are no such schools within the school district, then the school district shall attempt to work out a school choice program involving schools in a neighboring school district.

Just a few years ago the Committee heard from Ms. Alveda King, the niece of the late Dr. Martin Luther King, Jr., and herself a former public and private school teacher, about the importance of parental choice. She said, "It has been demonstrated that when you implement a choice program, * * * that you empower the parents, the system improves, the schools begin to compete, and that hope arises." It is the Committee's hope that this choice provision, will indeed empower parents and lead to great improvements in low performing Title I schools.

*School choice generally*

Section 110 continues and expands the authority of a local educational agency to use Title I funds to provide public school choice to Title I students. The bill provides a simple grant of authority to local educational agencies to, if they wish, use Title I funds, together with State, local and private funds to operate a public school choice program for Title I students. Two new features to this choice authorization are: (1) choice is expanded to include transfer to non-Title I schools and public charter schools; and (2) Title I funds may be used for transportation expenses for Title I children. Under current law, choice was only limited to transfer from one Title I school to another Title I school, and transportation expenses were prohibited.

*Annual State academic reports and school report cards*

Section 105(b) of the Student Results Act of 1999 expands upon current provisions of the Elementary and Secondary Education Act which require schools to collect and report to the public information on the academic quality of Title I schools. Under section 1111 of current law, States must develop State student assessments that will be used to determine the adequate yearly performance of each local educational agency and school. These assessments must "enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged."

In addition, section 1116 of current law (relating to school improvement), requires each local educational agency to review the schools under the agency's jurisdiction to determine the extent to which each school is making progress toward helping its students meet the State's student performance standards. The local agency must "publicize and disseminate to teachers and other staff, parents, students, and the community, the results of the annual re-

view * * * in individual school performance profiles that include sound disaggregated results * * *"

Similarly, section 1114(b)(2) of current law (relating to schoolwide programs), requires a school's comprehensive plan to provide for the reporting of disaggregated student assessment results.

In recent years, many States have sought to provide more information to parents and other taxpayers on the quality of individual schools as a means to hold them accountable. A January 11, 1999 report by *Education Week* entitled *Quality Counts '99: Rewarding Results, Punishing Failure,* provided an in-depth look at the use of report cards at the State and local levels. The report noted that "Thirty-six states will publish annual report cards on individual schools this year or require schools or districts to do so. Another four will start publishing them next year, and one more will join the club in 2001."

The Student Results Act of 1999 builds upon current law and the efforts of States and localities to provide parents and taxpayers helpful information on the quality of Title I schools. In a focus group survey, *Education Week* found that 91% of taxpayers believed that "widely publicized ratings on such things as test scores and graduation rates motivate public school teachers to work harder to improve schools' performance." However, only 24% of these same taxpayers indicated they had ever seen a school report card. The intent of the Student Results Act of 1999 is to ensure that information on academic performance of Title I schools is made available to parents and the public at large.

Section 105(h) of the committee substitute to the Student Results Act authorizes annual State academic reports and school district report cards on Title I schools. If a State or school district reports on the academic performance of all students then this information would be required to be included in such reports covering all students. On this matter, if data is not currently reported on all students and schools, the Committee does not require, but does encourage States and school districts to consider expanding the coverage to include all such public schools and students as this will provide a better context for analysis of academic quality.

The committee substitute clarifies that for the handful of States and school districts that do not provide annual academic reports or report cards, the information required to be reported under this Act may be provided through other public means. If States have other, more appropriate means to provide this information, then they should have the flexibility to do so.

The information included in the annual State report and school district report cards will enable parents, taxpayers, and others to make informed judgments about the quality of education in Title I schools in their communities. The information to be included in the annual state report and the school district report cards includes: (1) student achievement data, based upon State assessments and disaggregated according to student subgroups (gender, racial/ethnic groups, English proficiency status, migrant status, students with disabilities, and economically disadvantaged); (2) retention rates; (3) graduation rates; (4) completion of advanced placement courses; and (5) the qualifications of both teachers and

paraprofessionals. The reports may also include an analysis of how schools improved or declined from one year to the next. In addition, State annual reports and school district report cards may include information on such things as class size, school safety, and the incidences of student suspensions.

During Committee consideration of the committee substitute on October 13, 1999, an amendment was offered by Rep. Peter Hoekstra (R–MI) which would allow States and school districts to report information on the academic quality of Title I schools (as referenced in the above paragraphs), either through report cards or some other means such as posting on the Internet, distribution to the media, and distribution through public agencies. The amendment, which passed by voice vote, provides greater flexibility to States and school districts in how they make the information available to the public, while not making any change in the content of what must be made public pursuant to the committee substitute.

The Committee is aware that some States and school districts will need to make modest adjustments to be able to report the above-referenced information, and accordingly, language has been included to give States and school districts until the beginning of the 2001–2002 school year to first report the information.

In addition to annual State academic reports and school district reports, the Student Results Act of 1999 expands accountability through a new "parents right to know" provision. Under this provision, local educational agencies must provide parents, upon request, information on the professional qualifications of their child's classroom teacher. Such information must include whether he or she is teaching under an emergency or other provisional status and whether their child is being taught by a paraprofessional. Local educational agencies receiving Title I funds must also provide to parents their child's performance on each of the State assessments. In addition, they must provide timely notice to parents if their child has been assigned or taught for two or more consecutive weeks by a substitute teacher or by a teacher not fully qualified.

These provisions come amid a growing body of research showing that next to parental involvement, the quality of the teacher is the number one factor in determining student academic success. In fact, the impact of being taught by an unqualified teacher has been shown to have a lasting negative impact on student achievement. Therefore, the Committee believes parents in schools funded under Title I should have every right to be informed when their child is not being taught by a fully qualified teacher.

*Incentives for academic excellence*

Under current law, authority is provided in Title I for States to recognize schools ("distinguished schools") in which virtually all students have met the State's advanced level of student performance. The Student Results Act maintains this concept but improves upon it through the establishment of the Academic Achievement Awards Program in section 1117A. Under the committee substitute, States are required to set aside 25% of any increases in Title I funding to provide cash awards for Title I schools that have significantly closed the achievement gap or that have exceeded their adequate yearly progress goals. Teachers, whose students

have consistently made gains in academic achievement in the areas in which the teacher provides instruction, may also receive cash awards. The Committee believes that such awards and recognition will help to motivate further gains in academic performance and focus our students, teachers, and schools on success.

During Committee consideration of the committee substitute on October 13, 1999, an amendment was offered by Rep. Bob Schaffer (R–CO) to make the awards program permissive, rather than mandatory. The amendment also allowed States to set aside up to 30% of any increases in Title I funding. The amendment, which ultimately gives States greater flexibility with respect to whether or not to establish an awards program, passed by a vote of 23–20.

*Local control and flexibility*

The Student Results Act significantly expands the existing flexibility in Title I at the local level. The flexibility accorded schools which utilize a schoolwide approach (whereby a school is able to consolidate several different federal education program funds with State and local resources to serve all students at the school) is strengthened by the lowering of the schoolwide poverty eligibility threshold from 50 percent to 40 percent. Section 801 of the bill, which provides this authority, will enable more schools to consider utilizing this approach to serving Title I students. Given the growing popularity of the schoolwide approach (over 80 percent of schools eligible to implement a schoolwide program actually utilize such an approach) it can be expected that even more schools will take advantage of this opportunity. Since 1995, the number of schools implementing schoolwide programs has more than tripled, from about 5,000 to approximately 16,000. An explanation of schoolwide programs can be found under the heading of this report entitled "Schoolwide Programs."

Another area where flexibility is maintained is in how a school district or school uses Title I resources. Under current law, Title I funds may be used to employ teachers and teachers' aides, purchase supplemental reading and math instructional services from a third party contractor, purchase computers, conduct professional development activities, and others. This flexibility in the use of funds is preserved in H.R. 2.

The Committee would also note that for States that have become Ed Flex states under the recently enacted Education Flexibility Partnership Act (P. L. 106–25) or its predecessor, the Education Flexibility Partnership Demonstration Act, waivers may be obtained for many of the provisions of Title I. Ed Flex recognizes that there may not be one single best way to operate a federal education program. Texas and Maryland, in particular, are two States that have utilized ed flex authority to allow more schools to participate in schoolwide projects and to better target Title I funds to the lowest achieving students. Such waivers as well as waivers under the Secretary's Title XIV waiver authority would remain available to States and school districts under the bill.

In addition to maintaining flexibility, H.R. 2 continues to ensure that almost all of Title I resources are directed to the local level. Approximately 1.5 percent of a State's Title I allocation is retained at the State level for administrative and school improvement ex-

penses with the balance, 98.5 percent, going to the local level to be controlled and administered by local authorities.

*Limitations upon State and local administrative funds*

Under current law, States are permitted to set-aside 1% of the total Title I funds received by the State under Title I for State administrative expenses. The Student Results Act would continue to allow States to reserve up to 1% of the amount of funding received in FY 1999. If appropriations are greater than the FY1999 level, then the 1% would not apply to the increase above the FY1999 level. Additional administrative funding could be provided to States through a separate line item authorization.

A large portion of these federal funds have been used in the past to finance up to 80 percent of the operating expenses of some State educational agencies. While some States have reduced the relative share of federal funds used for this purpose, the Committee believes that at a maximum, no more than 50 percent of the State educational agency's operating expenses should be derived from Title I administrative funds. Section 103(f) of the Student Results Act would limit the federal share to no more the State educational agency's share of operating expenses.

At the school district level, no limit is currently placed on the amount that can be used for administrative expenses. The Department of Education's *Study of Education Resources and Federal Funding: Preliminary Report,* issued in June 1999, shows that about 8 percent of Title I funds at the school district level are spent on administrative costs. According to the study, this percentage is greater than any other federal elementary and secondary formula grant program except the Safe and Drug Free Schools program. In keeping with the Committee's continuing emphasis upon sending more dollars directly into the classroom, the Committee has limited Title I administrative costs at the school district level to no more than 4 percent of the district's Title I allocation. This limitation is found in section 161 of the bill. The Committee has further required, in section 161, the Secretary of Education to develop a definition of administrative expenses in consultation with others.

*Ranking and priority for grades K–6*

Under current law once Title I funding reaches the school district, all schools with over 75 percent poverty must be served first, in rank order from highest to lowest poverty. This provision is intended to increase the number of high-poverty schools that receive Title I funds, and that has been the effect. According to the National Assessment of Title I, Title I funds go to nearly all (95 percent) of schools with over 75 percent poverty, and nearly 75 percent of Title I funds go to schools with poverty levels of 50 percent or greater. Schools with lower poverty rates are less likely to receive Title I funds. Only 36 percent of schools with 35 percent or less poverty receive these funds.

Once the schools with 75 percent and greater poverty are served, schools below 75 percent poverty are served in rank order from highest to lowest poverty. A school district may not serve a school below 75 percent poverty until all schools above 75% poverty are served. However, school districts may choose to serve schools below

75 percent poverty within grade span groupings or within the district as a whole, but regardless of the choice, must serve these schools in rank order.

Section 107(b)(3) of the Student Results Act would continue the ranking requirements as under current law with the modification that school districts, if they wish, may give priority to the elementary grades before serving other schools or grade levels. Essentially, this permissive authority would allow school districts to first serve elementary schools above 75 percent poverty, in rank order, before serving other schools above 75 percent poverty and serve elementary schools below 75 percent poverty, in rank order, before serving other schools below 75 percent poverty. Given the particular importance of the early years of a child's education, the Committee believes this priority will enable many school districts to more effectively utilize Title I funding in improving student academic achievement.

*Schoolwide programs*

Under current law, schools with 50% or more poverty, may if they wish, choose to serve all students in the school. These schools are known as "schoolwide programs." Under a schoolwide program, funds could, for example, be used to provide professional development to all of a school's teachers, upgrade instructional technology, or implement new curricula. Schoolwide programs also have the added flexibility of combining federal, State and local education funds to serve the entire school, rather than having to operate many separate federal education programs with multiple sets of rules and regulations. In addition, schoolwide programs utilize a strategic plan. Strategic plans allow Title I services to be considered within the broader context of a school's reform goals, and provide a framework for better integration of Title I within the regular academic program at the school.

In recent years, more and more schools have opted to utilize the schoolwide approach under Title I. According to the National Assessment of Title I, the number of schools implementing schoolwide programs has more than tripled from about 5,000 to approximately 16,000 since 1995. Local school principals, teachers and administrators enjoy having the schoolwide option. As of 1997–98, 82% of eligible schools were using the schoolwide option and an additional 12% were considering implementing schoolwide programs.

Principals and teachers have found the schoolwide approach offers increased opportunities to support comprehensive efforts to upgrade an entire school, and thereby more effectively help improve the achievement levels of the lowest achieving students. The February 25, 1999 testimony of Ms. Madeleine Manigold before the Subcommittee on Early Childhood, Youth, and Families, noted that Texas schoolwide programs had been particularly successful in improving the academic performance for all students and all groups of students in reading and mathematics. Further, her testimony indicated the performance gap has been closing at schools utilizing the schoolwide approach at an even greater rate than in the State of Texas as a whole.

The State of Maryland has also had success with schoolwide programs. In Garrett County, through use of the schoolwide approach

and an ed flex waiver, two elementary schools have shown achievement on the Comprehensive Test of Basic Skills (also know as TerraNova) well above national averages.

Sections 108 and 801 of H.R. 2 would continue to authorize the schoolwide approach, and expand it so that schools with 40% or more poverty could operate schoolwide programs. The Committee strongly endorses this increased flexibility at the local level and recognizes that many more schools may soon utilize this model for delivering Title I services than with the 50 percent threshold.

Over the past year, it has come to the attention of the Committee that some schoolwide programs have not been utilizing the authority under current law to combine federal, State, and local education funds to serve the entire school, because of state and local fiscal accounting barriers. The consolidation of funds in order to use all available resources to upgrade the entire educational program in a high-poverty school is an integral component of a "schoolwide" program. Section 108(b)(1) of H.R. 2 addresses this concern by making it clear that schools may "consolidate" funds. Current law states that the funds "may be used in combination" with other funds, which is unclear. Section 108(b)(4)(C)(i) of H.R. 2 addresses barriers that may discourage schools from consolidating funds by clarifying that schools do not need to conduct separate fiscal accounting by program to demonstrate that the intent and purpose of the programs are met. The statute does not require separate fiscal accounting records to demonstrate that the intent and purposes of all the programs that contribute funds toward the schoolwide program are met, but documentation is necessary. While the statute does not specify what type of documentation would be acceptable, the Committee anticipates acceptable documentation would include evidence that activities were conducted which address the intent and purposes of the programs. Finally, section 105(c)(7) also addresses schoolwide accounting barriers to consolidating funds by requiring states and localities to reduce any such barriers that schools may be experiencing.

One of the components of a schoolwide program mentioned in the amendments to section 1114 are schoolwide reform strategies. Such strategies may include increasing the amount and quality of learning time, such as through extended school year and before and after school, and summer programs. The committee believes that after school and summer enrichment and gifted and talented programs provide special opportunities for schoolwide improvement and are important and valuable education reform tools.

With respect to pre-kindergarten services, the Committee wishes to note that the Student Results Act retains as a component part of a schoolwide program provisions for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or State run preschool programs to elementary school programs. Specifically, the Committee improves upon these provisions by requiring local educational agencies to coordinate their educational services with those provided by local Head Start agencies, mirroring a provision added to last year's Head Start reauthorization. In addition, local educational agency plans must describe how local educational agencies will coordinate and integrate services relating to Head Start, Even Start and other preschool

programs and how Title I funds will be used to support preschool programs for children.

*Targeted assistance programs*

In addition to schoolwide programs, the other major program model for delivery of Title I services is the targeted assistance program. Under a targeted program, Title I services are focused upon the lowest achieving students in the school. For example, students may be "pulled out" of their regular classroom for several hours of more intensive instruction by a specialist teacher each week, or funds may be used to hire a paraprofessional who provides additional assistance to low achieving pupils in their regular classroom. School districts and schools have substantial discretion in determining how they will select pupils to be served by Title I, as long as their methods are applied consistently to all pupils in the grades to be served.

Section 109 would essentially continue the targeted assistance program intact with a few minor changes. However, one significant change for both schoolwide programs and targeted assistance programs would be the scientifically based research requirement as mentioned below.

*Scientifically based research*

Consistent with the Reading Excellence Act, the Committee believes that Title I programs—whether utilizing the schoolwide approach or the targeted approach—should be based on sound scientifically-based research. Dr. Reid Lyon of the National Institute of Child, Health and Development (NICHD), in testimony before the full Committee on July 27, 1999 noted that many educationally disadvantaged students continue to fail at mastering reading because the methods of instruction—though touted as "research-based"—are not of the quality and rigor that they should be in order to bring about improvements in reading achievement. He said,

> * * * given that the term "research-based" implies that the reading programs or approaches have been objectively evaluated to determine for which children the programs are most appropriate, why do so many disadvantaged children continue to founder in reading? One major reason is that the term "research-based" currently means many things to many people, with significant variations in the scientific quality of the research described by the use of the term. *For example, some instructional reading programs touted as "research-based" may be based upon mediocre and substantially flawed scientific studies, while other instructional programs are based on studies that meet rigorous scientific criteria for research quality. The problem is that many in the field of education do not recognize the difference. To date, adherence to scientific quality and criteria has not been a strong guiding force in selecting and implementing instructional reading programs and approaches for children eligible for Title I services.* [emphasis added]

To address this shortcoming, the Committee has included language in the bill which ensures that the instructional strategies used to provide Title I supplemental educational services must be of high quality and based on scientifically based research. This means the instructional strategies must have resulted from the application of rigorous, systematic, and objective procedures; must employ systematic empirical methods that draw on observation or experiment; involve rigorous data analyses; rely upon measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and have been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

*Empowering parents*

For several years Title I has actively engaged parents in the education of their children through such things as parental compacts and formal parental involvement policies. School-parent compacts, which are developed by parents and school officials, typically outline how parents, the school staff and students will share the responsibility for improving student achievement at the school. Such compacts also serve as the means by which the school and parents build and develop working partnerships to help children achieve to the advanced and proficient levels of performance on a state's assessments.

In addition, Title I provides a structure for regular meetings at which parents are informed of the school's participation in Title I, what that participation means, and how the parents can be involved. Title I parents are also provided reports on the academic performance of their children's schools, their child's individual student assessment results, a description and explanation of the curriculum used at the school and the forms of assessments used to measure student progress, information on family literacy services, and in some cases, pays for the reasonable and necessary expenses of attending school-related meetings and training sessions.

Section 114 of H.R. 2 would generally continue the existing approach of parental involvement as outlined above. However, the Committee wishes to note that there are several other new provisions in H.R. 2, which would put more power in the hands of parents. As mentioned earlier in this report, one of the most significant provisions in the Student Results Act is the parental public school choice option. For the first time, parents would be given the choice of opting their child out of a low performing Title I school, and transferring to another higher performing public school or public charter school. For families that need assistance with transportation, Title I funding could be used to assist with that purpose.

Other significant parental empowerment provisions are the annual State academic reports on schools and the school district reports. H.R. 2 would require that parents be given information, through school district report cards and annual State reports, or through other means, on the academic quality of Title I schools. Such information would include, among other things, test scores at the school as compared to other Title I schools in the school district, and to the State as a whole. Such scores would be

disaggregated according to race, ethnicity, migrant status, economically disadvantaged, disability status, and limited English proficiency status.

A third parental empowerment provision is section 105(h)(5), which would require school districts to make available, upon request, information regarding the qualifications of the Title I student's classroom teachers, including such information as whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction, whether the teacher is teaching under emergency or other provisional status, and the baccalaureate degree major of the teachers and any other graduate certification or degree held by the teacher.

A fourth parental empowerment aspect of H.R. 2 is the addition, in several places, of the requirement that information to parents be provided in a form and, to the extent practicable, a language that they can understand. The Committee believes that access by parents to all information provided by Title I programs is critical and that the form and language in which the information is provided should not be a barrier to full parental participation. While the Committee recognizes that it may be difficult to provide information to parents in all languages, it is the Committee's intent that State educational agencies, local educational agencies, and schools make reasonable efforts to ensure that parents receive information in a language they can understand.

The Committee believes that these provisions will leverage improvements in the quality of Title I services by giving parents and communities the information they need to hold Title I schools accountable for results.

*Testing of students in the English language*

Recognizing the many benefits of prompt acquisition of English language skills, the Committee has included language in the bill requested by the Clinton Administration regarding testing of certain Title I students in the English language. Section 105(b)(4)(F)(iv) of H.R. 2 would require all Title I students who have attended schools in the United States for at least three consecutive years be tested in reading and language arts in the English language. Attaining English proficiency, particularly for purposes of reading and language arts tests, is especially important for the success of limited English proficient students in the early years. However, recognizing that there may be some situations where limited English proficient students may have difficulty mastering the language, the local educational agency may extend the 3 year time frame mentioned above for one additional year on an individual case by case basis.

*Parental rights and notification provisions*

Over the past few years, the Committee has heard a growing number of complaints from parents whose children have been placed and retained in bilingual education courses without their permission or knowledge. In many instances, these parents faced great resistance in their efforts to remove their children from such programs.

Since the enactment of the Improving America's Schools Act, Title I, Part A has provided services to limited English proficient children. In fact, the Title I program far outdistances the Bilingual Education Act in the provision of services to limited English proficient children. For 1996–97, a total of 430,724 children received services under the Bilingual Education Act (with some children participating in several programs). At the same time, over 1.8 million limited English proficient children were served under Title 1, Part A. The Committee is concerned that many of the problems related to program participation that have arisen under the Title VII Bilingual Education Act will emerge under Title I, Part A, as well.

Because of this concern, the Committee has included language in Title 1, Part A requiring local educational agencies to obtain informed parental consent prior to placing a child in an English language instruction program for limited English proficient children. This restriction would not apply to classes which exclusively, or almost exclusively, use the English language in instruction or where instruction is not tailored for limited English proficient children. The provision does allow LEAs to serve children if a response is not obtained from their parents after written notice and reasonable effort to obtain such consent. In such instances, a local educational agency must document, in writing, that it has given such written notice and has made specific efforts to obtain such consent. LEAs must then provide proof of such efforts, in writing, to the parents or guardian of the child at least 10 business days prior to the actual provision of services under this part. Such correspondence must include a final notice requesting parental consent for such services.

The Committee wants to make it very clear that informed parental consent is only required for classes which are exclusively or almost exclusively taught in English or for classes not tailored for limited English proficient children. For example, mainstream classes in academic subjects that do not use a child's native language in instruction would not be covered under this provision.

According to a November, 1997 report issued by the United States Commission on Civil Rights entitled *Equal Educational Opportunity and Nondiscrimination for Students with Limited English Proficiency: Federal Enforcement of Title VI and Lau v. Nichols,*

> School districts across the country are experiencing serious tensions between school officials and parents over placement. Many parents of students with limited English proficiency are expressing dissatisfaction with the education their children are receiving. For example, in New York City, Maria Perez, a parent who is fighting her child's placement in the city's bilingual education program recently stated: "what bothered me was that they place children in bilingual programs and keep them there for years and years. They aren't learning English." The problems that prevent academic success can and should be addressed by parents working together with school personnel to determine where the problems exist and how they can be solved.

The parental consent provisions in this bill make it very clear that parents should play a major role in determining the placement of their child in an English language instruction program. Schools should not be making decisions regarding the placement of English language learners unless they have reached an agreement on such placement with the child's parents. Parents want their child to learn English as quickly as possible because they know it is the language of success. They should be able to prevent their child from being placed in a classroom which they do not believe will help them learn English and succeed in school. Parents should also have the ability to remove their child from such a classroom if they believe it is not in their child's best interest. The Committee agrees with the report of the Civil Rights Commission in stating that parents and schools should be working together to make the best possible decisions regarding the education of English language learners.

Finally, H.R. 2 includes a provision requiring school districts to allow parents to choose the type of English language instruction program in which their child is enrolled if more than one type of program is offered. Again, the Committee believes parents should play a major role in guiding the education of their children.

*Teachers, paraprofessionals, and professional development*

The Title I *Follow-Up School Survey (Washington, DC: US Department of Education, 1998)* found that approximately 74,600 full time teachers were funded under Title I during the 1997–98 school year, a level that has remained fairly consistent over the past 20 years.

Given that up to half of Title I funds goes toward teachers, the Committee has been keenly interested in the quality of these teachers. The US Department of Education's *1999 Study of Education Resources and Federal Funding,* showed that in fact all Title I teachers possess a Bachelor's degree, while half have a Master's degree—reflecting the average educational attainment of teachers nationwide. However, while it is known that nationwide, 44% of middle schools teachers majored in an academic field, there is not reliable data on the percentage of Title I teachers with a major in an academic field. *Teacher Quality: A Report on the Preparation and Qualifications of Public School Teachers, January 1999, National Center for Education Statistics.*

Although not specifically dealing with Title I teachers, a report by the Education Trust entitled *"Good Teaching Matters"—Vol 3, Issue 2, "Thinking K–16" A publication of the Education Trust",* provides data compiled by Richard Ingersoll, a professor at the University of Georgia on the quality of teachers in poor schools. Specifically, he found that while only 15% of classes in low poverty schools are taught by teachers lacking a major in field, fully 25% of classes in high poverty schools are taught by such teachers. As the report notes, "the very youngsters who are most dependent on their teachers for content knowledge are systematically taught by teachers with the least content knowledge."

The United States Department of Education's *1999 National Assessment of Title I* noted teacher quality as one of the challenges continuing to face Title I.

> Along with the evidence that high-achieving high-poverty schools focus attention on challenging standards for all students, comes the reality that many teachers are not prepared to teach to challenging standards. In a 1998 survey, only about one-third of teachers in schools with 60% or more poor children believe they are well-equipped to use standards in the classroom. This is particularly noteworthy given evidence that teachers' reported preparedness in both subject matter and instructional strategies had a positive relationship with student gains.

It is the strongly held view of the Committee that each and every teacher hired using these funds be fully qualified to teach. In a series of hearings earlier this year, leading to the passage in the House of H.R. 1995, the "Teacher Empowerment Act," the Committee was provided the most recent findings on the difference that a qualified teacher can make in the academic lives of students.

Dr. Sandra Horn, University of Tennessee, Value Added Research and Assessment Center Knoxville, Tennessee, provided one such example. In her remarks, she stated:

> In the past few years, the team at the University of Tennessee Value-Added Research and Assessment Center (UT–VARAC) has examined the effects of class size, class heterogeneity, past achievement level of students, building change, and several other factors on the academic growth of students. Although several of the factors studied affect student gains to some degree, in every case, the effect of the teacher has been found to be far and away the most important determinant of student academic growth. Effects of ineffective teachers are cumulative and very large and can be seen years after a student moves on to other teachers. There is no evidence that effective teachers can ever rectify the retardation of academic growth that occurred under a previous poor teacher. And there is evidence that teacher assignment patterns may indeed be perpetuating and sustaining the achievement gap between white students and minority students.

The impact of quality teachers is also highlighted in the report by The Education Trust, reference above, entitled, "*Good Teaching Matters.*" Among the findings highlighted in the report were those from a large-scale study in Texas conducted by Ronald Ferguson of Harvard University. His study "found that teacher quality—as measured by education, experience, and test scores on initial teacher licensing exams—has more impact on student achievement (explained some 43% of the variance) than any other single factor, including family income and parent education."

Based on the same work outlined by Dr. Horn, the Education Trust report also notes that Dr. William Sanders of the University of Tennessee found that, "students who scored at roughly the same level on mathematics tests in third grade were separated by differences of as much as 50 percentage points on sixth grade tests depending on the quality of the teachers to whom they were assigned. Scoring differences of this magnitude can represent the difference between placement in the remedial and accelerated tracks."

Additionally, the report noted that "In North Carolina, Robert Strauss and Elizabeth Sawyer found that a 1% increase in teacher scores on the State's initial teacher licensing exam would bring about a 5% decrease in the number of North Carolina students failing the State's academic competency tests."

Given the importance of teacher quality, and the high proportion of federal education dollars used to fund teachers, the Student Results Act of 1999 includes language to ensure that at a minimum, all teachers hired under Title I will meet the teaching requirements within the State they are teaching. As part of this minimum level of education, these teachers will have to demonstrate their grasp of the subjects in which they teach. This not only raises the bar for teachers teaching under Title I, it also represents a signal to school administrators that every effort should be made to avoid assigning a teacher to a class in which the teacher has no academic subject knowledge.

The Committee believes the combination of these minimum education levels, along with the increased information provided to the parents of students being taught by unqualified or under-qualified teachers, will have a significant and lasting impact on the quality of instruction under Title I and an increased level of academic achievement among students in Title I schools.

The Student Results Act of 1999, also incorporates language from H.R. 1995, as passed, in which States must plan for how they will ensure all teachers in the State meet their minimum certification or licensure requirements and will be proficient in the academic subjects in which they teach.

*Paraprofessionals*

Teacher aides, otherwise referred to as paraprofessionals, have been a fixture of Title I since it's inception. In a report prepared for the National Education Association, *Paraprofessionals in the Education Workforce, 1995,* Anna Lou Pickett, referring to such programs as Title I and Head Start, noted that "federal legislation in the 1960's and 70's designed to carry out the *War on Poverty* provided significant impetus and support for the employment of paraprofessionals."

Given this historical perspective, it may not be surprising that nearly 40 years later, some leading education experts, including those within the U.S. Department of Education, are beginning to openly question whether the use of Title I aides has amounted to simply a jobs program for those within the community. This view is supported by the fact that the use of paraprofessionals is often far greater in urban, and other traditionally higher unemployment, areas.

A recent *Los Angeles Times* article (*"Title I's $118 Billion Fails to Close Gap". 1/17/99*) highlighted some of the concerns related to the use of paraprofessionals under Title I.

> * * * part of the problem, according to high-ranking education officials and other experts, is that schools squander Title I funds on clerical workers and classroom aides who lack the expertise to teach poor students the kind of high-level skills needed to compete with their more affluent peers.

> "It's pretty significant that half of the instructional staff under Title I were paraprofessionals," said Val Plisko, who supervises independent evaluations for the Education Department's Planning and Evaluation Service. "For children who are most at risk, you want the best-educated, the most knowledgeable, the most effective teachers."

The *1999 National Assessment of Title I* noted that there has been a growth of paraprofessionals since 1993, from 65,000 full-time aides to 76,900 in 1997–98. (52,000 of these aides in 1997–98 were in high-poverty schools). It is estimated that up to 25% of all Title I funds are used to hire paraprofessionals. "In California, the latest available figures indicate that the ratio of aides to teachers paid for by Title I funds is 4 to 1. At Los Angeles Unified, the nation's second-largest school district, the ratio is about 7 to 1." (1/17/99 *Los Angeles Times*)

Nevertheless, some educators see significant value in the use of Title I funds for paraprofessionals when they are properly trained, and utilized effectively by a qualified teacher. However, there is growing evidence that the roles and responsibilities given to paraprofessionals by both teachers and principals, has gone beyond the original intent. Too often paraprofessionals are asked to carry out duties for which they are not qualified.

Currently, under ESEA, paraprofessionals employed with Title I funds must meet three criteria: have the knowledge and skills necessary to assist Title I children in meeting education goals; be within two years of having a diploma or GED (except that paraprofessionals acting as translators have no such requirement); and be under the direct supervision of a teacher.

In fact, most paraprofessionals meet the minimum education requirements under current law. According to the *1999 National Assessment of Title I,* 99% of paraprofessionals have a high school diploma or GED. However, the educational attainment of paraprofessionals in high-poverty schools is often far below that of their peers in low-poverty schools. Specifically, while 37% of paraprofessionals in low-poverty schools have a bachelors' degree, only 10% of those in high-poverty Title I schools have a bachelors' degree. Similarly, while 86% of teacher aides in low-poverty schools at the secondary level have a bachelors' degree, just 4% of their counterparts in high-poverty schools have a bachelor's degree.

If paraprofessionals were strictly carrying out non-instructional duties, the fact that many have a minimum level of education would not pose a significant problem. However, as noted in the *1999 National Assessment of Title I* prepared for the U.S. Department of Education, paraprofessionals under Title I "spend a majority of their time teaching despite their lack of the educational background to do so." Providing detail as to the extent of this problem, the Assessment noted the following findings: 98% of aides were either teaching or helping to teach students; 76% of aides spent at least some of this time teaching on their own, without a teacher present; and 46% of aides in high-poverty schools spent half or more of this time on their own, without a teacher present.

Given that Title I students are being extensively exposed to paraprofessionals, (often without the direct supervision of a teacher), the Committee is concerned with growing evidence that such

trends may be having a negative impact upon student achievement. An article in the *The New Republic* (*"The Trouble with Teacher's Aides,"* August 9, 1999) indicated that "A recent Department of Education reanalysis of Title I data from the late '80s found 'no positive impact' for students in classes with teacher aides."

A press release issued by the Educational Research Service in April 1999, entitled the *"Unexpected Lessons from the Tennessee Project Star Study"* provided further evidence of the impact paraprofessionals may have upon student achievement. The study found that classes of 25 students with a full-time teacher aide did not improve student achievement in grades K–3 in reading or math. A follow up study found that students who had been taught in the regular/aide classes found consistent small negative affects on student achievement.

In response to these and other concerns over the use of paraprofessionals, the Student Results Act of 1999 includes provisions to raise the educational level of paraprofessionals and to ensure they are provided with appropriate responsibilities.

First, the language sets a higher threshold of qualifications for paraprofessionals, surpassing that of simply a high school diploma or its equivalent. Specifically, it requires paraprofessionals to have completed either two years of college; an associate's degree; or met a rigorous standard of quality through a formal assessment, knowledge of and the ability to instruct in reading, writing, or math, or reading readiness, writing readiness, or math readiness. The Committee emphasizes that such assessment shall not simply be met by receipt of a high school degree, or its equivalent.

Secondly, the language sets clear guidelines for duties that paraprofessionals may carry out. The Committee believes that if paraprofessionals are hired under Title I, they should not simply serve in an administrative or child-supervisory capacity. Instead, paraprofessionals should, when qualified, assist primarily in providing instructional services to students. The Committee emphasizes language included under the Act which prohibits paraprofessionals from providing instruction if not working under the direct supervision of a fully qualified teacher. The language goes further with respect to instructional services in the area of reading, a subject in which 88% of paraprofessionals assist in providing instruction. Specifically, paraprofessionals may not provide instructional services to students in the area of reading unless the paraprofessional has demonstrated, through a State or local assessment, the ability to effectively carry out instruction in reading, writing, and math. This provision comes amid a growing consensus of the importance that students receive instruction founded upon scientifically based research and from fully qualified teachers.

It is the intent of the Committee that the SEA carefully monitor the quality of the local formal assessment of paraprofessionals to ensure that the assessments are rigorous. The Committee intends that only qualified teachers provide instructional services to Title I students and that instructional services provided by paraprofessionals be restricted to one-on-one tutoring that reinforces and supports the instruction provided by the teacher.

The Committee notes language that has been added to the Student Results Act prohibiting the Secretary from imposing any mandatory national certification of paraprofessionals.

Finally, in an attempt to stem the continued growth of paraprofessionals hired under Title I, the provisions include a freeze on the hiring of paraprofessionals. The language does however, allow for vacancies created by departing paraprofessionals to be filled. The intent of the Committee is that local educational agencies could fill vacancies caused by the departure of a paraprofessional from a school, but would not be allowed to create "new" vacancies which would result in an increase in the number of paraprofessionals above what existed before departures. The Act provides an exception to this hiring freeze if the local educational agency is able to demonstrate that all teachers within the local educational agency are fully qualified. In any event, this exception does not waive the minimum qualifications paraprofessionals must meet, as described above and under subparagraphs (b) and (c) of section 1119.

The Committee believes that these provisions, along with the increased information on the quality of paraprofessionals provided through report cards under this Act, will significantly increase the quality of paraprofessionals within Title I schools. During the course of the next several years, the Committee intends to continue to take a close examination of the role of paraprofessionals to determine if further changes to Title I need to be made in this area. As part of this process, the Act also includes a request for the General Accounting Office to begin taking a closer look at the extent to which paraprofessionals are utilized under Title I.

*Professional development*

The *Study of Education Resources and Federal Funding* found that in FY 1997, Title I expenditures on professional development at the district and school levels amounted to $191 million. The study noted that use of Title I funds for professional development was widespread, with 86 percent of district coordinators reporting using at least some portion of their Title I funds for this purpose.

Although widespread, the intensity of professional development provided to Title I teachers appears to be limited. The *1999 National Assessment of Title I* found that "55% of teachers in high-poverty schools reported spending less than 9 hours per year on training in the content areas. Moreover, 70% of teachers in high-poverty schools report receiving less than 9 hours per year of professional development related to State or district curriculum and performance standards * * *"

With the focus on teacher quality and the increased attention on ensuring fully qualified teachers in every classroom, it can be expected that professional development will constitute a growing proportion of the use of Title I funds in the coming years. In anticipation of this growth, the Student Results Act of 1999 builds upon current Title I provisions, and language from the House-passed Teacher Empowerment Act, H.R. 1995, to ensure that professional development under Title I is worthwhile.

Through a series of hearings related to teacher quality, the Committee heard from a variety of witnesses on the importance and characteristics of high quality professional development.

At a joint hearing with the Committee on Science, this Committee heard from Dr. Jane Butler Kahle, Condit Professor of Science Education at Miami University in Oxford Ohio, who provided an overview of the leading research in this area. She noted results from a systemic initiative in Ohio, which found that teachers participating in sustained professional development, when compared to those who had not, had students with higher test scores. For example, she noted, "African-American girls in classes of teachers with sustained professional development scored 9% higher on the science achievement test than did their peers in classrooms of teachers who had not participated."

While some professional development can lead to higher student achievement, it is clear that not all professional development leads to such results. Dr. Kahle also noted the work of Dr. D.H. Monk, which concluded that "additional coursework in specific areas (e.g., number and kinds of science and mathematics courses) has a positive effect on student learning, while additional coursework by teachers in unrelated subjects has no, or a negative effect on student learning." Dr. Kahle concluded that "short-term, finite programs (described in the vernacular as "make and take" or "spray and pray" workshops) usually do not result in improved content knowledge for teachers, or changes teaching practice, or enhanced student learning."

The reforms to professional development contained in the Student Results Act builds upon research and evaluations, such as the American Institute of Research's evaluation of the Eisenhower Professional Development program. These reports have begun to identify common characteristics of effective professional development.

Specifically, professional development must be: (1) directly related to the curriculum and content areas in which the teacher provides instruction and be designed to enhance the ability of the teacher to understand and use the State's standards for the subject area in which they teach; (2) measured in terms of progress in increasing student achievement and improving content knowledge of teachers as demonstrated through reductions in out-of-field teaching and emergency certified teachers; (3) tied to challenging State or local content standards and student performance standards; (4) tied to scientifically based research demonstrating the effectiveness of such programs in increasing student achievement or substantially increasing the knowledge and teaching skills of such teachers; (5) developed with extensive participation of teachers, principals, and administrators of schools to be served under this part; and (6) be of sufficient intensity and duration not to include 1–day, or short-term workshops and conferences to have a positive and lasting impact on the teacher's performance in the classroom.

The Committee believes that with the focus on quality under both Title II of ESEA and the changes made under this Act to Title I, teachers will have the opportunity to participate in high level programs that have a direct impact in not only raising their own skills but also translating those skills into gains in academic achievement of their students.

*Participation of children enrolled in private schools*

In general, under current law Title I services are provided to eligible private school children directly by the local educational agency or through a third party contract with the school district. As a part of the process, the local educational agency is required to provide timely and meaningful consultation with private school officials on how the needs of private school children will be identified, what kinds of Title I services will be offered, how and where the services will be provided, how the services will be assessed, the size and scope of the services, and the proportion of funds allocated.

The 1998 Department of Education publication *Title I Services for Private School Students under the Reauthorization of ESEA [Elementary and Secondary Education Act]: A Snapshot of Federal Assistance in Transition* indicates that there is serious disagreement among public, private, and religious school representatives on the extent to which Title I consultations have been meaningful and timely. Catholic school officials have informed the Committee that in some areas of the country, local educational agencies provide little or no consultation with private school officials, and where consultation does occur, it can hardly be considered meaningful. In written testimony submitted to the Committee on Education and the Workforce on June 10, 1999, Mr. John R. Clark, Assistant Superintendent for the Diocese of Allentown Pennsylvania and Chairman of the United State Catholic Conference Federal Assistance Advisory Commission told how public and private school officials developed and implemented a specific signoff form by both parties as to the issues on which consultation takes place. This approach has worked well in Pennsylvania and the Committee wishes to offer the Pennsylvania model as an example to other local educational agencies of what has worked well in one jurisdiction. A copy is included as Attachment A in the Appendix to this committee report.

The Committee has included language in Section 117(b) of the Student Results Act which tightens the requirements for "timely and meaningful consultation." Under H.R. 2, the local educational agency must consult with private school officials not only on how and where the services will be provided, as under current law, but they must also consult on the selection of the contractor that provides the services, in situations where contractors are utilized. In addition, the local educational agency must tell how the Title I services will be assessed, and how the results of that assessment will be used to improve the services to private school children. The consultations must involve not only meetings prior to the school district making a decision on the services, but also throughout the implementation and assessment of the services. Such measures will help ensure that high quality services are provided to private school children. The requirement that the services be assessed and that the district use the results to improve the services should help guard against private schools receiving poor quality services, and having no recourse. The Committee is aware of a situation in Compton, California where private schools had no choice but to continue to tolerate ineffective and poor quality services for an extended time, prior to the Department of Education reviewing the

situation. Such situations should be less likely with these new provisions in place.

H.R. 2 also provides a phase out over a three year period of the capital expense account for private schools, which had been used to offset the costs, for example, of renting space in "neutral" sites to deliver instruction. With the June 23, 1997 United States Supreme Court decision in *Agostini* v. *Felton* (521 U.S. 203 (1997)), such rentals are no longer essential to meeting federal constitutional requirements. In *Agostini*, the court abandoned the presumption that placing public employees within religious institutions inevitably results in either indoctrination, excessive entanglement, or a symbolic union between government and religion. However, the Committee is informed that in some school districts, long term contracts for the rental of neutral sites for the provision of services continue to exist, and in an effort to address such situations, the Committee has chosen to continue the authorization for capital expenses but only for a three year period, and in declining amounts each year.

TITLE I, PART A—ALLOCATION FORMULAS

H.R. 2 makes minor changes to the Title 1 Part A formula because the Committee believes that the significant changes made to the formula in the 1994 amendments have not been implemented due to 100 percent hold harmless provisions applied by the Appropriations Committees since 1995. In an effort to break that trend, the Committee has made a change in how new funds are to be distributed which is described below. The Committee is hopeful that the Appropriations Committees will abide by the authorizing statute so that Title 1 funds can be distributed to those areas where the most disadvantaged children live so those children who need these educational services the most can receive them.

With respect to the share of Part A funds to be allocated under each of the authorized formulas—Basic, Concentration, and Targeted Grants—the bill provides that an amount equal to the FY1999 appropriation will be allocated under the Basic and Concentration Grant formulas (and in the same proportions as for FY1999—85% Basic Grants and 15% Concentration Grants). Next, any increases in funds over the FY1999 appropriation for Part A will be allocated one-half under the Targeted Grant formula and one-half under the Basic and Concentration Grant formulas (again, 85% Basic Grants and 15% Concentration Grants for this half of the increase).

The major provisions of the Basic, Concentration, and Targeted Grant formulas in H.R. 2 are generally the same as under current law. However, the bill does make the following modifications to the current provisions of these formulas. First, a hold harmless rate, of 85% of previous year grants, will be applied to Concentration Grants. Currently, the ESEA provides a hold harmless rate of 85–95% of previous year grants for Basic and Targeted Grants, but no hold harmless for Concentration Grants. In addition, for the Concentration Grant formula only, H.R. 2 provides that hold harmless amounts would apply to all local educational agencies, including those which do not meet "primary eligibility criteria"—i.e., the 6,500 or 15% thresholds for receipt of Concentration Grants; how-

ever, this provision would no longer apply if a local educational agency does not meet the eligibility thresholds for 4 consecutive years.

Second, H.R. 2 deletes the Temporary Assistance for Needy Families (formerly the Aid to Families with Dependent Children) category of children counted in the Part A allocation formulas. There are extremely few of these children currently—only children aged 5–17 in families receiving Temporary Assistance for Needy Families payments in excess of the poverty income level for a family of 4 are counted. For FY1999, these children constituted only about 0.1% of all of the children counted in allocating Title I grants, and over 97% were of them were in a single state.

Third, the expenditure factor used in all of the Title I allocation formulas will be increased for Puerto Rico in stages over the FY2000–2004 period. As a result, at the end of this period, the Puerto Rico expenditure factor will be at least 85% of the minimum expenditure factor applicable to the 50 States and the District of Columbia (for FY1999, it is 71.5% of this minimum). However, this provision will not be implemented if it would result in any State receiving less than its previous year grant under Part A.

Fourth, the bill eliminates a number of provisions that were in effect only for past years and are no longer relevant. Further, some provisions are simplified and/or clarified, with no substantive amendment.

H.R. 2 deletes provisions for the fourth Title I, Part A allocation formula which is currently authorized, although no funding is provided for it—the Education Finance Incentive Grant formula. It also deletes the current provision for the reservation of $5 million each year for grants to the freely associated states (Palau, Federated States of Micronesia, and the Republic of the Marshall Islands), which are no longer U.S. territories, replacing it, through FY2001 only, with a requirement for a similar amount of each year's Part A grant to be distributed through a competition among these areas as well as other outlying areas. However, the Committee wants to make clear that the outlying areas (U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas) will receive their full allotment under the one percent reservation and do not have to compete for their share. The outlying areas, however, are eligible to compete for additional funds under the competition described above.

## TITLE I, PART B—EDUCATION OF MIGRATORY CHILDREN

### *Background*

Title I, Part C of the ESEA, program for the children of migrant workers was created to assist migrant children in overcoming problems associated with multiple moves which interrupted their education and prevented them from performing well in school. The program serves migrant children ages 3–21, as well as emancipated youth and formerly migrant children. Most migrant programs are administered by local educational agencies (LEAs) and operate during the summer months as well as the regular school year. Services provided by LEAs include instruction, health services, counseling

and testing, career education, preschool services, and transportation to migrant services.

*Views*

The children of migrant workers are some of the most vulnerable children in schools throughout the United States. Migrant children at greatest risk are those whose education is interrupted as they follow their parents along the migrant stream. According to the Department of Education, for 1996–97 States reported approximately 580,000 Migrant Education Program participants, including 475,000 served during the regular school year and 285,000 served in the summer program.

H.R. 2 extends the Title 1, Part C program serving the needs of migrant children and makes modest changes directed at improving services to this at-risk population. The dropout rate for this population of students is very high and the additional academic assistance they receive under this Act is often the determining factor in whether or not they stay in school and graduate.

Of key interest to the Committee has been the ability of States to rapidly transfer student records in the absence of the costly Migrant Study Records Transfer System (MSRTS). MSRTS was eliminated as a part of the Improving America's Schools Act because it was found to be ineffective in completing its primary responsibility of transferring student records.

Changes to this Act during the 103rd Congress directed the Secretary to pursue alternative strategies for the effective and efficient transfer of student records. Report language also encouraged States to develop agreements on transferring credits from one school to another.

In the absence of MSRTS, the Department of Education found that most States and school districts have relied on mail, telephone and fax machine to transfer records for migrant students. Although 19 States have some type of electronic system in place, many of these systems are used for maintaining, rather than transferring, student records.

The Committee believes the transfer of student records is key to the ability of schools to adequately serve the educational needs of migrant students. If basic, essential information regarding a child's grade, test scores and vaccination records are not transferred in an efficient manner, a child may be subjected to additional vaccinations and be incorrectly placed in a classroom above or below their actual academic abilities.

As such, the Committee has modified the Title 1, Part C Migrant Education Program to require the Secretary to assist States in developing effective methods for the transfer of student records and in determining the number of migratory children in each State. The Secretary is further required to work with States in order to determine the minimum data elements for records to be maintained and transferred when funds under this part are used for record transfer.

In addition, the Committee has included language in H.R. 2 to require a local educational agency receiving assistance under this Part to make student records available, at no cost, to another local

educational agency requesting such records in order to meet the needs of a migratory child.

The Committee wants to make it very clear that the timely transfer of student records is an important element of the Migrant Education Program. It expects States and local educational agencies to work together to ensure that student records are transferred as quickly as possible through the most effective possible means. It would further encourage States and local educational agencies to develop effective means of electronically transferring student records. The Committee believes that an additional focus on the electronic transfer of student records is vitally important to ensure that migrant children have access to high quality education.

The Committee has also adopted the Clinton Administrations' proposal for simplifying the formula for distributing funds to the States. Under current law, counts of migrant students are based on estimates and full-time equivalents (FTEs) of these children. Current law requires either a burdensome collection of data or the continued use of increasingly dated FTE adjustment factors based on 1994 data. Under the Administration's proposal, a State's child count would be based on the number of eligible children, aged 3 through 21, residing in the State during the previous year, plus the number of children who received services in summer or intersession programs provided by the State. This approach is easier to understand and administer, minimizes the data-collection burden on the States, and encourages the identification and recruitment of eligible children. However, due to concerns that this new formula could cause a minor shift in funds, the Committee has included a hold-harmless, so that no State will receive less than the allocation it received in fiscal year 2000. Only funding appropriated for this program over and above the amount appropriated for fiscal year 2000 will be distributed based on the new formula.

The Committee has also modified the Title 1, Part C program for migrant children to eliminate the requirement that States develop both a comprehensive service-delivery plan and a program application. Key elements of the plan have been incorporated into the application requirements. This streamlining should reduce the paperwork burden on the States. The bill also provides States with greater flexibility in determining the activities to be provided with funds under this part as long as they are first used to meet the identified needs of migratory children that result from their migratory lifestyle and permit them to participate effectively in school.

Over the years since the enactment of the Migrant Education Program, the number of migrant students graduating from high school has increased dramatically. However, it still lags significantly behind that of the general population. The Committee believes these changes will allow States and local schools to better meet the needs of this vulnerable population and insure they receive the best possible education.

### TITLE I, PART C—NEGLECTED AND DELINQUENT YOUTH

*Background*

The Title I, Part D program provides formula grants to States for neglected and delinquent children being educated in State agency

programs. These programs serve neglected and delinquent children and youth in institutions or community day programs, as well as those who are in adult correctional facilities. Funds are allocated to States on a formula based primarily on the number of children and youth in their State agency program who are enrolled in a regular program of instruction operated by the agency for at least 20 hours a week for children and youth, or 15 hours a week if the participant is an adult correctional facility. There is also a Subpart 2 program for local educational agencies (LEAs), funded with allocations diverted from the Title I, Part A program, for districts with the high numbers or percentages of children in locally operated correction facilities. Funds are provided to LEAs for meeting the needs of youth returning from correctional facilities, for coordinating social and other services to help students complete their education, and for programs meeting the unique educational needs of students at risk of dropping out.

*Views*

The Committee believes that far too many youth who spend time in correctional facilities do not graduate from high school. According to the Department of Education, one-third of 16 and 17 year olds do not return to school after their release from a correctional facility and one-third of the enrolled 16 and 17 year olds dropped out within 10 months. It is the view of the Committee that many of these students would stay in school and graduate if they received quality educational support during their incarceration and assistance in transitioning back into the school environment.

To address these concerns, the Committee has made several changes to Subpart 1 and Subpart 2 of current law. Specifically, in Subpart 1, we have increased the percentage of funding each State agency is required to reserve to support projects that facilitate the transition of children from State-operated institutions to local educational agencies from 10 percent to 15 percent. The Committee believes that transition assistance plays a key role in determining whether or not delinquent youth will succeed in school and graduate.

During the last reauthorization a new Subpart 2 was added to Part D to address the academic and other social service needs of youth in local correctional facilities. Its creation was based on evidence that children in local correctional facilities who were counted for the purpose of generating funds in Title I, Part A were, in most instances, not receiving services from Part A. Programs operated under this new Subpart were to address the academic needs of such youth while they were incarcerated and upon return to their local school. The portion of the program operated in local schools was intended to provide support to delinquent youth that were transitioning back into the regular school setting and to provide assistance to other youth at risk of dropping out.

Concerns have been raised that the school portion of the Subpart 2 program has, more often than not, become a dropout prevention program that does not focus on assisting youth returning from correctional facilities. The Committee believes that other at-risk youth would benefit from the types of programs operated for delinquent youth under Subpart 2. However, it is the view of the Committee

that programs under this Subpart should serve at-risk youth secondary to serving youth returning from correctional facilities. As such, the language in Subpart 2 has been revised to focus on the provision of services to youth returning from correctional facilities. If participating schools are able to serve other at-risk students at the same time, they are permitted to do so.

The Committee has also modified the Subpart 2 program to allow the use of funds for several new activities, including curriculum-based youth entrepreneurship education, peer mediation, and mentoring.

To be successful, it is the view of the Committee that curriculum-based youth entrepreneurship education programs must include organized academic materials that are sequentially based and which have been field-tested and based on sound educational practices. Additionally, such programs must have a demonstrated record of empowering disadvantaged youth with applied math and other analytical skills. There is growing evidence that innovative organizations and institutions working to instill entrepreneurial behavior, through classroom and practical experiences, and to expose young students to new career options, are highly effective in teaching some youth. Through such programs, students learn the basic skills required by entrepreneurs and gain a greater understanding of the relationship between academic subjects and the business world.

In addition, mentoring programs have proven to be highly effective in assisting at risk and delinquent children to overcome academic and other problems by providing them with a strong adult role model. The Committee believes mentors, including senior volunteers, are highly effective in helping these youth.

Delinquent youth are a high-risk population and the Committee believes they can easily turn to further involvement in criminal activities if they are not provided the support they need to stay in school and turn their lives around. The purpose of Subpart 2 is to insure they receive the assistance they need to graduate and lead productive lives.

### TITLE I, PART D—COMPREHENSIVE SCHOOL REFORM

The Comprehensive School Reform Program (CSRP) was first funded in FY 1998 as part of the Departments of Labor, Health and Human Services, and Education Appropriations Act (P.L. 105–78). The language in the appropriations bill in 1998 did not specifically amend Title I of the Elementary and Secondary Education Act. Rather the program was included in narrative, paragraph-style text in the conference report of the appropriations legislation. What the Committee has done is incorporated the concepts from that legislation into a categorical grant included in the statutory text of Title I, Part E. This was done because the Committee has not been satisfied with the way the program has been implemented up until now, particularly given the absence of statutory format and content.

Essentially, the CSRP provides financial incentives for schools to develop comprehensive reforms for the entire school, based upon reliable research and effective practices, with an emphasis on basic academics and parental involvement. These reforms are called "comprehensive" because they are intended to affect all aspects of

school operations, including curriculum and instruction, school organization, professional development and resource use, rather than a piecemeal approach to reform. The intent is to provide another means by which to ensure that all children in a school achieve to a state's student performance standards.

The Committee is aware of utilization of a number of pre-existing comprehensive reform models throughout the country. While no one model fits all school situations, schools are encouraged to consider the positive aspects of existing design models as well as new approaches. The Committee is aware that some States, as well as the United States Department of Education, are attempting to limit comprehensive school reform to certain models or approaches. We disagree with such limits.

The Comprehensive School Reform Grant Program included in Part D of the bill is authorized at $175,000,000. It provides formula grants to the States in proportion to their Title I Part A allocations under section 1124 to the State as a whole. Local educational agencies then apply to their State Educational Agency for the grants on behalf of individual schools that seek to implement comprehensive school reform. Grants to individual schools are for not less than $50,000 and renewable for two additional years after the initial one-year grant.

The components of comprehensive school reform are: (1) utilization of innovative strategies and proven methods of learning, teaching and school management that are based on scientifically-based research; (2) integration of a comprehensive design; (3) provision of high quality and continuous professional development; (4) inclusion of measurable goals for student performance and benchmarks for meeting such goals; (5) support by teachers, administrators and other professional staff; (6) provision for the meaningful involvement of parents; (7) use of high quality external technical support; (8) inclusion of a plan for evaluation of the implementation of school reforms and student results achieved; and (9) identification of how other resources will be used to coordinate services to support and sustain the school reform effort.

### TITLE I, PART E—GENERAL PROVISIONS

Title I, Part E, of H.R. 2, includes general provisions governing Title I. Such provisions include negotiated rulemaking; State rulemaking; rules of construction; local educational agency cost limitations; General Accounting Office studies; and definitions.

### TITLE II—MAGNET SCHOOLS ASSISTANCE PROGRAM

*Background*

The Magnet Schools Assistant Program provides competitive grants to Local Educational Agencies for magnet schools that are intended to reduce, eliminate, or prevent minority group isolation in elementary and secondary schools and to provide strengthened academic or vocational programs for students. In order to be eligible for a grant, a local educational agency must be participating in a court ordered or voluntary desegregation plan. Magnet Schools provide a special curriculum intended to attract students of different races.

*Provisions of H.R. 2*

The Committee has made a number of revisions to the Magnet Schools Assistance Program, while keeping the basic structure intact. These revisions include an additional emphasis on student achievement and a renewed focus on serving magnet schools. Specifically, the bill reinstates the program's commitment to student achievement by not only stressing the need to reduce minority group isolation in elementary and secondary schools, but also by strengthening the finding and applications and requirements section in relation to academic performance. In addition, the bill includes professional development as a use of funds. As for renewing the program's focus on magnet schools, the bill eliminates two outdated priorities and repeals the Innovative Programs. However, any grant recipient that has an agreement in effect under the Innovative Programs will continue to receive funds through the end of the applicable grant cycle.

TITLE III—TEACHER LIABILITY

The 'teacher liability protection' provision provides limited civil litigation immunity for teachers, principals, local school board members, superintendents, and other education professionals who engage in reasonable actions to maintain order, discipline, and a positive education environment in America's schools and classrooms.

TITLE IV—INDIAN, NATIVE HAWAIIAN, AND ALASKAN NATIVE EDUCATION

*Background and committee views*

Programs designed to enhance the educational opportunities for native populations are administered by both the Department of Education under the Elementary and Secondary Education Act (ESEA) of 1965, and the Bureau of Indian affairs. Title IV of the Student Results Act updates and improves these programs as follows.

*Department of Education programs*

Programs administered by the Department of Education are designed to provide financial support to reform and improve elementary and secondary school programs that serve American Indian students; improve and enrich the quality of education for Indian students; research and evaluate information on the effectiveness of Indian education programs; and improve educational opportunities for adult Indians. The majority of the funds are distributed under a formula based on the number of Native American children in the LEA or BIA funded schools. For FY 1999, awards were made to 1,120 LEAs, 84 BIA grant/contract schools, and 70 BIA operated schools, and served 460,782 students in 41 States. In addition, under Part C of the ESEA, the Department administers a number of competitive grant programs to provide supplemental education for Alaska Native children and adults.

In updating and improving these programs, the Committee focused on improving student achievement, targeting resources to the programs that are providing the best results, greatly increasing the

flexibility of the programs at the local level, reducing the administrative burden placed on participating entities, increasing the amount of aid that actually reaches the classroom, and increasing the emphasis placed on family literacy services for the effected populations. The centerpiece of the Committee's efforts is flexibility coupled with accountability for results. Specifically, the Committee included a new provision allowing LEAs which receive formula grants under Title IX Part A to commingle all of the federal funding they receive for educating Indian children, regardless of which agency provides it, into one coordinated, comprehensive program to meet the specific needs of Indian children. LEAs that choose to do this will submit a single plan describing how they intend to consolidate funding, and specifying the student achievement goals that they will meet. The Committee intends that these entities be given the maximum flexibility in implementing their plans, and expects the Secretary and the head of any effected agency to give applicants their fullest cooperation. The Committee is hopeful that the flexibility provided will allow LEAs to reduce administrative costs while improving services to Indian children. Additionally, the Committee has provided increased flexibility in counting eligible children for funding purposes to BIA funded schools. This is consistent with our efforts to reduce administrative burdens placed on grant recipients.

The Committee has also accepted the Administration's proposed elimination of 4 unfunded programs under Part A. These programs include: Fellowships for Indian students; Indian Gifted and Talented programs; Grants to Tribes for Administrative Planning and Development; and Special Programs Relating to Adult Education. In taking this action, the Committee recognizes that none of these programs have been funded since Fiscal Year 1995, and that 2 of them have never been funded. This action is consistent with the Committee's philosophy of focusing resources on the programs which are providing the best results, and consistent with its responsibility to set priorities for the Appropriations Committee. The Committee notes that the services that would be provided under these programs to Indian youth and adults are currently funded through other authorities, including under other parts of this Act, the Higher Education Act, and through programs administered by the Bureau of Indian Affairs (BIA).

The Committee has made significant reforms to programs for Alaska Natives under Part C. Specifically, the Committee has consolidated the 3 competitive grant programs serving Alaska Natives into a single, more efficient and flexible program to improve services.

In an effort to ensure that more of the money provided reaches the classroom and serves the intended students, the Committee has limited recipients of funding under Title IX to using not more than 5 percent of the funding for administrative costs. This is consistent with the philosophy that a minimum of 95 percent of federal education funds should reach the classroom.

On a vote of 27–22, the Committee accepted an amendment offered by Representative Boehner, which eliminates the Native Hawaiian specific programs formerly authorized under Title IX, Part B, of the Elementary and Secondary Education Act. This action is

consistent with attempts to reduce duplication of effort and focus scarce federal resources to those in greatest need. The Administration proposed similar action in its FY 1995 budget request, citing as its rational the fact that similar assistance is available to all students, including Native Hawaiians, under programs such as Title I, the Gifted and Talented program, Even Start, Special Education, the Higher Education Act, and other, broader authorities. In taking this action, the Committee specifically considered available census data which shows that Native Hawaiian students already graduate from high school at a rate higher than the national average, and tend to come from families with incomes somewhat higher than the national average. The Committee notes that unlike other indigenous populations, there is no treaty relationship with the government of the United States, and no specific Constitutional responsibilities pertaining to Native Hawaiians as a distinct group. Unlike other indigenous populations, Native Hawaiians have a trust, established by the last Hawaiian princess, which exists solely to educate Native Hawaiian children. The Bishop Trust is currently one of the largest charitable trusts in the world, valued in excess of $10 billion, and holds approximately 8 percent of all land in the State of Hawaii as well as a 10 percent share of Goldman Sachs. The Committee urges the Trust to redouble its efforts to educate Native Hawaiian children. The Committee also believes that these children should be given the same opportunities afforded to all of our children under the programs authorized in this and other acts. However, the Committee cannot justify the continuation of special programs serving only Native Hawaiian children.

*Family literacy services*

Family literacy is a very effective method of stopping the cycle of illiteracy. It not only builds on the literacy skills of parents, but it insures their children will have every opportunity to succeed in school. Family literacy programs throughout the United States assist parents in obtaining the literacy and other skills they need to get a job, reduce their dependence on public assistance, and most importantly, to be their child's first and most important teacher. Family literacy strengthens families. Recognizing this, the Committee has included the provision of family literacy services as an allowable use of funds under formula and competitive grant programs authorized under Title IX. The Committee was pleased to hear the testimony of Ms. Rose Potvin regarding the FACE program operated by the Bureau of Indian Affairs. Language included in this legislation makes it clear that family literacy is a use of funds in BIA operated programs. The Committee encourages the BIA to expand the number of family literacy programs in order to insure positive outcomes for children and their parents.

*Bureau of Indian Affairs programs*

The Committee is encouraged that progress continues to be made among Indian students at schools funded by the BIA. Members are pleased to note that the tribes and tribal organizations continue to take increased control of the schools that serve their children through contract or grant arrangements with the Bureau. The Committee recognizes that, if given the chance, these entities,

working with the parents of Indian children, will do a far better job of improving student achievement than any federal agency. The Committee is also pleased with the continued growth in attendance at institutions of higher education of Indian students. It is estimated that current postsecondary enrollments are in excess of 130,000. In considering this legislation, the Committee has acted to increase local control of education, and to shift responsibility and authority for education to tribes and tribal organizations.

Currently, Bureau funded schools are generally required to meet rigid education standards established by the Bureau. In an attempt to increase local control, this legislation allows schools that choose to do so to become accredited by a tribal, State or regional accrediting body and meet the standards of accreditation rather than those imposed by the Bureau. The Committee has modified the section on standards in recognition of the fact that Bureau-funded schools have made substantial progress in the last twenty years in their educational programs. In contrast to 1978, when the Committee first acted on this topic and fewer than 2 percent of Bureau-funded schools met accreditation standards, today, practically all schools exceed such standards.

The Committee has also included a provision such that if the criteria with respect to accreditation are observed, the local school board and the administrator may choose the standards to be applied. Standards are required to be at least those necessary to meet State standards of the State or region in which the school is located. This does not mean that these standards must be the State or regional standards; rather, State or regional standards would be used as a floor.

In addition, this legislation makes it clear that tribal entities may improve and expand educational programs at Bureau funded schools using their own resources. The Student Results Act gives tribes a greater say in repair and maintenance priorities; allows tribes to contract for training services; increases tribal authority to pick service providers for purchasing supplies; and gives tribes and local school boards more flexibility in making school staffing decisions. BIA inspectors will also be required to get a second opinion from an independent source (with tribal input) before fully and finally closing a BIA funded school for health and safety violations.

In keeping with the philosophy of parental choice and local control, the Committee has included a provision to give tribes and parents of eligible students the choice of which Bureau funded school their children attend. In carrying out this provision, the Committee expects the Bureau's full cooperation in assuring that funding follows the child.

The Committee remains concerned that, despite Congressional direction, the Bureau has never established a Division of Budget Analysis within the Office of Indian Education Programs. This legislation mandates the creation of this entity within 1 year of the date of enactment of the Student Results Act. Some are concerned that the Bureau's budget requests may not be sufficient to provide a quality education for Native American students. Therefore, in addition to the creation of the Budget Division, the Committee has provided that the Comptroller General examine the funding of these schools in relationship to other comparable facilities, and ex-

amine the criteria used by the Bureau in developing its budget for education programs.

The Committee has taken a number of actions to modify the school boundaries provisions. All such actions are intended to assure that schools take a proactive stance on identifying and providing services to all Indian students in their geographic service area.

Finally, the Committee greatly increased the consultation required throughout these Acts. In considering future changes to Indian education programs, the Committee expects that the Bureau will take into account the full range of views of all interested parties, and will engage in a consultative process prior to taking action.

### TITLE V—GIFTED AND TALENTED CHILDREN

Despite the gains made through the Javits Gifted and Talented program in serving the educational needs of gifted and talented children, a large percentage of the nation's gifted and talented students are not benefiting from the results of the research, model projects, and exemplary programs. Therefore, subpart 2 of the Committee amendment authorizes formula grants to State educational agencies to support programs and services for gifted and talented students. These state formula grants, which are awarded competitively to local educational agencies, are designed to assist States in improving services to the nation's three million gifted and talented students. Such services may incorporate programs and strategies that research, model projects, and exemplary programs have shown to be effective in meeting these students' educational needs.

The Committee recognizes that ongoing research, model projects, and exemplary programs are a necessary foundation for quality gifted and talented education programming. To build on that foundation, the Committee amendment stipulates that the Secretary prioritize funding for applications from State educational agencies that are designed to disseminate information and apply research results in classrooms, other appropriate learning environments, and personnel training programs. The Committee also acknowledges the importance of using such funds for identifying gifted and talented students who may not be identified and served through traditional assessment methods; mentoring and apprenticeship programs; modifications to curriculum; acceleration; distance learning programs; dual enrollment; teacher education; family education and support; and other educational activities designed to meet the needs of gifted and talented students.

### TITLE VI—RURAL EDUCATION ASSISTANCE

Each year, many rural school districts forgo funding because they lack the enrollment, financial resources, and poverty data needed to compete against larger school districts for federal education grants. Rural school districts find it particularly difficult to fully benefit from federal funds because the unique needs of rural school districts are not addressed in federal formula programs. Generally, current federal education formulas unintentionally bypass small, rural school districts because the formulas do not produce enough

revenue to substantially support education reform efforts designed to improve academic achievement. These school districts lie in remote areas distant from commercial centers, making it particularly difficult for teachers and administrators to utilize consortia, pooled resources and technical assistance. Rural school districts also have unique technology and communications infrastructure challenges due to their remote locations. In addition, rural school districts cannot adequately compete for grants since they lack resources and do not have access to specialists in federal grant writing as do larger school districts. The Committee amendment provides rural school districts with increased flexibility and funding to enhance academic achievement and addresses the unique needs of those districts that cannot compete for federal education grants because they do not have adequate resources.

TITLE VII—MCKINNEY HOMELESS EDUCATION IMPROVEMENTS

The McKinney Act currently requires that States provide estimates of the number of homeless children and youth in their States and information about their access to education and related services. This provision has resulted in widely varying data in both quality and quantity. States do not have the resources or the expertise to conduct these kinds of assessments, and the lack of a uniform method of data collection has resulted in unreliable national data. The Committee amendment eliminates the requirement that the State homeless coordinator estimate the number of homeless children in the State and the number of homeless children served by the program. Under the Committee amendment, this responsibility is placed under the authority of the Secretary who shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information on the number and location of homeless children and youth; the education and related services such children and youth receive; and the extent to which such needs are being met. The result of these changes to the McKinney Act will enable a more reliable and uniform data collection method that will help guide Congress in making accurate funding decisions.

Many homeless children and youth are forced to wait days and even weeks before they can enroll in school because they do not have the necessary paperwork required for enrollment such as proof of residency, previous academic records, birth certificates, and other documentation. According to the FY 1997 Department of Education Report to Congress (issued in 1999), States reported that lack of school records and birth certificates were among the most frequent reasons for homeless children and youth not attending school. In addition, the report noted that lack of documentation is among the reasons that 45 percent of homeless children and youth were not attending school on a regular basis during their homelessness. The Committee amendment directs schools to immediately enroll a homeless child even if they are unable to produce the documents normally required for enrollment. However, to help ensure a healthy environment for all students, the Committee amendment does not require schools to accept a homeless child until the enrolling school receives their immunization records. In cases where a homeless child is denied enrollment because of immunization

records, the enrolling school shall promptly refer his or her parent or guardian to the homeless liaison to assist in resolving enrollment disputes. In addition, the Committee amendment directs the Secretary to issue a report to be made available to States, local educational agencies, and other applicable agencies. This report will address successful ways in which states can help local educational agencies immediately enroll homeless children.

Nationwide, the lack of transportation is one of the most pervasive barriers to enrollment and success in school for homeless children and youth. According to the FY 1997 Department of Education Report to Congress (issued in 1999), lack of transportation to or from temporary residences was the most frequent reason given by States as to why homeless children and youth did not attend school. Forty States listed transportation as a major need to be addressed to ensure the individual academic success of a homeless child or youth. The Committee amendment directs the Secretary to develop and issue a report to be made available to States, local educational agencies, and other applicable agencies. This report will encourage States to follow programs implemented in State law that have successfully addressed transportation barriers for homeless children and youth.

TITLE VIII—SCHOOLWIDE PROGRAM ADJUSTMENT

The Committee adopted an amendment to set the minimum percent of children from low-income families in order for a school to be eligible for a schoolwide program at 40 percent. See *infra* discussion on Committee Views, Title I, Part A—Schoolwide Programs.

# ATTACHMENT A—PENNSYLVANIA DEPARTMENT OF EDUCATION NONPUBLIC SCHOOL SIGN-OFF PAGES

Page ___of___

## TITLE I TECHNICAL INFORMATION NONPUBLIC SCHOOL INVOLVEMENT

**LEA Name:**_____ **Project #:**_____

A. LOCAL EDUCATIONAL AGENCY (LEA)

Name and Mailing Address: Contact Person and Telephone Number:

B. NONPUBLIC SCHOOL INFORMATION *(send to Diocese for Roman Catholic Schools)*

Name and Mailing Address: Contact Person and Telephone Number:

**C. NONPUBLIC AGENCY INVOLVEMENT** *(to be completed by Diocesan Superintendent or the Superintendent's designee on behalf of Roman Catholic schools and contact person for non-catholic schools)*

***Note: A "YES" response indicates that nonpublic schools are in agreement with the planned Title I program, including the funds allocated for the nonpublic school services.***

| YES | NO | | |
|---|---|---|---|
| ___ | ___ | 1. | Are there children that reside in the LEA attending the nonpublic school. If no, please sign the form and return to the LEA. |
| ___ | ___ | 2. | Are Title I services being requested for the upcoming school year? |
| ___ | ___ | 3. | Were you involved in planning the Title I program? |
| ___ | ___ | 4. | Did the planning include the identification of economically disadvantaged children? |
| ___ | ___ | 5. | Did the planning include the identification of educationally disadvantaged children using multiple, educationally related criteria? |
| ___ | ___ | 6. | Did the planning include an assessment of the special needs of the educationally disadvantaged children? |
| ___ | ___ | 7. | Did the planning include suggestions on how to coordinate this program with the regular program? |

Title I Technical Information - Nonpublic School Involvement
GENERAL INSTRUCTIONS

Information regarding nonpublic school students is required prior to the completion of the Title I application. An LEA is required to survey nonpublic schools attended by students that reside in the LEA to determine the number of children from low income families. This information will be added to public school data to determine schools eligible for Title I services (if resident data is used). The number of children from low income families will also be used to calculate the amount of funds available to serve educationally disadvantaged children attending nonpublic schools.

Nonpublic schools may request Title I services for educationally disadvantaged children who reside in eligible, participating school attendance areas. The LEA must plan and coordinate these services with nonpublic school representatives. This planning includes the identification of eligible students by address and educational need, type of program and assessment.

**These pages should be sent to the Diocese or nonpublic school (for non-catholic schools) for signatures after funds and services have been determined.**

**A COMPLETED COPY OF PAGES 5-5b, THE SELECTION OF SCHOOLS PAGE AND THE TARGETING OF FUNDS PAGE IF COMPLETED, MUST BE SENT WITH THE NONPUBLIC SCHOOL SIGN-OFF PAGES.**

**SECTION A**

Enter the name and mailing address of the LEA. Include the name and telephone number of the contact person.

**SECTION B**

Enter the name and mailing address of the nonpublic school. Include the name and telephone number of the contact person at the nonpublic school. NOTE: ONLY ONE FORM NEEDS TO BE SUBMITTED FOR ROMAN CATHOLIC SCHOOLS. LEA CONTACTS SHOULD BE MADE WITH THE DIOCESAN SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE.

**SECTION C**

This section should be completed by the diocesan or nonpublic school representative after planning has taken place.

**SECTION D**

Column 1 - Enter the names of the nonpublic schools attended by children in the LEA.

Column 2 - Enter the number of children attending the nonpublic school who are from low income families.

Column 3 - Enter the number of children that reside in eligible, participating attendance areas who are educationally disadvantaged.

Columns 4, 5 and 6 - Enter the letter that describes the type of contracted service, if applicable, location of service and type of program.

**SECTION E**

The same per pupil amount must be used to calculate allocations for public and nonpublic services. The actual per pupil amount allocated for each participating public school is listed on the Selection of Schools page, column 7. If the same per pupil amounts are not used for calculating public and nonpublic allocations, an explanation must be provided. Nonpublic school representatives must agree to the per pupil amount prior to signing the nonpublic pages of the application. This information MUST be completed prior to submission to nonpublic school officials.

**SECTION F**

The Title I application will not be processed without the original signature of the Diocesan Superintendent or Superintendent's designee (for Roman Catholic schools) or the appropriate nonpublic school representative (for non-catholic schools).

Page ___of___

# TITLE I TECHNICAL INFORMATION
# NONPUBLIC SCHOOL INVOLVEMENT

**LEA Name:**_____ **Project #:**_____

**D.**

Names of nonpublic schools from which resident eligible children will be participating in Title I, both from within and outside the LEA:

(PLEASE COMPLETE GRID BELOW--IF ADDITIONAL SPACE IS NEEDED, ATTACH ADDITIONAL PAGES.)

| Nonpublic School Name (01) | Number of Economically Disadvantaged (02) | Number of Title I Participants (03) | Type of Contracted Service (04) | Location (05) | Type of Instructional Service (06) |
|---|---|---|---|---|---|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| TOTAL: | | | (Total number of nonpublic school participants within district must agree with page 5, column 9.) | | |

RESPONSE KEY(S) FOR USE IN COLUMNS 04, 05 and 06 above

| KEY | (Contracted Services-- Col. 04) | KEY | (For Location-- Col. 05) | KEY | ( Instructional Service--Col. 06) |
|---|---|---|---|---|---|
| A. | Interdistrict Agreement | E. | Private School | K. | Reading |
| B. | Third Party | F. | Public School | L. | Math |
| C. | With IU | G. | Van | M. | English-Other Lang. Arts |
| D. | Other: _____ | H. | Trailer | N. | English/Second Language |
| | | I. | Neutral Site | O. | Pre K/K, Grade 1 and 2 |
| | | J. | Other: _____ | P. | Interactive Technology Subject Area: _____ |
| | | | | Q. | Other: _____ |

**E. PER PUPIL ALLOCATION ASSURANCE**

The same per pupil amount listed on page 5 is used to determine allocations for public and nonpublic services.
YES____ NO____ If NO, provide an explanation and the per pupil amount being used for each population.

The nonpublic Title I share of 1997-98 funds is $_____

**F. AUTHORIZED SIGNATURES**

(1) On behalf of diocesan school participants shown on this page
(Note: Only 1 page should be submitted on behalf of multiple schools listed in column (01) above):

_____
Signature of Appropriate Diocesan Official Date

(2) For all other nonpublic schools (with or without religious affiliation)
(Note: A separate page should be submitted for each participating school)

_____
Signature of Chief Administrator of nonpublic school Date

**NOTE: DO NOT SUBMIT TO PDE COPIES OF LETTERS SENT TO (OR RECEIVED FROM) NONPUBLIC SCHOOLS WHICH CHOOSE NOT TO PARTICIPATE** (*letters should be retained at the school district for verification*).

# ATTACHMENT B—TABLES

**Table 2**
**Participating Title I LEAs and Program Improvement, by State, 1996-97**

| State | LEAs | | | Schools | | |
|---|---|---|---|---|---|---|
| | Total Number | Number in Improve-ment | % in Improve-ment | Total Number (TAS+ SWP) | Number in Improve-ment | % in Improve-ment |
| Alabama | 126 | 23 | 18 | 789 | 248 | 31 |
| Alaska | 48 | 0 | 0 | 205 | 24 | 12 |
| Arizona | 321 | 28 | 9 | 778 | 42 | 5 |
| Arkansas | 312 | 44 | 14 | 799 | 101 | 13 |
| Bureau of Indian Affairs | 173 | | | 173 | 160 | 92 |
| California | 876 | | | 4,166 | 330 | 8 |
| Colorado** | 167 | 1 | 1 | 549 | 15** | 3 |
| Connecticut | 117 | 10 | 9 | 398 | 95 | 24 |
| Delaware | 21 | 0 | 0 | 112 | 29 | 26 |
| District of Columbia | 1 | 1 | 100 | 97 | 82 | 85 |
| Florida | 67 | 0 | 0 | 916 | 29 | 3 |
| Georgia | 180 | 0 | 0 | 987 | 236 | 24 |
| Hawaii | 1 | | | 117 | 37 | 32 |
| Idaho** | 110 | 20** | 18 | 372 | 45** | 12 |
| Illinois | 806 | 14 | 2 | 2,305 | 93 | 4 |
| Indiana | 285 | | | 844 | 242 | 29 |
| Iowa | 379 | 28 | 7 | 799 | 28 | 4 |
| Kansas | 302 | 65 | 22 | 672 | 147 | 22 |
| Kentucky | 175 | 77 | 44 | 886 | 356 | 40 |
| Louisiana | 66 | 1 | 2 | 841 | 30 | 4 |
| Maine | 188 | 58 | 31 | 416 | 127 | 31 |
| Maryland | 24 | 0 | 0 | 269 | 59 | 22 |
| Massachusetts | 247 | 23 | 9 | 841 | 97 | 12 |
| Michigan | 603 | 10 | 2 | 1,964 | 641 | 33 |
| Minnesota | 350 | 36 | 10 | 887 | 98 | 11 |
| Mississippi | 153 | 37 | 24 | 670 | 129 | 19 |
| Missouri+ | 520 | 477 | 92 | | | |
| Montana | 309 | 35 | 11 | 618 | 53 | 9 |
| Nebraska | 320 | 60 | 19 | 480 | 102 | 21 |
| Nevada | 17 | 14 | 82 | 91 | 64 | 70 |
| New Hampshire | 130 | 0 | 0 | 233 | 1 | 0 |
| New Jersey | 460 | 40 | 9 | 1,173 | 185 | 16 |
| New Mexico | 88 | 71 | 81 | 487 | 394 | 81 |
| New York | 645 | 61 | 9 | 2,593 | 410 | 16 |
| North Carolina** | 117 | 0 | 0 | 974 | 74** | 8 |
| North Dakota | 207 | | | 281 | 16 | 6 |
| Ohio | 595 | | | 1,789 | 680 | 38 |
| Oklahoma | 542 | 38 | 7 | 1,079 | 37 | 3 |
| Oregon | 179 | 2 | 1 | 647 | 29 | 4 |
| Pennsylvania | 479 | 31 | 6 | 1,735 | 215 | 12 |
| Puerto Rico | 1 | | | 1,358 | 435 | 32 |
| Rhode Island | 37 | | | 138 | 23 | 17 |
| South Carolina | 91 | | | 477 | 88 | 18 |
| South Dakota | 389 | 10 | 3 | 380 | 10 | 3 |
| Tennessee | 139 | 7 | 5 | 738 | 118 | 16 |
| Texas | 1,010 | 4 | 0 | 3,923 | 40 | 1 |
| Utah | 40 | 0 | 0 | 255 | 7 | 3 |
| Vermont | 60 | | | 230 | 14 | 6 |
| Virginia | 133 | 46 | 35 | 699 | 152 | 22 |
| Washington** | 286 | 93** | 33 | 905 | 176** | 19 |
| West Virginia | 55 | 0 | 0 | 471 | 60 | 13 |
| Wisconsin | 388 | 0 | 0 | 1,666 | 139 | 8 |
| Wyoming | 42 | 5 | 12 | 127 | 23 | 18 |
| **Total** | **13,377** | **1,470** | **11** | **45,399** | **7,065** | **16** |

** The 1997-98 figure is used here as a proxy for 1996-97.

+ The figure shown here is an estimate.

Note: The totals shown here do not reflect data from all states. Ten states did not submit information regarding the number of LEAs identified for improvement and Missouri was unable to provide information regarding the number of TAS and SWP schools.

**Table 3**
**Targeted Assistance and Schoolwide Schools in Program Improvement, by State, 1996-97**

| State | TAS | | | SWP | | |
|---|---|---|---|---|---|---|
| | Number of Schools | Number in Improvement | % | Number of Schools | Number in Improvement | % |
| Alabama | 345 | 23 | 7 | 444 | 225 | 51 |
| Alaska | 144 | 15 | 10 | 61 | 9 | 15 |
| Arizona | 422 | 21 | 5 | 356 | 21 | 6 |
| Arkansas | 543 | 67 | 12 | 256 | 34 | 13 |
| Bureau of Indian Affairs | 3 | 3 | 100 | 170 | 157 | 92 |
| California | 2,544 | 139 | 5 | 1,622 | 191 | 12 |
| Colorado** | 483 | 12** | 2 | 66 | 3** | 5 |
| Connecticut | 341 | 58 | 17 | 57 | 37 | 65 |
| Delaware | 109 | 27 | 25 | 3 | 2 | 67 |
| District of Columbia | 13 | | | 84 | 82 | 98 |
| Florida | 154 | 0 | 0 | 762 | 29 | 4 |
| Georgia | 660 | 138 | 21 | 327 | 98 | 30 |
| Hawaii | 53 | 11 | 21 | 64 | 26 | 41 |
| Idaho** | 308** | 45** | 15 | 64** | 0 | 0 |
| Illinois | 1,788 | 23 | 1 | 517 | 70 | 14 |
| Indiana | 763 | 211 | 28 | 81 | 31 | 38 |
| Iowa | 744 | 8 | 1 | 55 | 20 | 36 |
| Kansas | 534 | 110 | 21 | 138 | 37 | 27 |
| Kentucky | 365 | 166 | 45 | 521 | 190 | 36 |
| Louisiana | 290 | 10 | 3 | 551 | 20 | 4 |
| Maine | 378 | 109 | 29 | 38 | 18 | 47 |
| Maryland | 126 | 15 | 12 | 143 | 44 | 31 |
| Massachusetts | 604 | 46 | 8 | 237 | 51 | 22 |
| Michigan** | 1,500 | 630** | 42 | 464 | 11 | 2 |
| Minnesota | 784 | 69 | 9 | 103 | 29 | 28 |
| Mississippi | 224 | 18 | 8 | 446 | 111 | 25 |
| Missouri | | | | | | |
| Montana | 535 | 22 | 4 | 83 | 31 | 37 |
| Nebraska | 435 | 97 | 22 | 45 | 5 | 11 |
| Nevada | 63 | 47 | 75 | 28 | 17 | 61 |
| New Hampshire | 223 | 1 | 0 | 10 | 0 | 0 |
| New Jersey | 1,097 | 125 | 11 | 76 | 60 | 79 |
| New Mexico | 378 | 313 | 83 | 109 | 81 | 74 |
| New York | 2,113 | 226 | 11 | 480 | 184 | 38 |
| North Carolina | 486 | 20 | 4 | 488 | 54 | 11 |
| North Dakota** | 265 | 9** | 3 | 16 | 7** | 44 |
| Ohio | 1,446 | 443 | 31 | 343 | 237 | 69 |
| Oklahoma | 581 | 6 | 1 | 498 | 31 | 6 |
| Oregon | 532 | 22 | 4 | 115 | 7 | 6 |
| Pennsylvania | 1,396 | 43 | 3 | 339 | 172 | 51 |
| Puerto Rico | 1,086 | 315 | 29 | 272 | 120 | 44 |
| Rhode Island | 112 | 23 | 21 | 26 | | |
| South Carolina | 139 | 9 | 6 | 338 | 79 | 23 |
| South Dakota | 322 | 10 | 3 | 58 | | |
| Tennessee | 407 | 29 | 7 | 331 | 89 | 27 |
| Texas | 1,071 | 6 | 1 | 2,852 | 34 | 1 |
| Utah | 184 | 5 | 3 | 71 | 2 | 3 |
| Vermont | 219 | 14 | 6 | 11 | 0 | 0 |
| Virginia | 601 | 96 | 16 | 98 | 56 | 57 |
| Washington** | 721 | 120** | 17 | 184 | 56** | 30 |
| West Virginia | 287 | 31 | 11 | 184 | 29 | 16 |
| Wisconsin | 1,492 | 20 | 1 | 174 | 119 | 68 |
| Wyoming | 95 | 15 | 16 | 32 | 8 | 25 |
| **Total** | **30,508** | **4,041** | **13** | **14,891** | **3,024** | **20** |

** The 1997-98 figure is used here as a proxy for 1996-97.

Note: The totals shown here do not reflect data from all states. Missouri was unable to provide information regarding the number of targeted assistance schools and the District of Columbia was unable to provide information on the number of targeted assistance schools identified for improvement. Three states (Missouri, Rhode Island, and South Dakota) were unable to provide information on the number of schools identified for improvement

## SECTION-BY-SECTION ANALYSIS

Section 1 sets forth the short title and contains the table of contents.

Section 2 states that all amendments and repeals contained in this bill refer to the Elementary and Secondary Education Act unless expressly stated otherwise.

### TITLE I

*Part A—Basic Program*

Section 101 amends the heading for Title I by striking "disadvantaged" and inserting "low-achieving."

Section 102 amends Section 1001 to state the findings; statement of purpose and intent, and recognition of need for the bill.

Section 103 states the authorization of appropriations for Local Educational Agency (LEA) Grants; Migrant Education; Neglected and Delinquent; amends Section 1002(e) regarding capital expenses; repeals Section 1002(f); and authorizes appropriations for State administration purposes.

Section 104 repeals Section 1003 regarding reservation and allocation.

Section 105 amends Section 1111 to provide for State plans, including provisions for implementing challenging content and student performance standards, yearly student assessments and accountability standards; requires students who have attended school in the U.S. for at least three consecutive years be assessed in the English language; and requires annual State and LEA report cards.

Section 106 sets forth provisions for amending Local Educational Agency plans, including provisions for parental notification and consent for English language instruction.

Section 107 amends Section 1113 to provide for eligible school attendance areas, including provisions to permit school districts to give priority to elementary schools.

Section 108 amends Section 1114 regarding schoolwide programs, including provisions to clarify that schoolwide programs are not required to maintain separate fiscal accounting records when State and local education funds are combined with federal education funds.

Section 109 contains provisions regarding the Targeted Assistance Schools program.

Section 110 amends Section 1115A regarding public school choice for Targeted Assistance Schools, including a provision to allow Title I funds to be used for transportation services.

Section 111 contains provisions relating to local review, school improvement provisions, technical assistance, and corrective action; provisions for providing public school choice for student attending low-performing schools, including the use of funds for transportation services.

Section 112 amends Section 1117 to provide for a system of statewide assistance of intensive and sustained school support and improvement for LEAs and schools served by Title I.

Section 113 amends Subpart 1 of Title I, Part A to provide for the establishment of an academic achievement awards program that recognizes and financially rewards schools which have sub-

stantially closed the achievement gap and made outstanding yearly progress for two consecutive years.

Section 114 amends Section 1118(a) relating to activities and procedures for involving parents in Title I programs, including provisions for building the capacity of parental involvement.

Section 115 amends Section 1119 to specify the qualifications and duties permitted for teachers and paraprofessionals that teach and work in Title I schools.

Section 116 amends Subpart 1, Title I, Part A to add Section 1119A to stipulate the purpose and required activities regarding professional development activities.

Section 117 amends Section 1120(a) to provide for the participation of private school children in Title I services, including a new formula for allocation of funds; consultation and documentation requirements; and provisions to permit a bypass option for third party providers.

Section 118 amends Section 1120B regarding coordination of activities requirement.

Section 119 amends Section 1121 to provide for the distribution of funds for the outlying areas and the Secretary of the Interior.

Section 120 amends Section 1122 regarding amounts allocated for Title I basic grants, concentration grants and targeted assistance grants; and special allocation procedures.

Section 121 amends Section 1124 regarding Title I Basic Grants to LEAs.

Section 122 amends Section 1124A regarding Title Concentration Grants to LEAs.

Section 123 amends Section 1125 regarding Targeted Grants to LEAs.

Section 124 amends Section 1126 to provide for special allocation procedures.

Section 125 amends Title I, Part A to require public schools to ensure that Title I services are secular, neutral and non-ideological.

*Part B—Migrant children*

Section 131 amends Section 1303(a) regarding state allocations to better address the needs of this at-risk population and improve the level of services rendered in their assistance; and strikes Sections 1303 (d) and (e) regarding consortium arrangements.

Section 132 amends Section 1304(b), Program Information, to provide greater integration of services and encourage family literacy services; and makes technical amendments Section 1304(c).

Section 133 amends Section 1306, regarding authorized activities to provide greater flexibility for state and local educational agencies and to focus on previously unaddressed needs of migratory children.

Section 134 amends Section 1308(a)(2) to provide for the coordination of migrant education activities; amends Section 1308(b) to require the Secretary to assist states in efforts to improve student record transfers, determining the number of migratory children in each state, and establishing minimum data elements for maintained records; and amends Section 1308(d) to provide greater incentive for states to arrange consortium agreements with other states to improve the delivery of services.

*Part C—Neglected and delinquent*

Section 141 amends the heading for part D of title I to read as follows: "Prevention and Intervention Programs for Neglected or Delinquent Children and Youth".

Section 142 amends Section 1401 (a) pertaining to findings.

Section 143 amends section 1412(b) regarding allocation of funds.

Section 144 amends Section 1414, State Plan and State Agency Applications, to promote a greater focus on transitioning students from institutions to locally operated programs, to help insure that students stay in school.

Section 145 amends section 1415(a) to make technical amendments.

Section 146 amends Section 1421(3) pertaining to the purpose to focus more on transitioning students in dropout prevention efforts.

Section 147 amends Section 1418(a), regarding transition services by striking "10 percent" and inserting "15 percent".

Section 148 amends Section 1422(a), by striking "retained"; amends 1422(b) to focus more on transitioning students; and amends 1422 by adding "(d) Transitional and Academic Services", by designing programs under this subpart to meet the needs of transitional students and to ensure that services to prevent students at risk of dropping out to not negatively impact the needs of the aforementioned students.

Section 149 amends Section 1423, regarding local educational agency applications to focus more directly on students returning from correctional facilities.

Section 150 amends Section 1424 regarding uses of funds to give priority to youth returning from correctional facilities.

Section 151 amends Section 1425(1) by striking "where feasible, ensure educational programs" and inserting "to the extent practicable, ensure that educational programs"; amends Section 1425(3), by striking "where feasible," and inserting "to the extent practicable"; amends Section 1425(8), by striking "where feasible," and inserting "to the extent practicable"; amends Section 1425(9), by inserting "and technical" after "vocational"; and amends Section 1425(11) by adding "entrepreneurial leadership".

Section 152 amends Section 1426(1) by striking "male students and for female students" and inserting "students".

Section 153 amends Section 1431(a) regarding program evaluations is amended by striking "sex, and if feasible," and inserting "gender".

*Part D—General provisions*

Section 161 amends Part F of Title I to provide for the general provisions; "Section 1601 authorizes the Secretary to issue federal regulations and contains the provisions for the negotiated rulemaking process; Section 1602 contains the provisions regarding agreements and records; Section 1603 contains the provisions regarding state administration, including provisions for rulemaking, support and facilitation, and the committee of practitioners; Section 1604 contains the provisions relating to construction, including provisions for prohibition of federal mandates, direction, or control, equalized spending, and building standards; Section 1605 contains the provisions regarding home schools; Section 1606 contains the

provisions regarding non-recipient nonpublic schools; Section 1607 contains the provisions regarding local administrative cost limitation; Section 1608 contains the provisions relating to the prohibition on mandatory national certification of teachers and paraprofessionals; Section 1609 contains the provisions regarding GAO studies; and Section 1610 states the definitions.; and Section 1611 regarding a Sense of Congress supporting paperwork reduction activities."

*Part E—Comprehensive School Reform Program*

Section 171 amends Title I by adding a new Part G authorizing the Comprehensive School Reform Program; "Section 1701 states the findings and purpose; authorizes the program; provides the provisions for state awards, local awards, evaluation and reporting requirements; states the definition of "scientifically-based research"; and the authorization of appropriations."

TITLE II—MAGNET SCHOOLS ASSISTANCE

Section 201 amends Title V regarding Magnet Schools Assistance and Public School Choice; "Section 5101 states the findings; Section 5102 states the purpose; Section 5103 authorizes the Secretary to make grants where appropriate; Section 5104 defines "Magnet School"; Section 5105 contains the provisions regarding eligibility; Section 5106 provides the provisions for applications and requirements; Section 5107 requires the Secretary to give priority to applicants who demonstrate the greatest need, propose to expand or revise magnet school projects, and propose to select students for Magnet Schools by a lottery system; Section 5108 provides the provisions for use of funds; Section 5109 states the prohibitions on usage of funds; Section 5110 contains the provisions relating limitations; Section 5111 contains the provisions regarding evaluations; and Section 5112 provides for the authorization of appropriations and reservation of funding."

"Part B—Public School Choice"

"Section 5201 cites this Part as "The Public School Choice Act of 1999"; Section 5202 states the findings and purpose; Section 5203 contains the provisions for providing grants; Section 5204 states the uses of funds; Section 5205 contains the provisions for grant application and priorities; Section 5206 provides for the authorization of appropriations; and Section 5207 states the definitions."

Section 202 contains the provisions for continuation of awards.

TITLE III—TEACHER LIABILITY PROTECTION

Section 301 amends the Elementary and Secondary Act of 1965 to add a new Title XV; "Section 15001 states the short title as the "Teacher Liability Protection Act of 1999"; Section 15002 states the findings and purpose; Section 15003 contains the provisions regarding preemption and election of state non-applicability; Section 15004 contains the provisions for limitation on liability for teachers; Section 15005 contains the provisions for liability of non-economic loss; Section 15006 provides for the definitions; and Section 15007 provides the effective date."

TITLE IV—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Section 401. Amendments. Amends Part A, Indian Education, of Title IX of the Elementary and Secondary Education Act of 1965, as amended, by repealing previous sections 9123 (Indian student fellowships), 9124 (Indian gifted and talented grants), 9125 (tribal education administration development) and repealing subpart 3 (which consists of section 9131, improvement of Indian adult education), and by further amending Part A to read as follows:

"Part A—Indian Education

"Section 9101. Findings. Sets forth the findings for Part A.
"Section 9102. Purpose. Describes the purposes of Part A.

"Subpart 1—Formula Grants to Local Educational Agencies

"Section 9111. Purpose. States that the purposes of Subpart 1 are to support local educational agencies (LEAs) in assisting Indian students to meet challenging State standards.

"Section 9112. Grants to Local Education Agencies. Permits grants to LEAs with a minimum number or proportion of Indian students and describes circumstances under which Indian tribes may receive such grants.

"Section 9113. Amount of Grants. Sets forth provisions relating to the amount of grants and of an allocation to the Secretary of the Interior for schools funded by the Bureau of Indian Affairs (BIA).

"Section 9114. Applications. Sets forth requirements for applications for grants, including requirements for comprehensive LEA programs developed with and approved by a committee of parents of Indian children, teachers, and students in the local LEA.

"Section 9115. Authorized Services and Activities. Describes authorized services and activities, allows for funds under this subpart to be used for school-wide projects, allows use of funds under this subpart to be used in school-wide projects and limits administrative costs.

"Section 9116. Integration of Services Authorized. Permits LEAs receiving grants to integrate all funds from all federal programs serving Indian students into a comprehensive program for the education of Indian students, according to a plan approved by the Secretary of Education or the Secretary of the Interior. Sets forth plan requirements, federal responsibilities, administrative requirements, and required reports from the Secretary of Education.

"Section 9117. Student Eligibility Forms. Enumerates the information requirements for student eligibility forms, requires the Secretary of Education to review a sample of such forms, sets child-count guidelines, and establishes criteria for tribal schools' child counts.

"Section 9118. Payments. Sets forth provisions relating to payments to LEAs.

"Section 9119. State Educational Agency Review. Requires LEAs to submit applications to State educational agencies for review and possible comment.

"Subpart 2—Special Programs and Projects to Improve Educational Opportunities for Indian Children

"Section 9121. Improvement of Educational Opportunities for Indian Children. Permits grants for improvement of educational opportunities and achievement for Indian children, defines the entities eligible for such grants, describes authorized activities, sets grant and application requirements, and limits administrative costs.

"Section 9122. Professional Development for Teachers and Education Professionals. Permits grants for educational training programs for Indians in educational professions serving Indian people, defines eligible entities, describes authorized activities, and requires a service obligation for recipients receiving training.

"Subpart 3—National Research Activities

"Section 9141. National Activities. Permits the Secretary of Education to carry out national research, evaluation, and data-collection activities related to the education of Indian children and adults, permits grants to eligible for entities for such activities, and requires consultation with the Office of Educational Research and Improvement.

"Subpart 4—Federal Administration

"Section 9151. National Advisory Council on Indian Education. Establishes the National Advisory Council on Indian Education to advise the Secretary of Education on department programs benefiting Indian people.

"Section 9152. Peer Review. Permits the Secretary to use a peer review process for applications under subparts 2 or 3.

"Section 9153. Preferences for Indian Applicants. Directs the Secretary to give preference to Indian tribes, organizations, and higher education institutions in awarding grants under subparts 2 or 3.

"Section 9154. Minimum Grant Criteria. Establishes minimum criteria to receive grants under subpart 2.

"Subpart 5—Definitions; Authorizations of Appropriations

"Section 9161. Definitions. Contains definitions of terms used in Part A.

"Section 9162. Authorization of Appropriations. Authorizes appropriations for fiscal years 2000 through 2004 to carry out subparts 1, 2, and 3.

Part B—Native Hawaiian Education

Section 402. Native Hawaiian Education. Repeals Part B, Native Hawaiians, of Title IX of the Elementary and Secondary Education Act of 1965.

Part C—Alaska Native Education

Section 403. Alaskan Native Education. Amends Part C, Alaska Native education, of Title IX of the Elementary and Secondary Education Act of 1965. Repeals the Alaska Native Educational

Planning, Curriculum Development, Teacher Training and Recruitment program, Alaska Native Home Based Education for Preschool Children program, and Alaska Native Student Enrichment program. Creates a new Section 9304.

"Section 9304. Program Authorized. Permits the Secretary to make grants and contracts with, specified Alaska Native and other entities for Alaska Native educational activities, including development and implementation of educational plans, curriculum development, professional development for educators, teacher recruitment, home instruction for preschoolers, family literacy services, student enrichment in science and math, research activities, and other activities consistent with the purposes of Part C. Describes home instruction programs, limits administrative costs, and authorizes appropriations for fiscal years 2000 through 2004 to carry out Part C.

Subtitle B—Amendments to the Education Amendments of 1978

Section 410. Amendments to the Education Amendments of 1978. Amends Part B of Title XI of the Education Amendments of 1978 as follows:

"Part B—Bureau of Indian Affairs Programs

"Section 1120. Findings and Declaration of Policy. Sets forth findings and declares Congressional policy.

"Section 1121. Accreditation and Standards for the Basic Education of Indian Children in Bureau of Indian Affairs Schools. Provides for accreditation and standards for basic education of Indian children in schools operated by BIA and in contract and grant schools. It states the purpose of standards for Bureau-operated schools, encourages school boards to adopt declarations of educational purpose, and mandates a study to revise standards for Bureau-funded schools. Published minimum academic standards are to be revised and applied to Bureau-funded schools not otherwise accredited. Bureau-funded schools may elect to meet standards of accreditation as set forth by a tribal, State, regional, or national accrediting body (if tribal standards meet State standards) instead of those set by the Bureau. Alternative standards are allowed if they meet State minimum standards. Tribes or school board may waive standards and substitute more appropriate standards, but the Secretary of the Interior may reject the tribal standards. The Secretary must make an annual plan for meeting the standards. Federal educational funds may be used school-wide, and the Bureau must establish fiscal and accounting standards for contract and grant schools. Sets forth the requirements for closing or consolidating Bureau-operated schools, and requires tribal approval for closure or consolidation of Bureau-funded schools. Identifies procedures and criteria for secretarial consideration of applications to contract or grant non-Bureau-funded schools or to expand Bureau-funded schools. None of this section's provisions may preclude expansion at a Bureau-funded school where expansion and its maintenance is paid for by non-Bureau funds. Directs the Comptroller General to conduct a study of the adequacy of funding for Bureau

funded schools, and the formulas used by the Bureau to establish such funding levels.

"Section 1122. National Criteria for Home Living Situations. Requires the Secretary to revise and implement national criteria for home-living (dormitory) situations at Bureau-funded boarding schools and dormitories.

"Section 1123. Regulations. Incorporates certain Bureau education regulations and sets requirements for changes in other Bureau education regulations.

"Section 1124. School Boundaries. Directs the Secretary to establish geographical attendance areas for Bureau-funded schools, enumerates schools' responsibility for educating children in their areas, and provides for changes in school boundaries and tribal provision of parental school choice.

"Section 1125. Facilities Construction. Directs the Secretary to bring Bureau-funded school facilities into compliance with tribal, State, and federal health and safety standards. Requires publication of the Bureau's system for prioritizing school replacement and construction projects, establishment of a long-term construction and replacement listing for all Bureau-funded schools, and distribution of school operation and maintenance funds by formula. Sets forth procedures for school closure or curtailment because of hazardous conditions at Bureau-operated schools.

"Section 1126. Bureau of Indian Affairs Education Functions. Describes and assigns Bureau education functions and responsibilities for policy and procedure, supervision of education-related personnel (including school-related finance, contracting, and facilities management personnel), program evaluation, and provision of support and technical assistance. Directs the Assistant Secretary to submit annual plans for school construction, operation, and maintenance. Authorizes the Director of the Bureau's education program to accept gifts and bequests for Bureau-operated schools.

"Section 1127. Allotment Formula. Directs the Secretary to establish an allotment formula for funding each Bureau-funded school, identifies factors to be considered in such formula, and allows for formula revision to meet standards, pro rata allotment of Bureau education appropriations, formula adjustments for certain factors, and reservations for school board activities and for emergencies. Provides definitions eligible Indian student for this section and permits non-eligible students to pay tuition to attend BIA funded schools. Authorizes funding for students attending Richfield Dormitory, Utah.

"Section 1128. Administrative Cost Grants. Directs the Secretary to provide administrative cost grants to tribes or tribal organizations operating contract or grant schools, establishes a method for calculating the amount of such grants, allows grant recipients to combine grants with other administrative accounts, and defines terms used in this section. Requires a report on determining factors affecting tribal educational administrative costs, and authorizes appropriations for the appropriate fiscal year.

"Section 1129. Division of Budget Analysis. Directs the Secretary to establish a division of budget analysis within the Office of Indian Education Programs to prepare projections of the amounts necessary to fund Bureau education programs.

"Section 1130. Uniform Direct Funding and Support. Directs the Secretary to establish a system of uniform direct funding and support of Bureau-funded schools, based on the allotment formula in section 1127. Sets forth the timing and proportions of allotment distribution under the system, requires that expenditures for Bureau-operated schools be under local financial plans, and authorizes summer academic and support programs at Bureau-operated schools. Allows Bureau school supervisors to make acquisitions without competitive bidding under certain circumstances, sets requirements for funding educational technical assistance and training, allows a student project to be given to the student, excludes funding under this title from being considered federal funds for matching purposes, and authorizes cooperative agreements between Bureau schools, tribes, and LEAs.

"Section 1131. Policy for Indian Control of Indian Education. Establishes the policy for the Secretary of Indian control of Indian education and requires consultation with tribes.

"Section 1132. Indian Education Personnel. Directs the Secretary to set forth regulations to govern educational personnel, including qualifications, hiring, discharge, Indian preference, compensation, leave, voluntary services, proration of pay, extracurricular activities, and furloughs, and defines the terms used in the section.

"Section 1133. Computerized Management Information System. Directs the Secretary to establish a management information system in the Bureau education program office and at Bureau funded schools.

"Section 1134. Uniform Education Procedures and Practices. Directs the Secretary to set forth uniform procedures and practices for Bureau education.

"Section 1135. Recruitment of Indian Educators. Directs the Secretary to set forth a policy of recruitment of Indian educators.

"Section 1136. Biennial Report; Audits. Directs the Secretary to conduct a biennial report to Congress on the Bureau's Indian education program and tribally controlled community colleges, and directs the Interior Department's Inspector General to ensure audits of Bureau-funded schools at least every three years.

"Section 1137. Rights of Indian Students. Directs the Secretary to set forth rules and regulations to ensure the constitutional and civil rights of Indian students attending Bureau-funded schools.

"Section 1138. Regulations. Permits the Secretary to set forth regulations for compliance with this title, in consultation with interested parties.

"Section 1138A. Sets forth procedures for negotiated rulemaking.

"Section 1139. Early Childhood Development Program. Directs the Secretary to make grants to eligible tribal entities for early childhood development programs, establishes a formula for grant amounts, requires applications, describes permissible activities, requires coordination of family literacy services, and authorizes appropriations.

"Section 1140. Tribal Departments or Divisions of Education. Permits the Secretary to provide grants for the development and operation of tribal departments of education, describes grant purposes, sets priorities for grant awards, and authorizes appropriations.

"Section 1141. Definitions. Includes definitions of terms used in Part A.

Subtitle C—Tribally Controlled Schools Act of 1988

Section 420 amends Part B of Title V of P.L. 100–297 as follows:

"Section 5202. Findings. Sets forth the findings of Congress.

"Section 5203. Declaration of Policy. Declares Congress' policy to maintain the federal government's trust relationship with Indian education, and affirms that the educational needs of the Indian peoples can best be met through a grant process.

"Section 5204. Grants Authorized. Directs the Secretary to make grants to Indian tribes and tribal organizations to operate tribally controlled schools, including Bureau-funded schools, for educational expenditures for educational, academic, residential, counseling, and administrative purposes, school operation and maintenance, and support services for the schools, including transportation. Limits an Indian tribe or organization to one grant for any fiscal year, limits certain uses of funds, and limits transfers of funds among school sites. Tribes are not authorized to require grant recipients other than the tribe to move funds between other grantees. Provides that applications for grants shall be voluntary, allows retrocession of grants, and prohibits termination of grants for administrative convenience.

"Section 5205. Composition of Grants. Describes the funds (and their statutory sources) of which the grants may be composed, exempts funds granted from certain Bureau requirements, requires separate accounts for facilities repair and construction funds and restricts use of such funds to those uses.

"Section 5206. Eligibility of Grants. Sets forth grant eligibility criteria for Bureau-funded schools and for non-Bureau-funded schools, additional criteria and factors to be considered by the Secretary in determining eligibility. Specifies where reports are to be filed, requires documentation of tribal authorization of an application (while not making the tribe a party to a separate organization's grant or responsible for the grantee's actions), and provides for appeals of denied applications.

"Section 5207. Duration of Eligibility Determination. Provides that the Secretary's determination that a tribally controlled school is eligible for a grant shall remain in effect until it is revoked by the Secretary, and may not be revoked if specified conditions are being met. Requires grantees to submit annual reports and specifies their contents, including impartial evaluations.

"Section 5208. Payment of Grants; Investment of Funds. Sets forth procedures for payments to grantees, provides that interest accruing on grants shall be the property of the grantee and shall be spent on behalf of the tribally controlled school. Limits investment of grant funds, excludes grant funds from federal underrecovery or overrecovery determinations, and excludes grant funds from State computations for determining State aid to schools.

"Section 5209. Application With Respect to Indian Self-Determination and Education Assistance Act. Applies certain provisions of the Indian Self-Determination and Education Assistance Act of 1975 to grants under Part B, allows self-determination contractors for relevant programs to switch to coverage under this part, pro-

hibits duplication of payments under the Indian Self-Determination Act and this part, and applies certain provisions of that act and the Equal Access to Justice Act to problems or disputes arising under Part B or administrative cost grants. Permits transfer and carry-over of buildings, equipment, and funds to grantees.

"Section 5210. Role of the Director. Describes the role of the Director of the Office of Indian Education Programs.

"Section 5211. Regulations. Incorporates certain Bureau education regulations and sets requirements for changes in other Bureau education regulations.

"Section 5212. The Tribally Controlled Grant School Endowment Program. Limits the areas in which the Secretary may issue regulations under Part B, and prohibits regulations under this part from having the standing of federal statute in judicial review.

"Section 5213. Definitions. Contains definitions of terms used in Part C.

TITLE V—GIFTED AND TALENTED CHILDREN

Section 501 amends Part B of Title X of the Elementary and Secondary Education Act relating to Gifted and Talented Children.

"Part B—Gifted and Talented Children

"Section 10201 contains the short title.

"Section 10202 contains the findings.

"Section 10203 contains the conditions of effectiveness for Subparts 1 and 2.

"Subpart 1—Discretionary Grant Program

"Section 10211 defines the purpose of Subpart 1.

"Section 10212 authorizes grants to meet the educational needs of gifted and talented children, including provisions for the establishment of the program, use of funds, and coordination.

"Section 10213 defines program priorities, including general priority, service priority, and subgrants to local educational agencies.

"Section 10214 defines general provisions for Subpart 1, including requirements for review, dissemination, and evaluation; and program operations.

"Subpart 2—Formula Grant Program

"Section 10221 defines the purpose of Subpart 2.

"Section 10222 authorizes the establishment of the program and use of funds for Subpart 2, including general provisions, authorized activities, competitive process, and limitations on the use of funds.

"Section 10223 contains the provisions for allotment to States, including reservation of funds, State allotments, minimum grant amount, and reallotment.

"Section 10224 defines the application for Subpart 2, including general provisions, contents, and approval.

"Section 10225 defines the conditions for annual reporting for Subpart 2.

"Subpart 3—National Center for Research and Development in the Education of Gifted and Talented Children and Youth

"Section 10231 contains provisions for the Center for Research and Development, including general requirements, the director's responsibilities, and coordination.

"Subpart 4—General Provisions

"Section 10241 stipulates that nothing in this part shall be construed to prohibit a recipient of funds from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Section 10242 allows for the participation of private school children and teachers.

"Section 10243 contains definitions.

"Section 10244 provides for the authorization of appropriations, including the amounts for Subparts 1, 2, and 3.

TITLE VI—RURAL EDUCATION ASSISTANCE

Section 601 amends Part J of Title X of the Elementary and Secondary Education Act relating to Rural Education.

"Part J—Rural Education Initiative

"Section 10951 contains the short title.

"Section 10952 contains the findings.

"Subpart 1—Small and Rural School Program

"Section 10961 authorizes a formula grant program for Subpart 1 for small and rural schools, including alternative uses, eligibility, applicable funding, disbursal, supplement not supplant conditions, and consideration of a special rule.

"Section 10962 authorizes the program for Subpart 1, including general provisions, eligibility, certification, allocation of funds, disbursal, special rule of effectiveness, and supplement not supplant conditions.

"Section 10963 sets forth the accountability requirements for Subpart 1, including academic achievement and State educational agency determination regarding continuing participation.

"Subpart 2—Low-Income and Rural School Program

"Section 10971 authorizes the program for Subpart 2, including reservations, grants to States, and local awards.

"Section 10972 defines the State distribution of funds for Subpart 2, including provisions for award basis and administrative costs.

"Section 10973 sets forth provisions for applications under Subpart 2.

"Section 10974 defines provisions for reports under Subpart 2, including State reports, specially qualified agency reports, and a report to Congress.

"Section 10975 contains definitions for Subpart 2.

"Subpart 3—General Provisions

"Section 10981 contains a definition for this Part.

"Section 10982 provides for the authorization of appropriations, including the amounts for Subparts 1 and 2.

TITLE VII—MCKINNEY HOMELESS EDUCATION IMPROVEMENTS ACT OF 1999

Section 701 contains the short title.

Section 702 contains the findings.

Section 703 defines the purpose.

Section 704 amends Subtitle B of Title VII of the Stewart B. McKinney Homeless Education Assistance Act.

"Subtitle B—Education for Homeless Children and Youth

"Section 721 contains the statement of policy for the education of homeless children and youth.

"Section 722 provides State and local grants, functions of the Office of Coordinator, and State plan.

"Section 723 provides for local educational agency grants for the education of homeless children and youth, including provisions for grants for State and local activities for the education of homeless children and youth, including provisions for general authority, application, allocation and reservations, activities, for general authority, application, awards, and authorized activities.

"Section 724 defines Secretarial responsibilities, including provisions for review of plans; technical assistance; a report to be made available to States, local educational agencies, and other applicable agencies; evaluation and dissemination; submission and distribution; determination by the Secretary; information; and a report to Congress.

"Section 725 contains definitions.

"Section 726 provides for the authorization of appropriations.

TITLE VIII—SCHOOLWIDE PROGRAM ADJUSTMENT

Section 801. Schoolwide Funds is amended by adding at the end the following:

TITLE XVI—SCHOOLWIDE PROGRAM ADJUSTMENT

Section 16001. Schoolwide Program Adjustment. Establishes the minimum percent of children from low-income families in order for a school to be eligible for a schoolwide program at 40 percent.

## EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. This bill authorizes Title I of the Elementary and Secondary Education Act and other programs assisting low achieving students. The bill does

not prevent legislative branch employees from receiving the benefits of this legislation.

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. This bill authorizes Title I of the Elementary and Secondary Education Act and other programs assisting low achieving students as such the bill does not contain any unfunded mandates.

## ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 1 **BILL** H.R. 2 **DATE** October 5, 1999

**AMENDMENT NUMBER** 3 **DEFEATED 22 - 25**

**SPONSOR/AMENDMENT** Mr. Martinez / strikes the parental consent requirement before a child can be placed in a bilingual education program

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | | | X |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 22 | 25 | | 2 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 2 **BILL** H.R. 2 **DATE** October 5, 1999

**AMENDMENT NUMBER** 4 **DEFEATED** 17 - 30

**SPONSOR/AMENDMENT** Mr. Schaffer / strikes the Academic Achievement Awards Program which requires States to set-aside 25% of new Title I funds to award schools and teachers for academic improvment

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | X | | | |
| Mr. BOEHNER | | | | X |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | X | | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | X | | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | X | | | |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | X | | |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | | X | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 17 | 30 | | 2 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 3 **BILL** H.R. 2 **DATE** October 5, 1999

**AMENDMENT NUMBER** 5 **DEFEATED 23 - 25**

**SPONSOR/AMENDMENT** Mr. Schaffer / amends the Academic Achievement Awards Program to allow States to set-aside 25% of new Title I funds to award schools and teachers for academic improvement

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | X | | | |
| Mr. BOEHNER | X | | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | X | | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | X | | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | X | | | |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | X | | | |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | X | | | |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | X | | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | X | | |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | | X | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 23 | 25 | | 1 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 4 **BILL** H.R. 2 **DATE** October 5, 1999
**AMENDMENT NUMBER** 6 **DEFEATED** 21 - 27
**SPONSOR/AMENDMENT** Mr. Fattah / amendment to require States to outline the specific steps it is taking to make all schools and school districts have comparability of educational services

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 21 | 27 | | 1 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 5 **BILL** H.R. 2 **DATE** October 5, 1999
**AMENDMENT NUMBER** 7 **DEFEATED** 8 - 40
**SPONSOR/AMENDMENT** Mr. Schaffer / amendment to strike the paraprofessional section

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | X | | |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | | X | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | X | | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 8 | 40 | | 1 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 6 **BILL** H.R. 2 **DATE** October 5, 1999
**AMENDMENT NUMBER** 8 **DEFEATED** 21 - 27
**SPONSOR/AMENDMENT** Mr. Owens / en bloc amendment regarding paraprofessionals

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 21 | 27 | | 1 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 7 **BILL** H.R. 2 **DATE** October 5, 1999
**AMENDMENT NUMBER** 10 **DEFEATED 21 - 26 With 1 Member Passing**
**SPONSOR/AMENDMENT** Mr. Fattah / conditions Title I funding to States based on all per pupil expenditures in the State being equal

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | | X | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 21 | 26 | 1 | 1 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 8 **BILL** H.R. 2 **DATE** October 6, 1999
**AMENDMENT NUMBER** 12 **DEFEATED 13 - 28**
**SPONSOR/AMENDMENT** Mr. Petri / permits Title I funds to follow the child to any public, private or parochial school and be used for educational services at such school

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | | | | X |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | X | | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | | | X |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | | | | X |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | | | | X |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | X | | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | X | | |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | | X | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | | X | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | | | | X |
| Mr. HOLT | | | | X |
| **TOTALS** | 13 | 28 | | 8 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 9 **BILL** H.R. 2 **DATE** October 6, 1999
**AMENDMENT NUMBER** 15 **PASSED 28 - 16**
**SPONSOR/AMENDMENT** Mr. Roemer / creates a new $20 million grant program to provide funds to States to provide public school choice

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | | | | X |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | | | | X |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | | | | X |
| Mr. HOLT | X | | | |
| **TOTALS** | 28 | 16 | | 5 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 10 **BILL** H.R. 2 **DATE** October 6, 1999

**AMENDMENT NUMBER** 16 **DEFEATED** 19 - 27

**SPONSOR/AMENDMENT** Mr. Schaffer as amended by Mr. Hoekstra/ allows private school choice to be an option for parents of children in Title I schools; allows private school choice if the State legislature has approved private school choice in the State

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | X | | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | X | | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | X | | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | | | | X |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | X | | | |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | X | | | |
| Mr. ISAKSON | X | | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | X | | |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | | X | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | | X | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | | X | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 19 | 27 | | 3 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 11 **BILL** H.R. 2 **DATE** October 6, 1999
**AMENDMENT NUMBER** 17 **PASSED** 24 - 21
**SPONSOR/AMENDMENT** Mr. Payne / raises the schoolwide poverty threshold from 40 - 50 %

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | | | X |
| Mr. PAUL | | | | X |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | | X | | |
| Ms SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 24 | 21 | | 4 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 12 **BILL** H.R. 2 **DATE** October 6, 1999

**AMENDMENT NUMBER** 19 **DEFEATED 16 - 30**

**SPONSOR/AMENDMENT** Mr. Hoekstra / amends the report card provision to allow States to use their current report card if they have one to meet this requirement whether or not it contains the information on Title I students required in H.R. 2

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | X | | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | | | | X |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | X | | | |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | X | | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | X | | |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | | X | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | | X | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | | X | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 16 | 30 | | 3 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 13 **BILL** H.R. 2 **DATE** October 6, 1999
**AMENDMENT NUMBER** 20 **DEFEATED** 21 - 25
**SPONSOR/AMENDMENT** Mr. Andrews / allows schools participating in a schoolwide program to establish or enhance pre-kindergarten programs after they consider numerous factors

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | | | X |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | | | | X |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 21 | 25 | | 3 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 14 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 23 **DEFEATED 21 -23 with 1 Member Passing**
**SPONSOR/AMENDMENT** Mr. Roemer / increases the authorization for Title I, Part A by $1.5 billion

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | | X | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | | | X |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | | | X |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | | | X |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | | | | X |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 21 | 23 | 1 | 4 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 15 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 25 **DEFEATED 21 - 25**
**SPONSOR/AMENDMENT** Mr. Martinez / allows Title I funds to be used on equitable teaching methods specifically for women and minorities

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | | | X |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | | | X |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | | | | X |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 21 | 25 | | 3 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 16 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 27 **DEFEATED 21 - 25**
**SPONSOR/AMENDMENT** Ms. Sanchez / creates a new program for Title I Parent Training Centers

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | | | X |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | | | | X |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 21 | 25 | | 3 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 17 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 29 **DEFEATED 22 - 27**
**SPONSOR/AMENDMENT** Mrs. Mink / reinstates the Women's Gender Equity program

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 22 | 27 | | |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 18 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 32 **DEFEATED 24 - 25**
**SPONSOR/AMENDMENT** Ms. Woolsey / allows Title I funds to be used to train teachers in ways to encourage girls and women for math, science, and engineering careers

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | X | | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 24 | 25 | | |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 19 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 34 **DEFEATED** 23 - 26
**SPONSOR/AMENDMENT** Mr. Hinojosa / creates a National Migrant Parent Advisory Board

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 23 | 26 | | |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 20 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 35 **DEFEATED 22 - 27**
**SPONSOR/AMENDMENT** Mr. Hinojosa / creates a new program for dropout prevention

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | X | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | X | | | |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 22 | 27 | | |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 21 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 36 **PASSED 28 - 21**
**SPONSOR/AMENDMENT** Mr. Schaffer / requires public schools to ensure that educational services or other benefits provided by Title I are secular, neutral and non-ideological

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | X | | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | X | | | |
| Mr. BALLENGER | X | | | |
| Mr. BARRETT | X | | | |
| Mr. BOEHNER | X | | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | X | | | |
| Mr. CASTLE | X | | | |
| Mr. JOHNSON | X | | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | X | | | |
| Mr. GRAHAM | X | | | |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | X | | | |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | X | | | |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | X | | | |
| Mr. ISAKSON | X | | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | X | | |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | | X | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | X | | |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | | X | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | X | | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 28 | 21 | | |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 22 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 39 **PASSED** 27 - 22
**SPONSOR/AMENDMENT** Mr. Boehner / repeals the Native Hawaiian Program

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | X | | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | X | | | |
| Mr. BALLENGER | X | | | |
| Mr. BARRETT | X | | | |
| Mr. BOEHNER | X | | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | X | | | |
| Mr. CASTLE | X | | | |
| Mr. JOHNSON | X | | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | X | | | |
| Mr. GRAHAM | X | | | |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | X | | | |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | X | | | |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | X | | | |
| Mr. ISAKSON | X | | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | X | | |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | | X | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | X | | |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | | X | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | | X | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 27 | 22 | | |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 23 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 18 **DEFEATED** 9 - 40
**SPONSOR/AMENDMENT** Mr. Hilleary / lowers the schoolwide poverty threshold from 40 - 25%

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | X | | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | X | | | |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | X | | | |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | X | | |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | X | | |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | | X | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | X | | |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | | X | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | | X | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 9 | 40 | | |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 24 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 40 **DEFEATED** 20 - 22
**SPONSOR/AMENDMENT** Mr. Payne / amendment to create a new urban education program

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | | | X |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | | | X |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | | | X |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | X | | |
| Mr. DEAL | | | | X |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | | | | X |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | | | | X |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 20 | 22 | | 7 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 25 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 44 **PASSED** 23 - 20
**SPONSOR/AMENDMENT** Mr. Schaffer / amends the Academic Awards Program to allow States to set-aside 30% of new Title I funds to reward schools and teachers for academic improvement

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | X | | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | | | | X |
| Mr. BALLENGER | X | | | |
| Mr. BARRETT | X | | | |
| Mr. BOEHNER | X | | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | X | | | |
| Mr. CASTLE | X | | | |
| Mr. JOHNSON | X | | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | X | | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | | | | X |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | | | | X |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | X | | | |
| Mr. ISAKSON | X | | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | | | X |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | | | | X |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | X | | |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | | X | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | | X | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 23 | 20 | | 6 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 26 **BILL** H.R. 2 **DATE** October 13, 1999

**AMENDMENT NUMBER** 45 **DEFEATED 21 - 24 with 1 Member Passing**

**SPONSOR/AMENDMENT** Ms. Sanchez / allows local school districts to spend funds under the Neglected and Delinquent program for prenatal and other health services for pregnant teens

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | | X | | |
| Mr. PETRI, Vice Chairman | | X | | |
| Mrs. ROUKEMA | | X | | |
| Mr. BALLENGER | | X | | |
| Mr. BARRETT | | X | | |
| Mr. BOEHNER | | X | | |
| Mr. HOEKSTRA | | X | | |
| Mr. McKEON | | X | | |
| Mr. CASTLE | | X | | |
| Mr. JOHNSON | | X | | |
| Mr. TALENT | | X | | |
| Mr. GREENWOOD | | X | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | | X | | |
| Mr. McINTOSH | | X | | |
| Mr. NORWOOD | | X | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | | X | | |
| Mr. UPTON | | | X | |
| Mr. DEAL | | | | X |
| Mr. HILLEARY | | X | | |
| Mr. EHLERS | | X | | |
| Mr. SALMON | | X | | |
| Mr. TANCREDO | | X | | |
| Mr. FLETCHER | | X | | |
| Mr. DEMINT | | X | | |
| Mr. ISAKSON | | X | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | X | | | |
| Mr. OWENS | X | | | |
| Mr. PAYNE | X | | | |
| Mrs. MINK | X | | | |
| Mr. ANDREWS | | | | X |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | X | | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 21 | 24 | 1 | 3 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 27 **BILL** H.R. 2 **DATE** October 13, 1999
**AMENDMENT NUMBER** 47 **PASSED** 26 - 21
**SPONSOR/AMENDMENT** Mr. Castle (offered by Mr. Hoekstra) / lowers the schoolwide poverty threshold from 50% to 40%

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | X | | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | X | | | |
| Mr. BALLENGER | X | | | |
| Mr. BARRETT | X | | | |
| Mr. BOEHNER | X | | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | X | | | |
| Mr. CASTLE | X | | | |
| Mr. JOHNSON | X | | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | X | | | |
| Mr. GRAHAM | | | | X |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | X | | | |
| Mr. PAUL | X | | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | X | | | |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | X | | | |
| Mr. ISAKSON | X | | | |
| Mr. CLAY | | X | | |
| Mr. MILLER | | X | | |
| Mr. KILDEE | | X | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | | | X |
| Mr. ROEMER | | X | | |
| Mr. SCOTT | | X | | |
| Ms. WOOLSEY | | X | | |
| Mr. ROMERO-BARCELO | | X | | |
| Mr. FATTAH | | X | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | | X | | |
| Mr. TIERNEY | | X | | |
| Mr. KIND | | X | | |
| Ms. SANCHEZ | | X | | |
| Mr. FORD | | X | | |
| Mr. KUCINICH | | X | | |
| Mr. WU | | X | | |
| Mr. HOLT | | X | | |
| **TOTALS** | 26 | 21 | | 2 |

**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ROLL CALL** 28 **BILL** H.R. 2 **DATE** October 13, 1999

**PASSED 42 - 6**

**SPONSOR/AMENDMENT** Mr. Petri / report the bill to the House with an amendment and with the recommendation that the amendment be agreed to and that the bill as amended do pass

| MEMBER | AYE | NO | PASSING | NOT VOTING |
|---|---|---|---|---|
| Mr. GOODLING, Chairman | X | | | |
| Mr. PETRI, Vice Chairman | X | | | |
| Mrs. ROUKEMA | X | | | |
| Mr. BALLENGER | X | | | |
| Mr. BARRETT | X | | | |
| Mr. BOEHNER | X | | | |
| Mr. HOEKSTRA | X | | | |
| Mr. McKEON | X | | | |
| Mr. CASTLE | X | | | |
| Mr. JOHNSON | X | | | |
| Mr. TALENT | X | | | |
| Mr. GREENWOOD | X | | | |
| Mr. GRAHAM | X | | | |
| Mr. SOUDER | X | | | |
| Mr. McINTOSH | X | | | |
| Mr. NORWOOD | X | | | |
| Mr. PAUL | | X | | |
| Mr. SCHAFFER | X | | | |
| Mr. UPTON | X | | | |
| Mr. DEAL | X | | | |
| Mr. HILLEARY | X | | | |
| Mr. EHLERS | X | | | |
| Mr. SALMON | X | | | |
| Mr. TANCREDO | X | | | |
| Mr. FLETCHER | X | | | |
| Mr. DEMINT | X | | | |
| Mr. ISAKSON | X | | | |
| Mr. CLAY | X | | | |
| Mr. MILLER | X | | | |
| Mr. KILDEE | X | | | |
| Mr. MARTINEZ | | X | | |
| Mr. OWENS | | X | | |
| Mr. PAYNE | | X | | |
| Mrs. MINK | | X | | |
| Mr. ANDREWS | | | | X |
| Mr. ROEMER | X | | | |
| Mr. SCOTT | X | | | |
| Ms. WOOLSEY | X | | | |
| Mr. ROMERO-BARCELO | X | | | |
| Mr. FATTAH | X | | | |
| Mr. HINOJOSA | | X | | |
| Mrs. McCARTHY | X | | | |
| Mr. TIERNEY | X | | | |
| Mr. KIND | X | | | |
| Ms. SANCHEZ | X | | | |
| Mr. FORD | X | | | |
| Mr. KUCINICH | X | | | |
| Mr. WU | X | | | |
| Mr. HOLT | X | | | |
| **TOTALS** | 42 | 6 | | 1 |

CORRESPONDENCE

*Washington, DC, October 14, 1999.*

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Education and the Workforce,*
*Rayburn House Office Building, Washington, DC.*
Attn: Jo-Marie St. Martin.

DEAR CHAIRMAN GOODLING: On October 6th, 1999 during the markup of H.R. 2, I was unavoidably detained. Consequently, I missed roll call vote #8 on the portability amendment offered by Representative Thomas E. Petri. Had I been present, I would have voted in favor of the amendment.

I would appreciate your assistance in including this explanation at the appropriate place in the record. Thank you.

Sincerely,

MARK E. SOUDER,
*Member of Congress.*

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COMMITTEE ON EDUCATION AND THE WORKFORCE,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 13, 1999.*

Hon. BILL ARCHER,
*Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.*

DEAR CHAIRMAN ARCHER: This letter is to confirm our mutual agreement regarding H.R. 2, "Dollars to the Classroom", which was considered by the Committee on Education and the Workforce on October 5, 6, 7, and 13, 1999. As you know, Title III of that bill is within the sole jurisdiction of the Committee on Ways and Means. The same or similar provisions were contained in Sec. 405, "Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities" and Sec. 406, "Modification of arbitrage rebate rules applicable to public school construction bonds" of H.R. 2488, "Taxpayer Refund and Relief Act", which as reported from the Ways and Means Committee, passed the House of Representatives and the Senate and was vetoed.

While these provisions are within the sole jurisdiction of the Ways and Means Committee, I appeciate your willingness to allow the deletion of these provisions during the consideration of H.R. 2, by the Committee on Education and the Workforce and the House of Representatives. I agree that this procedural route should not be construed to prejudice the Committee on Ways and Means' jurisdictional interest and prerogatives on these provisions or any other simlar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

I thank you for working with me regarding this matter. Your letter and this response will be included in the Committee report to accompany H.R. 2. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely

BILL GOODLING, *Chairman.*

COMMITTEE ON EDUCATION AND THE WORKFORCE,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 13, 1999.*

Hon. HENRY J. HYDE,
*Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN HYDE: This letter is to confirm our agreement regarding H.R. 2, "Dollars to the Classroom", which was considered by the Committee on Education and the Workforce on October 5, 6, 7, and 13, 1999. I thank you for working with me, specifically regarding the amendments the Committee included in H.R. 2 on an amendment offered by Rep. McIntosh on teacher liability, which is within the jurisdiction of the Committee on the Judiciary. These provisions are similar to provisions that have been committeed to the Conference Committee to H.R. 1501, the Juvenile Justice Reform Act of 1999.

While these provisions are within the jurisdiction of the Judiciary Committee, I appreciate your willingness to work with me in moving H.R. 2 forward without the need for a sequential referral to the Committee on the Judiciary. I agree that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on the Judiciary on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future. Furthermore, should the provisions of this bill, or any Senate amendments thereto, be considered in a conference with the Senate, I would have no objection to appointment of Members of the Committee on the Judiciary as conferees on these provisions.

I thank you for working with me regarding this matter. Your letter and this response will be included in the Committee report to accompany H.R. 2. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

BILL GOODLING, *Chairman.*

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COMMITTEE ON EDUCATION AND THE WORKFORCE,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 13, 1999.*

Hon. JAMES A. LEACH,
*Chairman, Committee on Banking, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN LEACH: This letter is to confirm our agreement regarding H.R. 2, "Dollars to the Classroom", which was considered by the Committee on Education and the Workforce on October 5, 6, 7, and 13, 1999. I thank you for working with me, specifically regarding the amendments the Committee included in H.R. 2 to the Stewart B. McKinney Homeless Assistance Act, specifically Subtitle B of Title VII, which are within the jurisdiction of the Committee on Banking and in addition the Committee on Education and the Workforce.

While these provisions are within the jurisdiction of the Banking Committee, I appreciate your willingness to work with me in moving H.R. 2 forward without the need for a sequential referral to the Committee on Banking. I agree that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Banking on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future. Furthermore, should the provisions of this bill, or any Senate amendments thereto, be considered in a conference with the Senate, I would have no objection to appointment of Members of the Committee on Banking as conferees on these provisions.

I thank you for working with me regarding this matter. Your letter and this response will be included in the Committee report to accompany H.R. 2. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

BILL GOODLING, *Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND FINANCIAL SERVICES,
*Washington, DC, October 5, 1999.*

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.*

DEAR BILL: I am writing in regard to H.R. 2, Dollars to the Classroom Act, which the Committee on Education and the Workforce intends to consider on October 5, 1999. It is my understanding that you intend to include in H.R. 2 an amendment to Title VII of the Stewart B. McKinney Homeless Assistance Act. Pursuant to clause 1 of Rule X of the Rules of the House of Representatives, Title VII of the Stewart B. McKinney Act is within the jurisdiction of both the Committees on Banking and Financial Services and Education and the Workforce. I appreciate you making me aware of this provision and working together in the development of the amendment.

Substantively, I do not object to the inclusion of the amendment in H.R. 2 during its consideration by the Committee on Education and the Workforce. Further, procedurally, in the interest of accommodating your desire to move H.R. 2, as amended, to the Floor in an expeditious manner, the Committee on Banking and Financial Services will not request a sequential referral of the legislation. Please be advised that my agreement not to seek a sequential referral is based on an understanding that this waiver will be without prejudice to the Banking Committee's jurisdictional claims over H.R. 2 and similar bills and that the Banking Committee's jurisdiction will be protected through the appointment of conferees should H.R. 2 or a similar bill go to conference.

I appreciate your kind cooperation in these matters and would further appreciate the inclusion of this letter in the Education Committee's report on H.R. 2.

Sincerely,

JAMES A. LEACH, *Chairman.*

## STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

## NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has yet to receive a cost estimate for H.R. 2 from the Director of the Congressional Budget Office, even though the Committee ordered the bill reported on Wednesday, October 13, 1999.

## STATEMENT OF OVERSIGHT FINDINGS OF THE COMMITTEE ON GOVERNMENT REFORM

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on the subject of H.R. 2.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to lay and collect taxes, duties, imports and excises, to pay the debts and provide for the common defense and general welfare of the United States.

## COMMITTEE ESTIMATE

Clauses 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 2. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

* * * * * * *

# TITLE I—HELPING [DISADVANTAGED] *LOW-ACHIEVING* CHILDREN 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 1996 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;

[(4) while title I and other programs funded under this Act contribute to narrowing the achievement gap between children in high-poverty and low-poverty schools, such programs need to become even more effective in improving schools in order to enable all children to achieve high standards; and

[(5) 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 maxi-

mize the time spent on teaching and 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) Conditions outside the classroom such as hunger, unsafe living conditions, homelessness, unemployment, violence, inadequate health care, child abuse, and drug and alcohol abuse can adversely affect children's academic achievement and must be addressed through the coordination of services, such as health and social services, in order for the Nation to meet the National Education Goals.

[(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 the low-level skills measured by such tests.

[(4) Resources are more effective when resources are used to ensure that children have full access to effective high-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) Insufficient attention and resources are directed toward the effective use of technology in schools and the role technology can play in professional development and improved teaching and learning.

[(7) 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.

[(8) 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.

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

[(10) 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.

[(11) Resources provided under this title can be better targeted on the highest-poverty local educational agencies and schools that have children most in need.

[(12) 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 knowledge and skills contained in the challenging State content standards and to meet the challenging State performance standards developed for all children. 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 such standards;

[(2) providing children an enriched and accelerated educational program, including, when appropriate, the use of the arts, 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 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 instruction by providing staff in participating schools with substantial opportunities for 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 and schools 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 challenging State student performance standards expected of all children; and

[(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance.]

***SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND RECOGNITION OF NEED.***

*(a) FINDINGS.—Congress finds the following:*

*(1) Schools that enroll high concentrations of children living in poverty face the greatest challenges but effective educational strategies based on scientifically based research can succeed in educating children to high standards.*

*(2) High-poverty schools are much more likely to be identified as failing to meet State standards for satisfactory progress. As a result, these schools are generally the most in need of additional resources and technical assistance to build the capacity of these schools to address the many needs of their students.*

*(3) The educational progress of children participating in programs under this title is closely associated with their being taught by a highly qualified staff, particularly in schools with the highest concentrations of poverty, where paraprofessionals, uncertified teachers, and teachers teaching out of field frequently provide instructional services.*

*(4) Congress and the public would benefit from additional data in order to evaluate the efficacy of the changes made to this title in the Improving America's Schools Act of 1994.*

*(5) States, local educational agencies, and schools should be given as much flexibility as possible in exchange for greater accountability for improving student achievement.*

*(6) Programs funded under this part must demonstrate increased effectiveness in improving schools in order to ensure all children achieve to high standards.*

*(b) PURPOSE AND INTENT.—The purpose and intent of this title are to ensure that all children have a fair and equal opportunity to obtain a high quality education.*

*(c) RECOGNITION OF NEED.—The Congress recognizes the following:*

*(1) 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.*

*(2) Despite more than 3 decades of Federal assistance, a sizable achievement gap remains between minority and nonminority students, and between disadvantaged students and their more advantaged peers.*

*(3) Too many students must attend local schools that fail to provide them with a quality education, and are given no alternatives to enable them to receive a quality education.*

*(4) States, local educational agencies and schools should be held accountable for improving the academic achievement of all students, and for identifying and turning around low-performing schools.*

*(5) Federal education assistance is intended not only to increase pupil achievement overall, but also more specifically and importantly, to help ensure that all pupils, especially the disadvantaged, meet challenging standards for curriculum content and pupil performance. It can only be determined if schools, local educational agencies, and States, are reaching this goal if pupil achievement results are reported specifically by disadvantaged and minority status.*

**SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated **[**$7,400,000,000 for fiscal year 1995**]** *$8,350,000,000 for fiscal year 2000* and such sums as may be necessary for each of the four succeeding fiscal years.

* * * * * * *

(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated [$310,000,000 for fiscal year 1995] *$400,000,000 for fiscal year 2000* and such sums as may be necessary for each of the four succeeding fiscal years.

(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—For the purpose of carrying out part D, there are authorized to be appropriated [$40,000,000 for fiscal year 1995] *$50,000,000 for fiscal year 2000* and such sums as may be necessary for each of the four succeeding fiscal years.

[(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $41,434,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

[(f) ADDITIONAL ASSISTANCE FOR SCHOOL IMPROVEMENT.—For the purpose of providing additional needed assistance to carry out sections 1116 and 1117, there are authorized to be appropriated such sums as may be necessary for fiscal year 1996 and each of the three succeeding fiscal years.]

*(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $15,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, and $5,000,000 for fiscal year 2002.*

*(f) SCHOOL IMPROVEMENT.—Each State may reserve for the purpose of carrying out its duties under section 1116 and 1117, the greater of one half of 1 percent of the amount allocated under this part, or $200,000.*

* * * * * * *

*(h) STATE ADMINISTRATION.—*

*(1) STATE RESERVATION.—Each State may reserve, from the grants it receives under parts A, C, and D, of this title, an amount equal to the greater of 1 percent of the amount it received under parts A, C, and D, for fiscal year 1999, or $400,000 ($50,000 for each outlying area), to carry out administrative duties assigned under parts A, C, and D.*

*(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years for additional State administration grants. Any such additional grants shall be allocated among the States in proportion to the grants received by each State for that fiscal year under parts A, C, and D of this title.*

*(3) SPECIAL RULE.—The amount allocated to each State under this subsection may not exceed the amount of State funds expended by the State educational agency to administer elementary and secondary education programs in such State.*

**[SEC. 1003. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.**

[(a) PAYMENT FOR SCHOOL IMPROVEMENT.—

[(1) IN GENERAL.—Except as provided in paragraph (3), each State may reserve for the proper and efficient performance of its duties under subsections (c)(5) and (d) of section 1116, and

section 1117, one-half of 1 percent of the funds allocated to the State under subsections (a), (c), and (d), of section 1002 for fiscal year 1995 and each succeeding fiscal year.

[(2) MINIMUM.—The total amount that may be reserved by each State, other than the outlying areas, under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated to the State under subsection (b), if any, may not be less than $200,000. The total amount that may be reserved by each outlying area under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated under subsection (b) to the outlying area, if any, may not be less than $25,000.

[(3) SPECIAL RULE.—If the amount reserved under paragraph (1) when added to the amount made available under section 1002(f) for a State is less than $200,000 for any fiscal year, then such State may reserve such additional funds under subsections (a), (c), and (d) of section 1002 as are necessary to make $200,000 available to such State.

[(b) ADDITIONAL 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 this part (other than section 1120(e)) bears to the total amount allocated to all States under this part (other than section 1120(e)).]

# PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

## 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 and that is coordinated with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, consistent with section 14306.

[(2) CONSOLIDATION PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 14302.

[(b) STANDARDS AND ASSESSMENTS.—

[(1) CHALLENGING STANDARDS.—(A) Each State plan shall demonstrate that the State has developed or adopted challenging content standards and challenging student performance standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

[(B) If a State has State content standards or State student performance standards developed under title III of the Goals 2000: Educate America Act and 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 such standards and assessments, modified, if necessary, to conform with the requirements of subparagraphs (A) and (D) of this paragraph, and paragraphs (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 and schedule 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, but including at least mathematics and reading or language arts by the end of the one-year period described in paragraph (6), which standards shall include the same knowledge, skills, and levels of performance expected of all children.

[(D) Standards under this paragraph shall include—

[(i) challenging content standards in academic subjects that—

[(I) specify what children are expected to know and be able to do;

[(II) contain coherent and rigorous content; and

[(III) encourage the teaching of advanced skills;

[(ii) challenging student performance standards that—

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

[(II) describe two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

[(III) describe a third level of performance, partially proficient, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

[(E) For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed such standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

[(2) YEARLY PROGRESS.—

[(A) Each State plan shall demonstrate, based on assessments described under paragraph (3), what constitutes adequate yearly progress of—

[(i) any school served under this part toward enabling children to meet the State's student performance standards; and

[(ii) any local educational agency that received funds under this part toward enabling children in schools receiving assistance under this part to meet the State's student performance standards.

[(B) Adequate yearly progress shall be defined in a manner—

[(i) that is consistent with guidelines established by the Secretary that result 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 proficient and advanced levels of performance, particularly economically disadvantaged and limited English proficient children; and

[(ii) that links progress primarily to performance on the assessments carried out under this section while permitting progress to be established in part through the use of other measures.

[(3) ASSESSMENTS.—Each State plan shall demonstrate that the State has developed or adopted a set of high-quality, yearly student assessments, including assessments in at least mathematics and reading or language arts, 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 the State's challenging content and student performance standards and provide coherent information about student attainment of such standards;

[(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

[(D) measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards and be administered at some time during—

[(i) grades 3 through 5;

[(ii) grades 6 through 9; and

[(iii) grades 10 through 12;

[(E) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding;

[(F) provide for—

[(i) the participation in such assessments of all students;

[(ii) the reasonable adaptations and accommodations for students with diverse learning needs, necessary to measure the achievement of such students relative to State content standards; and

[(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know

and can do, to determine such students' mastery of skills in subjects other than English;

[(G) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, however 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;

[(H) provide individual student interpretive and descriptive reports, which shall include scores, or other information on the attainment of student performance standards; and

[(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

[(4) SPECIAL RULE.—Assessment measures that do not meet the requirements of paragraph (3)(C) may be included as one of the multiple measures, if a State includes in the State plan information regarding the State's efforts to validate such measures.

[(5) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages through the Office of Bilingual Education and Minority Languages Affairs.

[(6) STANDARD AND ASSESSMENT DEVELOPMENT.—(A) A State that does not have challenging State content standards and challenging State student performance standards, in at least mathematics and reading or language arts, shall develop such standards within one year of receiving funds under this part after the first fiscal year for which such State receives such funds after the date of enactment of the Improving America's Schools Act of 1994.

[(B) A State that does not have assessments that meet the requirements of paragraph (3) in at least mathematics and reading or language arts shall develop and test such assessments within four years (one year of which shall be used for field testing such assessment), of receiving funds under this part after the first fiscal year for which such State receives such funds after the date of enactment of the Improving America's Schools Act of 1994 and shall develop benchmarks of progress toward the development of such assessments that

meet the requirements of paragraph (3), including periodic updates.

[(C) The Secretary may extend for one additional year the time for testing new assessments under subparagraph (B) upon the request of the State and the submission of a strategy to correct problems identified in the field testing of such new assessments.

[(D) If, after the one-year period described in subparagraph (A), a State does not have challenging State content and challenging student performance standards in at least mathematics and reading or language arts, a State shall adopt a set of standards in these subjects such as the standards and assessments contained in other State plans the Secretary has approved.

[(E) If, after the four-year period described in subparagraph (B), a State does not have assessments, in at least mathematics and reading or language arts, that meet the requirement of paragraph (3), and is denied an extension under subparagraph (C), a State shall adopt an assessment that meets the requirement of paragraph (3) such as one contained in other State plans the Secretary has approved.

[(7) TRANSITIONAL ASSESSMENTS.—(A) If a State does not have assessments that meet the requirements of paragraph (3) and proposes to develop such assessments under paragraph (6)(B), the State may propose to use a transitional set of yearly statewide assessments that will assess the performance of complex skills and challenging subject matter.

[(B) For any year in which a State uses transitional assessments, the State shall devise a procedure for identifying local educational agencies under paragraphs (3) and (7) of section 1116(d), and schools under paragraphs (1) and (7) of section 1116(c), that rely on accurate information about the academic progress of each such local educational agency and school.

[(8) REQUIREMENT.—Each State plan shall describe—

[(A) how the State educational agency will 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)(1)(D), 1114(b), and 1115(c) that is applicable to such agency or school; and

[(B) such other factors the State deems appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State.

[(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

[(1)(A) the State educational agency will implement a system of school support teams under section 1117(c), including provision of necessary professional development for those teams;

[(B) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including

technical assistance in providing professional development under section 1119 and technical assistance under section 1117; and

[(C)(i) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

[(ii) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

[(2) the State educational agency will notify local educational agencies and the public of the standards and assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

[(3) 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;

[(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;

[(5) the Committee of Practitioners established under section 1603(b) will be substantially involved in the development of the plan and will continue to be involved in monitoring the plan's implementation by the State; and

[(6) the State will coordinate activities funded under this part with school-to-work, vocational education, cooperative education and mentoring programs, and apprenticeship programs involving business, labor, and industry, as appropriate.

[(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) appoint individuals to the peer review process who are representative of State educational agencies, local educational agencies, teachers, and parents;

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

[(D) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

[(E) not decline to approve a State's plan before—

[(i) offering the State an opportunity to revise its plan;

[(ii) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

[(iii) providing a hearing; and

[(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to 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 1117 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) LIMITATION ON CONDITIONS.—Nothing in this part 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 student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

[(g) 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. 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 (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.*

*(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 14302.*

*(b) STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY.—*

*(1) CHALLENGING STANDARDS.—(A) Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.*

*(B) The standards required by subparagraph (A) shall be the same standards that the State applies to all schools and children in the State.*

*(C) The State shall have such standards for elementary and secondary school children served under this part in subjects determined by the State, but including at least mathematics and reading or language arts, which shall include the same knowledge, skills, and levels of performance expected of all children.*

*(D) Standards under this paragraph shall include—*

*(i) challenging content standards in academic subjects that—*

*(I) specify what children are expected to know and be able to do;*

*(II) contain coherent and rigorous content; and*

*(III) encourage the teaching of advanced skills;*

*(ii) challenging student performance standards that—*

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

*(II) describe two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and*

*(III) describe a third level of performance, basic, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.*

*(E) For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed such standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.*

*(2) ADEQUATE YEARLY PROGRESS.—*

*(A) IN GENERAL.—Each State plan shall demonstrate, based on assessments described under paragraph (4), what constitutes adequate yearly progress of—*

*(i) any school served under this part toward enabling all children to meet the State's challenging student performance standards;*

*(ii) any local educational agency that received funds under this part toward enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards; and*

*(iii) the State in enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards.*

*(B) DEFINITION.—Adequate yearly progress shall be defined in a manner that—*

*(i) applies the same high standards of academic performance to all students in the State;*

*(ii) takes into account the progress of all students in the State and in each local educational agency and school served under section 1114 or 1115;*

*(iii) uses the State challenging content and challenging student performance standards and assessments described in paragraphs (1) and (4);*

*(iv) compares separately, within each State, local educational agency, and school, the performance and progress of students by gender, each major ethnic and racial group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);*

*(v) compares the proportions of students at the "basic", "proficient", and "advanced" levels of performance with the proportions of students at each of the 3 levels in the same grade in the previous school year;*

*(vi) at the State's discretion, may also include other academic measures such as promotion, completion of college preparatory courses, and high school completion, except that inclusion of such other measures may not change which schools or local educational agencies would otherwise be subject to improvement or corrective action under section 1116 if the discretionary indicators were not included;*

*(vii) includes annual numerical goals for improving the performance of all groups specified in clause (iv) and narrowing gaps in performance between these groups; and*

*(viii) includes a timeline for ensuring that each group of students described in clause (iv) meets or exceeds the State's proficient level of performance on each State assessment used for the purposes of section 1111 and section 1116 within 10 years from the date of enactment of the Student Results Act of 1999.*

*(C) ANNUAL IMPROVEMENT FOR STATES.—For a State to make adequate yearly progress under subparagraph (A)(iii), not less than 90 percent of the local educational agencies within its jurisdiction shall meet the State's criteria for adequate yearly progress.*

*(D) ANNUAL IMPROVEMENT FOR LOCAL EDUCATIONAL AGENCIES.—For a local educational agency to make adequate yearly progress under subparagraph (A)(ii), not less than 90 percent of the schools within its jurisdiction must meet the State's criteria for adequate yearly progress.*

*(E) ANNUAL IMPROVEMENT FOR SCHOOLS.—For a school to make adequate yearly progress under subparagraph (A)(i), not less than 90 percent of each group of students described in subparagraph (A)(iv) who are enrolled in such school are required to take the assessments consistent with section 612(a)(17)(A) of the Individuals with Disabilities Education Act and paragraph (4)(F)(iv) on which adequate yearly progress is based.*

*(F) PUBLIC NOTICE AND COMMENT.—Each State shall ensure that in developing its plan for adequate yearly progress, it diligently seeks public comment from a range of institutions and individuals in the State with an interest in improved student achievement and that the State makes and will continue to make a substantial effort to ensure that information under this part is widely known and understood by the public, parents, teachers, and school administrators throughout the State. Such efforts shall include, at a minimum, publication of such information and explanatory text, broadly to the public through such means as the Internet, the media, and public agencies.*

*(G) REVIEW.—The Secretary shall review the information from States on the adequate yearly progress of schools and local educational agencies required under subparagraphs (A) and (B) for the purpose of determining State and local compliance with section 1116.*

*(3) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt curriculum content and student performance standards, and assessments aligned with such standards, which will be applicable to all students enrolled in the State's public schools, then the State educational agency may meet the requirements of this subsection by—*

*(A) adopting standards and assessments that meet the requirements of this subsection, on a statewide basis, limiting their applicability to students served under this part; or*

*(B) adopting and implementing policies that ensure that each local educational agency in the State which receives grants under this part will adopt curriculum content and student performance standards, and assessments aligned with such standards, which meet all of the criteria in this subsection and any regulations regarding such standards and assessments which the Secretary may publish, and which are applicable to all students served by each such local educational agency.*

*(4) ASSESSMENTS.—Each State plan shall demonstrate that the State has implemented a set of high-quality, yearly student assessments that include, at a minimum, assessments in mathe-*

*matics and reading or language arts, that will be used, starting not later than the 2000–2001 school year, as the primary means of determining the yearly performance of each local educational agency and school served under this title in enabling all children served under this part to meet the State's challenging 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 the State's challenging content and student performance standards and provide coherent information about student attainment of such standards;*

*(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;*

*(D) measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards and be administered not less than one or more times during—*

*(i) grades 3 through 5;*

*(ii) grades 6 through 9; and*

*(iii) grades 10 through 12;*

*(E) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding;*

*(F) provide for—*

*(i) the participation in such assessments of all students;*

*(ii) the reasonable adaptations and accommodations for students with disabilities defined under 602(3) of the Individuals with Disabilities Education Act necessary to measure the achievement of such students relative to State content and State student performance standards;*

*(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas;*

*(iv) notwithstanding clause (iii), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year; and*

*(G) include students who have attended schools in a local educational agency for a full academic year but have not*

*attended a single school 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;*

*(H) provide individual student reports, which include assessment scores, or other information on the attainment of student performance standards; and*

*(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.*

*(5) SPECIAL RULE.—*

*(A) IN GENERAL.—Assessment measures that do not meet the requirements of paragraph (4)(C) may be included as one of the multiple measures, if a State includes in the State plan information regarding the State's efforts to validate such measures.*

*(B) STUDENT PROFICIENCY IN GRADES K–2.—States may measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards one or more times during grades K–2.*

*(6) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages, but shall not mandate a specific assessment or mode of instruction.*

*(7) ASSESSMENT DEVELOPMENT.—A State shall develop, and implement State assessments that are aligned to challenging State content standards that include, at a minimum, mathematics and reading or language arts by the 2000–2001 school year.*

*(8) REQUIREMENT.—Each State plan shall describe—*

*(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(c), and 1115(c) that is applicable to such agency or school; and*

*"(B) such other factors the State considers appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State.*

*(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—*

*(1) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119 and technical assistance under section 1117; and*

*(2)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and*

*(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;*

*(3) the State educational agency will notify local educational agencies and the public of the content and student performance standards and assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;*

*(4) 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;*

*(5) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;*

*(6) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;*

*(7) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;*

*(8) the State educational agency has involved the committee of practitioners established under section 1603(b) in developing the plan and monitoring its implementation; and*

*(9) the State educational agency will inform local educational agencies of the local educational agency's authority to obtain waivers under title XIV and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999 (30 U.S.C. 589a et seq.).*

*(d) PEER REVIEW AND SECRETARIAL APPROVAL.—*

*(1) SECRETARIAL DUTIES.—The Secretary shall—*

*(A) establish a peer review process to assist in the review of State plans;*

*(B) approve a State plan after its submission unless the Secretary determines that the plan does not meet the requirements of this section;*

*(C) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;*

*(D) not decline to approve a State's plan before—*

*(i) offering the State an opportunity to revise its plan;*

*(ii) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and*

*(iii) providing a hearing;*

*(E) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to 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; and*

*(2) STATE REVISIONS.—States shall revise their plans if necessary to satisfy the requirements of this section. Revised plans shall be submitted to the Secretary for approval not later than 1 year after the date of the enactment of the Student Results Act of 1999.*

*(e) DURATION OF THE PLAN.—*

*(1) IN GENERAL.—Each State plan shall—*

*(A) be submitted for the first year for which this part is in effect after the date of the enactment of the Student Results Act of 1999;*

*(B) remain in effect for the duration of the State's participation under this part; and*

*(C) 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 yearly progress, the State shall submit such information to the Secretary.*

*(f) LIMITATION ON CONDITIONS.—Nothing in this part 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 student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.*

*(g) PENALTIES.—*

*(1) IN GENERAL.—If a State fails to meet the statutory deadlines for demonstrating that it has in place challenging content standards and student performance standards and assessments, and a system for measuring and monitoring adequate yearly progress, the State shall be ineligible to receive any administrative funds under section 1002(h) that exceed the*

*amount received by the State for such purpose in the previous year.*

*(2) ADDITIONAL FUNDS.—Based on the extent to which such content standards, performance standards, assessments, and monitoring of adequate yearly progress, are not in place, additional administrative funds shall be withheld in such amount as the Secretary determines appropriate, except that for each additional year that the State fails to comply with such requirements, the Secretary shall withhold not less than 1/5 of the amount the State receives for administrative expenses under section 1002(h).*

*(3) WAIVER.—Notwithstanding title XIV of this Act and the Education Flexibility Partnership Act or any other provision of law, a waiver shall not be granted except that a State may request a 1-time, 1-year waiver to meet the requirements of this section.*

*(h) SCHOOL REPORTS.—*

*(1) IN GENERAL.—*

*(A) ANNUAL REPORT.—Except as provided in subparagraph (C), not later than the beginning of the 2001–2002 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report on all schools that receive funds under this part. States and local educational agencies may issue report cards under this section only for local educational agencies and schools receiving funds under this part, except that if a State or local educational agency issues a report card for all students, the State or local educational agency may include the information under this section as part of such report card.*

*(B) IMPLEMENTATION.—The State shall ensure the dissemination of this information at all levels. Such information shall be—*

*(i) concise; and*

*(ii) presented in a format and manner that parents can understand, and which, to the extent practicable, shall be in a language the parents can understand.*

*(C) PUBLIC DISSEMINATION.—In the event the State does not include such information through a report card, the State shall, not later than the beginning of the 2001–2002 school year, publicly report the information described in paragraph (2) through other public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, for all schools that receive funds under this part.*

*(2) CONTENT OF ANNUAL STATE REPORTS.—*

*(A) REQUIRED INFORMATION.—The State shall, at a minimum, include in the annual State reports information for the State on each local educational agency and school receiving funds under this part regarding—*

*(i) student performance on statewide assessments for the current and preceding years in at least reading (or language arts) and mathematics, including—*

*(I) a comparison of the proportions of students who performed at "basic", "proficient", and "ad-*

*vanced" levels in each subject area, for each grade level at which assessments are required under this part, with proportions in each of the same 3 categories at the same grade levels in the previous school year; and*

*(II) a statement of the percentage of students not tested and a listing of categories of the reasons why they were not tested;*

*(ii) retention in grade, completion of advanced placement courses, and 4-year graduation rates;*

*(iii) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, and the percentage of class sections not taught by fully qualified teachers; and*

*(iv) the professional qualifications of paraprofessionals, the number of paraprofessionals in the aggregate and the ratio of paraprofessionals to teachers in the classroom.*

*(B) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:*

*(i) gender;*

*(ii) racial and ethnic group;*

*(iii) migrant status;*

*(iv) students with disabilities, as compared to students who are not disabled;*

*(v) economically disadvantaged students, as compared to students who are not economically disadvantaged; and*

*(vi) students with limited English proficiency, as compared to students who are proficient in English.*

*(C) OPTIONAL INFORMATION.—A State may include in its report any other information it determines appropriate to reflect school quality and school achievement, including information on average class size by grade level, and information on school safety, such as the incidence of school violence and drug and alcohol abuse, and the incidence of student suspensions and expulsions.*

*(3) CONTENT OF LOCAL EDUCATIONAL AGENCIES REPORTS.—*

*(A) MINIMUM REQUIREMENTS.—The State shall ensure that each local educational agency collects appropriate data and includes in its annual report for each school that receives funds under this part, at a minimum—*

*(i) the information described in paragraphs (2)(A) and (2)(B) for each local educational agency and school—*

*(I) in the case of a local educational agency—*

*(aa) the number and percentage of schools identified for school improvement, including schools identified under section 1116(c) of this Act;*

*(bb) information that shows how students in its schools perform on the statewide assess-*

*ment compared to students in the State as a whole;*

*(II) in the case of a school—*

*(aa) whether it has been identified for school improvement; and*

*(bb) information that shows how its students performed on the statewide assessment compared to students in the local educational agency and the State as a whole.*

*(B) OTHER INFORMATION.—A local educational agency may include in its annual reports any other appropriate information whether or not such information is included in the annual State report.*

*(C) PUBLIC DISSEMINATION.—In the event the local educational agency does not include such information through a report card, the local educational agency shall, not later than the beginning of the 2001–2002 school year, publicly report the information described in paragraph (3) through other public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, only for schools that receive funds under this part, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.*

*(4) DISSEMINATION AND ACCESSIBILITY OF REPORTS.—*

*(A) STATE REPORTS.—State annual reports under paragraph (2) shall be, disseminated to all schools and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet, distribution to the media, and distribution through public agencies.*

*(B) LOCAL EDUCATIONAL AGENCY REPORTS.—Local educational agency reports under paragraph (3) shall be disseminated to all schools receiving funds under this part, in the school district and to all parents of students attending these schools and made broadly available to the public through means such as posting on the Internet, distribution to the media, and distribution through public agencies.*

*(5) PARENTS RIGHT-TO-KNOW.—*

*(A) QUALIFICATIONS.—A local educational agency that receives funds under this part shall provide, upon request, in an understandable and uniform format, to any parent of a student attending any school receiving funds under this part, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:*

*(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.*

*(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.*

*(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.*

*(iv) Whether the child is provided services by paraprofessionals and the qualifications of such paraprofessionals.*

*(B) ADDITIONAL INFORMATION.—In addition to the information which parents may request under subparagraph (A), and the information provided in subsection (c), a school which receives funds under this part shall provide to each individual parent or guardian—*

*(i) information on the level of performance of the individual student for whom they are the parent or guardian in each of the State assessments as required under this part; and*

*(ii) timely notice that the student for whom they are the parent or guardian has been assigned or has been taught for 2 or more consecutive weeks by a substitute teacher or by a teacher not fully qualified.*

*(6) PLAN CONTENT.—A State shall include in its plan under subsection (b) an assurance that it has in effect a policy that meets the requirements of this section.*

*(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.*

**SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

(a) PLANS REQUIRED.—

(1) SUBGRANTS.—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, approved by the State educational agency, that is coordinated with other programs under this Act, [the Goals 2000: Educate America Act, and other Acts, as appropriate, as specified in section 14306.] *the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate.*

(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 14304.

(b) PLAN PROVISIONS.—[Each] *In order to help low-achieving children achieve to high standards, each* local educational agency plan shall include—

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

(A) determine the success of children served under this [part] *title* in meeting the State's student performance standards and provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111(b)(1)(D)(ii);

(B) assist in diagnosis, teaching, and learning in the classroom in ways that best enable *low-achieving* children

served under this [part] *title* to meet State standards and do well in the local curriculum; [and]

(C) determine what revisions are needed to projects under this [part] *title* so that such children will meet the State's student performance standards; *and*

*(D) determine the literacy levels of first graders and their need for interventions, and a description of how the local educational agency will ensure that any such assessments—*

*(i) are developmentally appropriate; and*

*(ii) use multiple measures to provide information about the variety of skills that scientifically based research has identified as leading to early acquisition of reading skills.*

* * * * * * *

(4) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as—

(A) Even Start, Head Start, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs, vocational education programs[, and school-to-work transition programs]; and

(B) services for children with limited English proficiency or with disabilities, migratory children served [under part C or who were formerly eligible for services under part C in the two-year period preceding the date of the enactment of the Improving America's School Act of 1994, neglected or delinquent youth and youth at risk of dropping out] *under part C, neglected or delinquent youth, Indian children served under title IX,* served under part D, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

* * * * * * *

(7) a general description of the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, for neglected and delinquent children in community day school programs, and for [eligible] homeless children;

* * * * * * *

(9) where appropriate, a description of how the local educational agency 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, agencies operating Even

Start programs, or another comparable public early childhood development program[.]*; and*

*(10) a description of the actions the local educational agency will take to assist its low-performing schools, including schools identified under section 1116 as in need of improvement; and*

*(11) a description of how the agency will promote the use of extended learning time, such as an extended school year and before and after school and summer programs.*

[(c) ASSURANCES.—

[(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

[(A) inform eligible schools and parents of schoolwide project authority;

[(B) provide technical assistance and support to schoolwide programs;

[(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

[(D) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(4);

[(E) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families, including health and social services;

[(F) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

[(G) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part; and

[(H) beginning in fiscal year 1997 and in the case that a local educational agency chooses to use funds under this part to provide early childhood development 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.

[(2) SPECIAL RULE.—In carrying out subparagraph (H) of paragraph (1) the Secretary—

[(A) in fiscal year 1995, shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph and shall establish procedures (taking into consideration existing State and local laws, and local

teacher contracts) to assist local educational agencies to comply with such subparagraph; and

[(B) in fiscal year 1996, shall disseminate to local educational agencies the Head Start Performance Standards revised pursuant to section 641A(a) of the Head Start Act, and such agencies effected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

[(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs which are expanded through the use of funds under this part.

[(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

[(1) be developed in consultation with teachers, including vocational teachers, and pupil services personnel, where appropriate, and parents of children in schools served under this part; and

[(2)(A) remain in effect for the duration of the local educational agency's participation under this part; and

[(B) periodically be reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

[(e) STATE APPROVAL.—

[(1) IN GENERAL.—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 one year after the date of enactment of the Improving America's Schools Act of 1994 to have such plan provisionally approved by the State educational agency and not more than two years after the date of enactment of such Act to have such plan finally approved by the State educational agency.

[(2) 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 expected of all children described in section 1111(b)(1).

[(3) REVIEW.—The State educational agency shall review the local educational agency's plan to determine if such agency's professional development activities are in accordance with section 1119.]

*(c) ASSURANCES.—*

*(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—*

*(A) inform eligible schools and parents of schoolwide project authority and the ability of such schools to consolidate funds from Federal, State, and local sources;*

*(B) provide technical assistance and support to schoolwide programs;*

*(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student performance standards;*

*(D) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(b)(9);*

*(E) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;*

*(F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;*

*(G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development 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;*

*(H) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals;*

*(I) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title XIV of this Act, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999; and*

*(J) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families.*

*(2) SPECIAL RULE.—In carrying out subparagraph (G) of paragraph (1) the Secretary—*

*(A) shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and*

*(B) upon publication, shall disseminate to local educational agencies the Head Start performance standards as in effect under section 641A(a) of the Head Start Act, and such agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.*

*(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or*

*to Even Start programs which are expanded through the use of funds under this part.*

*(d) PLAN DEVELOPMENT AND DURATION.—*

*(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.*

*(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of the enactment of the Student Results Act of 1999 and shall remain in effect for the duration of the agency's participation under this part.*

*(3) REVIEW.—Each such local educational agency shall periodically review, and as necessary, revise its plan.*

*(e) STATE APPROVAL.—*

*(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.*

*(2) 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—*

*(A) will enable schools served under this part to substantially help children served under this part meet the standards expected of all children described in section 1111(b)(1); and*

*(B) will meet the requirements of this section.*

* * * * * * *

*(g) PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.—*

*(1) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—*

*(A) the reasons for the identification of the child as being in need of English language instruction;*

*(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; and*

*(C) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;*

*(D) what the specific exit requirements are for the program;*

*(E) the expected rate of graduation from the program into mainstream classes; and*

*(F) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.*

*(2) CONSENT.—*

*(A) AGENCY REQUIREMENTS.—*

*(i) Each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part which does not include classes which exclusively or almost exclusively use the English language in instruction or if instruction is not tailored for limited English proficient children.*

*(ii) If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.*

*(iii)(I) If a response cannot be obtained after written notice and a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such written notice and its specific efforts made to obtain such consent.*

*(II) The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child at least 10 business days prior to providing any services under this part, and include a final notice requesting parental consent for such services.*

*(B) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this Act shall—*

*(i) select among methods of instruction, if more than one method is offered in the program; and*

*(ii) have the right to have their child immediately removed from the program upon their request.*

*(3) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—*

*(A) timely information about English language instruction programs for limited English proficient children assisted under this Act; and*

*(B) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.*

*(4) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.*

**[SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

[(a) DETERMINATION.—

[(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 at least as high as the percentage of children from low-income families in the local educational agency as a whole.

[(3) RANKING ORDER.—If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

[(A) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

[(B) serve such eligible school attendance areas in rank order.

[(4) REMAINING FUNDS.—If funds remain after serving all eligible school attendance areas under paragraph (3), a local educational agency shall—

[(A) annually rank such agency's 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

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

[(5) MEASURES.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

[(A) to identify eligible school attendance areas;

[(B) to determine the ranking of each area; and

[(C) to determine allocations under subsection (c).

[(6) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

[(7) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiv-

er of the requirements of subsections (a) and (c), and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered or a court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if (A) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment; and (B) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

[(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

[(1) IN GENERAL.—Notwithstanding subsection (a)(2), a local educational agency may—

[(A) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

[(B) 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

[(C) elect not to serve 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 1120A(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 such other sources equal or exceed the amount that would be provided under this part.

[(2) SPECIAL RULE.—Notwithstanding paragraph (1)(C), the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under paragraph (1).

[(c) ALLOCATIONS.—

[(1) IN GENERAL.—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) 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 125 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criteria 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 35 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) where appropriate, eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;

[(B) children in local institutions for neglected or delinquent children; and

[(C) where appropriate, neglected and delinquent children in community day school programs.

**[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) For the school year 1995–1996—

[(i) the school serves an eligible school attendance area in which not less than 60 percent of the children are from low-income families; or

[(ii) not less than 60 percent of the children enrolled in the school are from such families.

[(B) For the school year 1996–1997 and subsequent years—

[(i) the school serves an eligible school attendance area in which not less than 50 percent of the children are from low-income families; or

[(ii) not less than 50 percent of the children enrolled in the school are from such families.

[(2) STATE ASSURANCES.—(A) A local educational agency may start new schoolwide programs under this section only after the State educational agency provides written information to each local educational agency in the State that demonstrates that such State agency has established the statewide system of support and improvement required by subsections (c)(1) and (e) of section 1117.

[(B) A school that desires to initiate a schoolwide program under this section prior to the establishment of the statewide system of support and improvement required in subsections (c)(1) and (e) of section 1117 shall demonstrate to the local educational agency that such school has received high quality technical assistance and support from other providers of assist-

ance such as comprehensive technical assistance centers, regional laboratories, institutions of higher education, educational service agencies, or other local consortia.

[(3) IDENTIFICATION.—(A) No school participating in a schoolwide program shall be required to identify particular children under this part 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.

[(4) SPECIAL RULE.—(A) Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support schoolwide programs, if the intent and purposes of such other programs are met.

[(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

[(5) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (b)(1)(D) in accordance with section 1119 for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

[(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 student performance described in section 1111(b)(1)(D);

[(ii) are based on effective means of improving the achievement of children;

[(iii) use effective instructional strategies, which may include the integration of vocational and academic learning (including applied learning and team teaching strategies), that—

[(I) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

[(II) include strategies for meeting the educational needs of historically underserved populations, including girls and women;

[(iv)(I) address the needs of all children in the school, but particularly the needs of 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, comprehensive career development, occupational information, enhancement of employability skills and occupational skills, personal finance education, job placement services, and innovative teaching methods which may include applied learning and team teaching strategies;

[(cc) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses, and the integration of school-based and work-based learning; and

[(dd) incorporation of gender-equitable methods and practices; and

[(II) address how the school will determine if such needs have been met; and

[(vii) 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) Instruction by highly qualified professional staff.

[(D) In accordance with section 1119 and subsection (a)(5), professional development for teachers and aides, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.

[(E) Strategies to increase parental involvement, such as family literary services.

[(F) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs.

[(G) Measures to include teachers in the decisions regarding the use of assessments described in section 1112(b)(1) in order to provide information on, and to improve, the performance of individual students and the overall instructional program.

[(H) Activities 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 and its school support team or other technical assistance provider under subsections (c)(1) and (e) of section 1117, 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 subsection (a)(4) that will be included in the schoolwide program;

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

[(v) provides for the collection of data on the achievement and assessment results of students disaggregated by gender, major ethnic or racial groups, limited English proficiency status, migrant students, and by children with disabilities as compared to other students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

[(vi) seeks to produce statistically sound results for each category for which assessment results are disaggregated through the use of oversampling or other means; and

[(vii) provides for the public reporting of disaggregated data only when such reporting is statistically sound.

[(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria 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 during a one-year period, unless—

[(I) the local educational agency, after considering the recommendation of the technical assistance providers under subsections (c) and (e) of section 1117, 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 such 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 with the involvement of the community to be served and individuals who will carry out such plan, including teachers, principals, other staff, and, where appropriate, pupil services personnel, and parents, and, if the plan relates to a secondary school, students from such school;

[(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

[(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; and

[(v) where appropriate, developed in coordination with programs under the School-to-Work Opportunities Act of 1994, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the National and Community Service Act of 1990.

[(c) ACCOUNTABILITY.—A schoolwide program under this section shall be subject to the school improvement provisions of section 1116.]

***SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.***

*(a) DETERMINATION.—*

*(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 at least as high as the percentage of children from low-income families in the local educational agency as a whole.*

*(3) LOCAL EDUCATIONAL AGENCY DISCRETION.—*

*(A) IN GENERAL.—Notwithstanding paragraph (2), a local educational agency may—*

*(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;*

*(ii) 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;*

*(iii) designate and serve a school attendance area or school that is not eligible under subsection (b), but that was eligible and that was served in the preceding fiscal year, but only for one additional fiscal year; and*

*(iv) elect not to serve 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 1120A(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 such other sources equal or exceed the amount that would be provided under this part.*

*(B) SPECIAL RULE.—Notwithstanding subparagraph (A)(iv), the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).*

*(b) RANKING ORDER.—If funds allocated in accordance with subsection (f) are insufficient to serve all eligible school attendance areas, a local educational agency—*

*(1) shall annually rank from highest to lowest according to the percentage of children from low-income families in each agency's eligible school attendance areas in the following order—*

*(A) eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent; and*

*(B) all remaining eligible school attendance areas in which the concentration of children from low-income families is 75 percent or lower either by grade span or for the entire local educational agency;*

*(2) shall, within each category listed in paragraph (1), serve schools in rank order from highest to lowest according to the ranking assigned under paragraph (1);*

*(3) notwithstanding paragraph (2), may give priority, within each such category and in rank order from highest to lowest subject to paragraph (4), to eligible school attendance areas that serve children in elementary schools; and*

*(4) not serve a school described in paragraph (1)(B) before serving a school described in paragraph (1)(A).*

*(c) LOW-INCOME MEASURES.—In determining the number of children ages 5 through 17 who are from low-income families, the local educational agency shall apply the measures described in paragraphs (1) and (2) of this subsection:*

*(1) ALLOCATION TO PUBLIC SCHOOL ATTENDANCE AREAS.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—*

*(A) to identify eligible school attendance areas;*

*(B) to determine the ranking of each area; and*

*(C) to determine allocations under subsection (f).*

*(2) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—*

*(A) CALCULATION.—A local educational agency shall have the final authority, consistent with section 1120 to calculate the number of private school children, ages 5 through 17, who are low-income by—*

*(i) using the same measure of low-income used to count public school children;*

*(ii) using the results of a survey that, to the extent possible, protects the identity of families of private school students and allowing such survey results to be extrapolated if complete actual data are not available; or*

*(iii) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that attendance area.*

*(B) COMPLAINT PROCESS.—Any dispute regarding low-income data on private school students shall be subject to the complaint process authorized in section 14505.*

*(d) EXCEPTION.—This section (other than subsections (a)(3) and (f)) shall not apply to a local educational agency with a total enrollment of less than 1,500 children.*

*(e) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (f), and permit such agency to treat as eligible, and serve, any school that children attend under a desegregation plan ordered by a State or court or approved by the Secretary, or such a plan that the agency continues to implement after it has expired, if—*

*(1) the number of economically disadvantaged children enrolled in the school is not less than 25 percent of the school's total enrollment; and*

*(2) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.*

*(f) ALLOCATIONS.—*

*(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (b) in rank order on the basis of the total number of children from low-income families in each 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 125 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criteria 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 35 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) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;*

*(B) children in local institutions for neglected or delinquent children; and*

*(C) where appropriate, neglected and delinquent children in community day school programs.*

*(4) SCHOOL IMPROVEMENT RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to meet such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(b)(9).*

*(5) FINANCIAL INCENTIVES AND REWARDS RESERVATION.—A local educational agency may reserve such funds as are necessary under this part to provide financial incentives and rewards to teachers who serve in eligible schools under subsection (b)(1)(A) and identified for improvement under section 1116(b)(1) for the purpose of attracting and retaining qualified and effective teachers.*

***SEC. 1114. SCHOOLWIDE PROGRAMS.***

*(a) PURPOSE.—The purpose of a schoolwide program under this section is—*

*(1) to enable a local educational agency to consolidate funds under this part with other Federal, State, and local funds, to upgrade the entire educational program in a high poverty school; and*

*(2) to help ensure that all children in such a school meet challenging State standards for student performance, particularly those children who are most at-risk of not meeting those standards.*

*(b) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—*

*(1) IN GENERAL.—A local educational agency may consolidate funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 50 percent of the children are from low-income families, or not less than 50 percent of the children enrolled in the school are from such families.*

*(2) STATE ASSURANCES.—A local educational agency may start new schoolwide programs under this section only after the State educational agency provides written information to each local educational agency in the State that demonstrates that such State educational agency has established the statewide system of support and improvement required by subsections (c)(1) and (e) of section 1117.*

*(3) IDENTIFICATION OF STUDENTS NOT REQUIRED.—(A) No school participating in a schoolwide program shall be required to identify particular children under this part 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.*

*(4) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—(A) Except as provided in subsection (c), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program*

*administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.*

*(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.*

*(C)(i) A school that consolidates funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as it maintains records that demonstrate that the schoolwide program, considered as a whole addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.*

*(5) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (c)(1)(E) in accordance with section 1119A for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.*

*(c) 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 (including taking into account the needs of migratory children as defined in section 1309(2)) that is based on information which includes 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 student performance described in section 1111(b)(1)(D);*

*(ii) use effective methods and instructional strategies that are based upon scientifically based research that—*

*(I) strengthen the core academic program in the school;*

*(II) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and*

*(III) include strategies for meeting the educational needs of historically underserved populations;*

*(iii)(I) address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student performance standards who are members of the target*

*population of any program that is included in the schoolwide program;*

*(II) address how the school will determine if such needs have been met; and*

*(iv) are consistent with, and are designed to implement, the State and local improvement plans, if any.*

*(D) Instruction by fully qualified (as defined in section 1610) teachers.*

*(E) In accordance with section 1119A, high quality and ongoing professional development for teachers and paraprofessionals, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.*

*(F) Strategies to increase parental involvement in accordance with section 1118, such as family literary services.*

*(G) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs.*

*(H) Measures to include teachers in the decisions regarding the use of assessments described in section 1111(b)(4) in order to provide information on, and to improve, the performance of individual students and the overall instructional program.*

*(I) Activities to ensure that students who experience difficulty mastering the proficient or advanced levels of performance standards required by section 1111(b) shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.*

*(2) PLAN.—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 on the day before the date of enactment of the Student Results Act of 1999), a comprehensive plan for reforming the total instructional program in the school that—*

*(A) incorporates the components described in paragraph (1);*

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

*(C) includes a list of State and local educational agency programs and other Federal programs under subsection (b)(4) that will be consolidated in the schoolwide program;*

*(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessments required by section 1111(b)(4) and in a format and, to the extent practicable, in a language that they can understand; and*

*(E) provides for the collection of data on the achievement and assessment results of students disaggregated by gen-*

*der, major ethnic or racial groups, limited English proficiency status, migrant students, by children with disabilities as compared to other students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student.*

*(3) PLAN DEVELOPMENT.—The comprehensive plan shall be—*

*(A) developed during a 1-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 operated a schoolwide program on the day preceding the date of enactment of the Student Results Act of 1999, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance under such Act to reflect the provisions of this section;*

*(B) developed with the involvement of the community to be served and individuals who will carry out such plan, including teachers, principals, administrators (including administrators of programs described in other parts of this title), if appropriate pupil services personnel, school staff and parents, and, if the plan relates to a secondary school, students from such school;*

*(C) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;*

*(D) available to the local educational agency, parents, and the public, and the information contained in such plan shall be provided in a format, and to the extent practicable, in a language that they can understand; and*

*(E) if appropriate, developed in coordination with programs under the Reading Excellence Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and part B of this title.*

*(d) ACCOUNTABILITY.—A schoolwide program under this section shall be subject to the school improvement provisions of section 1116.*

**SEC. 1115. TARGETED ASSISTANCE SCHOOLS.**

(a) IN GENERAL.—In all schools selected to receive funds under section [1113(c)] *1113(f)* 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 eligible children under subsection (b) identified as having the greatest need for special assistance.

[(b) ELIGIBLE CHILDREN.—

[(1) ELIGIBLE POPULATION.—(A) The eligible population for services under this part is—

[(i) children not older than age 21 who are entitled to a free public education through grade 12; and

[(ii) 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 such children 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 student 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) CHILDREN INCLUDED.—(A)(i) Children who are economically disadvantaged, children with disabilities, migrant children or limited English proficient children, 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 but may be used to coordinate or supplement such services.

[(B) A child who, 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, is eligible for services under this part.

[(C)(i) A child who, at any time in the two years preceding the year for which the determination is made, received services under the program for youth who are neglected, delinquent, or at risk of dropping out under part D (or its predecessor authority) may be eligible for services under this part.

[(ii) A child in a local institution for neglected or delinquent children or attending a community day program for such children may be eligible for services under this part.

[(D) A child who is homeless and attending any school in the local educational agency may be eligible for services under this part.

[(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 determined 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) give primary consideration to providing extended learning time such as an extended school year, before- and after-school, and summer, programs and opportunities;

[(ii) help provide an accelerated, high-quality curriculum, including applied learning; and

[(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part;

[(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, comprehensive career development, occupational information, enhancement of employability skills and occupational skills, personal finance education, job placement services, and innovative teaching methods which may include applied learning and team teaching strategies;

[(iii) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses, and the integration of school-based and work-based learning; 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) in accordance with subsection (e)(3) and section 1119, provide opportunities for professional development with resources provided under this part, and from other sources to the extent feasible, 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

[(H) provide strategies to increase parental involvement, such as family literary services.

[(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 standards and State student performance standards; and

[(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student performance standards, such as an extended school year, before- and after-school, and summer, programs and

opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement student performance standards in the classroom.

[(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 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, if such collaborative teaching directly benefits participating children.]

*(b) ELIGIBLE CHILDREN.—*

*(1) ELIGIBLE POPULATION.—(A) The eligible population for services under this section is—*

*(i) children not older than age 21 who are entitled to a free public education through grade 12; and*

*(ii) children who are not yet at a grade level where the local educational agency provides a free public education.*

*(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 student performance standards on the basis of assessments under this part, and, as appropriate, 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 2 may be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.*

*(2) CHILDREN INCLUDED.—(A)(i) Children with disabilities, migrant children, and children with limited English proficiency are eligible for services under this part on the same basis as other children.*

*(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 but may be used to coordinate or supplement such services.*

*(B) A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start or Even Start program or in preschool services under this title, is eligible for services under this part.*

*(C)(i) A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this part.*

*(ii) A child in a local institution for neglected or delinquent children or attending a community day program for such children is eligible for services under this part.*

*(D) A child who is homeless and attending any school in the local educational agency is eligible for services under this part.*

*(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 title the opportunity to meet the State's challenging student performance standards in subjects as determined 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's challenging student performance standards expected for all children;*

*(B) ensure that planning for students served under this part is incorporated into existing school planning;*

*(C) use effective methods and instructional strategies that are based upon scientifically based research that strengthens the core academic program of the school and that—*

*(i) give primary consideration to providing extended learning time such as an extended school year, before- and after-school, and summer programs and opportunities;*

*(ii) help provide an accelerated, high-quality curriculum, including applied learning; and*

*(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part;*

*(D) coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs to elementary school programs;*

*(E) provide instruction by fully qualified teachers as defined in section 1610;*

*(F) in accordance with subsection (e)(3) and section 1119A, provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and administrators and other school staff, including, if appropriate pupil services personnel who work with participating children in programs under this section or in the regular education program; and*

*(G) provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services.*

*(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; and*

*(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student performance standards, such as an extended school year, before- and after-school, and summer, programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement student performance standards in the classroom.*

*(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this part, public school personnel who are paid with funds received under this part may participate in general professional development and school planning activities.*

(e) SPECIAL RULES.—

(1) * * *

(2) 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 a portion of the 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; *and*

[(B) compensation of a coordinator; and]

[(C)] *(B)* professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

* * * * * * *

**[SEC. 1115A. SCHOOL CHOICE.**

[(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement choice programs, for children eligible for assistance under this part, which permit parents to select the public school that their children will attend.

[(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

[(1) all eligible students across grade levels will have equal access to the program;

[(2) the program does not include schools which follow a racially discriminatory policy;

[(3) describe how the school will use resources under this part and from other sources to implement the plan;

[(4) describe how the school will provide individual student assessment results, including an interpretation of such results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

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

[(6) the plan will be made available to parents and the public;

[(7) the program will not include schools that do not receive funds under this part;

[(8) the program will not use funds under this part to pay for transportation costs;

[(9) both the sending and receiving schools agree to the student transfer; and

[(10) such local educational agency will comply with the other requirements of this part.]

***SEC. 1115A. SCHOOL CHOICE.***

*(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for children eligible for assistance under this part, which permit parents to select the public school that their child will attend.*

*(b) CHOICE PLAN.—A local educational agency that chooses to implement a public school choice program shall first develop a plan that includes assurances that—*

*(1) all eligible students across grade levels served under this part will have equal access to the program;*

*(2) the program does not include schools that follow a racially discriminatory policy;*

*(3) describe how the school will use resources under this part and from other sources to implement the plan;*

*(4) the plan will be developed with the involvement of parents and others in the community to be served and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;*

*(5) parents of eligible students in the local educational agency will be given prompt notice of the existence of the public school choice program and its availability to them, and a clear explanation of how the program will operate;*

*(6) the program will include charter schools and any other public school and shall not include a school that is or has been identified as a school in school improvement or is or has been in corrective action for the past 2 consecutive years;*

*(7) transportation services or the costs of transportation may be provided by the local educational agency with funds under this part; and*

*(8) such local educational agency will comply with the other requirements of this part.*

**SEC. 1116. 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 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)] *1111(b)(2)(B)* 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 (2) of all schools served under this part in [individual school performance profiles] *school reports* that include statistically sound disaggregated results as required by section 1111(b)(3)(I); [and]

(4) provide the results of the local annual review to schools so that the schools 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[.]*; and*

*(5) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement assisted under this Act.*

[(b) DESIGNATION OF DISTINGUISHED SCHOOLS.—Each State educational agency and local educational agency receiving funds under this part shall designate distinguished schools in accordance with section 1117.

[(c) SCHOOL IMPROVEMENT.—

[(1) IN GENERAL.—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 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;

[(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, 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 targeted assistance school, such school may be reviewed on the progress of only those students that have been or are served under this part; or

[(C) has failed to meet the criteria established by the State through the State's transitional procedure under section 1111(b)(7)(B) for two consecutive years.

[(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 im-

proving the performance of participating children in meeting the State's student performance standards; and

[(ii) submit the plan or revised plan to the local educational agency for approval.

[(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 for statistical or other substantive reasons, such school may provide evidence to the local educational agency to support such belief.

[(C) During the first year immediately following such identification, the school shall implement such school's plan or revised plan.

[(3) PROFESSIONAL DEVELOPMENT.—(A) Each school identified under paragraph (1) shall, as part of the school plan under paragraph (2), improve the skills of its staff by providing effective professional development activities. A school shall demonstrate such school's compliance with this paragraph by—

[(i) devoting to such activities, over two consecutive years, an amount equivalent to at least 10 percent of the funds received by the school under this part during one fiscal year; or

[(ii) otherwise demonstrating that such school is effectively carrying out professional development activities.

[(B) A school may use funds from any source to meet the requirements of this subsection.

[(C) Decisions about how to use the funds made available under this part which the school makes available for professional development shall be made by teachers, principals, and other school staff in that school.

[(4) TECHNICAL ASSISTANCE.—(A) For each school identified under paragraph (1), the local educational agency shall provide technical or other assistance as the school develops and implements such school's plan or revised plan, such as a joint plan between the local educational agency and school that addresses specific elements of student performance problems and that specifies school and local educational agency responsibilities under the plan, and waivers or modifications of requirements of local educational agency policy or regulation that impede the ability of the school to educate students.

[(B) Such technical assistance may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by an institution of higher education, a private nonprofit organization, an educational service agency, a comprehensive regional assistance center under part A of title XIII, or other entities with experience in helping schools improve achievement.

[(5) CORRECTIVE ACTION.—(A) Except as provided in subparagraph (C), after providing technical assistance pursuant to paragraph (4) and taking other remediation measures, 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) interagency collaborative agreements between the school and other public agencies to provide health, counseling, and other social services needed to remove barriers to learning;

[(III) revoking authority for a school to operate a schoolwide program;

[(IV) decreasing decisionmaking authority at the school level;

[(V) making alternative governance arrangements such as the creation of a public charter school;

[(VI) reconstituting the school staff; and

[(VII) 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 subclause (I), (III), (IV), (VI), or (VII) of clause (i) until the State has developed assessments that meet the requirements of subparagraph (C) of section 1111(b)(3).

[(C) Prior to implementing any corrective action, the local educational agency may refrain from such corrective action for one additional year to the extent that the failure to make progress can be attributed to extenuating circumstances as determined by the local educational agency.

[(D) A school that is no longer operating its schoolwide program due to a corrective action may not resume operation of such a program until the local educational agency determines that the school has adequately reformed its schoolwide program plan to enable the school to make adequate progress toward meeting the State's challenging student performance standards.

[(6) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

[(A) make technical assistance under section 1117 available to the schools farthest from meeting the State's challenging student performance standards, if requested by the school or local educational agency; and

[(B) if such agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under paragraphs (4) and (5), take such corrective actions as the State educational agency deems appropriate and which are in compliance with State law.

[(7) 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.

[(d) 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 schools receiving assistance under this part are 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 statistically sound disaggregated results, as required by section 1111(b)(3)(I).

[(2) REWARDS.—In the case of a local educational agency that for three consecutive years has met or 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 paragraph (2) of section 1117(c).

[(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 operating targeted assistance 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 such State's transitional procedure under section 1111(b)(7)(B) 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 due to statistical or other substantive reasons, such local educational agency may provide evidence to the State educational agency to support such belief.

[(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—(A) 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 under this part in meeting the State's student performance standards.

[(B) Such revision shall include determining why the local educational agency's plan failed to bring about increased achievement.

[(5) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—(A) For each local educational agency identified under paragraph (3), the State educational agency shall—

[(i) provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency to—

[(I) develop and implement the local educational agency's revised plan; and

[(II) work with schools needing improvement; and

[(ii) make available to the local educational agencies farthest from meeting the State's standards, if requested, assistance under section 1117.

[(B) Technical or other assistance may be provided by the State educational agency directly, or by an institution of higher education, a private nonprofit organization, an educational service agency or other local consortium, a technical assistance center, or other entities with experience in assisting local educational agencies improve achievement, and may include—

[(i) 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; and

[(ii) 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.

[(6) CORRECTIVE ACTION.—(A) Except as provided in subparagraph (C), after providing technical assistance pursuant to paragraph (5) and taking other remediation measures, 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 actions, consistent with State law, determined and made public and disseminated by the State educational agency, which may include—

[(I) the withholding of funds;

[(II) reconstitution of school district personnel;

[(III) removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for public governance and supervision of such schools;

[(IV) 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;

[(V) the abolition or restructuring of the local educational agency;

[(VI) the authorizing of students to transfer from a school operated by one local educational agency to a school operated by another local educational agency; and

[(VII) a joint plan between the State and the local educational agency that addresses specific elements of student performance problems and that specifies State and local responsibilities under the plan.

[(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (II), and (III) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(C) of section 1111(b).

[(C) Prior to implementing any corrective action, the State educational agency shall provide due process and a hearing (if State law provides for such due process and a hearing) to any local educational agency identified under paragraph (3) and may refrain from such corrective action for one year after the four-year period described in subparagraph (A) to the extent that the failure to make progress can be attributed to such extenuating circumstances as determined by the State educational agency.

[(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.]

*(b) SCHOOL IMPROVEMENT.—*

*(1) IN GENERAL.—A local educational agency shall identify for school improvement any school served under this part that—*

*(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or*

*(B) was in school improvement status under this section on the day preceding the date of the enactment of the Student Results Act of 1999.*

*(2) TRANSITION.—The 2-year period described in paragraph (1)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Student Results Act of 1999 during which a school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.*

*(3) TARGETED ASSISTANCE SCHOOLS.—To determine if a school that is conducting a targeted assistance program under section 1115 should be identified as in need of improvement under this subsection, a local educational agency may choose to review the progress of only those students in such school who are served under this part.*

*(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—*

*(A) IN GENERAL.—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 the proposed identification is based.*

*(B) SUPPORTING EVIDENCE.—If the school principal believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting*

*evidence to the local educational agency, which such agency shall consider before making a final determination.*

*(5) NOTIFICATION TO PARENTS.—A local educational agency shall, in an easily understandable format, provide in writing to parents of each student in a school identified for school improvement—*

*(A) an explanation of what the school improvement identification means and how the school compares in terms of academic performance to other schools in the local educational agency and State;*

*(B) the reasons for such identification;*

*(C) the data on which such identification is based;*

*(D) an explanation of what the school is doing to address the problem of low achievement;*

*(E) an explanation of how parents can become involved in upgrading the quality of the school;*

*(F) an explanation of the right of parents, pursuant to paragraph (6), to transfer their child to another public school, including a public charter school, that is not in school improvement, and how such transfer shall operate; and*

*(G) notification to parents in a format and, to the extent practicable, in a language they can understand.*

*(6) PUBLIC SCHOOL CHOICE OPTION.—*

*(A) SCHOOLS IDENTIFIED FOR IMPROVEMENT.—*

*(i) SCHOOLS IDENTIFIED ON OR BEFORE ENACTMENT.—Not later than 18 months after the date of enactment of the Student Results Act of 1999, a local educational agency shall provide all students enrolled in a school identified (on or before such date of enactment) for school improvement with an option to transfer to any other public school within the local educational agency or any public school consistent with subparagraph (B), including a public charter school that has not been identified for school improvement, unless such option to transfer is prohibited by State law, or local law, which includes school board-approved local educational agency policy.*

*(ii) SCHOOLS IDENTIFIED AFTER ENACTMENT.—Not later than 18 months after the date on which a local educational agency identifies a school for school improvement, the agency shall provide all students enrolled in such school with an option described in clause (i).*

*(B) COOPERATIVE AGREEMENT.—If all public schools in the local educational agency to which a child may transfer to, are identified for school improvement, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer.*

*(C) TRANSPORTATION.—The local educational agency in which the schools have been identified for improvement may use funds under this part to provide transportation to students whose parents choose to transfer their child or children to a different school.*

*(D) CONTINUE OPTION.—Once a school is no longer identified for school improvement, the local educational agency shall continue to provide public school choice as an option to students in such school for a period of not less than 2 years.*

*(7) SCHOOL PLAN.—*

*(A) IN GENERAL.—Each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency, and other outside experts for approval by the local educational agency. Such plan shall—*

*(i) incorporate scientifically-based research strategies that strengthen the core academic program in the school;*

*(ii) adopt policies that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;*

*(iii) address the professional development needs of staff, particularly teachers and principals;*

*(iv) establish specific goals and objectives the school will undertake for making adequate yearly progress which include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2);*

*(v) identify how the school will provide written notification to parents, in a format and to the extent practicable in a language such parents can understand; and*

*(vi) specify the responsibilities of the local educational agency and the school under the plan.*

*(B) CONDITIONAL APPROVAL.—A local educational agency may condition approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (9).*

*(C) IMPLEMENTATION.—A school shall implement its plan or revised plan expeditiously, but not later than the beginning of the school year after which the school has been identified for improvement.*

*(D) REVIEW.—The local educational agency shall promptly review the plan, work with the school as necessary, and approve the plan if it meets the requirements of this section.*

*(8) TECHNICAL ASSISTANCE.—*

*(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its plan.*

*(B) SPECIFIC TECHNICAL ASSISTANCE.—Such technical assistance—*

*(i) shall include effective methods and instructional strategies that are based upon scientifically based research that strengthens the core academic program in the school and addresses the specific elements of student performance problems in the school;*

*(ii) may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by an institution of higher education, a private nonprofit orga-*

*nization, an educational service agency, a comprehensive regional assistance center under part A of title XIII, or other entities with experience in helping schools improve achievement.*

*(C) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the local educational agency or an entity authorized by such agency shall be based upon scientifically based research.*

*(9) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:*

*(A) IN GENERAL.—After providing technical assistance under paragraph (8) and subject to subparagraph (F), the local educational agency—*

*(i) may take corrective action at any time with respect to a school that has been identified under paragraph (1);*

*(ii) shall take corrective action with respect to any school that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (1); and*

*(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).*

*(B) DEFINITION.—As used in this paragraph, the term "corrective action" means action, consistent with State and local law, that—*

*(i) substantially and directly responds to the consistent academic failure that caused the local educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and*

*(ii) is designed to substantially increase the likelihood that students will perform at the proficient and advanced performance levels.*

*(C) CERTAIN SCHOOLS.—In the case of a school described in subparagraph (A)(ii), the local educational agency shall take not less than 1 of the following corrective actions:*

*(i) Withhold funds from the school.*

*(ii) Decrease decisionmaking authority at the school level.*

*(iii) Make alternative governance arrangements, including reopening the school as a public charter school.*

*(iv) Reconstitute the school by requiring each person employed at the school to reapply for future employment at the same school or for any position in the local educational agency.*

*(v) Authorize students to transfer to other higher performing public schools served by the local educational agency, including public charter schools, and provide such students transportation (or the costs of transportation) to such schools in conjunction with not less*

*than 1 additional action described under this subparagraph.*

*(vi) Institute and fully implement a new curriculum, including appropriate professional development for all relevant staff, that is based upon scientifically based research and offers substantial promise of improving educational achievement for low-performing students.*

*(D) IMPLEMENTATION DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.*

*(E) PUBLICATION.—The local educational agency shall publish, and disseminate to the public and to parents in a format and, to the extent practicable, in a language that they can understand, any corrective action it takes under this paragraph through such means as the Internet, the media, and public agencies.*

*(F) REVIEW.—(i) Before taking corrective action with respect to any school under this paragraph, a local educational agency shall provide the school an opportunity to review the school level data, including assessment data, on which the proposed determination is made.*

*(ii) If the school believes that the proposed determination is in error for statistical or other substantive reasons, it may provide supporting evidence to the local educational agency, which shall consider such evidence before making a final determination.*

*(10) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, it shall take such action as it finds necessary, consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out its responsibilities under this section.*

*(11) SPECIAL RULE.—Schools that, for at least two of the three years following identification under paragraph (1), make adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer 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 schools receiving assistance under this part are making adequate yearly progress as defined in section 1111(b)(2) 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 consistent with*

*section 1111, including statistically sound disaggregated results, as required by section 1111(b)(2).*

*(2) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State educational agency shall identify for improvement any local educational agency that—*

*(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or*

*(B) was in improvement status under this section as this section was in effect on the day preceding the date of enactment of the Student Results Act of 1999.*

*(3) TRANSITION.—The 2-year period described in paragraph (2)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Student Results Act of 1999, during which a local educational agency did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.*

*(4) TARGETED ASSISTANCE SCHOOLS.—For purposes of targeted assistance schools in a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served under this part.*

*(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—*

*(A) REVIEW.—Before identifying a local educational agency for improvement under paragraph (2), a State educational agency shall provide the local educational agency with an opportunity to review the local educational agency data, including assessment data, on which that proposed identification is based.*

*(B) SUPPORTING EVIDENCE.—If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, it may provide supporting evidence to the State educational agency, which such agency shall consider before making a final determination.*

*(6) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents in a format, and to the extent practicable in a language they can understand, of each student enrolled in a school in a local educational agency identified for improvement, of the reasons for such agency's identification and how parents can participate in upgrading the quality of the local educational agency.*

*(7) LOCAL EDUCATIONAL AGENCY REVISIONS.—*

*(A) PLAN.—Each local educational agency identified under paragraph (2) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, school staff, and others. Such plan shall—*

*(i) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;*

*(ii) identify specific goals and objectives the local educational agency will undertake to make adequate yearly progress and which—*

*(I) have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;*

*(II) address the professional development needs of staff; and*

*(III) include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2);*

*(iii) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable in a language, that they can understand, pursuant to paragraph (6); and*

*(iv) specify the responsibilities of the State educational agency and the local educational agency under the plan.*

*(B) IMPLEMENTATION.—The local educational agency shall implement its plan or revised plan expeditiously, but not later than the beginning of the school year after which the school has been identified for improvement.*

*(8) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—*

*(A) IN GENERAL.—For each local educational agency identified under paragraph (2), the State educational agency shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—*

*(i) to develop and implement its revised plan as approved by the State educational agency consistent with the requirements of this section; and*

*(ii) to work with schools needing improvement.*

*(B) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be based upon scientifically based research.*

*(9) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action in accordance with the following:*

*(A) IN GENERAL.—After providing technical assistance under paragraph (8) and subject to subparagraph (D), the State educational agency—*

*(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (2);*

*(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (2); and*

*(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).*

*(B) DEFINITION.—As used in this paragraph, the term "corrective action" means action, consistent with State law, that—*

*(i) substantially and directly responds to the consistent academic failure that caused the State educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and*

*(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.*

*(C) CERTAIN LOCAL EDUCATIONAL AGENCIES.—In the case of a local educational agency described in this paragraph, the State educational agency shall take not less than 1 of the following corrective actions:*

*(i) Withhold funds from the local educational agency.*

*(ii) Reconstitute of school district personnel;*

*(iii) Remove particular schools from the jurisdiction of the local educational agency and establish alternative arrangements for public governance and supervision of such schools.*

*(iv) Appoint, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.*

*(v) Abolish or restructure the local educational agency.*

*(vi) Authorize students to transfer from a school operated by a local educational agency to a higher performing public school operated by another local educational agency, or to a public charter school and provide such students transportation (or the costs of transportation to such schools, in conjunction with not less than 1 additional action described under this paragraph.*

*(D) HEARING.—Prior to implementing any corrective action, the State educational agency shall provide due process and a hearing to the affected local educational agency, if State law provides for such process and hearing.*

*(E) PUBLICATION.—The State educational agency shall publish, and disseminate to parents and the public any corrective action it takes under this paragraph through such means as the Internet, the media, and public agencies.*

*(F) DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.*

*(10) SPECIAL RULE.—A local educational agency, that, for at least two of the three years following identification under paragraph (2), makes adequate yearly progress toward meeting the*

*State's proficient and advanced levels of performance shall no longer be identified for school improvement.*

* * * * * * *

**[SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.**

[(a) SYSTEM FOR SUPPORT.—

[(1) STATE SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for schools receiving funds under this part, including schoolwide programs and schools in need of program improvement, in order to increase the opportunity for all students in such schools to meet the State's content standards and student performance standards.

[(2) MEETING REQUIREMENTS.—Funds reserved under section 1003(a) or appropriated under section 1002(f) shall be used to meet the requirements of this section. In addition to such funds a State educational agency may use State administrative funds reserved under section 1603(c) to meet such requirements.

[(b) REGIONAL CENTERS.—Such a statewide system shall work with and receive support and assistance from the comprehensive regional technical assistance centers under part A of title XIII and the educational regional laboratories under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

[(c) PROVISIONS.—The system shall include at a minimum, the following:

[(1) SCHOOL SUPPORT TEAMS.—

[(A) Each State educational agency, in consultation with local educational agencies and schools, shall establish a system of school support teams to provide information and assistance to schoolwide programs and to assist such programs in providing an opportunity to all students to meet the State's student performance standards.

[(B) If funds are sufficient, school support teams shall provide information and assistance to—

[(i) schools—

[(I) 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

[(II) identified as in need of improvement under section 1116(c)(1); and

[(ii) other schools in need of improvement.

[(C) 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 (especially distinguished educators described in paragraph (3)), and other persons who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low-achieving students (including alternative and applied learning), such as representatives of institutions of higher

education, regional educational laboratories or research centers, and outside consultant groups.

[(D) A school support team shall work cooperatively with each school and make recommendations as the school develops the school's schoolwide program plan or school improvement plan, review each plan, and make recommendations to the school and the local educational agency.

[(E) 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 student 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.

[(2) DISTINGUISHED SCHOOLS.—

[(A) Each State shall designate as a distinguished school any school served under this part which, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i), and, any school in which—

[(i) virtually all students have met the State's advanced level of student performance; and

[(ii) equity in participation and achievement of students by sex has been achieved or significantly improved.

[(B) Schools designated under this paragraph may serve as models and provide support to other schools, especially schoolwide programs and schools in school improvement, to assist such schools in meeting the State's student performance standards.

[(C) States shall use funds reserved under section 1003(a) and funds made available under section 1002(f) to allow schools identified under this paragraph to carry out the activities described in subparagraph (B) and may use such funds to provide awards to such schools to further such school's education programs under this part, provide additional incentives for continued success, and reward individuals or groups in the school for exemplary performance.

[(D) 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.

[(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 reserved under section 1003(a) and made available under section 1002(f), 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 farthest 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).

[(d) IMPLEMENTATION.—In order to implement this section funds reserved under section 1003(a) and funds made available under section 1002(f) may be used by a State for release time for teachers and administrators, travel, training, and other related costs.

[(e) ALTERNATIVES.—The State may devise additional approaches to providing the assistance described in paragraphs (1) and (3) of subsection (c), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and the State may seek approval from the Secretary to use funds reserved under section 1003 and funds made available under section 1002(f) for such approaches as part of the State plan.]

***SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.***

*(a) SYSTEM FOR SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools receiving funds under this part, in order to increase the opportunity for all students in those agencies and schools to meet the State's content standards and student performance standards.*

*(b) PRIORITIES.—In carrying out this section, a State educational agency shall—*

*(1) first, provide support and assistance to local educational agencies subject to corrective action under section 1116 and assist schools, in accordance with section 1116(b)(10), for which a local educational agency has failed to carry out its responsibilities under section 1116(b)(8) and (9);*

*(2) second, provide support and assistance to other local educational agencies identified as in need of improvement under section 1116; and*

*(3) third, provide support and assistance to other local educational agencies and schools participating under this part that need that support and assistance in order to achieve the purpose of this part.*

*(c) APPROACHES.—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—*

*(1) school support teams, composed of individuals who are knowledgeable about scientifically based research and practice on teaching and learning, particularly about strategies for improving educational results for low-achieving children; and*

*(2) the designation and use of "Distinguished Educators", chosen from schools served under this part that have been especially successful in improving academic achievement.*

*(d) FUNDS.—Each State educational agency—*

*(1) shall use funds reserved under section 1002(f); and*

*(2) may use State administrative funds authorized under section 1002(h) for such purpose.*

*(e) ALTERNATIVES.—The State may devise additional approaches to providing the assistance described in paragraphs (1) and (2) of subsection (c), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and the State may seek approval from the Secretary to use funds made available under section 1002(h) for such approaches as part of the State plan.*

***SEC. 1117A. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.***

*(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT AWARDS PROGRAM.—*

*(1) IN GENERAL.—Each State receiving a grant under this part may establish a program for making academic achievement awards to recognize and financially reward schools served under this part that have—*

*(A) significantly closed the achievement gap between the groups of students defined in section 1111(b)(2); or*

*(B) exceeded their adequate yearly progress goals, consistent with section 1111(b)(2), for 2 or more consecutive years.*

*(2) AWARDS TO TEACHERS.—A State program under paragraph (1) may also recognize and provide financial awards to teachers teaching in a school described in such paragraph whose students consistently make significant gains in academic achievement in the areas in which the teacher provides instruction.*

*(b) FUNDING.—*

*(1) RESERVATION OF FUNDS BY STATE.—For the purpose of carrying out this section, each State receiving a grant under this part may reserve, from the amount (if any) by which the funds received by the State under this part for a fiscal year exceed the amount received by the State under this part for the preceding fiscal year, not more than 30 percent of such excess amount.*

*(2) USE WITHIN 3 YEARS.—Notwithstanding any other provision of law, the amount reserved under paragraph (1) by a State for each fiscal year shall remain available to the State until expended for a period not exceeding 3 years.*

*(3) SPECIAL ALLOCATION RULE FOR SCHOOLS IN HIGH-POVERTY AREAS.—*

*(A) IN GENERAL.—Each State receiving a grant under this part shall distribute at least 50 percent of the amount reserved under paragraph (1) for each fiscal year to schools described in subparagraph (B), or to teachers teaching in such schools.*

*(B) SCHOOLS DESCRIBED.—A school described in subparagraph (A) is a school whose student population is in the highest quartile of schools statewide in terms of the percentage of children eligible for free and reduced priced lunches under the National School Lunch Act.*

**SEC. 1118. PARENTAL INVOLVEMENT.**

(a) LOCAL EDUCATIONAL AGENCY POLICY.—

(1) IN GENERAL.—A local educational agency may receive funds under this part only if such agency implements [programs, activities, and procedures] *activities and procedures* for the involvement of parents in programs assisted under this part consistent with the provisions of this section. Such activities shall be planned and implemented with meaningful consultation with parents of participating children.

(2) WRITTEN POLICY.—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) * * *

* * * * * * *

[(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy developed under this section—

[(i) to determine the effectiveness of the policy in increasing the participation of parents; and

[(ii) to identify barriers to greater participation by parents in activities authorized by this section, giving particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background; and

[(F) use the findings of the evaluations described in subparagraph (E) in designing strategies for school improvement and revising, if necessary, the parental involvement policies described in this subsection and subsection (b)(1).]

*(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part;*

*(F) involve parents in the activities of the schools served under this part; and*

*(G) promote consumer friendly environments at the local educational agency and schools served under this part.*

(3) RESERVATION.—(A) * * *

* * * * * * *

*(C) Not less than 90 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part.*

(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 parental involvement policy, agreed upon by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). *Parents shall be notified of the policy in a format, and to the extent practicable, in a language that they can understand.* Such policy shall be updated periodically to meet the changing needs of parents and the school.

* * * * * * *

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

(1) * * *

* * * * * * *

(4) provide parents of participating children—

(A) timely information about programs under this part;

(B) school [performance profiles required under section 1116(a)(3)] *school reports required under section 1111* and their child's individual student assessment results, including an interpretation of such results, as required under section 1111(b)(3)(H);

(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) notice of the schools' identification as a school in school improvement under section 1116(b), if applicable, and a clear explanation of what such identification means;*

*(E) notice of the corrective action that has been taken against the school under section 1116(b)(9) and 1116(c)(9), if applicable, and a clear explanation of what such action means;*

[(D)] *(F)* 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)] *(G)* timely responses to parents' suggestions under subparagraph [(D)] *(F)*; and

* * * * * * *

[(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—

[(1) shall provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content standards and State student performance standards, the provisions of section 1111(b)(8), State and local assessments, the requirements of this part, and how to monitor

a child'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) shall provide materials and training, such as—

[(A) coordinating necessary literacy training from other sources to help parents work with their children to improve their children's achievement; and

[(B) training to help parents to work with their children to improve their children's achievement;

[(3) shall 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) shall coordinate and integrate parent involvement programs and activities with Head Start, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool programs and other programs, to the extent feasible and appropriate;

[(5) shall develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for organizations and businesses to work with parents and schools, and encouraging the formation of partnerships between elementary, middle, and secondary schools and local businesses that include a role for parents;

[(6) shall conduct other activities, as appropriate and feasible, such as parent resource centers and providing opportunities for parents to learn about child development and child rearing issues beginning at the birth of a child, that are designed to help parents become full partners in the education of their children;

[(7) shall ensure, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the homes of participating children in the language used in such homes;

[(8) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training in improving instruction and services to the children of such parents;

[(9) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such activities;

[(10) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

[(11) may train and support parents to enhance the involvement of other parents;

[(12) may arrange meetings at a variety of times, such as in the mornings and evenings, in order to maximize the opportunities for parents to participate in school related activities;

[(13) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school;

[(14) may adopt and implement model approaches to improving parental involvement, such as Even Start; and

[(15) shall provide such other reasonable support for parental involvement activities under this section as parents may request.

[(f) 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.]

*(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—*

*(1) shall provide assistance to participating parents in such areas as understanding the State's content standards and State student performance standards, the provisions of section 1111(b)(8), State and local assessments, the requirements of this part, and how to monitor a child'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) shall provide materials and training, such as—*

*(A) coordinating necessary literacy training from other sources to help parents work with their children to improve their children's achievement; and*

*(B) training to help parents to work with their children to improve their children's achievement;*

*(3) shall 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) shall coordinate and integrate parent involvement programs and activities with Head Start, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool programs and other programs, to the extent feasible and appropriate;*

*(5) shall conduct other activities, as appropriate and feasible, such as parent resource centers and opportunities for parents to learn how to become full partners in the education of their children;*

*(6) shall ensure, to the extent possible, that information related to school and parent programs, meetings, and other ac-*

*tivities is sent to the homes of participating children in the language used in such homes;*

*(7) shall provide such other reasonable support for parental involvement activities under this section as parents may request;*

*(8) shall expand the use of electronic communications among teachers, students, and parents, such as through the use of websites and e-mail communications;*

*(9) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training in improving instruction and services to the children of such parents in a format and to the extent practicable in a language the parent can understand;*

*(10) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such activities;*

*(11) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;*

*(12) may train and support parents to enhance the involvement of other parents;*

*(13) may arrange meetings at a variety of times, such as in the mornings and evenings, in order to maximize the opportunities for parents to participate in school related activities;*

*(14) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school;*

*(15) may adopt and implement model approaches to improving parental involvement, such as Even Start;*

*(16) may establish a districtwide parent advisory council to advise on all matters related to parental involvement in programs supported under this part; and*

*(17) may develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for organizations and businesses to work with parents and schools, and encouraging the formation of partnerships between elementary, middle, and secondary schools and local businesses that include a role for parents.*

*(f) 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 and parents of migratory children, including providing information and school reports required undersection 1111 in a format, and to the extent practicable, in a language such parents understand.*

* * * * * * *

**[SEC. 1119. PROFESSIONAL DEVELOPMENT.**

[(a) PROGRAM REQUIREMENTS.—

[(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall provide high-quality professional development that will improve the teaching of the academic subjects, consistent with the State content standards, in order to enable all children to meet the State's student performance standards.

[(2) PROGRAM DESIGN.—Such professional development activities shall be designed by principals, teachers, and other school staff in schools receiving assistance under this part.

[(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

[(1) REQUIRED ACTIVITIES.—Such professional development activities shall—

[(A) support instructional practices that are geared to challenging State content standards and create a school environment conducive to high achievement in the academic subjects;

[(B) support local educational agency plans under section 1112 and school plans under section 1114;

[(C) draw on resources available under this part, title III of the Goals 2000: Educate America Act, title II of this Act, and from other sources;

[(D) where appropriate, as determined by the local educational agency, include strategies for developing curricula and teaching methods that integrate academic and vocational instruction (including applied learning and team teaching strategies); and

[(E) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.

[(2) OPTIONAL ACTIVITIES.—Such professional development activities may include—

[(A) instruction in the use of assessments;

[(B) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;

[(C) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

[(D) instruction in the use of technology;

[(E) the creation of career ladder programs for paraprofessionals (assisting teachers under this part) to obtain the education necessary for such paraprofessionals to become licensed and certified teachers;

[(F) instruction in ways to teach special needs children;

[(G) instruction in gender-equitable education methods, techniques, and practices;

[(H) joint professional development activities involving programs under this part, Head Start, Even Start, or State-run preschool program personnel; and

[(I) instruction in experiential-based teaching methods such as service learning.

[(c) PROGRAM PARTICIPATION.—Each local educational agency receiving assistance under this part is encouraged to design professional development programs so that—

[(1) all school staff in schools participating in a schoolwide program under section 1114 can participate in professional development activities; and

[(2) all school staff in targeted assistance schools may participate in professional development activities if such participation will result in better addressing the needs of students served under this part.

[(d) PARENTAL PARTICIPATION.—Parents may participate in professional development activities under this part if the school determines that parental participation is appropriate.

[(e) CONSORTIA.—In carrying out such professional development programs, local educational agencies may provide services through consortia arrangements with other local educational agencies, educational service agencies or other local consortia, institutions of higher education, or other public or private institutions or organizations.

[(f) EFFECTIVE TEACHING STRATEGIES.—Knowledge of effective teaching strategies that is gained through professional development activities under this section may be shared with teachers who are not participating in targeted assistance programs under this part.

[(g) COMBINATIONS OF FUNDS.—Funds provided under this part that are used for professional development purposes may be combined with funds provided under title II of this Act, title III of the Goals 2000: Educate America Act, and other sources.

[(h) STATE REVIEW.—

[(1) IN GENERAL.—The State educational agency shall review the local educational agency's plan under section 1112(b) to determine if such agency's professional development activities—

[(A) are tied to challenging State student content and student performance standards;

[(B) reflect research on teaching and learning where possible;

[(C) are designed to have a positive impact on the teacher's performance in the classroom;

[(D) contribute to continuous improvement in the classroom or throughout the school;

[(E) include methods to teach children with special needs;

[(F) are developed with the extensive participation of teachers; and

[(G) include gender-equitable education methods, techniques, and practices.

[(2) TECHNICAL ASSISTANCE.—If a local educational agency's plan for professional development does not include the activities described in paragraph (1), the State educational agency shall provide technical assistance to such local educational agencies to enable such agencies to make progress toward inclusion of such activities in the local educational agency's professional development activities.

[(3) SPECIAL RULE.—No State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(d)(6).

[(i) INSTRUCTIONAL AIDES.—

[(1) IN GENERAL.—If a local educational agency uses funds received under this part to employ instructional aides, the local educational agency shall ensure that such aides—

[(A) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of this part;

[(B) have a secondary school diploma, or its recognized equivalent, or earn either within two years of employment, except that a local educational agency may employ an instructional aide that does not meet the requirement of this subparagraph 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

[(C) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.

[(2) INCLUSION IN ACTIVITIES.—Each local educational agency receiving funds under this part, when feasible, shall include instructional aides in professional development activities.]

***SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.***

*(a) TEACHERS.—*

*(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all teachers hired on or after the effective date of the Student Results Act of 1999 and teaching in a program supported with funds under this part are fully qualified.*

*(2) PLAN.—Each State receiving assistance under this part shall develop and submit to the Secretary a plan to ensure that all teachers teaching within the State are fully qualified not later than December 31, 2003. Such plan shall include an assurance that the State will require each local educational agency and school receiving funds under this part publicly to report their annual progress on the agency's and the school's performance in increasing the percentage of classes in core academic areas taught by fully qualified teachers.*

*(b) NEW PARAPROFESSIONALS.—*

*(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired one year or more after the effective date of the Student Results Act of 1999 and working in a program supported with funds under this part shall—*

*(A) have completed at least 2 years of study at an institution of higher education;*

*(B) have obtained an associate's (or higher) degree; or*

*(C) have met a rigorous standard of quality that demonstrates, through a formal assessment—*

*(i) knowledge of, and the ability to assist in instructing reading, writing, and math; or*

*(ii) knowledge of, and the ability to assist in instructing reading readiness, writing readiness, and math readiness, as appropriate.*

*(2) CLARIFICATION.—For purposes of paragraph (1)(C), the receipt of a high school diploma (or its recognized equivalent) shall be necessary but not by itself sufficient to satisfy the requirements of such paragraph.*

*(c) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date that is one year after the effective date of the Student Results Act of 1999 and working in a program supported with funds under this part shall, not later than 3 years after such effective date, satisfy the requirements of subsection (b).*

*(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—*

*(A) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or*

*(B) whose duties consist solely of conducting parental involvement activities consistent with section 1118.*

*(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessional's hiring date, possess a high school diploma or its recognized equivalent.*

*(f) DUTIES OF PARAPROFESSIONALS.—*

*(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.*

*(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED.—A paraprofessional described in paragraph (1) may only be assigned—*

*(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;*

*(B) to assist with classroom management, such as organizing instructional and other materials;*

*(C) to provide assistance in a computer laboratory;*

*(D) to conduct parental involvement activities;*

*(E) to provide support in a library or media center;*

*(F) to act as a translator; or*

*(G) to provide instructional services to students;*

*(3) ADDITIONAL LIMITATIONS.—A paraprofessional described in paragraph (1)—*

*(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a fully qualified teacher; and*

*(B) may not provide instructional services to students in the area of reading, writing, or math unless the paraprofes-*

*sional has demonstrated, through a State or local assessment, the ability effectively to carry out reading, writing, or math instruction.*

*(g) USE OF FUNDS.—*

*(1) PROFESSIONAL DEVELOPMENT.—A local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.*

*(2) LIMITATION ON USE OF FUNDS FOR PARAPROFESSIONALS.—*

*(A) IN GENERAL.—Beginning on and after the effective date of the Student Results Act of 1999, a local educational agency may not use funds received under this part to fund any paraprofessional hired after such date unless the hiring is to fill a vacancy created by the departure of another paraprofessional funded under this part and such new paraprofessional satisfies the requirements of subsection (b) or (c).*

*(B) EXCEPTION.—Subparagraph (A) shall not apply for a fiscal year to a local educational agency that can demonstrate to the State that all teachers under the jurisdiction of the agency are fully qualified.*

*(h) VERIFICATION OF COMPLIANCE.—*

*(1) IN GENERAL.—In verifying compliance with this section, each local educational agency at a minimum shall require that the principal of each school operating a program under section 1114 or 1115 annually attest in writing as to whether such school is in compliance with the requirements of this section.*

*(2) AVAILABILITY OF INFORMATION.—Copies of attestations under paragraph (1)—*

*(A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and*

*(B) shall be available to any member of the general public upon request.*

***SEC. 1119A. PROFESSIONAL DEVELOPMENT.***

*(a) PURPOSE.—The purpose of this section is to assist each local educational agency receiving assistance under this part in increasing the academic achievement of eligible children (as defined in section 1115(b)(1)(B)) through improved teacher quality.*

*(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—*

*(1) REQUIRED ACTIVITIES.—Professional development activities under this section shall—*

*(A) support professional development activities that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards;*

*(B) support the recruiting, hiring, and training of fully qualified teachers, including teachers fully qualified through State and local alternative routes;*

*(C) advance teacher understanding of effective instructional strategies based on scientifically-based research for*

*improving student achievement, at a minimum, in reading or language arts and mathematics;*

*(D) be directly related to the curriculum and content areas in which the teacher provides instruction;*

*(E) be designed to enhance the ability of a teacher to understand and use the State's standards for the subject area in which the teacher provides instruction;*

*(F) be tied to scientifically based research demonstrating the effectiveness of such professional development activities or programs in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;*

*(G) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this paragraph shall not apply to an activity if such activity is one component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of their needs, their students' needs, and the needs of the local educational agency;*

*(H) be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this part;*

*(I) to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and academic content areas in which the teachers provide instruction; and*

*(J) as a whole, be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.*

*(2) OPTIONAL ACTIVITIES.—Such professional development activities may include—*

*(A) instruction in the use of data and assessments to inform and instruct classroom practice;*

*(B) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;*

*(C) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;*

*(D) the creation of career ladder programs for paraprofessionals (assisting teachers under this part) to obtain the education necessary for such paraprofessionals to become licensed and certified teachers;*

*(E) instruction in ways to teach special needs children;*

*(F) joint professional development activities involving programs under this part, Head Start, Even Start, or State-run preschool program personnel;*

*(G) instruction in experiential-based teaching methods such as service or applied learning; and*

*(H) mentoring programs focusing on changing teacher behaviors and practices to help novice teachers, including teachers who are members of a minority group, develop and gain confidence in their skills, to increase the likelihood that they will continue in the teaching profession, and generally to improve the quality of their teaching.*

*(c) PROGRAM PARTICIPATION.—Each local educational agency receiving assistance under this part may design professional development programs so that—*

*(1) all school staff in schools participating in a schoolwide program under section 1114 can participate in professional development activities; and*

*(2) all school staff in targeted assistance schools may participate in professional development activities if such participation will result in better addressing the needs of students served under this part.*

*(d) PARENTAL PARTICIPATION.—Parents may participate in professional development activities under this part if the school determines that parental participation is appropriate.*

*(e) CONSORTIA.—In carrying out such professional development programs, local educational agencies may provide services through consortia arrangements with other local educational agencies, educational service agencies or other local consortia, institutions of higher education, or other public or private institutions or organizations.*

*(f) CONSOLIDATION OF FUNDS.—Funds provided under this part that are used for professional development purposes may be consolidated with funds provided under title II of this Act and other sources.*

*(g) DEFINITION.—The term "fully qualified" has the same meaning given such term in section 1610.*

*(h) SPECIAL RULE.—No State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(c)(9).*

**SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.**

[(a) GENERAL REQUIREMENT.—

[(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under 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 (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment).

[(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall 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 such 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;

[(D) how the services will be assessed; and

[(E) the size and scope of the equitable services to be provided to the eligible private school children, and what is the proportion of funds allocated under subsection (a)(4) for such services.

[(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.]

*(a) GENERAL REQUIREMENT.—*

*(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under 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 (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs, and shall ensure that teachers and families of these students participate, on an equitable basis, in services and activities developed pursuant to sections 1118 and 1119A.*

*(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.*

*(3) EQUITY.—Educational services and other benefits for such private school children shall be equitable in comparison to serv-*

*ices and other benefits for public school children participating under this part, and shall be provided in a timely manner.*

*(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, which the local educational agency may determine each year or every 2 years.*

*(5) PROVISION OF SERVICES.—The local educational agency shall provide services under this section 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 such 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, where, and by whom the services will be provided;*

*(D) how the services will be assessed and how the results of that assessment will be used to improve those services;*

*(E) the size and scope of the equitable services to be provided to the eligible private school children, and the amount of funds generated by low-income private school children in each participating attendance area;*

*(F) the method or sources of data that are used under subsection (a)(4) and section 1113(c)(2) to determine the number of children from low-income families in participating school attendance areas who attend private schools; and*

*(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third party providers.*

*If the local educational agency disagrees with the views of the private school officials on the provision of services, through a contract, the local educational agency shall provide in writing to such private school officials, an analysis of the reasons why the local educational agency has chosen not to use a contractor.*

*(2) TIMING.—Such consultation shall include meetings of agency and private school officials and 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. Such meetings shall continue throughout implementation and assessment of services provided under this section.*

*(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.*

*(4) DOCUMENTATION.—Each local educational agency shall provide to the State educational agency, and maintain in its records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred.*

*(5) COMPLIANCE.—Private school officials shall have the right to appeal to the State as to whether the consultation provided for in this section was meaningful and timely, and that due consideration was given to the views of private school officials. If the private school wishes to appeal, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State, and the local educational agency shall forward the documentation provided in subsection (b)(3) to the State.*

* * * * * * *

[(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 14505 and 14506.

[(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;

(D) other comparable goods and services.

[(C) transportation; and

[(D) other comparable goods and services.]

*(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;*

*(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 14505 and 14506; and*

*(3) in making the determination, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.*

* * * * * * *

**SEC. 1120B. COORDINATION REQUIREMENTS.**

(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall 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.] *with 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) * * *

* * * * * * *

(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[.]*; and*

*(5) linking the educational services provided in such local educational agency with the services provided in local Head Start agencies.*

* * * * * * *

## 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) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas (other than the outlying areas assisted under paragraph (3)).

[(2) COMPETITIVE GRANTS.—(A) The Secretary shall reserve $5,000,000 from the amounts made available under subsection (a) in each fiscal year to award grants on a competitive basis, to local educational agencies in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

[(B) Except as provided in subparagraph (D), grant funds awarded under this part only may be used for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform.

[(C) Grant funds awarded under this paragraph only may be used to provide direct educational services.

[(D) The Secretary may provide 5 percent of the amount made available for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

[(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) 48 percent of such expenditure in the United States.

**[SEC. 1122. ALLOCATIONS TO STATES.**

[(a) IN GENERAL.—

[(1) FISCAL YEAR 1995.—For fiscal year 1995, appropriations for this part shall be allocated according to the provisions of sections 1005, except subsection (a)(3), and 1006, part A of chapter 1 of title I, Elementary and Secondary Education Act of 1965, as in effect on September 30, 1994, except that the State minimum for section 1005 shall be the lesser of 0.25 percent of total appropriations or the average of 0.25 percent of total appropriations and 150 percent of the national average grant per child counted for grants under section 1005 multiplied by the State's number of children counted for such grants, and for grants under section 1006, the State minimum shall be the lesser of—

[(A) 0.25 percent of total appropriations; and

[(B) the average of—

[(i) 0.25 percent of total appropriations; and

[(ii) the greater of 150 percent of the national average grant per child counted for grants under such section 1006 multiplied by the State total number of such children, or $340,000.

[(2) SUCCEEDING FISCAL YEARS.—For fiscal years 1996 through 1999, an amount of the appropriations for this part equal to the appropriation for fiscal year 1995 for section 1005, shall be allocated in accordance with section 1124, and an amount equal to the appropriation for fiscal year 1995 for section 1006 shall be allocated in accordance with section 1124A. Any additional appropriations under section 1002(a) for any fiscal year, after application of the preceding sentence, shall be allocated in accordance with section 1125.

[(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

[(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

[(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 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.—

[(1) IN GENERAL.—For fiscal year 1995, notwithstanding subsection (b) and without regard to amounts available for delinquent children under subpart 2 of part D, the amount made

available to each local educational agency under such section 1005 shall be at least 85 percent of the amount such local educational agency received for the preceding year under such section 1005.

[(2) FISCAL YEAR 1996.—Notwithstanding subsection (b) and without regard to amounts available for delinquent children under subpart 2 of part D, for fiscal year 1996 the total amount made available to each local educational agency under each of sections 1124 and 1124A for any fiscal year shall be at least 100 percent of the total amount such local educational agency was allocated under such sections (or their predecessor authorities) for the preceding fiscal year.

[(3) FISCAL YEARS 1997–1999.—For fiscal years 1997 through 1999, notwithstanding subsection (b) and without regard to amounts available for delinquent children under subpart 2 of part D, the amount made available to each local educational agency under each of sections 1124 and 1125 shall be at least 95 percent of the previous year's amount if the number of children counted for grants under section 1124 is at least 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency, 90 percent of the previous year amount if this percentage is between 15 percent and 30 percent, and 85 percent if this percentage is below 15 percent. For fiscal years 1997 and 1998, in calculating grants on the basis of population data for counties, the Secretary shall apply the hold-homeless percentages in the preceding sentence to counties. For fiscal years 1996 through 1998, if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this paragraph for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold-harmless amounts specified in this paragraph.

[(d) RATABLE REDUCTIONS.—

[(1) IN GENERAL.—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 subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

[(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts reduced.

[(e) DEFINITION.—For the purpose of this section and sections 1124 and 1125, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**[SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

[(a) AMOUNT OF GRANTS.—

[(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—The grant which a local educational agency in a State is eligible to receive under this subpart for a fiscal year shall (except as provided in section 1126), be determined by multiplying the number of children counted under subsection (c) by 40 percent of the amount determined under the next sentence.

The amount determined under this sentence shall be the average per pupil expenditure in the State except that—

[(A) if the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, such amount shall be 80 percent of the average per pupil expenditure in the United States; or

[(B) if the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, such amount shall be 120 percent of the average per pupil expenditure in the United States.

[(2) BASIS FOR CALCULATING GRANTS.—For fiscal years 1995 through 1998, grants shall be calculated by the Secretary on the basis of the number of children counted under subsection (c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations published by the Secretary. In any State in which a large number of local educational agencies overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than section 1124A) directly to local educational agencies without regard to the counties. If the Secretary approves an application of a State educational agency for a particular year under this subparagraph, the State educational agency shall provide assurances that—

[(A) such allocations will be made using precisely the same factors for determining a grant as are used under this part;

[(B) such allocations will be made using alternative data approved by the Secretary that the State determines best reflects the distribution of children in poor families and is adjusted to be equivalent in proportion to the number of children determined in accordance with subsection (c); or

[(C) such allocations will be made using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

In addition, the State educational agency shall provide assurances that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination. Beginning in fiscal year 1999, grants shall be calculated by the Secretary on the basis of population data compiled for local educational agencies, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable taking into consideration the recommendations of the study to be conducted by the National Academy of Sciences. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall jointly issue a report setting forth their reasons in detail. In years when grants are calculated by the Secretary on the basis of local educational agency data, for each local educational agency serving

an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State educational agency may either—

[(i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; and

[(ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then such local educational agency may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt.

[(3) PUERTO RICO.—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 section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

[(A) the percentage determined under the preceding sentence; and

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

[(4) DEFINITION.—For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau.

[(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—Subject to the succeeding sentence, a local educational agency shall be eligible for a basic grant for a fiscal year under this subpart only if the number of children counted under subsection (c) in the school district of such local educational agency is at least 10. Beginning in fiscal year 1996, no local educational agency shall be eligible for a grant under this section if the number of children counted for grants under this section is equal to 2 percent or less of the total school age population in the local educational agency. For fiscal years 1996 through 1998, grants not made as a result of applying the preceding sentence shall be reallocated by the State educational agency to other eligible local educational agencies in the

State in proportion to the distribution of other funds under this section.

[(c) CHILDREN TO BE COUNTED.—

[(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

[(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2);

[(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (5); and

[(C) the number of children aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

[(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. For fiscal year 1999 and beyond, the District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

[(3) POPULATION UPDATES.—In fiscal year 1997 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable, taking into consideration the recommendations of the study to be conducted by the National Academy of Sciences. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall jointly issue a report setting forth their reasons in detail. 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, in such form as those criteria have been updated by increases in the Consumer Price

Index for all urban consumers, published by the Bureau of Labor Statistics.

[(4) STUDY.—(A) The Secretary of Education shall, within 30 days after the date of enactment of the Improving America's School's Act of 1994, contract with the National Academy of Sciences (hereafter in this section referred to as the "Academy") to study the program to produce intercensal poverty data for small geographic areas and certain age cohorts being developed by the Bureau of the Census.

[(B) In conducting its study, the Academy shall consider such matters as—

[(i) the methodology used to produce and publish intercensal poverty data, and possible alternative methods to improve the usefulness of the data for Federal program purposes;

[(ii) the availability of alternative indicators of poverty for small geographic areas, against which the poverty data produced and published by the Bureau of the Census could be compared;

[(iii) the reliability of the poverty data produced and published by the Bureau of the Census, particularly for less populous geographic areas;

[(iv) the reliability of intercensal poverty data produced and published by the Bureau of the Census, as compared over time to similar data produced by the Bureau of the Census during the most recent decennial census; and

[(v) the usefulness of poverty data produced and published by the Bureau of the Census for Federal programs that allocate funds to State and sub-State areas based, in whole or in part, on such data.

[(C) The Academy shall submit to the Secretary and the Secretary of Commerce, as well as to the Committee on Education and Labor and the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Governmental Affairs of the Senate—

[(i) not later than 18 months after the date on which a contract is entered into under subsection (a), and not later than every 18 months thereafter, such interim reports on the Academy's activities under this Act that the Academy deems appropriate, including a detailed statement of the Academy's findings and conclusions with respect to any poverty data which the Bureau of the Census publishes and produces, within 90 days of such publication; and

[(ii) not later than December 31, 1998, a final report which shall include a more detailed statement of the Academy's findings and conclusions with respect to the use of any intercensal poverty data produced and published by the Bureau of the Census as the basis for allocating Federal funds under this Act.

[(D) Of the funds appropriated under section 1002(f) of this Act, the Secretary shall use such sums as are necessary in each of fiscal years 1995, 1996, 1997, 1998, and 1999 to carry out the provisions of this paragraph.

[(5) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level 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 a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

[(6) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

[(d) STATE MINIMUM.—Notwithstanding subsection (b)(1) or (d) of section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

[(1) 0.25 percent of total grants under this section; or

[(2) the average of—

[(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

[(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

**[SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

[(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

[(1) IN GENERAL.—(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau, which is eligible for a grant under this part for any fiscal year shall be eligible for an additional grant under this section for that fiscal year if—

[(i) the number of children counted under section 1124(c) in the county (for fiscal years 1996 through 1998), or local educational agency (for fiscal years beginning with 1999) for the fiscal year exceeds 6,500; or

[(ii) the number of children counted under section 1124(c) exceeds 15 percent of the total number of children aged 5 to 17, inclusive, in the county (for fiscal years 1996 through 1998), or local educational agency (for fiscal years beginning with 1999) in that fiscal year.

[(B) Notwithstanding such subsections (b)(1) and (d) of section 1122, no State described in subparagraph (A) shall receive less than the lesser of—

[(i) 0.25 percent of total grants; or

[(ii) the average of—

[(I) one-quarter of 1 percent of the sums available to carry out this section for such fiscal year; and

[(II) the greater of—

[(aa) $340,000; or

[(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

[(2) SPECIAL RULE.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

[(A) the number of children counted under section 1124(c) for that fiscal year; and

[(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for fiscal year.

[(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

[(4) SUBALLOCATION.—For fiscal years 1996 through 1998, county amounts shall be suballocated to local educational agencies meeting the criteria of paragraph (1)(A) by State educational agencies, in accordance with regulations published by the Secretary. For fiscal years 1995 through 1998, grants shall be calculated by the Secretary on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations published by the Secretary. In any State in which a large number of local educational agencies overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than this section) directly to local educational agencies without regard to the counties. If the Secretary approves an application of a State educational agency for a particular year under this paragraph, the State educational agency shall provide assurances that—

[(A) such allocations will be made using precisely the same factors for determining a grant as are used under this part;

[(B) such allocations will be made using alternative data approved by the Secretary that the State determines best reflects the distribution of children in poor families and is adjusted to be equivalent in proportion to the number of children determined in accordance with section 1124(c); or

[(C) such allocations will be made using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

In addition, the State educational agency shall provide assurances that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination. A State may reserve not more than 2 percent of its allocations in fiscal years 1996 through 1998 under this section for the purpose of making grants to local educational agencies that meet the criteria of clause (i) or (ii) of paragraph (1)(A), but are in ineligible counties. For fiscal years beginning with 1999, for each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State educational agency may either (i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State educational agency determines best reflects the current

distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons and meeting the eligibility criteria of paragraph (1)(A). If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State educational agency, then such local educational agency may appeal this determination to the Secretary. The Secretary shall respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas meeting the eligibility criteria of paragraph (1)(A).

[(b) RESERVATION OF FUNDS.—Of the total amount of funds available for this section and sections 1124 and 1125, an amount equal to the appropriation for fiscal year 1995 for section 1006 of this Act (as such section was in effect on the day preceding the date of enactment of this Act) shall be available to carry out this section.

[(c) RATABLE REDUCTION RULE.—If the sums available under subsection (b) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts which all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

[(d) STATES RECEIVING MINIMUM GRANTS.—In States that receive the minimum grant under subsection (a)(1)(B), the State educational agency shall allocate such funds among the local educational agencies in each State either—

[(1) in accordance with paragraphs (2) and (4) of subsection (a); or

[(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) 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 paragraph.

**[SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

[(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population aged 5 to 17 years, inclusive, in the local educational agency. Funds made available as a result of applying this subsection shall be re-

allocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

[(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

[(1) IN GENERAL.—The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

[(A) the weighted child count determined under subsection (c); and

[(B) the amount in the second sentence of subparagraph 1124(a)(1)(A).

[(2) PUERTO RICO.—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 the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(3).

[(c) WEIGHTED CHILD COUNT.—

[(1) FISCAL YEARS 1966–1998.—

[(A) IN GENERAL.—The weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clause (i) or (ii), as follows:

[(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

[(I) the number of children determined under section 1124(c) for that county constituting up to 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

[(II) the number of such children constituting more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

[(III) the number of such children constituting more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

[(IV) the number of such children constituting more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

[(V) the number of such children constituting more than 29.70 percent of such population, multiplied by 4.0.

[(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

[(I) the number of children determined under section 1124(c) constituting up to 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

[(II) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

[(III) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

[(IV) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

[(V) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

[(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for Puerto Rico under this paragraph shall not be greater than the total number of children counted under subsection 1124(c) multiplied by 1.72.

[(2) FISCAL YEARS AFTER 1999.—

[(A) IN GENERAL.—For each fiscal year beginning with fiscal year 1999 for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under clauses (i) and (ii), as follows:

[(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

[(I) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

[(II) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

[(III) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

[(IV) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

[(V) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

[(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

[(I) the number of children determined under section 1124(c) constituting up to 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

[(II) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

[(III) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

[(IV) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

[(V) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

[(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

[(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—For fiscal years 1995 through 1998, grants shall be calculated by the Secretary on the basis of the number of children counted under section 1124 for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations published by the Secretary. In any State in which a large number of local educational agencies overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than section 1124A) directly to local educational agencies without regard to the counties. If the Secretary approves an application of a State educational agency for a particular year under this subparagraph, the State educational agency shall provide assurances that—

[(1) such allocations will be made using precisely the same factors for determining a grant as are used under this part;

[(2) such allocations will be made using alternative data approved by the Secretary that the State determines best reflects the distribution of children in poor families and is adjusted to be equivalent in proportion to the number of children determined in accordance with section 1124(c); or

[(3) such allocations will be made using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

In addition, the State educational agency shall provide assurances that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination. For fiscal years beginning in 1999, for each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State educational agency may either (1) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (2) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State educational agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with

total populations of fewer than 20,000 persons. If a local educational agency serving an area with total populations of less than 20,000 persons is dissatisfied with the determination of its grant by the State educational agency, then the local educational agency may appeal this determination to the Secretary. The Secretary shall respond to this appeal within 45 days of receipt.

[(e) STATE MINIMUM.—Notwithstanding any other provision of this section or subsection (b)(1) or (d) of section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

[(1) 0.25 percent of total appropriations; or

[(2) the average of—

[(A) one-quarter of 1 percent of the total amount available to carry out this section; and

[(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

**[SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

[(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

[(1) IN GENERAL.—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 children as described in subparagraph 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

[(2) SPECIAL RULE.—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.

[(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

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

[(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

[(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.

[(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 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.]

***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 in the amount determined in accordance with subsection (b); and*

*(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).*

*(b) ASSISTANCE TO OUTLYING AREAS.—*

*(1) FUNDS RESERVED.—From the amount made available for any fiscal year under subsection (a), the Secretary shall award grants to the outlying areas.*

*(2) COMPETITIVE GRANTS.—For fiscal years 2000 and 2001, the Secretary shall carry out the competition described in paragraph (3), except that the amount reserved to carry out such competition shall not exceed the amount reserved under this section for the freely associated states for fiscal year 1999.*

*(3) LIMITATION FOR COMPETITIVE GRANTS.—*

*(A) COMPETITIVE GRANTS.—The Secretary shall use funds described in paragraph (2) to award grants, on a competitive basis, to the outlying areas and freely associated States to carry out the purposes of this part.*

*(B) AWARD BASIS.—The Secretary shall award grants under subparagraph (A) on a competitive basis, pursuant to the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii.*

*(C) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the freely associated States shall not receive any funds under this part after September 30, 2001.*

*(D) ADMINISTRATIVE COSTS.—The Secretary may provide not more than five percent of the amount reserved for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory under subparagraph (B).*

*(4) SPECIAL RULE.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the freely associated States under this section.*

*(c) DEFINITIONS.—For the purposes of subsection (a) and (b)—*

*(1) the term "freely associated States" means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and*

*(2) the term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.*

*(d) 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) 48 percent of such expenditure in the United States.*

***SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.***

*(a) ALLOCATION FORMULA.—Of the amount authorized to be appropriated to carry out this part for each of fiscal years 2000 through 2004 (referred to in this subsection as the current fiscal year)—*

*(1) an amount equal to the amount appropriated to carry out section 1124 for fiscal year 1999 plus 42.5 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1124;*

*(2) an amount equal to the amount appropriated to carry out section 1124A for fiscal year 1999 plus 7.5 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1124A; and*

*(3) an amount equal to 50 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1125.*

*(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—*

*(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.*

*(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 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.—*

*(1) AMOUNTS FOR SECTIONS 1124 AND 1125.—For each fiscal year, the amount made available to each local educational agency under each of sections 1124 and 1125 shall be—*

*(A) not less than 95 percent of the amount made available in the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;*

*(B) not less than 90 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and*

*(C) not less than 85 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.*

*(2) AMOUNT FOR SECTION 1124A.—The amount made available to each local educational agency under section 1124A shall be not less than 85 percent of the amount made available in the preceding fiscal year.*

*(3) PAYMENTS.—If sufficient funds are appropriated, the amounts described in paragraph (2) shall be paid to all local educational agencies that received grants under section 1124A for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria for that fiscal year provided in section 1124A(a)(1)(A) except that a local educational agency that does not meet such minimum eligibility criteria for 4 consecutive years shall no longer be eligible to receive a hold harmless amount referred to in paragraph (2).*

*(4) POPULATION DATA.—In any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold harmless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold harmless amounts specified in this subsection.*

*(d) RATABLE REDUCTIONS.—*

*(1) IN GENERAL.—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 subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.*

*(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.*

*(e) DEFINITION.—For the purpose of this section and sections 1124, 1124A, and 1125, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.*

***SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.***

*(a) AMOUNT OF GRANTS.—*

*(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—*

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

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

*(2) CALCULATION OF GRANTS.—*

*(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—*

*(i) the 2 Secretaries shall publicly disclose the reasons for their determination in detail; and*

*(ii) paragraph (3) shall apply.*

*(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—(i) For any fiscal year in which this paragraph applies, the Secretary shall calculate grants under this section for each local educational agency.*

*(ii) The amount of a grant under this section for each large local educational agency shall be the amount determined under clause (i).*

*(iii) For small local educational agencies, the State educational agency may either—*

*(I) distribute grants under this section in amounts determined by the Secretary under clause (i); or*

*(II) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small agencies.*

*(iv) An alternative method under clause (iii)(II) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the eligibility criteria of subsection (b).*

*(v) If a small local educational agency is dissatisfied with the determination of its grant by the State educational agency under clause (iii)(II), it may appeal that determination to the Secretary, who shall respond not later than 45 days after receipt of such appeal.*

*(vi) As used in this subparagraph—*

*(I) the term "large local educational agency" means a local educational agency serving an area with a total population of 20,000 or more; and*

*(II) the term "small local educational agency" means a local educational agency serving an area with a total population of less than 20,000.*

*(3) ALLOCATIONS TO COUNTIES.—*

*(A) CALCULATION.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations issued by the Secretary.*

*(B) DIRECT ALLOCATIONS.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes it has data that would better target funds than allocating them by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.*

*(C) ASSURANCES.—If the Secretary approves the State educational agency's application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that such allocations shall be made—*

*(i) using precisely the same factors for determining a grant as are used under this part; or*

*(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.*

*(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that it shall establish a procedure through which a local educational agency that is dissatisfied with its determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.*

*(4) PUERTO RICO.—*

*(A) IN GENERAL.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—*

*(i) 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; and*

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

*(B) MINIMUM PERCENTAGE.—The percentage in subparagraph (A)(i) shall not be less than—*

*(i) for fiscal year 2000, 75.0 percent;*

*(ii) for fiscal year 2001, 77.5 percent;*

*(iii) for fiscal year 2002, 80.0 percent;*

*(iv) for fiscal year 2003, 82.5 percent;*

*(v) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.*

*(C) LIMITATION.—If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in subparagraph (A) shall be the greater of the percentage in subparagraph (A)(i) or the percentage used for the preceding fiscal year.*

*(5) DEFINITION.—For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.*

*(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is both—*

*(1) 10 or more; and*

*(2) more than 2 percent of the total school-age population in the agency's jurisdiction.*

*(c) CHILDREN TO BE COUNTED.—*

*(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—*

*(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2); and*

*(B) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.*

*(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.*

*(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for local educational agencies or counties, published by the Department of Commerce, unless the Secretary*

*and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall publicly disclose their reasons. 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, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.*

*(4) OTHER CHILDREN TO BE COUNTED.—The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.*

*(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.*

*(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—*

*(1) 0.25 percent of total grants under this section; or*

*(2) the average of—*

*(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and*

*(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.*

***SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.***

*(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—*

*(1) IN GENERAL.—(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, which is eligible for*

*a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) in the agency exceeds either—*

*(i) 6,500; or*

*(ii) 15 percent of the total number of children aged 5 through 17 in the agency.*

*(B) Notwithstanding section 1122, no State described in subparagraph (A) shall receive less than the lesser of—*

*(i) 0.25 percent of total grants; or*

*(ii) the average of—*

*(I) one-quarter of 1 percent of the sums available to carry out this section for such fiscal year; and*

*(II) the greater of—*

*(aa) $340,000; or*

*(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.*

*(2) SPECIAL RULE.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—*

*(A) the number of children counted under section 1124(c) for that fiscal year; and*

*(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for that fiscal year.*

*(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.*

*(4) LOCAL ALLOCATIONS.—(A) Grant amounts under this section shall be determined in accordance with section 1124(a)(2) and (3).*

*(B) For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of its allocation under this section to make grants to local educational agencies that meet the criteria of paragraph (1)(A)(i) or (ii) but that are in ineligible counties that do not meet these criteria.*

*(b) STATES RECEIVING MINIMUM GRANTS.—In States that receive the minimum grant under subsection (a)(1)(B), the State educational agency shall allocate such funds among the local educational agencies in each State either—*

*(1) in accordance with paragraphs (2) and (4) of subsection (a); or*

*(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) 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 paragraph.*

***SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.***

*(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population aged 5 to 17 years, inclusive, in the local educational agency. For each fiscal year for which the Secretary uses county population data to calculate grants, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.*

*(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—*

*(1) IN GENERAL.—The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—*

*(A) the weighted child count determined under subsection (c); and*

*(B) the amount in paragraph 1124(a)(1)(B).*

*(2) PUERTO RICO.—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 the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(4).*

*(c) WEIGHTED CHILD COUNT.—*

*(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—*

*(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clause (i) or (ii), as follows:*

*(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—*

*(I) the number of children determined under section 1124(c) for that county constituting up to 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;*

*(II) the number of such children constituting more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;*

*(III) the number of such children constituting more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;*

*(IV) the number of such children constituting more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and*

*(V) the number of such children constituting more than 29.70 percent of such population, multiplied by 4.0.*

*(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—*

*(I) the number of children determined under section 1124(c) constituting up to 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;*

*(II) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;*

*(III) the number of such children between 5,939 and 20,199,*

*(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—*

*(I) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;*

*(II) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;*

*(III) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;*

*(IV) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and*

*(V) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.*

*(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—*

*(I) the number of children determined under section 1124(c) constituting up to 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;*

*(II) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;*

*(III) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;*

*(IV) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and*

*(V) the number of such children in excess of 42,000 in such population, multiplied by 3.0.*

*(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.*

*(d) CALCULATION OF GRANT AMOUNTS.—Grants under this section shall be calculated in accordance with section 1124(a) (2) and (3).*

*(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—*

*(1) 0.25 percent of total appropriations; or*

*(2) the average of—*

*(A) one-quarter of 1 percent of the total amount available to carry out this section; and*

*(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighted child count, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.*

***SEC. 1126. SPECIAL ALLOCATION PROCEDURES.***

*(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—*

*(1) IN GENERAL.—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 children as described in subparagraph (B) of section 1124(c)(1), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.*

*(2) SPECIAL RULE.—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.*

*(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—*

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

*(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or*

*(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.*

*(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 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.*

* * * * * * *

***SEC. 1128. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.***

*Any school that receives funds under this part shall ensure that educational services or other benefits provided under this part, including materials and equipment, shall be secular, neutral, and nonideological.*

* * * * * * *

# PART C—EDUCATION OF MIGRATORY CHILDREN

* * * * * * *

**SEC. 1303. STATE ALLOCATIONS.**

[(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is entitled 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, nor more than 48 percent, of the average expenditure per pupil 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.]

*(a) STATE ALLOCATIONS.—*

*(1) FISCAL YEAR 2000.—For fiscal year 2000, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to—*

*(A) 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*

*(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this para-*

*graph shall not be less than 32 percent, nor more than 48 percent, of the average expenditure per pupil in the United States.*

*(2) SUBSEQUENT YEARS.—*

*(A) BASE AMOUNT.—*

*(i) IN GENERAL.—Except as provided in subsection (b) and clause (ii), each State is entitled to receive under this part, for fiscal year 2001 and succeeding fiscal years, an amount equal to—*

*(I) the amount that such State received under this part for fiscal year 2000; plus*

*(II) the amount allocated to the State under subparagraph (B).*

*(ii) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2000 under this part, the State shall receive, for fiscal year 2001 and succeeding fiscal years, an amount equal to—*

*(I) the amount that such State would have received under this part for fiscal year 2000 if its application under section 1304 for the year had been approved; plus*

*(II) the amount allocated to the State under subparagraph (B).*

*(B) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2001 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2000 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—*

*(i) the sum of—*

*(I) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and*

*(II) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by*

*(ii) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this clause may not be less than 32 percent, or more than 48 percent, of the average expenditure per-pupil in the United States.*

*(b) ALLOCATION TO PUERTO RICO.—*

*(1) FISCAL YEAR 2000.—For fiscal year 2000, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—*

*(A) 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; and*

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

*(2) SUBSEQUENT FISCAL YEARS.—For each fiscal year after fiscal year 2000, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (a)(2)(B)(i)(I) and (a)(2)(B)(i)(II) for the Commonwealth of Puerto Rico during the previous fiscal year, by the product of—*

*(A) 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; and*

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

*(3) MINIMUM ALLOCATION.—*

*(A) FISCAL YEAR 2000.—The percentage in paragraph (1)(A) shall not be less than 75.0 percent.*

*(B) SUBSEQUENT FISCAL YEARS.—The percentage in paragraph (2)(A) shall not be less than—*

*(i) for fiscal year 2001, 77.5 percent;*

*(ii) for fiscal year 2002, 80.0 percent;*

*(iii) for fiscal year 2003, 82.5 percent; and*

*(iv) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.*

*(4) SPECIAL RULE.—If the application of paragraph (3) would result in any of the 50 States or the District of Columbia receiving less under this part than it recieved under this part for the preceding fiscal year, the percentage in paragraph (1) or (2), respectively, shall be the greater of the percentage in paragraph (1)(A) or (2)(A) the percentage used for the preceding fiscal year.*

* * * * * * *

[(d) CONSORTIUM ARRANGEMENTS.—

[(1) IN GENERAL.—In the case of a State that receives a grant of $1,000,000 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) 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;

[(2) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;

[(3) 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 and intersession periods; and

[(B) the additional costs of operating such programs; and

[(4) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.]

**SEC. 1304. STATE APPLICATIONS; SERVICES.**

(a) * * *

(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 1306;] *addressed through—*

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

(B) joint planning among local, State, and Federal educational programs serving migrant children, including programs under parts A and C of title VII;

(C) the integration of services available under this part with services provided by those other programs; and

(D) measurable program goals and outcomes;

* * * * * * *

(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account [the requirements of paragraph (1); and] *the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs;*

(6) such budgetary and other information as the Secretary may require[.]*; and*

*(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high*

*school diploma or its recognized equivalent or who have low levels of literacy.*

(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)] *1306(a)*; and

* * * * * * *

(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 of one school year in duration, and that all such programs and projects are carried [out, to the extent feasible,] *out* in a manner consistent with section [1118;] *1118, unless extraordinary circumstances make implementation consistent with such section impractical;*

* * * * * * *

(7) the State will assist the Secretary in determining the number of migratory children under section [1303(e)] *paragraphs (1)(A) and (2)(B)(i) of section 1303(a)*, through such procedures as the Secretary may require.

* * * * * * *

**[SEC. 1306. 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) is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306;

[(B) may be submitted as a part of consolidated application under section 14302;

[(C) 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;

[(D) specifies measurable program goals and outcomes;

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

[(F) 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

[(G) 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; and

[(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.

[(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) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1)(A).]

***SEC. 1306. AUTHORIZED ACTIVITIES.***

*(a) IN GENERAL.—*

*(1) FLEXIBILITY.—Each State educational agency, through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds shall first be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.*

*(2) UNADDRESSED NEEDS.—Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A of this title may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).*

*(b) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.*

*(c) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subsection (a)(1).*

* * * * * * *

**SEC. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.**

(a) IMPROVEMENT OF COORDINATION.—

(1) * * *

(2) DURATION.—Grants under this [subpart] *subsection* may be awarded for not more than five years.

[(b) ASSISTANCE AND REPORTING.—

[(1) STUDENT RECORDS.—(A) The Secretary shall solicit information on how student records are transferred from one school to another and shall solicit recommendations on whether new procedures and technologies for record transfer should be employed to better meet the needs of the migrant population.

[(B) The Secretary shall also seek recommendations on the most effective means for determining the number of students or full-time equivalent students in each State for the purpose of allocating funds under this part.

[(2) REPORT TO CONGRESS.—(A) Not later than April 30, 1995, the Secretary shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives the Secretary's findings and recommendations, and shall include in this report, recommendations for interim measures that may be taken to ensure continuity of services in this program.

[(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.]

*(b) STUDENT RECORDS.—*

*(1) ASSISTANCE.—The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of migratory children in each State. The Secretary, in consultation with the States, shall determine the minimum data elements for records to be maintained and transferred when funds under this part are used for such purpose. The Secretary may assist States to implement a system of electronic records maintenance and transfer for migrant students.*

*(2) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this part shall make student records available to another local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.*

(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] *$10,000,000* of the amount appropriated to carry out this part for such year.

[(d) INCENTIVE GRANTS.—

[(1) IN GENERAL.—From the amounts made available to carry out this section, the Secretary shall reserve not more

than $1,500,000 to award, on a competitive basis, grants in the amount of not more than $250,000 to State educational agencies with consortium agreements under section 1303(d).

[(2) LIMITATION.—Not less than 10 of such grants shall be awarded to States which receive allocations of less than $1,000,000 if such States have approved agreements.]

*(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than $3,000,000 to award grants of not more than $250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted.*

* * * * * * *

## [PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT]

## *PART D—PREVENTION AND INTERVENTION PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH*

**SEC. 1401. FINDINGS; PURPOSE; PROGRAM AUTHORIZED.**

(a) FINDINGS.—Congress finds the following:

(1) * * *

* * * * * * *

(3) [Preventing students from dropping out of local schools and addressing] *Addressing* the educational needs of delinquent youth can help reduce the dropout rate and involvement in delinquent activities at the same time.

* * * * * * *

[(6) A continuing need exists for activities and programs to reduce the incidence of youth dropping out of school.

[(7) Federal dropout prevention programs have demonstrated effectiveness in keeping children and youth in school.

[(8) Pregnant and parenting teens are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.

[(9) Such youth need a strong dropout prevention program which provides such youth with high level skills and which provides supports to youth returning from correctional facilities in order to keep such youth in school.]

*(6) Youth returning from correctional facilities need to be involved in programs that provide them with high level skills and other support to help them stay in school and complete their education.*

[(b) PURPOSE.—It is the purpose of this part—

[(1) to improve educational services to children in local and State institutions for neglected or delinquent children and youth so that such children and youth 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;

[(2) to provide such children and youth the services needed to make a successful transition from institutionalization to further schooling or employment; and

[(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.]

*(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—*

*(1) IN GENERAL.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children counted under subparagraph (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—*

*(A) 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; and*

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

*(2) MINIMUM ALLOCATION.—The percentage in paragraph (1)(A) shall not be less than—*

*(A) for fiscal year 2000, 75.0 percent;*

*(B) for fiscal year 2001, 77.5 percent;*

*(C) for fiscal year 2002, 80.0 percent;*

*(D) for fiscal year 2003, 82.5 percent; and*

*(E) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.*

*(3) SPECIAL RULE.—If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in paragraph (1) shall be the greater of the percentage in paragraph (1)(A) or the percentage used for the preceding fiscal year.*

* * * * * * *

**[SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.**

[(a) STATE PLAN.—

[(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent youth and, where applicable, youth at risk of dropping out of school which is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306.

[(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;

[(ii) carry out the evaluation requirements of section 1416;

[(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

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

[(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 section 1111, to assess the educational needs of the children to be served;

[(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

[(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

[(4) describes how the program will meet the goals and objectives of the State plan under this subpart;

[(5) 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 1416 are of high quality;

[(6) describes how the agency will carry out the evaluation requirements of section 14701 and how the results of the most recent evaluation are used to plan and improve the program;

[(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 14501 of this title;

[(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998, vocational education programs, State and local dropout prevention programs, and special education programs;

[(9) describes how appropriate professional development will be provided to teachers and other staff;

[(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

[(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

[(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

[(13) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

[(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth—

[(A) is identified as in need of special education services while the youth is in the facility; and

[(B) intends to return to the local school;

[(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or the recognized equivalent if the youth does not intend to return to school;

[(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

[(17) describes any additional services provided to youth, such as career counseling, and assistance in securing student loans and grants; and

[(18) provides assurances that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.]

***SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.***

*(a) STATE PLAN.—*

*(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit, for approval by*

*the Secretary, a plan for meeting the educational needs of neglected and delinquent youth, for assisting in their transition from institutions to locally operated programs, and which is integrated with other programs under this Act or other Acts, as appropriate, consistent with section 14306.*

*(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 and technical 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;*

*(ii) carry out the evaluation requirements of section 1416;*

*(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and*

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

*(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 section 1111, to assess the educational needs of the children to be served;*

*(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;*

*(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;*

*(4) describes how the program will meet the goals and objectives of the State plan under this subpart;*

*(5) 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 1416 are of high quality;*

*(6) describes how the agency will carry out the evaluation requirements of section 14701 and how the results of the most recent evaluation are used to plan and improve the program;*

*(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 14501 of this title;*

*(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998, vocational and technical education programs, State and local dropout prevention programs, and special education programs;*

*(9) describes how States will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated youth prior to their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program;*

*(10) describes how appropriate professional development will be provided to teachers and other staff;*

*(11) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;*

*(12) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;*

*(13) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;*

*(14) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;*

*(15) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth—*

*(A) is identified as in need of special education services while the youth is in the facility; and*

*(B) intends to return to the local school;*

*(16) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or the recognized equivalent if the youth does not intend to return to school;*

*(17) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;*

*(18) describes any additional services provided to youth, such as career counseling, distance learning, and assistance in securing student loans and grants; and*

*(19) provides assurances that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.*

**SEC. 1415. USE OF FUNDS.**

(a) IN GENERAL.—

(1) USES.—A State agency shall use funds received under this subpart only for programs and projects that—

(A) * * *

(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion *and vocational and technical training*, further education, or employment.

(2) PROGRAMS AND PROJECTS.—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 1416, 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; *and*

(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 to such challenging State standards;**]**

* * * * * * *

**SEC. 1418. TRANSITION SERVICES.**

(a) TRANSITION SERVICES.—Each State agency shall reserve not more than **[**10**]** *15* percent of the amount such agency receives under this subpart for any fiscal year to support projects that facilitate the transition of children from State-operated institutions to local educational agencies.

* * * * * * *

**SEC. 1421. PURPOSE.**

The purpose of this subpart is to support the operation of local educational agency programs which involve collaboration with locally operated correctional facilities to—

(1) * * *

* * * * * * *

**[**(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.**]**

*(3) operate programs for youth returning from correctional facilities in local schools which may also serve youth at risk of dropping out of school.*

**SEC. 1422. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.**

(a) LOCAL SUBGRANTS.—With funds [retained] made available under section 1402(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in day programs).

[(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.]

*(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a program of support for children returning from such school to a school not operated by a correctional agency but served by such local educational agency if more than 30 percent of the youth attending the school operated by the correctional facility will reside outside the boundaries of the local educational agency after leaving such facility.*

* * * * * * *

*(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.*

**SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

Eligible local educational agencies desiring assistance under this section shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

(1) * * *

* * * * * * *

[(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at-risk youth in participating schools and youth returning from correctional facilities;

[(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will be coordinating existing educational programs to meet unique education needs;

[(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition

services related to the health of the parent and child, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

[(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

[(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

[(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 and vocational education programs serving this at-risk population of youth;]

*(4) a description of the program operated by participating schools for children returning from correctional facilities and the types of services that such schools will provide such youth and other at-risk youth;*

*(5) a description of the youth returning from correctional facilities and, as appropriate, other at-risk youth expected to be served by the program and how the school will coordinate existing educational programs to meet the unique educational needs of such youth;*

*(6) as appropriate, a description of how schools will coordinate with existing social and other services to meet the needs of students returning from correctional facilities and other participating students;*

*(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education and mentoring services for participating students;*

*(8) as appropriate, a description of how programs will involve parents in efforts to improve the educational achievement of their children, prevent the involvement of their children in delinquent activities, and encourage their children to remain in school and complete their education;*

*(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 and vocational and technical education programs serving this at-risk population of youth;*

* * * * * * *

**SEC. 1424. USES OF FUNDS.**

Funds provided to local educational agencies under this subpart may be used, where appropriate, for—

[(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, mi-

grant youth, immigrant youth, students with limited-English proficiency and gang members;

[(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

[(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.]

*(1) programs that serve youth returning from correctional facilities to local schools to assist in the transition of such youth to the school environment and help them remain in school in order to complete their education;*

*(2) providing assistance to other youth at risk of dropping out of school;*

*(3) the coordination of social and other services for participating youth if the provision of such services will improve the likelihood that such youth will complete their education;*

*(4) special programs to meet the unique academic needs of participating youth, including vocational and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and*

*(5) programs providing mentoring and peer mediation.*

**SEC. 1425. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.**

Each correctional facility entering into an agreement with a local educational agency under section 1422(a) to provide services to youth under this section shall—

(1) [where feasible, ensure educational programs] *to the extent practicable, ensure that educational programs* in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

* * * * * * *

(3) [where feasible,] *to the extent practicable,* provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

* * * * * * *

(8) [where feasible,] *to the extent practicable,* involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds made available under the Job Training Partnership Act or title I of the Workforce Invest-

ment Act of 1998, and vocational *and technical* education funds;

* * * * * * *

[(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.]

*(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for youth.*

**SEC. 1426. ACCOUNTABILITY.**

The State educational agency may—

(1) reduce or terminate funding for projects under this section if a local educational agency does not show progress in reducing dropout rates for [male students and for female students] *students* over a 3-year period; and

* * * * * * *

## Subpart 3—General Provisions

**SEC. 1431. PROGRAM EVALUATIONS.**

(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by [sex, and if feasible,] *gender,* by race, ethnicity, and age, not less than once every three years to determine the program's impact on the ability of participants to—

(1) * * *

* * * * * * *

# [PART F—GENERAL PROVISIONS

**[SEC. 1601. FEDERAL REGULATIONS.**

[(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

[(b) NEGOTIATED RULEMAKING PROCESS.—

[(1) IN GENERAL.—Prior to publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with the implementation and operation of programs under this title.

[(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendation may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

[(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

[(A) establish a negotiated rulemaking process on a minimum of two key issues, including—

[(i) schoolwide programs; and

[(ii) standards and assessment;

[(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, including representation from all geographic regions of the United States; and

[(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (A) not less than 15 days prior to the first meeting under such process.

[(4) PROCESS.—Such process—

[(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than July 1, 1995; and

[(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

[(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued with a very limited time to assist State and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

[(c) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

**[SEC. 1602. COORDINATION OF FEDERAL, STATE, AND LOCAL ADMINISTRATION.**

[(a) PROGRAM ASSISTANCE MANUAL.—The Secretary shall, not later than six months after the publication of final regulations under this title, prepare and distribute to State educational agencies, State agencies operating programs under parts C and D, and local educational agencies, and shall make available to parents and other interested individuals, organizations, and agencies, a manual for this title to—

[(1) assist such agencies in—

[(A) enhancing the quality, increasing the depth, or broadening the scope of activities for programs under this title;

[(B) applying for program funds under this title; and

[(C) meeting the program objectives under this title;

[(2) assist State educational agencies in achieving proper and efficient administration of programs funded under this title;

[(3) assist parents to become involved in the planning for, and implementation and evaluation of, programs and projects under this title; and

[(4) ensure that officers and employees of the Department, including officers and employees of the Secretary and officers and employees of the Department charged with auditing programs carried on under this title, uniformly interpret, apply,

and enforce requirements under this title throughout the United States.

[(b) CONTENTS OF POLICY MANUAL.—The policy manual shall, with respect to programs carried out under this title, contain descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices to and amendments of the foregoing, and in particular, whether or not such descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices are required under section 552 of title 5, United States Code, to be published or made available. The manual shall include—

[(1) a statement of the requirements applicable to the programs carried out under this title, including such requirements contained in this title, the General Education Provisions Act, other applicable statutes, and regulations issued under the authority of such statutes;

[(2) an explanation of the purpose of each requirement and its interrelationship with other applicable requirements; and

[(3) model forms and instructions developed by the Secretary for use by State and local educational agencies, at the discretion of such agencies, including, application forms, application review checklists, and instruments for monitoring programs under this title.

[(c) RESPONSE TO INQUIRIES.—The Secretary shall respond with written guidance not later than 90 days after any written request (return receipt requested) from a State or local educational agency regarding a policy, question, or interpretation under this title is received. In the case of a request from a local educational agency, such agency is required to address its request to the State educational agency first.

**[SEC. 1603. 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 and provide any such proposed rules, regulations, and policies to the committee of practitioners under subsection (b) for their review and comment;

[(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) SUPPORT AND FACILITATION.—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 challenging State content standards and challenging State student performance standards.

[(b) COMMITTEE OF PRACTITIONERS.—

[(1) IN GENERAL.—Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

[(2) MEMBERSHIP.—Each such committee shall include—

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

[(B) administrators;

[(C) teachers, including vocational educators;

[(D) parents;

[(E) members of local boards of education;

[(F) representatives of private school children; and

[(G) pupil services personnel.

[(3) DUTIES.—The duties of such committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

[(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) 1.00 percent of the funds received under subsections (a), (c), and (d) of section 1002; or

[(2) $400,000, or $50,000 in the case of the outlying areas.

**[SEC. 1604. 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.]

## *PART F—GENERAL PROVISIONS*

***SEC. 1601. FEDERAL REGULATIONS.***

*(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.*

*(b) NEGOTIATED RULEMAKING PROCESS.—*

*(1) IN GENERAL.—Prior to publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, paraprofessionals, and members of local boards of education in-*

*volved with the implementation and operation of programs under this title.*

*(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendation may be obtained through such mechanisms as regional meetings and electronic exchanges of information.*

*(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—*

*(A) establish a negotiated rulemaking process on a minimum of three key issues, including—*

*(i) accountability;*

*(ii) implementation of assessments;*

*(iii) use of paraprofessionals;*

*(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, including representation from all geographic regions of the United States; and*

*(C) prepare a draft of proposed regulations that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days prior to the first meeting under such process.*

*(4) PROCESS.—Such process—*

*(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 1 year after the date of the enactment of the Student Results Act of 1999; and*

*(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).*

*(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.*

*(c) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.*

***SEC. 1602. AGREEMENTS AND RECORDS.***

*(a) AGREEMENTS.—All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 1601 unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from and not adhere to such agreements.*

*(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.*

***SEC. 1603. 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 and provide any such proposed rules, regulations, and policies to the committee of practitioners under subsection (b) for their review and comment;*

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

*(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs; and*

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

*(2) SUPPORT AND FACILITATION.—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 challenging State student performance standards.*

*(b) COMMITTEE OF PRACTITIONERS.—*

*(1) IN GENERAL.—Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.*

*(2) MEMBERSHIP.—Each such committee shall include—*

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

*(B) administrators, including the administrators of programs described in other parts of this title;*

*(C) teachers, including vocational educators;*

*(D) parents;*

*(E) members of local boards of education;*

*(F) representatives of private school children; and*

*(G) pupil services personnel.*

*(3) DUTIES.—The duties of such committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.*

***SEC. 1604. 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.*

***SEC. 1605. APPLICABILITY TO HOME SCHOOLS.***

*Nothing in this Act shall be construed to affect home schools.*

***SEC. 1606. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.***

*Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.n*

***SEC. 1607. LOCAL ADMINISTRATIVE COST LIMITATION.***

*(a) LOCAL ADMINISTRATIVE COST LIMITATION.—Each local educational agency may use not more than 4 percent of funds received under part A for administrative expenses.*

*(b) REGULATIONS.—The Secretary, after consulting with State and local officials and other experts in school finance, shall develop and issue regulations that define the term administrative cost for purposes of this title. Such definition shall be consistent with generally accepted accounting principles. The Secretary shall publish final regulations on this section not later than 1 year after the date of enactment of the Student Results Act of 1999.*

***SEC. 1608. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OF TEACHERS AND PARAPROFESSIONALS.***

*(a) PROHIBITION ON MANDATORY TESTING OR CERTIFICATION.—Notwithstanding any other provision of law, the Secretary is prohibited from using Federal funds to plan, develop, implement, or administer any mandatory national teacher or paraprofessional test or certification.*

*(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.*

***SEC. 1609. GAO STUDIES.***

*(a) STUDY ON PARAPROFESSIONALS.—The General Accounting Office shall conduct a study of paraprofessionals under part A of title I.*

*(b) STUDY ON PORTABILITY.—The General Accounting Office shall conduct a study regarding how funds made available under this title could follow a child from school to school.*

*(c) STUDY ON ELECTRONIC TRANSFER OF MIGRANT STUDENT RECORDS.—The General Accounting Office shall conduct a study on the feasibility of electronically transferring and maintaining migrant student records.*

*(d) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than October 1, 2001, the Comptroller General shall conduct a comprehensive analysis and evaluation regarding the impact on this*

*title of individual waivers for schools, local educational agency waivers, and statewide waivers granted pursuant to the Education Flexibility Partnership Act of 1999 (20 U.S.C. 589a et seq.). The Comptroller General shall submit a report to the Committee on Education and the Workforce of the House of Representatives. In conducting such analysis and evaluation, the Comptroller General shall consider the following factors:*

*(1) CONSISTENCY.—The extent to which the State's educational flexibility plan is consistent with 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 such standards.*

*(2) STATE WAIVERS.—Evaluate the effect that waivers of State law have on addressing the needs and the performance of students in schools subject to this title.*

*(3) ALLOCATION OF FUNDS.—The extent to which waivers have affected the allocation of funds to schools, including schools with the highest concentrations of poverty, and schools with the highest educational needs, that are eligible to receive funds under this title.*

***SEC. 1610. DEFINITIONS.***

*For purposes of this title—*

*(1) The term "Secretary" means the Secretary of Education.*

*(2) FULLY QUALIFIED.—The term "fully qualified"—*

*(A) when used with respect to a public elementary or secondary school teacher (other than a teacher teaching in a public charter school), means that the teacher has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and*

*(B) when used with respect to —*

*(i) an elementary school teacher, means that the teacher holds a bachelor's degree and demonstrates knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curriculum; or*

*(ii) a middle or secondary school teacher, means that the teacher holds a bachelor's degree and demonstrates a high level of competency in all subject areas in which he or she teaches through—*

*(I) a high level of performance on a rigorous State or local academic subject areas test; or*

*(II) completion of an academic major in each of the subject areas in which he or she provides instruction.*

*(3) The term "scientifically-based research"—*

*(A) means the application of rigorous, systematic, and objective procedures; and*

*(B) shall include research that—*

*(i) employs systematic, empirical methods that draw on observation or experiment;*

*(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;*

*(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and*

*(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.*

***SEC. 1611. PAPERWORK REDUCTION.***

*(a) FINDINGS.—The Congress finds that—*

*(1) instruction and other classroom activities provide the greatest opportunity for students, especially at-risk and disadvantaged students, to attain high standards and achieve academic success;*

*(2) one of the greatest obstacles to establishing an effective, classroom-centered education system is the cost of paperwork compliance;*

*(3) paperwork places a burden on teachers and administrators who must complete Federal and State forms to apply for Federal funds and absorbs time and money which otherwise would be spent on students;*

*(4) the Education at a Crossroads Report released in 1998 by the Education Subcommittee on Oversight and Investigations states that requirements by the Department of Education result in more than 48.6 million hours of paperwork per year; and*

*(5) paperwork distracts from the mission of schools, encumbers teachers and administrators with nonacademic responsibilities, and competes with teaching and classroom activities which promote learning and achievement.*

*(b) SENSE OF CONGRESS.—It is the sense of the Congress that Federal and State educational agencies should reduce the paperwork requirements placed on schools, teachers, principals, and other administrators.*

## *PART G—COMPREHENSIVE SCHOOL REFORM*

***SEC. 1701. COMPREHENSIVE SCHOOL REFORM.***

*(a) FINDINGS AND PURPOSE.—*

*(1) FINDINGS.—Congress finds the following:*

*(A) A number of schools across the country have shown impressive gains in student performance through the use of comprehensive models for schoolwide change that incorporate virtually all aspects of school operations.*

*(B) No single comprehensive school reform model may be suitable for every school, however, schools should be encouraged to examine successful, externally developed comprehensive school reform approaches as they undertake comprehensive school reform.*

*(C) Comprehensive school reform is an important means by which children are assisted in meeting challenging State student performance standards.*

*(2) PURPOSE.—The purpose of this section is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically-based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and performance standards.*

*(b) PROGRAM AUTHORIZED.—*

*(1) IN GENERAL.—The Secretary is authorized to provide grants to State educational agencies to provide subgrants to local educational agencies to carry out the purpose described in subsection (a)(2).*

*(2) ALLOCATION.—*

*(A) RESERVATION.—Of the amount appropriated under this section, the Secretary may reserve—*

*(i) not more than 1 percent for schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and*

*(ii) not more than 1 percent to conduct national evaluation activities described under subsection (e).*

*(B) IN GENERAL.—Of the amount of funds remaining after the reservation under subparagraph (A), the Secretary shall allocate to each State for a fiscal year, an amount that bears the same ratio to the amount appropriated for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount allocated under section 1124 to all States for that year.*

*(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate any such funds to other States that the Secretary considers in need of additional funds to carry out the purposes of this section.*

*(c) STATE AWARDS.—*

*(1) STATE APPLICATION.—*

*(A) IN GENERAL.—Each State educational agency 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 other information as the Secretary may reasonably require.*

*(B) CONTENTS.—Each State application shall also describe—*

*(i) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section.*

*(ii) how the agency will ensure that only comprehensive school reforms that are based on scientifically-based research receive funds under this section;*

*(iii) how the agency will disseminate materials regarding information on comprehensive school reforms are that based on scientifically-based research;*

*(iv) how the agency will evaluate the implementation of such reforms and measure the extent to which the re-*

*forms resulted in increased student academic performance; and*

*(v) how the agency will provide, upon request, technical assistance to the local educational agency in evaluating, developing, and implementing comprehensive school reform.*

*(2) USES OF FUNDS.—*

*(A) IN GENERAL.—Except as provided in subparagraph (E), a State educational agency that receives an award under this section shall use such funds to provide competitive grants to local educational agencies receiving funds under part A.*

*(B) GRANT REQUIREMENTS.—A grant to a local educational agency shall be—*

*(i) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency;*

*(ii) in an amount not less than $50,000 to each participating school; and*

*(iii) renewable for 2 additional 1-year periods after the initial 1-year grant is made if schools are making substantial progress in the implementation of their reforms.*

*(C) PRIORITY.—The State, in awarding grants under this paragraph, shall give priority to local educational agencies that—*

*(i) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and*

*(ii) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.*

*(D) GRANT CONSIDERATION.—In making subgrant awards under this part, the State educational agency shall take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.*

*(E) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant award under this section may reserve not more than 5 percent of such award for administrative, evaluation, and technical assistance expenses.*

*(F) SUPPLEMENT.—Funds made available under this section shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out this section.*

*(3) REPORTING.—Each State educational agency that receives an award under this section shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools selected to receive subgrant awards under this section, the amount of such award,*

*and a description of the comprehensive school reform model selected and in use.*

*(d) LOCAL AWARDS.—*

*(1) IN GENERAL.—Each local educational agency that applies for a subgrant under this section shall—*

*(A) identify which schools eligible for funds under part A plan to implement a comprehensive school reform program, including the projected costs of such a program;*

*(B) describe the scientifically-based comprehensive school reforms that such schools will implement;*

*(C) describe how the agency will provide technical assistance and support for the effective implementation of the scientifically-based school reforms selected by such schools; and*

*(D) describe how the agency will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.*

*(2) COMPONENTS OF THE PROGRAM.—A local educational agency that receives a subgrant award under this section shall provide such funds to schools that implement a comprehensive school reform program that—*

*(A) employs innovative strategies and proven methods for student learning, teaching, and school management that are based on scientifically-based research and effective practices and have been replicated successfully in schools with diverse characteristics;*

*(B) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and challenging student performance standards and addresses needs identified through a school needs assessment;*

*(C) provides high-quality and continuous teacher and staff professional development;*

*(D) includes measurable goals for student performance and benchmarks for meeting such goals;*

*(E) is supported by teachers, principals, administrators, and other professional staff;*

*(F) provides for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;*

*(G) uses high quality external technical support and assistance from an entity, which may be an institution of higher education, with experience and expertise in schoolwide reform and improvement;*

*(H) includes a plan for the evaluation of the implementation of school reforms and the student results achieved; and*

*(I) identifies how other resources, including Federal, State, local, and private resources, available to the school will be used to coordinate services to support and sustain the school reform effort.*

*(3) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Department of Education, but may develop its own comprehensive school reform programs for schoolwide change that comply with paragraph (2).*

*(e) EVALUATION AND REPORT.—*

*(1) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs developed pursuant to this section.*

*(2) EVALUATION.—This national evaluation shall evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms, and assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.*

*(3) REPORTS.—Prior to the completion of a national evaluation, the Secretary shall submit an interim report outlining first year implementation activities to the Committees on Education and the Workforce and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate.*

*(f) DEFINITION.—The term "scientifically-based research"—*

*(1) means the application of rigorous, systematic, and objective procedures in the development of comprehensive school reform models; and*

*(2) shall include research that—*

*(A) employs systematic, empirical methods that draw on observation or experiment;*

*(B) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;*

*(C) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and*

*(D) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.*

*(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

* * * * * * *

# [TITLE V—PROMOTING EQUITY

## [PART A—MAGNET SCHOOLS ASSISTANCE

**[SEC. 5101. 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 school students from other students in the school; and

[(ii) students by racial characteristics;

[(B) local educational agencies can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such agencies 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) local educational agencies 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, local educational agencies 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; and

[(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 local educational agencies to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform.

**[SEC. 5102. STATEMENT OF PURPOSE.**

[The purpose of this part is to assist in the desegregation of schools served by local educational agencies 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. 5103. PROGRAM AUTHORIZED.**

[The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part 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. 5104. DEFINITION.**

[For the purpose of this part, the term "magnet school" means a public elementary or secondary school or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

**[SEC. 5105. ELIGIBILITY.**

[A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part 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, 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. 5106. APPLICATIONS AND REQUIREMENTS.**

[(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies 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 reasonably require.

[(b) INFORMATION AND ASSURANCES.—Each such application 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) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be 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 other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with the provisions of section 14306; 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 5102;

[(B) employ State certified or licensed teachers in the courses of instruction assisted under this part 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 placement 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. 5107. PRIORITY.**

[In approving applications under this part, 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;

[(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

[(4) propose to implement innovative educational approaches that are consistent with the State's and local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act; and

[(5) propose to draw on comprehensive community involvement plans.

**[SEC. 5108. USE OF FUNDS.**

[(a) IN GENERAL.—Grant funds made available under this part 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, 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 maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

[(3) for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, 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.—Grant funds under this part 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. 5109. PROHIBITIONS.**

[(a) TRANSPORTATION.—Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

[(b) PLANNING.—A local educational agency shall not expend funds under this part after the third year that such agency receives funds under this part for such project.

**[SEC. 5110. LIMITATIONS.**

[(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

[(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning not more than 50 percent of the funds received under this part for the first year of the project, 15 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

[(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

[(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than June 1 of the applicable fiscal year.

**[SEC. 5111. INNOVATIVE PROGRAMS.**

[(a) IN GENERAL.—From amounts reserved under subsection (d) for each fiscal year, the Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5105 to enable such agencies or consortia 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 5103, 5106, 5107, and 5108, shall not apply to grants awarded under subsection (a).

[(c) APPLICATIONS.—Each local educational agency or consortia of such agencies 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 reasonably require.

[(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5113(a) for each fiscal year to award grants under this section.

**[SEC. 5112. EVALUATIONS.**

[(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5113(a) for any fiscal year to carry out evaluations of projects assisted under this part.

[(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

[(1) how and the extent to which magnet school programs lead to educational quality and improvement;

[(2) the extent to which magnet school programs enhance student access to quality education;

[(3) 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

[(4) 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.

**[SEC. 5113. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.**

[(a) AUTHORIZATION.—For the purpose of carrying out this part, 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 of such agencies that did not receive a grant under this part in the preceding fiscal year.

## [PART B—WOMEN'S EDUCATIONAL EQUITY

**[SEC. 5201. 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) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, 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) 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;

[(C) 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, and there are few women role models in the sciences; and

[(D) 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 teenagers;

[(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

[(5) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

[(6) 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

[(7) 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. 5202. 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 for women and girls who

[An application under this part shall—

[(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this part, 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) where appropriate, demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;

[(3) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

[(4) where appropriate, describe how funds under this part will be used in a manner that is consistent with programs under the School-to-Work Opportunities Act of 1994;

[(5) for applications for assistance under section 5203(b)(1), demonstrate how the applicant will foster partnerships and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women), parent, teacher, and student groups, businesses or other recipients of Federal educational funding which may include State literacy resource centers;

[(6) for applications for assistance under section 5203(b)(1), demonstrate how parental involvement in the project will be encouraged; and

[(7) for applications for assistance under section 5203(b)(1), describe plans for continuation of the activities assisted under this part with local support following completion of the grant period and termination of Federal support under this part.

**[SEC. 5205. CRITERIA AND PRIORITIES.**

[(a) CRITERIA AND PRIORITIES.—

[(1) IN GENERAL.—The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 5203(b) to ensure that funds under this part are used for programs that most effectively will achieve the purposes of this part.

[(2) CRITERIA.—The criteria described in subsection (a) may include the extent to which the activities assisted under this part—

[(A) address the needs of women and girls of color and women and girls with disabilities;

[(B) meet locally defined and documented educational equity needs and priorities, including compliance with title IX of the Education Amendments of 1972;

[(C) are a significant component of a comprehensive plan for educational equity and compliance with title IX of the Education Amendments of 1972 in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and

[(D) implement an institutional change strategy with long-term impact that will continue as a central activity of the applicant after the grant under this part has terminated.

[(b) PRIORITIES.—In approving applications under this part, the Secretary may 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 the resources of 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 under this part has terminated;

[(D) address issues of national significance that can be duplicated; and

[(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

[(c) SPECIAL RULE.—To the extent feasible, the Secretary shall ensure that grants awarded under this part for each fiscal year address—

[(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

[(2) all regions of the United States; and

[(3) urban, rural, and suburban educational institutions.

[(d) COORDINATION.—Research activities supported under this part—

[(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 Office; and

[(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

[(e) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this part.

**[SEC. 5206. REPORT.**

[The Secretary, not later than 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. 5207. ADMINISTRATION.**

[(a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate in accordance with section 14701, and disseminate, materials and programs developed under this part and shall report to the Congress regarding such evaluation materials and programs not later than January 1, 1998.

[(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the activities assisted 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.

**[SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.**

[For the purpose of carrying out this part, there are authorized to be appropriated $5,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four 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 5203(b)(1).

## [PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

**[SEC. 5301. SHORT TITLE.**

[This part may be cited as the "School Dropout Assistance Act".

**[SEC. 5302. 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 secondary education and the reasons why such children have dropped out of school.

**[SEC. 5303. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

[(a) ALLOTMENT TO CATEGORIES OF LOCAL EDUCATIONAL AGENCIES.—From the amount appropriated under section 5308 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 14701. 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 for assistance under this part 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 paragraph 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.—For the purpose of this part the term "educational partnerships' means a partnership between—

[(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.—

[(1) IN GENERAL.—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 5304 and whose applications propose a program of sufficient size, scope, and quality to be effective.

[(2) ADDITIONAL FUNDS.—Any local educational agency or educational partnership that has received a grant under this part shall be eligible for additional funds as provided under subsection (d).

[(3) TERMS AND CONDITIONS.—Grants under this part shall be made under such terms and conditions as the Secretary shall prescribe.

[(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), (2), or (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 determine 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. 5404. 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 three-year period.

[(b) CONTENTS.—Each such application shall—

[(1) provide documentation of—

[(A) the number of children who were enrolled in the schools to be served by the applicant for the five 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 not less than one secondary school and its feeder junior 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, relating to school completion, 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—

[(1) demonstrate the replication of successful programs conducted in other local educational agencies or the expansion of successful programs within a local educational agency; and

[(2) reflect very high numbers or very high percentages of school dropouts in the schools of the applicant in each category described in section 5303(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 use only the priorities and special considerations described in subsections (c) and (d).

[(f) CONTINUATION OF ASSISTANCE.—For the two fiscal years beginning after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall approve an application under this section for a local educational agency which received funding in fiscal year 1994 under the School Dropout Demonstration Assistance Act of 1988 (20 U.S.C. 3241 et seq.) and which—

[(1) satisfies the requirements of this section;

[(2) qualifies for special consideration or priority under—

[(A) section 5303(b); and

[(B) subsections (c) and (d) of this section; and

[(3) provides evidence that the program for which such agency is seeking assistance is effective in—

[(A) providing early intervention services to at-risk students in elementary and secondary schools;

[(B) identifying potential student dropouts; and

[(C) preventing students from dropping out of school.

**[SEC. 5305. AUTHORIZED ACTIVITIES.**

[Grants under this part shall be used to carry out activities and services described in applications approved under section 5304. In addition, grants may be used for educational, occupational, and basic skills testing services and activities, including—

[(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, including youth returning to school from a correctional or other facility operated for delinquent youth;

[(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 of school;

[(B) intervene in the instructional program for such children 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 school dropouts and between youth gangs and school 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, including activities and services designed to meet the needs of pregnant and parenting teenagers;

[(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. 5306. 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 5303(a);

[(2) the amount of a grant to a local educational agency or an educational partnership 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 five percent of any grant made under this part may be used for administrative costs.

**[SEC. 5307. 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 403(b) of the National Education Statistics Act of 1994, 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 gender, 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 school dropout and retention rates on the national, State, and local levels.

**[SEC. 5308. 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 V—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE*

## *PART A—MAGNET SCHOOL ASSISTANCE*

***SEC. 5101. 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 2,000,000 students nationwide now attending such schools, of which more than 65 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 school students from other students in the school; and*

*(ii) students by racial characteristics;*

*(B) local educational agencies can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such agencies 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) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that school districts do not select only the highest achieving students to attend the magnet schools;*

*(D) consistent with desegregation guidelines, local educational agencies 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; and*

*(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 voluntarily 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 technologically oriented society and a highly competitive economy;*

*(C) maximize the ability of local educational agencies to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform; and*

*(D) ensure that grant recipients provide adequate data which demonstrates an ability to improve student achievement.*

***SEC. 5102. STATEMENT OF PURPOSE.***

*The purpose of this part is to assist in the desegregation of schools served by local educational agencies 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 that promote diversity and increase choices in public elementary and secondary schools and educational programs; 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 and technical skills of students attending such schools.*

***SEC. 5103. PROGRAM AUTHORIZED.***

*The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part 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. 5104. DEFINITION.***

*For the purpose of this part, the term "magnet school" means a public elementary or secondary school or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.*

***SEC. 5105. ELIGIBILITY.***

*A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part 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, 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. 5106. APPLICATIONS AND REQUIREMENTS.***

*(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies 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 reasonably require.*

*(b) INFORMATION AND ASSURANCES.—Each such application 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) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;*

*(D) how funds under this part will be used to improve student academic performance for all students attending the magnet schools; 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 5102;*

*(B) employ fully qualified teachers (as defined in section 1119) in the courses of instruction assisted under this part;*

*(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 placement in those projects.*

***SEC. 5107. PRIORITY.***

*In approving applications under this part, 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; and*

*(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination.*

***SEC. 5108. USE OF FUNDS.***

*(a) IN GENERAL.—Grant funds made available under this part 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, 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 maintenance and operation thereof, necessary for the conduct of programs in magnet schools;*

*(3) for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are fully qualified (as defined in section 1119), and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;*

*(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; and*

*(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended.*

*(b) SPECIAL RULE.—Grant funds under this part 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' academic performance based on the State's challenging content standards and challenging student performance standards or 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 and technical skills.*

***SEC. 5109. PROHIBITIONS.***

*(a) TRANSPORTATION.—Grants under this part may not be used for transportation or any activity that does not augment academic improvement.*

*(b) PLANNING.—A local educational agency shall not expend funds under this part after the third year that such agency receives funds under this part for such project.*

***SEC. 5110. LIMITATIONS.***

*(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.*

*(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning not more than 50 percent of the funds received under this part for the first year of the project, 15 percent of such funds for the second such year, and 10 percent of such funds for the third such year.*

*(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.*

*(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July 1 of the applicable fiscal year.*

***SEC. 5111. EVALUATIONS.***

*(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5112(a) for any fiscal year to carry out evaluations, technical assistance, and dissemi-*

*nation projects with respect to magnet school projects and programs assisted under this part.*

*(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—*

*(1) how and the extent to which magnet school programs lead to educational quality and improvement;*

*(2) the extent to which magnet school programs enhance student access to quality education;*

*(3) 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*

*(4) 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.*

***SEC. 5112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.***

*(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $120,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.*

*(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 of such agencies that did not receive a grant under this part in the preceding fiscal year.*

## *PART B—PUBLIC SCHOOL CHOICE*

***SEC. 5201. SHORT TITLE.***

*This part may be cited as the "Public School Choice Act of 1999".*

***SEC. 5202. FINDINGS AND PURPOSE.***

*(a) FINDINGS.—The Congress finds that—*

*(1) a wide variety of educational opportunities, options, and choices in the public school system is needed to help all children achieve to high standards;*

*(2) high-quality public school choice programs that are genuinely open and accessible to all students (including poor, minority, limited English proficient, and disabled students) broaden educational opportunities and promote excellence in education;*

*(3) current research shows that—*

*(A) students learn in different ways, benefiting from different teaching methods and instructional settings; and*

*(B) family involvement in a child's education is a key factor supporting student achievement;*

*(4) public school systems have begun to develop a variety of innovative programs that offer expanded choices to parents and students; and*

*(5) the Federal Government should support and expand efforts to give students and parents the high-quality public school choices they seek, to help eliminate barriers to effective public school choice, and to disseminate the lessons learned from high-*

*quality choice programs so that all public schools can benefit from these efforts.*

*(b) PURPOSE.—It is the purpose of this part to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, and evaluation of, and dissemination of information about, public school choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.*

***SEC. 5203. GRANTS.***

*(a) IN GENERAL.—From funds appropriated under section 5206(a) and not reserved under section 5206(b), the Secretary is authorized to make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice.*

*(b) DURATION.—Grants under this part shall not exceed three years.*

***SEC. 5204. USES OF FUNDS.***

*(a) IN GENERAL—*

*(1) PUBLIC SCHOOL CHOICE.—Funds under this part may be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to promote public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.*

*(2) INNOVATIVE APPROACHES.—Such approaches at the school, local educational agency, and State levels may include—*

*(A) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;*

*(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions;*

*(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;*

*(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment; and*

*(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.*

*(b) LIMITATIONS.—Funds under this part—*

*(1) shall supplement, and not supplant, non-Federal funds expended for existing programs;*

*(2) may not be used for transportation; and*

*(3) may not be used to fund projects that are specifically authorized under part A of title V, or part C of title X.*

***SEC. 5205. GRANT APPLICATION; PRIORITIES.***

*(a) APPLICATION REQUIRED.—A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary.*

*(b) APPLICATION CONTENTS.—Each application shall include—*

*(1) a description of the program for which funds are sought and the goals for such program;*

*(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-Federal projects;*

*(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities;*

*(4) a description of the policies and procedures the applicant will use to ensure—*

*(A) its accountability for results, including its goals and performance indicators; and*

*(B) that the program is open and accessible to, and will promote high academic standards for, all students; and*

*(5) such other information as the Secretary may require.*

*(c) PRIORITIES.—*

*(1) HIGH-POVERTY AGENCIES.—The Secretary shall give a priority to applications for projects that would serve high-poverty local educational agencies.*

*(2) PARTNERSHIPS.—The Secretary may give a priority to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.*

***SEC. 5206. AUTHORIZATION OF APPROPRIATIONS.***

*(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $20,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.—From the amount appropriated under subsection (a) for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.*

*(c) EVALUATIONS.—The Secretary may use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part, which shall, at a minimum, address—*

*(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and*

*(2) the extent to which public schools of choice supported with funds under this part are—*

*(A) held accountable to the public;*

*(B) effective in improving public education; and*

*(C) open and accessible to all students.*

***SEC. 5207. DEFINITIONS.***

*For purposes of this part:*

*(1) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term "high-poverty local educational agency" means a local educational agency in which—*

*(A) the percentage of children, ages 5 to 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available is 20 percent or greater; or*

*(B) the number of such children exceeds 10,000.*

*(2) OTHER TERMS.—Other terms used in this part shall have the meaning given such terms in section 14101 (20 U.S.C. 8801).*

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# TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

## [PART A—INDIAN EDUCATION

**[SEC. 9101. FINDINGS.**

[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 standards and student performance standards and build on Indian culture and the Indian community;

[(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

[(C) meet the special educational and culturally related academic needs of American Indian and Alaska Native students;

[(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

[(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals 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, 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

[(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level 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 their families; and

[(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

**[SEC. 9102. PURPOSE.**

[(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the special educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all students.

[(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

[(1) meeting the special educational and culturally related academic needs of American Indians and Alaska Natives;

[(2) the education of Indian children and adults;

[(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

[(4) research, evaluation, data collection, and technical assistance.

## [Subpart 1—Formula Grants to Local Educational Agencies

**[SEC. 9111. PURPOSE.**

[It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

[(1) are based on challenging State content standards and State 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.

**[SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

[(a) IN GENERAL.—

[(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 9116 and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

[(A) was at least 10; or

[(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

[(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

[(b) INDIAN TRIBES.—

[(1) IN GENERAL.—If a local educational agency that is eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4) for such grant, an Indian tribe that represents no less than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

[(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart.

**[SEC. 9113. AMOUNT OF GRANTS.**

[(a) AMOUNT OF GRANT AWARDS.—

[(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency which has an approved application under this subpart an amount equal to the product of—

[(A) the number of Indian children who are eligible under section 9116 and served by such agency; and

[(B) the greater of—

[(i) the average per-pupil expenditure of the State in which such agency is located; or

[(ii) 80 percent of the average per-pupil expenditure in the United States.

[(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

[(b) MINIMUM GRANT.—

[(1) IN GENERAL.—Notwithstanding subsection (e) of this section, a local educational agency or an Indian tribe (as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

[(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this Act.

[(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure quality programs.

[(c) DEFINITION.—For the purpose of this section, the term "average per-pupil expenditure of a State" means an amount equal to—

[(1) the sum of 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; divided by

[(2) the aggregate number of children who were included 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.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

[(1) the total number of Indian children enrolled in schools that are operated by—

[(A) the Bureau of Indian Affairs; or

[(B) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988 (part B of title V of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988); and

[(2) the greater of—

[(A) the average per-pupil expenditure of the State in which the school is located; or

[(B) 80 percent of the average per-pupil expenditure in the United States.

[(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(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.

**[SEC. 9114. APPLICATIONS.**

[(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

[(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

[(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

[(2)(A) is consistent with, and promotes the goals in, the State and local improvement plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if such 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 such children, and benchmarks for attaining such

goals, that are based on the challenging State standards adopted under title I for all children;

[(3) explains how Federal, State, and local programs, especially under title I, will meet the needs of such students;

[(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

[(5) describes the professional development opportunities that will 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 programs assisted under this subpart have been properly trained to carry out such programs; and

[(6) describes how the local educational agency—

[(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

[(B) will provide the results of each assessment referred to in subparagraph (A) to—

[(i) the committee of parents described in subsection (c)(4); and

[(ii) the community served by the local educational agency; and

[(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

[(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

[(1) the local educational agency will use funds received under this subpart only to supplement the level of funds that, in the absence of the Federal funds made available under this subpart, such 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 functions of the Secretary under this subpart; and

[(B) determine the extent to which funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

[(3) the program for which assistance is sought—

[(A) is based on a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

[(B) will use the best available talents and resources, including individuals from the Indian community; and

[(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

[(4) the local educational agency developed the program with the participation and written approval of a committee—

[(A) that is composed of, and selected by—

[(i) parents of Indian children in the local educational agency's schools and teachers; and

[(ii) if appropriate, Indian students attending secondary schools;

[(B) the membership of which is at least more than one-half parents of Indian children;

[(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

[(D) with respect to an application describing a schoolwide program in accordance with section 9115(c), has—

[(i) reviewed in a timely fashion the program; and

[(ii) determined that the program will not diminish the availability of culturally related activities for American Indians and Alaskan Native students; and

[(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

**[SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.**

[(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

[(1) are designed to carry out the comprehensive plan of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114(b);

[(2) are designed with special regard for the language and cultural needs of the Indian students; and

[(3) supplement and enrich the regular school program of such agency.

[(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

[(1) culturally related activities that support the program described in the application submitted by the local educational agency;

[(2) early childhood and family programs that emphasize school readiness;

[(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attain-

ment of challenging State content standards and State student performance standards;

[(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

[(5) school-to-work transition activities to enable Indian students to participate in programs such as the programs supported by the School-to-Work Opportunities Act of 1994 and the Carl D. Perkins Vocational and Technical Education Act of 1998, including programs for tech-prep, mentoring, and apprenticeship;

[(6) activities to educate individuals concerning substance abuse and to prevent substance abuse; and

[(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 9111.

[(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

[(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

[(2) the schoolwide program is consistent with the purpose described in section 9111.

**[SEC. 9116. STUDENT ELIGIBILITY FORMS.**

[(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart and that otherwise meets the requirements of subsection (b).

[(b) FORMS.—

[(1) IN GENERAL.—The form described in subsection (a) shall include—

[(A) either—

[(i)(I) the name of the tribe or band of Indians (as defined in section 9161(4)) with respect to which the child claims membership;

[(II) the enrollment number establishing the membership of the child (if readily available); and

[(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

[(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any parent or grandparent of the child from whom the child claims eligibility;

[(B) a statement of whether the tribe or band of Indians with respect to which the child, parent or grandparent of the child claims membership is federally recognized;

[(C) the name and address of the parent or legal guardian of the child;

[(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

[(E) any other information that the Secretary considers necessary to provide an accurate program profile.

[(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

[(A) the name of the child;

[(B) the name of the tribe or band of Indians (as defined in section 9161(4)) with respect to which the child claims eligibility; and

[(C) the dated signature of the parent or guardian of the child.

[(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 9113.

[(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.

[(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

[(1) to establish such eligibility; and

[(2) to meet the requirements of subsection (a).

[(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

[(f) MONITORING AND EVALUATION REVIEW.—

[(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account size of the local educational agency and the geographic location of such agency.

[(B) A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before

April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

[(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

[(A) be ineligible to apply for any other grant under this subpart; and

[(B) be liable to the United States for any funds that have not been expended.

[(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (d) shall not be counted for the purpose of computing the amount of a grant under section 9113.

[(g) DISTRIBUTION.—For the purposes of the distribution of funds under this subpart to schools that receive funding from the Bureau of Indian Affairs pursuant to—

[(1) section 1130 of the Education Amendments of 1978; and

[(2) the Act of April 16, 1934 (48 Stat. 596, chapter 147),

the Secretary shall, in lieu of meeting the requirements of this section for counting Indian children, use a count of the number of students in such schools certified by the Bureau of Indian Affairs.

**[SEC. 9117. PAYMENTS.**

[(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

[(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart (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 the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

[(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

[(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

[(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the

fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

[(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of such agency's failure to maintain its fiscal effort at such 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) WAIVER.—(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 a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

[(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

[(2) otherwise become available for reallocation under this subpart.

**[SEC. 9118. STATE EDUCATIONAL AGENCY REVIEW.**

[(a) APPLICATION.—Each entity desiring assistance under this subpart shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require except that this subsection shall not apply to Bureau-funded schools.

[(b) SPECIAL RULE.—Before submitting an application under subsection (a) to the Secretary, the entity shall submit its application to the State educational agency. The State educational agency may comment on such application, however if such agency comments on such application such agency shall comment on all applications submitted by entities within the State and shall provide such comments to the appropriate local educational agency, which local educational agency shall be given an opportunity to respond to such comments.

## [Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

**[SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.**

[(a) PURPOSE.—

[(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

[(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

[(A) other programs funded under this Act; and

[(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

[(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term "eligible entity" means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institution of higher education, or a consortium of such institutions.

[(c) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

[(A) innovative programs related to the educational needs of educationally deprived children;

[(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

[(C) bilingual and bicultural programs and projects;

[(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

[(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

[(F) comprehensive guidance, counseling, and testing services;

[(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

[(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

[(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

[(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education; or

[(K) other services that meet the purpose described in subsection (a)(1).

[(2) PRESERVICE OR INSERVICE TRAINING.—Preservice or inservice training of professional and paraprofessional personnel may be a part of any program assisted under this section.

[(d) GRANT REQUIREMENTS AND APPLICATIONS.—

[(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

[(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

[(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

[(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

[(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has a demonstrated—

[(I) educational merit; and

[(II) the ability to be replicated.

[(2) APPLICATION.—(A) Any eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

[(B) Each application submitted to the Secretary under subparagraph (A) shall contain—

[(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

[(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section; and

[(iii) such other assurances and information as the Secretary may reasonably require.

**[SEC. 9122. PROFESSIONAL DEVELOPMENT.**

[(a) PURPOSES.—The purposes of this section are—

[(1) to increase the number of qualified Indian individuals in professions that serve Indian people;

[(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

[(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

[(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term "eligible entity" means—

[(1) an institution of higher education, including an Indian institution of higher education;

[(2) a State or local educational agency, in consortium with an institution of higher education; and

[(3) an Indian tribe or organization, in consortium with an institution of higher education.

[(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

[(d) AUTHORIZED ACTIVITIES.—

[(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.

[(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be in-service or preservice training.

[(B) For individuals who are being trained to enter any field other than education, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

[(e) APPLICATION.—

[(1) IN GENERAL.—Each eligible entity 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.

[(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to applications describing programs that train Indian individuals.

[(f) SPECIAL RULE.—In making grants under this section, the Secretary—

[(1) shall consider the prior performance of the eligible entity; and

[(2) may not limit eligibility to receive a grant under this section on the basis of—

[(A) the number of previous grants the Secretary has awarded such entity; or

[(B) the length of any period during which such entity received such grants.

[(g) GRANT PERIOD.—Each grant under this section shall be awarded for a program of not more than 5 years.

[(h) SERVICE OBLIGATION.—

[(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

[(A) perform work—

[(i) related to the training received under this section; and

[(ii) that benefits Indian people; or

[(B) repay all or a prorated part of the assistance received.

[(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

**[SEC. 9123. FELLOWSHIPS FOR INDIAN STUDENTS.**

[(a) FELLOWSHIPS.—

[(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

[(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

[(A) of not more than 4 academic years; and

[(B) that leads—

[(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields; or

[(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

[(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

[(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which a fellowship recipient is pursuing a course of study, in lieu of tuition charged such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided such recipient.

[(d) SPECIAL RULES.—

[(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the fellowship.

[(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall pro-

vide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

[(A) the amount of the fellowship; and

[(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

[(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a speciality in the area of alcohol and substance abuse counseling and education.

[(e) SERVICE OBLIGATION.—

[(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

[(A) perform work—

[(i) related to the training for which the individual receives assistance under this section; and

[(ii) that benefits Indian people; or

[(B) repay all or a prorated portion of such assistance.

[(2) REPORTING PROCEDURE.—The Secretary shall establish, by regulation, a reporting procedure under which the recipient of training assistance under this section, not later than 12 months after the date of completion of the training and periodically thereafter, shall provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

[(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

**[SEC. 9124. GIFTED AND TALENTED.**

[(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

[(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

[(2) support demonstration projects described in subsection (c).

[(b) ELIGIBLE ENTITIES.—The Secretary shall make grants to, or enter into contracts, for the activities described in subsection (a), with—

[(1) two tribally controlled community colleges that—

[(A) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978; and

[(B) are fully accredited; or

[(2) if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—The grants made, or contracts entered into, by the Secretary under subsection (a) shall be used for—

[(A) the establishment of centers described in subsection (a); and

[(B) carrying out demonstration projects designed to—

[(i) address the special needs of Indian students in elementary and secondary schools who are gifted and talented; and

[(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

[(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project under this subsection.

[(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (a) may include—

[(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

[(i) the emotional and psychosocial needs of such students; and

[(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

[(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines holds a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including but not limited to—

[(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

[(ii) mentoring and apprenticeship programs;

[(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

[(D) the use of public television in meeting the special educational needs of such gifted and talented children;

[(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

[(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children that are needed to enable such children to benefit from the project.

[(4) APPLICATION.—Each entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

[(d) ADDITIONAL GRANTS.—

[(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools fund-

ed by the Bureau of Indian Affairs (hereafter in this section referred to as "Bureau schools") for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

[(A) gifted and talented students;

[(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

[(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

[(D) mathematics and science education.

[(2) APPLICATIONS.—Each Bureau school desiring a grant to conduct one or more of the activities described in paragraph (1) shall submit an application to the Secretary in such form and at such time as the Secretary may prescribe.

[(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

[(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

[(5) GRANT PERIOD.—Subject to the availability of appropriations, grants under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

[(6) DISSEMINATION.—(A) The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

[(B) The Secretary shall report to the Secretary of the Interior and to the Congress any results from activities described in paragraph (3)(B).

[(7) EVALUATION COSTS.—(A) The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under such subsection.

[(B) If no funds are provided under subsection (b) for—

[(i) the evaluation of activities assisted under paragraph (1);

[(ii) technical assistance and coordination with respect to such activities; or

[(iii) the dissemination of the evaluations referred to in clause (i),

then the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

[(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

**[SEC. 9125. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.**

[(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

[(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

[(2) develop education codes for schools within the territorial jurisdiction of the tribe;

[(3) provide support services and technical assistance to schools serving children of the tribe; and

[(4) perform child-find screening services for the preschool-aged children of the tribe to—

[(A) ensure placement in appropriate educational facilities; and

[(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

[(b) PERIOD OF GRANT.—Each grant under this section may be awarded for a period of not more than 3 years, except that such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

[(c) APPLICATION FOR GRANT.—

[(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

[(2) CONTENTS.—Each application described in paragraph (1) shall contain—

[(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

[(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether such objectives are achieved.

[(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

[(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

[(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

[(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

[(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Indian Education Amendments of 1978.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education $3,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

## [Subpart 3—Special Programs Relating to Adult Education for Indians

### [SEC. 9131. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

[(a) IN GENERAL.—The Secretary shall award grants to State and local educational agencies, and to Indian tribes, institutions, and organizations—

[(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

[(2) to assist in the establishment and operation of programs that are designed to stimulate—

[(A) basic literacy opportunities for all nonliterate Indian adults; and

[(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

[(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

[(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

[(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

[(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

[(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

[(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults,

including evaluations of the programs, services, and resources; and

[(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

[(d) APPLICATIONS.—

[(1) IN GENERAL.—Each entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

[(2) CONTENTS.—Each application described in paragraph (1) shall contain—

[(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

[(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant are achieved.

[(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates—

[(A) there has been adequate participation, by the individuals to be served and appropriate tribal communities, in the planning and development of the activities to be assisted; and

[(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

[(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

## [Subpart 4—National Research Activities

**[SEC. 9141. NATIONAL ACTIVITIES.**

[(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

[(1) conduct research related to effective approaches for 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 that are consistent with the purpose of this part.

[(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.

[(c) COORDINATION.—Research activities supported under this section—

[(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

[(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

## [Subpart 5—Federal Administration

**[SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.**

[(a) MEMBERSHIP.—There is established 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 United States.

[(b) DUTIES.—The Council shall—

[(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

[(A) with respect to which the Secretary has jurisdiction; and

[(B)(i) that includes Indian children or adults as participants; or

[(ii) that may benefit Indian children or adults;

[(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

[(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

[(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

[(B) recommendations concerning the funding of any program described in subparagraph (A).

**[SEC. 9152. PEER REVIEW.**

[The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2, 3, or 4.

**[SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.**

[In making grants under subpart 2, 3, or 4, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which In-

dian tribes, organizations, and institutions are eligible to apply for grants.

**[SEC. 9154. MINIMUM GRANT CRITERIA.**

[The Secretary may not approve an application for a grant under subpart 2 or 3 unless the application is for a grant that is—

[(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

[(2) based on relevant research findings.

## [Subpart 6—Definitions; Authorizations of Appropriations

**[SEC. 9161. DEFINITIONS.**

[As used in this part:

[(1) ADULT.—The term "adult" means an individual who—

[(A) has attained the age of 16 years; or

[(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

[(2) ADULT EDUCATION.—The term "adult education" has the meaning given such term in section 203 of the Adult Education and Family Literacy Act.

[(3) FREE PUBLIC EDUCATION.—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) INDIAN.—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) any tribe or band terminated since 1940; and

[(ii) any tribe or band recognized by the State in which the tribe or band resides;

[(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

[(C) considered by the Secretary of the Interior to be an Indian for any purpose;

[(D) an Eskimo, Aleut, or other Alaska Native; or

[(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of enactment of the Act entitled the "Improving America's Schools Act of 1994".

**[SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.**

[(a) SUBPART 1.—For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated to the Department of Education $61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

[(b) SUBPARTS 2 THROUGH 4.—For the purpose of carrying out subparts 2, 3, and 4 of this part, there are authorized to be appropriated to the Department of Education $26,000,000 for fiscal year

1995 and such sums as may be necessary for each of the four succeeding fiscal years.

[(c) SUBPART 5.—For the purpose of carrying out subpart 5 of this part, there are authorized to be appropriated to the Department of Education $3,775,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

## [PART B—NATIVE HAWAIIANS

**[SEC. 9201. SHORT TITLE.**

[This part may be cited as the "Native Hawaiian Education Act".

**[SEC. 9202. FINDINGS.**

[The Congress finds and declares as follows:

[(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as such by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

[(2) At the time of the arrival of the first non-indigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

[(3) A unified monarchial government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i.

[(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

[(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, the Congress, on behalf of the people of the United States, apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

[(6) In 1898, the joint resolution entitled "A Joint Resolution to provide for annexing the Hawaiian Islands to the United States", approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from these lands be used "solely for the benefit of the

inhabitants of the Hawaiian Islands for educational and other public purposes".

[(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, the Congress in 1921 enacted the Hawaiian Homes Commission Act, 1920, which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

[(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, the Congress affirmed the special relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane, who was quoted in the committee report for the Hawaiian Homes Commission Act, 1920, as saying: "One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.".

[(9) In 1938, the United States Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781 et seq.), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area "only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.".

[(10) Under the Act entitled "An Act to provide for the admission of the State of Hawai'i into the Union" approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the trust relationship which existed between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under such Act.

[(11) In 1959, under the Act entitled "An Act to provide for the admission of the State of Hawai'i into the Union", approved March 18, 1959 (73 Stat. 4), the United States ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State "in public trust' and reaffirmed the special relationship which existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

[(12) The United States assumed special responsibilities for Native Hawaiian lands and resources at the time of the annexation of the Territory in 1898, upon adoption of the Hawaiian Homes Commission Act, 1920, and upon admission of the State of Hawai'i into the Union in 1959, and has retained certain of those responsibilities.

[(13) In recognition of the special relationship which exists between the United States and the Native Hawaiian people,

the Congress has extended to Native Hawaiians the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities under the Native American Programs Act of 1974, the American Indian Religious Freedom Act, the National Museum of the American Indian Act, the Native American Graves Protection and Repatriation Act, the National Historic Preservation Act, and the Native American Languages Act.

[(14) In recognition of the special relationship which exists between the United States and the Native Hawaiian people, the Congress has enacted numerous special provisions of law for the benefit of Native Hawaiians in the areas of health, education, labor, and housing.

[(15) In 1981, the Senate instructed the Office of Education to submit to the Congress a comprehensive report on Native Hawaiian education. The report, entitled the "Native Hawaiian Educational Assessment Project", was released in 1983 and documented that Native Hawaiians scored below parity with national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics, indicative of special educational needs, and had educational needs which were related to their unique cultural situation, such as different learning styles and low self-image.

[(16) In recognition of the educational needs of Native Hawaiians, in 1988, the Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 to authorize and develop supplemental educational programs to benefit Native Hawaiians.

[(17) In 1993, the Kamehameha Schools Bishop Estate released a ten-year update of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still exist for Native Hawaiians. For example—

[(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

[(i) late or no prenatal care;

[(ii) half of Native Hawaiian women who give birth are unmarried; and

[(iii) high rates of births to teenage parents;

[(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

[(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

[(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

[(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education

programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

[(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;

[(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics, indicative of special educational needs, for example—

[(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

[(ii) Native Hawaiian students are the highest users of drugs and alcohol in the State of Hawai'i; and

[(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

[(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

[(18) The findings described in paragraphs (1) through (17) are contrary to the high rate of literacy and integration of traditional culture and Western education achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

[(19) After the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period, and until 1986, use of Hawaiian as a medium of education in public schools was declared unlawful, thereby causing incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: "I ka "olelo no ke ola; I ka "olelo no ka make. In the language rests life; In the language rests death.".

[(20) Despite the consequences of over 100 years of non-indigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

[(21) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

[(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language; and

[(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system.

**[SEC. 9203. PURPOSE.**

[It is the purpose of this part to—

[(1) authorize and develop supplemental educational programs to assist Native Hawaiians in reaching the National Education Goals;

[(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, through the establishment of a Native Hawaiian Education Council, and five island councils;

[(3) supplement and expand existing programs and authorities in the area of education to further the purposes of the title; and

[(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian Education Programs.

**[SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.**

[(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the "Education Council").

[(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 25 members, including a representative of—

[(1) each recipient of funds from the Secretary under this part;

[(2) the State of Hawai'i Department of Education;

[(3) the State of Hawai'i Office of Hawaiian Affairs;

[(4) Native Hawaiian educational organizations, such as Alu Like, Inc., Kamehameha Schools Bishop Estate, Hawaiian Language Immersion Advisory Council, Aha Punana Leo, and the Queen Lili"uokalani Trust and Children's Center; and

[(5) each Native Hawaiian education island council established under subsection (f).

[(c) CONDITIONS AND TERMS.—At least three-fourths of the members of the Education Council shall be Native Hawaiians. Members of the Education Council shall be appointed for three-year terms.

[(d) ADMINISTRATIVE GRANT FOR THE EDUCATION COUNCIL.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

[(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part, and assess the extent to which such services and programs meet the needs of Native Hawaiians; and

[(2) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, on Native Hawaiian education.

[(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

[(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, including any information that the Education Council provides to the Secretary pursuant to subsection (i).

[(2) ANNUAL REPORT.—The Education Council shall present to the Secretary an annual report on the Education Council's activities.

[(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary deems appropriate.

[(f) ESTABLISHMENT OF ISLAND COUNCILS.—

[(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Office of Hawaiian Affairs of the State of Hawai'i is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as "island councils") for the following islands:

[(A) Hawai'i.

[(B) Maui and Lana'i.

[(C) Moloka'i.

[(D) Kaua'i and Ni'ihau.

[(E) O'ahu.

[(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of the educational needs of all age groups, from preschool through adulthood. At least three-fourths of the members of each island council shall be Native Hawaiians

[(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the respective council, or upon the request of the majority of the members of the respective council, but in any event not less than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

[(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for services on the Education Council and each island council, respectively.

[(i) REPORT.—Not later than four years after the date of the enactment of the Improving America's Schools Act of 1994, the Secretary shall prepare and submit to the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, a report which summarizes the annual reports of the Education Council, describes the allocation and utilization of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

[(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $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. Funds appropriated under the authority of this subsection shall remain available until expended.

**[SEC. 9205. NATIVE HAWAIIAN FAMILY-BASED EDUCATION CENTERS.**

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to expand the operation of Family-Based Education Centers throughout the Hawaiian Islands. The programs of such centers may be conducted in the Hawaiian language, the English language, or a combination thereof, and shall include—

[(1) parent-infant programs for prenatal through three-year-olds;

[(2) preschool programs for four- and five-year-olds;

[(3) continued research and development; and

[(4) a long-term followup and assessment program, which may include educational support services for Native Hawaiian language immersion programs or transition to English speaking programs.

[(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

[(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the centers described in subsection (a), there are authorized to be appropriated $6,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**[SEC. 9206. NATIVE HAWAIIAN HIGHER EDUCATION PROGRAM.**

[(a) GENERAL AUTHORITY.—

[(1) IN GENERAL.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to enable such organizations or entities to provide a program of baccalaureate and post-baccalaureate fellowship assistance to Native Hawaiian students.

[(2) ACTIVITIES.—Such program may include—

[(A) full or partial fellowship support for Native Hawaiian students enrolled at two- or four-year degree granting institutions of higher education with awards to be based on academic potential and financial need; and

[(B) full or partial fellowship support for Native Hawaiian students enrolled at post-baccalaureate degree granting institutions of higher education with priority given to providing fellowship support for professions in which Native Hawaiians are underrepresented and with fellowship

awards to be based on academic potential and financial need;

[(C) counseling and support services for students receiving fellowship assistance under paragraph (1);

[(D) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship support pursuant to subsection (a)(2)(A);

[(E) appropriate research and evaluation of the activities authorized by this section; and

[(F) implementation of faculty development programs for the improvement and matriculation of Native Hawaiian students.

[(b) SPECIAL CONDITIONS REQUIRED.—For the purpose of fellowships awarded under subsection (a), fellowship conditions shall be established whereby fellowship recipients obtain an enforceable contract obligation to provide their professional services, either during the fellowship period or upon completion of a baccalaureate or post-baccalaureate degree program, to the Native Hawaiian community.

[(c) SPECIAL RULE.—No policy shall be made in implementing this section to prevent a Native Hawaiian student enrolled at an accredited two- or four-year degree granting institution of higher education outside of the State of Hawai'i from receiving a fellowship pursuant to subsections (a) and (b) of this section.

[(d) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**[SEC. 9207. NATIVE HAWAIIAN GIFTED AND TALENTED PROGRAM.**

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make a grant, to a Native Hawaiian educational organization or an educational entity with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for a gifted and talented program designed to—

[(1) address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students; and

[(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

[(b) USES OF FUNDS.—The program funded under this section may include—

[(1) the identification of the special needs of Native Hawaiian gifted and talented students, particularly with respect to—

[(A) the emotional and psychosocial needs of such students; and

[(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

[(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions;

[(3) leadership programs designed to—

[(A) replicate programs throughout the State of Hawai'i for gifted and talented students who are not served under this section; and

[(B) coordinate with other Native American gifted and talented leadership programs, including the dissemination of information derived from the program conducted under this section; and

[(4) appropriate research, evaluation, and related activities pertaining to—

[(A) the needs of such students; and

[(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program.

[(c) INFORMATION PROVISION.—The Secretary is authorized to facilitate the establishment of a national network of Native Hawaiian and American Indian Gifted and Talented Centers, and ensure that the information developed by these centers shall be readily available to the educational community at large.

[(d) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

[(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $1,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**[SEC. 9208. NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM.**

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts with, Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to operate a program to address the special education needs of Native Hawaiian students. Such program may include—

[(1) the identification of Native Hawaiian students with disabilities or who are otherwise in need of special educational services;

[(2) the identification of the special education needs of such students, particularly with respect to—

[(A) the emotional and psychosocial needs of such students; and

[(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

[(3) the conduct of educational activities consistent with part B of the Education of Individuals with Disabilities Education Act which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students;

[(4) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions; and

[(5) appropriate research, evaluation, and related activities pertaining to—

[(A) the needs of such students;

[(B) the provision of those support services to the families of such students that are needed to enable such student to benefit from the program; and

[(C) the outcomes and benefits of activities assisted under this section upon such students.

[(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

[(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**[SEC. 9209. NATIVE HAWAIIAN CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.**

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for the following purposes:

[(1) CURRICULA.—The development of curricula to address the needs of Native Hawaiian students, particularly elementary and secondary school students, which may include programs of instruction conducted in the Native Hawaiian language, and mathematics and science curricula incorporating the relevant application of Native Hawaiian culture and traditions.

[(2) PRETEACHER TRAINING.—The development and implementation of preteacher training programs in order to ensure that student teachers within the State of Hawai'i, particularly student teachers who are likely to be employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

[(3) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs, in order to ensure that teachers, particularly teachers employed

in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

[(4) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

[(A) enhancing teacher recruitment within communities with a high concentration of Native Hawaiian students; and

[(B) increasing the numbers of teachers who are of Native Hawaiian ancestry.

[(b) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to awarding grants for activities described in subsection (a) that—

[(1) focus on the needs of at-risk youth; or

[(2) employ a program of instruction conducted in the Native Hawaiian language, except that entities receiving grants awarded pursuant to subsection (a)(2) shall coordinate in the development of new curricula.

[(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**[SEC. 9210. NATIVE HAWAIIAN COMMUNITY-BASED EDUCATION LEARNING CENTERS.**

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to collaborative efforts between community-based Native Hawaiian organizations and community colleges, to develop, establish, and operate a minimum of three community-based education learning centers.

[(b) PURPOSE.—The learning centers described in subsection (a) shall meet the needs of families and communities through interdepartmental and interagency coordination of new and existing public and private programs and services, which may include—

[(1) preschool programs;

[(2) after-school programs; and

[(3) vocational and adult education programs.

[(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**[SEC. 9211. ADMINISTRATIVE PROVISIONS.**

[(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an

application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this title.

[(b) SPECIAL RULE.—Each application submitted under this title shall be accompanied by the comments of each local educational agency serving students who will participate in the project for which assistance is sought.

**[SEC. 9212. DEFINITIONS.**

[For the purposes of this part—

[(1) The term "Native Hawaiian" means any individual who is—

[(A) a citizen of the United States; and

[(B) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

[(i) genealogical records;

[(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

[(iii) certified birth records.

[(2) The term "Native Hawaiian educational organization" means a private nonprofit organization that—

[(A) serves the interests of Native Hawaiians;

[(B) has Native Hawaiians in substantive and policy-making positions within the organization;

[(C) has a demonstrated expertise in the education of Native Hawaiian youth; and

[(D) has demonstrated expertise in research and program development.

[(3) The term "Native Hawaiian Organization" means a private nonprofit organization that—

[(A) serves the interests of Native Hawaiians;

[(B) has Native Hawaiians in substantive and policy-making positions within the organizations; and

[(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

[(4) The term "Native Hawaiian language" means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

[(5) The term "Office of Hawaiian Affairs" means the Office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.

[(6) The term "Native Hawaiian community-based organization" means any organization which is composed primarily of Native Hawaiians from a specific community and which assists in the social, cultural and educational development of Native Hawaiians in that community.]

## *PART A—INDIAN EDUCATION*

***SEC. 9101. FINDINGS.***

*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 standards and student performance standards and build on Indian culture and the Indian community;*

*(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and*

*(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;*

*(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;*

*(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals 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; 9 percent of Indian students who were eighth graders in 1988 had dropped out of school by 1990;*

*(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level 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 their families; and*

*(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.*

***SEC. 9102. PURPOSE.***

*(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all other students.*

*(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—*

*(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;*

*(2) the education of Indian children and adults;*

*(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and*

*(4) research, evaluation, data collection, and technical assistance.*

## *Subpart 1—Formula Grants to Local Educational Agencies*

***SEC. 9111. PURPOSE.***

*It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—*

*(1) are based on challenging State content standards and State student performance standards that are used for all students; and*

*(2) are designed to assist Indian students in meeting those standards and assist the Nation in reaching the National Education Goals.*

***SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.***

*(a) IN GENERAL.—*

*(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 9117 and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—*

*(A) was at least 10; or*

*(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.*

*(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.*

*(b) INDIAN TRIBES.—*

*(1) IN GENERAL.—If a local educational agency that is eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4) for such grant, an Indian tribe that represents not less than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.*

*(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe is not subject to section 9114(c)(4), section 9118(c), or section 9119.*

***SEC. 9113. AMOUNT OF GRANTS.***

*(a) AMOUNT OF GRANT AWARDS.—*

*(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency which has an approved application under this subpart an amount equal to the product of—*

*(A) the number of Indian children who are eligible under section 9117 and served by such agency; and*

*(B) the greater of—*

*(i) the average per-pupil expenditure of the State in which such agency is located; or*

*(ii) 80 percent of the average per-pupil expenditure in the United States.*

*(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).*

*(b) MINIMUM GRANT.—*

*(1) IN GENERAL.—Notwithstanding subsection (e), a local educational agency or an Indian tribe (as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.*

*(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.*

*(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.*

*(c) DEFINITION.—For the purpose of this section, the term "average per-pupil expenditure of a State" means an amount equal to—*

*(1) the sum of 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; divided by*

*(2) the aggregate number of children who were included 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) Subject to subsection (e), in addition to the grants awarded 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 or the Tribally Controlled Schools Act of 1988; 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) Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 9114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except*

*that such school shall not be subject to section 9114(c)(4), section 9118(c), or section 9119.*

*(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(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.*

***SEC. 9114. APPLICATIONS.***

*(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.*

*(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—*

*(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;*

*(2)(A) is consistent with State and local plans under other provisions of this Act; and*

*(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards under title I;*

*(3) explains how Federal, State, and local programs, especially under title I, will meet the needs of such students;*

*(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;*

*(5) describes the professional development opportunities that will 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 programs assisted under this subpart have been properly trained to carry out such programs; and*

*(6) describes how the local educational agency—*

*(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);*

*(B) will provide the results of each assessment referred to in subparagraph (A) to—*

*(i) the committee of parents described in subsection (c)(4); and*

*(ii) the community served by the local educational agency; and*

*(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).*

*(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—*

*(1) the local educational agency will use funds received under this subpart only to supplement the level of funds that, in the absence of the Federal funds made available under this subpart, such 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 functions of the Secretary under this subpart; and*

*(B) determine the extent to which funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;*

*(3) the program for which assistance is sought—*

*(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students to whom the local educational agency is providing an education;*

*(B) will use the best available talents and resources, including individuals from the Indian community; and*

*(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and*

*(4) the local educational agency developed the program with the participation and written approval of a committee—*

*(A) that is composed of, and selected by—*

*(i) parents of Indian children in the local educational agency's schools and teachers; and*

*(ii) if appropriate, Indian students attending secondary schools;*

*(B) a majority of whose members are parents of Indian children;*

*(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;*

*(D) with respect to an application describing a schoolwide program in accordance with section 9115(c), has—*

*(i) reviewed in a timely fashion the program; and*

*(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaskan Native students; and*

*(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.*

***SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.***

*(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—*

*(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114(b);*

*(2) are designed with special regard for the language and cultural needs of the Indian students; and*

*(3) supplement and enrich the regular school program of such agency.*

*(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—*

*(1) culturally related activities that support the program described in the application submitted by the local educational agency;*

*(2) early childhood and family programs that emphasize school readiness;*

*(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;*

*(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;*

*(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Vocational and Technical Education Act of 1998, including programs for tech-prep, mentoring, and apprenticeship;*

*(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;*

*(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purposes described in section 9111; and*

*(8) family literacy services.*

*(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—*

*(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and*

*(2) the schoolwide program is consistent with the purpose described in section 9111.*

*(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.*

***SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.***

*(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.*

*(b) COORDINATION OF PROGRAMS.—Upon the receipt of an acceptable plan, the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to coordinate, in accordance with such plan, its federally funded education and related services programs, or portions thereof, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.*

*(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include any Federal program, or portion thereof, under which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services which would be used to serve Indian students.*

*(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), it shall—*

*(1) identify the programs or funding sources to be consolidated;*

*(2) be consistent with the purposes of this section authorizing the services to be integrated in a demonstration project;*

*(3) describe a comprehensive strategy which identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the goals set forth in this subpart;*

*(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;*

*(5) identify the projected expenditures under the plan in a single budget;*

*(6) identify the local, State, or tribal agency or agencies to be involved in the delivery of the services integrated under the plan;*

*(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement its plan;*

*(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time; and*

*(9) be approved by a parent committee formed in accordance with section 9114(c)(4), if such a committee exists.*

*(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the applicant to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected department or departments shall have the authority to waive any regulation, policy, or proce-*

*dure promulgated by that department that has been so identified by the applicant or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the intent of this subpart or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian students.*

*(f) PLAN APPROVAL.—Within 90 days after the receipt of an applicant's plan by the Secretary, the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval.*

*(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Student Results Act of 1999, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency head for a demonstration program under this section shall be—*

*(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or*

*(2) the Secretary of Education, in the case of any other applicant.*

*(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency shall include—*

*(1) the use of a single report format related to the plan for the individual project which shall be used by an eligible entity to report on the activities undertaken under the project;*

*(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;*

*(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and*

*(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.*

*(i) REPORT REQUIREMENTS.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format, together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including the demonstration of student achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.*

*(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any dem-*

*onstration project be reduced as a result of the enactment of this section.*

*(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the purposes of this section.*

*(l) ADMINISTRATION OF FUNDS.—*

*(1) IN GENERAL.—Program funds shall be administered in such a manner as to allow for a determination that funds from specific a program or programs are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted which shall be allocated to such program.*

*(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under its approved plan to the individual programs under which funds were authorized, nor shall the eligible entity be required to allocate expenditures among such individual programs.*

*(m) OVERAGE.—All administrative costs may be commingled and participating entities shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this section.*

*(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984.*

*(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—*

*(1) PRELIMINARY REPORT.—Not later than 2 years after the date of the enactment of the Student Results Act of 1999, the Secretary of Education shall submit a preliminary report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the status of the implementation of the demonstration program authorized under this section.*

*(2) FINAL REPORT.—Not later than 5 years after the date of the enactment of the Student Results Act of 1999, the Secretary of Education shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the results of the implementation of the demonstration program authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the purposes of this section.*

*(p) DEFINITIONS.—For the purposes of this section, the term "Secretary" means—*

*(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or*

*(2) the Secretary of Education, in the case of any other applicant.*

***SEC. 9117. STUDENT ELIGIBILITY FORMS.***

*(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart and that otherwise meets the requirements of subsection (b).*

*(b) FORMS.—*

*(1) IN GENERAL.—The form described in subsection (a) shall include—*

*(A) either—*

*(i)(I) the name of the tribe or band of Indians (as described in section 9161(3)) with respect to which the child claims membership;*

*(II) the enrollment number establishing the membership of the child (if readily available); and*

*(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or*

*(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of the tribe of any parent or grandparent of the child from whom the child claims eligibility;*

*(B) a statement of whether the tribe or band of Indians with respect to which the child, parent, or grandparent of the child claims membership is federally recognized;*

*(C) the name and address of the parent or legal guardian of the child;*

*(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and*

*(E) any other information that the Secretary considers necessary to provide an accurate program profile.*

*(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—*

*(A) the name of the child;*

*(B) the name of the tribe or band of Indians (as described in section 9161(3)) with respect to which the child claims eligibility; and*

*(C) the dated signature of the parent or guardian of the child.*

*(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the informa-*

*tion described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 9113.*

*(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.*

*(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—*

*(1) to establish such eligibility; and*

*(2) to meet the requirements of subsection (a).*

*(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.*

*(f) MONITORING AND EVALUATION REVIEW.—*

*(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of the local educational agency and the geographic location of such agency.*

*(B) A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.*

*(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—*

*(A) be ineligible to apply for any other grant under this part; and*

*(B) be liable to the United States for any funds that have not been expended.*

*(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 9113.*

*(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in awarding funds under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, the Secretary shall use only one of the following, as selected by the school:*

*(1) A count of the number of students in those schools certified by the Bureau.*

*(2) A count of the number of students for whom the school has eligibility forms that comply with this section.*

*(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (g)(1)), the local educational agency shall—*

*(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, so long as that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and*

*(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.*

***SEC. 9118. PAYMENTS.***

*(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.*

*(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.*

*(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—*

*(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines that, with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.*

*(2) FAILURE TO MAINTAIN EFFORT.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—*

*(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of such agency's failure to maintain its fiscal effort at such 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) WAIVER.—(A) The Secretary may waive the requirement of paragraph (1), for not more than 1 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 a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—*

*(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or*

*(2) otherwise become available for reallocation under this subpart.*

***SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.***

*Before submitting an application to the Secretary under section 9114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, it shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.*

## *Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children*

***SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.***

*(a) PURPOSE.—*

*(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.*

*(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—*

*(A) other programs funded under this Act; and*

*(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.*

*(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term "eligible entity" means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institution of higher education, or a consortium of such institutions.*

*(c) GRANTS AUTHORIZED.—*

*(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—*

*(A) innovative programs related to the educational needs of educationally disadvantaged children;*

*(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;*

*(C) bilingual and bicultural programs and projects;*

*(D) special health and nutrition services, and other related activities, that address the unique health, social, and psychological problems of Indian children;*

*(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;*

*(F) comprehensive guidance, counseling, and testing services;*

*(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;*

*(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;*

*(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;*

*(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;*

*(K) family literacy services; or*

*(L) other services that meet the purpose described in subsection (a)(1).*

*(2) PROFESSIONAL DEVELOPMENT.—Professional development of teaching professionals and paraprofessional may be a part of any program assisted under this section.*

*(d) GRANT REQUIREMENTS AND APPLICATIONS.—*

*(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, develop-*

*ment, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.*

*(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.*

*(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.*

*(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.*

*(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has demonstrated—*

*(I) educational merit; and*

*(II) the ability to be replicated.*

*(2) APPLICATION.—(A) 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.*

*(B) Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (1)(D), shall contain—*

*(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;*

*(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;*

*(iii) information demonstrating that the proposed program is either a research-based program (which may be a research-based program that has been modified to be culturally appropriate for the students who will be served);*

*(iv) a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over; and*

*(v) such other assurances and information as the Secretary may reasonably require.*

*(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.*

***SEC. 9122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.***

*(a) PURPOSES.—The purposes of this section are—*

*(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;*

*(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and*

*(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).*

*(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term "eligible entity" means—*

*(1) an institution of higher education, including an Indian institution of higher education;*

*(2) a State or local educational agency, in consortium with an institution of higher education; and*

*(3) an Indian tribe or organization, in consortium with an institution of higher education.*

*(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).*

*(d) AUTHORIZED ACTIVITIES.—*

*(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.*

*(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be in-service or preservice training.*

*(B) For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.*

*(e) APPLICATION.—Each eligible entity 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.*

*(f) SPECIAL RULE.—In making grants under this section, the Secretary—*

*(1) shall consider the prior performance of the eligible entity; and*

*(2) may not limit eligibility to receive a grant under this section on the basis of—*

*(A) the number of previous grants the Secretary has awarded such entity; or*

*(B) the length of any period during which such entity received such grants.*

*(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.*

*(h) SERVICE OBLIGATION.—*

*(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—*

*(A) perform work—*

*(i) related to the training received under this section; and*

*(ii) that benefits Indian people; or*

*(B) repay all or a prorated part of the assistance received.*

*(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).*

## *Subpart 3—National Research Activities*

***SEC. 9141. NATIONAL ACTIVITIES.***

*(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—*

*(1) conduct research related to effective approaches for 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 that are consistent with the purpose of this part.*

*(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.*

*(c) COORDINATION.—Research activities supported under this section—*

*(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and*

*(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education Programs and the Office of Educational Research and Improvement.*

## *Subpart 4—Federal Administration*

***SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.***

*(a) MEMBERSHIP.—There is established 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 United States.*

*(b) DUTIES.—The Council shall—*

*(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—*

*(A) with respect to which the Secretary has jurisdiction; and*

*(B)(i) that includes Indian children or adults as participants; or*

*(ii) that may benefit Indian children or adults;*

*(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and*

*(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—*

*(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and*

*(B) recommendations concerning the funding of any program described in subparagraph (A).*

***SEC. 9152. PEER REVIEW.***

*The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or 3.*

***SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.***

*In making grants under subpart 2 or 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.*

***SEC. 9154. MINIMUM GRANT CRITERIA.***

*The Secretary may not approve an application for a grant under subpart 2 unless the application is for a grant that is—*

*(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and*

*(2) based on relevant research findings.*

## *Subpart 5—Definitions; Authorizations of Appropriations*

***SEC. 9161. DEFINITIONS.***

*For the purposes of this part:*

*(1) ADULT.—The term "adult" means an individual who—*

*(A) has attained the age of 16 years; or*

*(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.*

*(2) FREE PUBLIC EDUCATION.—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.*

*(3) INDIAN.—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) any tribe or band terminated since 1940; and*

*(ii) any tribe or band recognized by the State in which the tribe or band resides;*

*(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);*

*(C) considered by the Secretary of the Interior to be an Indian for any purpose;*

*(D) an Eskimo, Aleut, or other Alaska Native; or*

*(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.*

***SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.***

*(a) SUBPART 1.—For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated $62,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.*

*(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3 of this part, there are authorized to be appropriated $4,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004.*

## PART C—ALASKA NATIVE EDUCATION

* * * * * * *

**[SEC. 9304. ALASKA NATIVE EDUCATIONAL PLANNING, CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.**

[(a) GENERAL AUTHORITY.—The Secretary shall make direct grants to Alaska Native organizations or educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, or to partnerships involving Alaska Native organizations, for the following purposes:

[(1) EDUCATIONAL PLANNING.—The consolidation of existing educational plans, recommendations and research into implementation methods and strategies to improve schooling for Alaska Natives.

[(2) IMPLEMENTATION OF EDUCATIONAL PLANS.—The adoption and implementation of specific educational plans developed under subsection (1) above.

[(3) CURRICULA.—The development of curricula to address the needs of Alaska Native students, particularly elementary

and secondary school students, which may include innovative programs and pilot and demonstration programs to develop and introduce curriculum materials that reflect cultural diversities or the contributions of Alaska Native people, programs of instruction conducted in Native languages, and the development of networks to introduce successful techniques, programs and curriculum materials to rural and urban schools, including:

[(A) multimedia social studies curricula which fully and accurately portray the role of Native Americans historically and contemporarily; and

[(B) curricula and teaching materials for instructions in Native languages.

[(4) PRETEACHER TRAINING.—The development and implementation of preteacher training programs in order to ensure that student teachers within the State of Alaska, particularly student teachers who are likely to be employed in schools with a high concentration of Alaska Native students, are prepared to better address the cultural diversity and unique needs of Alaska Native students;

[(5) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

[(A) increasing the numbers of teachers who are Alaska Natives;

[(B) enhancing teacher recruitment within communities with a high concentration of Alaska Native students; and

[(C) improving the teacher selection processes in order to recruit teachers who are more positively responsive to rural conditions and who are suited for effective cross-cultural instruction.

[(6) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs in order to ensure that teachers are prepared to better address the unique needs of Alaska Native students.

[(b) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

[(c) 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 four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**[SEC. 9305. ALASKA NATIVE HOME BASED EDUCATION FOR PRESCHOOL CHILDREN.**

[(a) GENERAL AUTHORITY.—The Secretary shall make direct grants to Alaska Native organizations or educational entities with experience in developing or operating Alaska Native programs, or to partnerships involving Alaska Native organizations, to implement home instruction programs for Alaska Native preschool youngsters. The objective of such programs shall be to develop parents as educators for their children and to assure the active involvement of parents in the education of their children from the earliest ages.

[(b) PROGRAM ELEMENTS.—Home based education programs for Alaska Native children shall include—

[(1) parent-infant programs for prenatal through three-year olds;

[(2) preschool programs for four- and five-year olds;

[(3) training, education and support programs to teach parents skills in observation, reading readiness, story telling and critical thinking;

[(4) continued research and development; and

[(5) a long-term followup and assessment program.

[(c) ELIGIBILITY OF HIPPY PROGRAMS.—Programs based on the HIPPY (Home Instruction Program for Preschool Youngsters) model shall be eligible for funding under this section.

[(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**[SEC. 9306. ALASKA NATIVE STUDENT ENRICHMENT PROGRAMS.**

[(a) GENERAL AUTHORITY.—The Secretary shall make a grant or grants to Alaska Native educational organizations or educational entities with experience in developing or operating Alaska Native programs, or to partnerships including Alaska Native organizations, for enrichment programs for Alaska Native students in the areas of science and mathematics education. The programs shall be designed to—

[(1) prepare qualified students from rural areas who are preparing to enter village high schools to excel in science and mathematics; and

[(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

[(b) USES OF FUNDS.—The program funded under this section may include—

[(1) the identification of the students eligible to participate in the program;

[(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial enrichment of the educational performance of the participating students;

[(3) leadership programs designed to provide for the replication of the program in other subject matter areas and the dissemination of information derived from the program; and

[(4) appropriate research, evaluation and related activities pertaining to the benefits of such enrichment programs.

[(c) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years,

to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.]

***SEC. 9304. PROGRAM AUTHORIZED.***

*(a) GENERAL AUTHORITY.—*

*(1) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purpose of this part.*

*(2) PERMISSIBLE ACTIVITIES.—Programs under this part may include—*

*(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;*

*(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—*

*(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;*

*(ii) instructional programs that make use of Native Alaskan languages; and*

*(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;*

*(C) professional development activities for educators, including—*

*(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;*

*(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and*

*(iii) recruiting and preparing teachers who are Alaska Natives, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction;*

*(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;*

*(E) family Literacy Services;*

*(F) the development and operation of student enrichment programs in science and mathematics that—*

*(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter high school, to excel in science and math; and*

*(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the program;*

*(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;*

*(H) other research and evaluation activities related to programs under this part; and*

*(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.*

*(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children under paragraph (2)(D) may include—*

*(A) programs for parents and their infants, from prenatal through age three;*

*(B) preschool programs; and*

*(C) training, education, and support for parents in such areas as reading readiness, observation, story-telling, and critical thinking.*

*(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004 to carry out this part.*

**SEC. [9307.] *9305.* ADMINISTRATIVE PROVISIONS.**

(a) * * *

[(b) APPLICATIONS BY LOCAL SCHOOL DISTRICTS OR STATE EDUCATIONAL ENTITIES.—Local school districts or State educational entities shall apply for funding under this part in partnership with Alaska Native organizations.]

*(b) APPLICATIONS.—State and local educational agencies may apply for an award under this part only as part of a consortium involving an Alaska Native organization. This consortium may include other eligible applicants.*

* * * * * * *

[(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each local educational agency serving students who will participate in the program for which assistance is sought shall be informed regarding each application submitted under this part, except that approval by or concurrence from such local educational agency shall not be required.]

*(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the project about its application.*

[(e) IMPLEMENTATION OF AUTHORITIES.—The Secretary shall expeditiously obligate funds appropriated as provided in this part.]

**SEC. [9308.] *9306.* DEFINITIONS.**

For purposes of this part—

(1) the term "Alaska Native" has the same meaning as the term "Native" has in section 3(b) of the Alaska Native Claims Settlement Act; and

(2) the term "Alaska Native organization" means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and other Alaska Native organizations that—

(A) has or commits to acquire expertise in the education of Alaska Natives; and

(B) has Alaska Natives in substantive and policy-making positions within the organization.

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# TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

## PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

* * * * * * *

## [PART B—GIFTED AND TALENTED CHILDREN

**[SEC. 10201. SHORT TITLE.**

[This part may be cited as the "Jacob K. Javits Gifted and Talented Students Education Act of 1994".

**[SEC. 10202. 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 its 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 challenge State content standards and challenge 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 such students' elementary and secondary school years, much of such students' 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 and 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. 10203. 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. 10204. AUTHORIZED PROGRAMS.**

[(a) ESTABLISHMENT OF PROGRAM.—

[(1) IN GENERAL.—From the sums appropriated under section 10207 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 Native Hawaiian 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) APPLICATION.—Each entity desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the

Secretary may reasonably require. Each such application 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) 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, may 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 agency, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (7) 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 30 percent 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)(7) 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 such Office; and

[(2) may include collaborative research activities which are jointly funded and carried out with such Office.

**[SEC. 10205. 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 service to gifted and talented students, such as mentoring and apprenticeship programs.

[(b) SERVICE PRIORITY.—In approving applications for assistance under section 10204(a)(2), 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. 10206. 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 serving such children.

[(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 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 14701, 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.

[(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 the education of gifted and talented students and who shall—

[(1) administer the programs authorized by this part;

[(2) coordinate all programs for gifted and talented students administered by the Department;

[(3) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

[(4) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

**[SEC. 10207. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of this part.]

## *PART B—GIFTED AND TALENTED CHILDREN*

***SEC. 10201. SHORT TITLE.***

*This part may be cited as the "Jacob K. Javits Gifted and Talented Students Education Act of 1999".*

***SEC. 10202. FINDINGS.***

*The Congress finds the following:*

*(1) While the families or communities of some gifted students can provide private programs with appropriately trained staff to supplement public educational offerings, most high-ability students, especially those from inner cities, rural communities, or low-income families, must rely on the services and personnel provided by public schools. Therefore, gifted education programs, provided by qualified professionals in the public schools, are needed to provide equal educational opportunities.*

*(2) Due to the wide dispersal of students who are gifted and talented and the national interest in a well-educated populace, the Federal Government can most effectively and appropriately conduct scientifically based research and development to provide an infrastructure and to ensure that there is a national capacity to educate students who are gifted and talented to meet the needs of the 21st century.*

*(3) State and local educational agencies often lack the specialized resources and trained personnel to consistently plan and implement effective programs for the identification of gifted*

*and talented students and for the provision of educational services and programs appropriate for their needs.*

*(4) Because gifted and talented students generally are more advanced academically, are able to learn more quickly, and study in more depth and complexity than others their age, their educational needs require opportunities and experiences that are different from those generally available in regular education programs.*

*(5) Typical elementary school students who are academically gifted and talented already have mastered 35 to 50 percent of the school year's content in several subject areas before the year begins. Without an advanced and challenging curriculum, they often lose their motivation and develop poor study habits that are difficult to break.*

*(6) Elementary and secondary teachers have students in their classrooms with a wide variety of traits, characteristics, and needs. Most teachers receive some training to meet the needs of these students, such as students with limited English proficiency, students with disabilities, and students from diverse cultural and racial backgrounds. However, most teachers do not receive training on meeting the needs of students who are gifted and talented.*

***SEC. 10203. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.***

*(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.*

*(b) SUBPART 2.—*

*(1) IN GENERAL.—Subpart 2 shall be in effect only for—*

*(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $50,000,000; and*

*(B) all succeeding fiscal years.*

*(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2—*

*(A) shall give special consideration to a request for the continuation of an award within the State, made by any public or private agency, institution, or organization that was awarded a grant or contract under subpart 1 for a fiscal year for which such subpart was in effect; and*

*(B) may use funds received under such grant for the purpose of permitting the agency, institution, or organization to continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.*

## *Subpart 1—Discretionary Grant Program*

***SEC. 10211. PURPOSE.***

*The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, 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.*

***SEC. 10212. GRANTS TO MEET EDUCATIONAL NEEDS OF GIFTED AND TALENTED STUDENTS.***

*(a) ESTABLISHMENT OF PROGRAM.—*

*(1) IN GENERAL.—Subject to section 10203, from the sums available to carry out this subpart 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, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart 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) APPLICATION.—Each entity desiring assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application 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) the proposed programs can be evaluated.*

*(b) USES OF FUNDS.—Programs and projects assisted under this subpart may include the following:*

*(1) Carrying out—*

*(A) scientifically based 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 purpose of this subpart.*

*(2) Professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.*

*(3) 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, including summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education.*

*(4) Implementing innovative strategies, such as cooperative learning, peer tutoring and service learning.*

*(5) Programs of technical assistance and information dissemination, including assistance and information with respect to*

*how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.*

*(c) COORDINATION.—Scientifically based research activities supported under this subpart—*

*(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 such Office; and*

*(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Office.*

***SEC. 10213. PROGRAM PRIORITIES.***

*(a) GENERAL PRIORITY.—In the administration of this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—*

*(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and*

*(2) assists schools in the identification of, and 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).*

*(b) SERVICE PRIORITY.—In approving applications for assistance under section 10212(a)(2), the Secretary shall ensure that in each fiscal year at least ½ of the applications approved under such section address the priority described in subsection (a)(2).*

*(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES FOR AUTHORIZED ACTIVITIES.—*

*(1) IN GENERAL.—For fiscal year 2001 and succeeding fiscal years, the Secretary shall ensure that a percentage of the excess amount described in paragraph (2) is used to increase (in proportion to any increases in such excess amounts) the number and size of the grants under this subpart to State educational agencies to begin implementing activities described in section 10222(b) through competitive subgrants to local educational agencies.*

*(2) EXCESS AMOUNT.—For purposes of paragraph (1), the excess amount described in this paragraph is, for fiscal year 2001 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this subpart for the year exceed such funds for fiscal year 2000.*

***SEC. 10214. GENERAL PROVISIONS FOR SUBPART.***

*(a) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary—*

*(1) shall use a peer review process in reviewing applications under this subpart;*

*(2) shall ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State and local educational agencies and other appropriate organizations, including nonprofit private organizations; and*

*(3) shall evaluate the effectiveness of programs under this subpart in accordance with section 14701, 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 the Congress not later than 2 years after the date of the enactment of the Student Results Act of 1999.*

*(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this subpart 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—*

*(1) shall administer and coordinate the programs authorized under this subpart;*

*(2) shall serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and*

*(3) shall assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.*

## *Subpart 2—Formula Grant Program*

***SEC. 10221. PURPOSE.***

*The purpose of this subpart is to provide grants to States to support programs, teacher preparation, and other services designed to meet the needs of the Nation's gifted and talented students in elementary and secondary schools.*

***SEC. 10222. ESTABLISHMENT OF PROGRAM; USE OF FUNDS.***

*(a) IN GENERAL.—In the case of each State that in accordance with section 10224 submits to the Secretary an application for a fiscal year, subject to section 10203, the Secretary shall make a grant for the year to the State for the uses specified in subsection (b). The grant shall consist of the allotment determined for the State under section 10223.*

*(b) AUTHORIZED ACTIVITIES.—Each State receiving a grant under this subpart shall use the funds provided under the grant to assist local educational agencies to develop or expand gifted and talented education programs through one or more of the following activities:*

*(1) Development and implementation of programs to address State and local needs for in-service training programs for general educators, specialists in gifted and talented education, administrators, or other personnel at the elementary and secondary levels.*

*(2) Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.*

*(3) Supporting innovative approaches and curricula used by local educational agencies (or consortia of such agencies) or schools or (consortia of schools).*

*(4) Providing funds for challenging, high-level course work, disseminated through new and emerging technologies (including distance learning), for individual students or groups of stu-*

*dents in schools and local educational agencies that do not have the resources otherwise to provide such course work.*

*(c) COMPETITIVE PROCESS.—A State receiving a grant under this subpart shall distribute at least 95 percent of the amount of the grant to local educational agencies through a competitive process that results in an equitable distribution by geographic area within the State.*

*(d) LIMITATIONS ON USE OF FUNDS.—*

*(1) COURSE WORK PROVIDED THROUGH EMERGING TECHNOLOGIES.—Activities under subsection (b)(4) may include development of curriculum packages, compensation of distance-learning educators, or other relevant activities, but funds provided under this subpart may not be used for the purchase or upgrading of technological hardware.*

*(2) ADMINISTRATIVE COSTS.—A State receiving a grant under this subpart may use not more than 5 percent of the amount of the grant for State administrative costs.*

***SEC. 10223. ALLOTMENTS TO STATES.***

*(a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall reserve ½ of 1 percent for the Secretary of the Interior for programs under this subpart for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.*

*(b) STATE ALLOTMENTS.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall allot the total amount made available to carry out this subpart for any fiscal year and not reserved under subsection (a) to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico 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) MINIMUM GRANT AMOUNT.—No State receiving an allotment under paragraph (1) may receive less than ¼ of 1 percent of the total amount allotted under such paragraph.*

*(c) REALLOTMENT.—If any State does not apply for an allotment under this section for any fiscal year, the Secretary shall reallot such amount to the remaining States in accordance with this section.*

***SEC. 10224. APPLICATION.***

*(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.*

*(b) CONTENTS.—Each application under this section shall include assurances that—*

*(1) funds received under this subpart will be used to support gifted and talented students in public schools and public charter schools, including students from all economic, ethnic, and racial backgrounds, students of limited English proficiency, students with disabilities, and highly gifted students;*

*(2) not less than 95 percent of the amount of the funds provided under the grant shall be used for the purpose of making,*

*in accordance with this subpart and on a competitive basis, subgrants to local educational agencies;*

*(3) funds received under this subpart shall be used only to supplement, but not supplant, the amount of State and local funds expended for specialized education and related services provided for the education of gifted and talented students; and*

*(4) the State shall develop procedures to evaluate program effectiveness.*

*(c) APPROVAL.—To the extent funds are made available for this subpart, the Secretary shall approve an application of a State if such application meets the requirements of this section.*

***SEC. 10225. ANNUAL REPORTING.***

*Beginning 1 year after the date of the enactment of the Student Results Act of 1999, a State receiving a grant under this subpart shall submit an annual report to the Secretary that describes the number of students served and the activities supported with funds provided under this subpart. The report shall include a description of the measures taken to comply with paragraphs (1) and (4) of section 10224(b). To the extent practicable and otherwise authorized by law, this report shall be submitted as part of any consolidated State performance report for State formula grant programs under this Act.*

## *Subpart 3—National Center for Research and Development in the Education of Gifted and Talented Children and Youth*

***SEC. 10231. CENTER FOR RESEARCH AND DEVELOPMENT.***

*(a) 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 and other public or private agencies and organizations, for the purpose of carrying out activities described in section 10212(b)(1).*

*(b) 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 institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.*

*(c) COORDINATION.—Scientifically based research activities supported under this subpart—*

*(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 such Office; and*

*(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Office.*

## *Subpart 4—General Provisions*

***SEC. 10241. 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. 10242. 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 serving such children.*

***SEC. 10243. DEFINITIONS.***

*For purposes of this part:*

*(1) The term "scientifically based research"—*

*(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to the education of gifted and talented children; and*

*(B) shall include research that—*

*(i) employs systematic, empirical methods that draw on observation or experiment;*

*(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;*

*(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and*

*(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.*

*(2) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.*

***SEC. 10244. AUTHORIZATION OF APPROPRIATIONS.***

*(a) SUBPART 1 OR 2.—Subject to section 10203, there are authorized to be appropriated $10,000,000 to carry out subpart 1 or 2 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.*

*(c) SUBPART 3.—There are authorized to be appropriated to carry out subpart 3 $1,950,000 for each of fiscal years 2000 through 2004.*

* * * * * * *

# [PART J—URBAN AND RURAL EDUCATION ASSISTANCE

**[SEC. 10951. AUTHORIZATION OF APPROPRIATIONS.**

[(a) DEMONSTRATION GRANTS.—

[(1) IN GENERAL.—There are authorized to be appropriated $125,000,000 for fiscal year 1995, and such sums as may be

necessary for each of the four succeeding fiscal years, to carry out subparts 1 and 2 (other than section 10975).

[(2) RESERVATION FOR SUBPART 1.—The Secretary shall reserve 50 percent of the amount appropriated under paragraph (1) to carry out subpart 1.

[(3) RESERVATION FOR SUBPART 2.—The Secretary shall reserve 50 percent of the amount appropriated under paragraph (1) to carry out subpart 2 (other than section 10975).

[(b) HIGHER EDUCATION GRANTS.—There are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out section 10975.

[(c) FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.—An eligible local educational agency may use funds received under this part only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this part, and in no such case may such funds be used to supplant funds from non-Federal sources.

**[SEC. 10952. DEFINITIONS.**

[Except as otherwise provided, for the purposes of this part:

[(1) CENTRAL CITY.—The term "central city" has the same meaning used by the Bureau of the Census.

[(2) METROPOLITAN STATISTICAL AREA.—The term "metropolitan statistical area" has the same meaning used by the Bureau of the Census.

[(3) POVERTY LEVEL.—The term "poverty level" means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

[(4) RURAL ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "rural eligible local educational agency" means a local educational agency—

[(A)(i) in which at least 15 percent of the children enrolled in the schools served by such agency are eligible to be counted under part A of title I; and

[(ii) which is not in a metropolitan statistical area; or

[(B) in which the total enrollment in the schools served by such agency is less than 2,500 students and that does not serve schools located in a metropolitan statistical area.

[(5) URBAN ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "urban eligible local educational agency" means a local educational agency that—

[(A) serves the largest central city in a State;

[(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

[(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

# [Subpart 1—Urban Education Demonstration Grants

**[SEC. 10961. FINDINGS.**

[The Congress finds that—

[(1) the ability of the Nation's major urban public school systems to meet the Nation's educational goals will determine the country's economic competitiveness and academic standing in the world community;

[(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's inner-cities;

[(3) the success of urban public schools in boosting the achievement of its minority youth attending such schools will determine the ability of the Nation to close the gap between the "haves and the have-nots" in society;

[(4) the cost to America's businesses to provide remedial education to high school graduates is approximately $21,000,000,000 per year;

[(5) approximately one-third of the Nation's workforce will be members of minority groups by the year 2000;

[(6) urban schools enroll a disproportionately large share of the Nation's poor and "at-risk" youth;

[(7) urban schools enroll approximately one-third of the Nation's poor, 40 percent of the Nation's African American children, and 30 percent of the Nation's Hispanic youth;

[(8) nearly 20 percent of the Nation's limited-English-proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools;

[(9) the academic performance of students in the average inner-city public school system is below that of students in most other kinds of school systems;

[(10) urban public school systems have higher dropout rates, more problems with health care, and less parental participation than other kinds of school systems;

[(11) urban preschoolers have one-half the access to early childhood development programs as do other children;

[(12) shortages of teachers in urban public school systems are 2.5 times greater than such shortages in other kinds of school systems;

[(13) declining numbers of urban minority high school graduates are pursuing postsecondary educational opportunities;

[(14) urban public school systems have greater problems with teenage pregnancy, discipline, drug abuse, and gangs than do other kinds of school systems;

[(15) 75 percent of urban public school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions;

[(16) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

[(17) Federal and State funding of urban public schools has not adequately reflected need; and

[(18) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of inner-city public schools.

**[SEC. 10962. PURPOSE.**

[It is the purpose of this subpart to provide financial assistance to—

[(1) assist urban public schools in meeting the National Education Goals;

[(2) improve the educational and social well-being of urban public school children;

[(3) close the achievement gap between urban and nonurban public school children, while improving the achievement level of all children nationally;

[(4) conduct coordinated research on urban public education problems, solutions, and promising practices;

[(5) improve the Nation's global economic and educational competitiveness by improving the Nation's urban schools; and

[(6) encourage community, parental, and business collaboration in the improvement of urban schools.

**[SEC. 10963. URBAN SCHOOL GRANTS.**

[(a) AUTHORITY.—The Secretary is authorized to make grants to eligible local educational agencies serving an urban area or State educational agencies in the case where the State educational agency is the local educational agency for activities designed to assist in local school improvement efforts and school reform, and to assist the schools of such agencies in meeting the National Education Goals.

[(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used to—

[(1) increase the academic achievement of urban public school children to at least the national average, such as—

[(A) effective public schools programs;

[(B) tutoring, mentoring, and other activities to improve academic achievement directly;

[(C) activities designed to increase the participation of minority and female students in entry level and advanced courses in mathematics and science;

[(D) supplementary academic instruction;

[(E) efforts to improve problem-solving and higher-order thinking skills;

[(F) programs to increase student motivation for learning; and

[(G) efforts to lengthen the school day or school year, or to reduce class sizes;

[(2) ensure the readiness of all urban public school children for school, such as—

[(A) full workday, full calendar-year comprehensive early childhood development programs;

[(B) parenting classes and parent involvement activities;

[(C) activities designed to coordinate prekindergarten and child care programs;

[(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

[(E) upgrading the qualifications of early childhood education staff and standards for programs;

[(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

[(G) establishment of comprehensive child care centers in public secondary schools for students who are parents and their children; and

[(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English-proficient preschool children;

[(3) increase the graduation rates of urban public school students to at least the national average, such as—

[(A) dropout prevention activities and support services for public school students at-risk of dropping out of school;

[(B) reentry, outreach, and support activities to recruit students who have dropped out of school to return to school;

[(C) development of systemwide policies and practices that encourage students to stay in school;

[(D) efforts to provide individualized student support, such as mentoring programs;

[(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

[(F) programs to increase student attendance; and

[(G) alternative programs for students, especially bilingual and special education students, who have dropped out of school or are at risk of dropping out of school;

[(4) prepare urban public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

[(A) activities designed to increase the number and percentages of students, particularly minority students, enrolling in postsecondary educational institutions after graduation from public secondary schools;

[(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

[(C) activities designed in collaboration with colleges and universities to assist urban public school graduates in completing higher education;

[(D) efforts to increase voter registration among eligible public secondary school students;

[(E) activities designed to promote community service and volunteerism among students, parents, teachers, and the community; and

[(F) civic education and other programs designed to enhance responsible citizenship and understanding of the political process;

[(5) recruit and retain qualified teachers, such as—

[(A) school-based management projects and activities;

[(B) programs designed to test efforts to increase the professionalization of teachers or to bring teachers up to national voluntary standards;

[(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

[(D) efforts to recruit and retain teachers, particularly minority teachers, specializing in critical shortage areas, including early childhood teachers, mathematics and science teachers, and special education and bilingual teachers;

[(E) upgrading the skills of teacher aides and paraprofessionals to permit such individuals to become certified teachers;

[(F) activities specifically designed to increase the number of minority teachers in urban schools;

[(G) incentives for teachers to work in inner-city public schools; and

[(H) collaborative activities with urban universities to revise and upgrade teacher training programs;

[(6) provide for ongoing staff development to increase the professional capacities of the teaching staff and the skills of teacher aides and paraprofessionals;

[(7) decrease the use of drugs and alcohol among urban public school students and enhance the physical and emotional health of such students, such as—

[(A) activities designed to improve the self-esteem and self-worth of urban public school students;

[(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

[(C) programs designed to improve safety and discipline and reduce in-school violence, vandalism, and gang activity;

[(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students and teachers;

[(E) collaborative activities with other agencies, businesses, and community groups to discourage the advertisement and glorification of drugs and alcohol;

[(F) efforts to enhance health education and nutrition education; and

[(G) alternative public schools, and schools-within-schools programs, including bilingual and special education programs for public school students with special needs; or

[(8) plan, develop, operate, or expand programs and activities that are designed to assist urban public schools in meeting the National Education Goals, including—

[(A) training of teachers and other educational personnel in subject areas, or in instructional technology and methods that will improve the delivery of services in urban settings and assist in the achievement of the National

Education Goals, including staff development efforts that emphasize multicultural and gender and disability bias-free curricula;

[(B) coordination and collaboration with other municipal agencies, child care organizations, universities, or the private sector;

[(C) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

[(D) pupil services and other support services that contribute to progress in achieving National Education Goals;

[(E) efforts to acquire and improve access to educational technology;

[(F) assist the schools most in need of services by replicating successful efforts of other urban local educational agencies and expanding successful programs within the eligible agency; or

[(G) efforts to improve and strengthen the curriculum and coordinate services across grade levels.

[(c) APPLICATIONS.—

[(1) IN GENERAL.—An eligible local educational agency desiring to receive 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, consistent with this section.

[(2) DURATION.—An application submitted pursuant to paragraph (1) may be for a period of not more than five years.

[(d) PAYMENTS.—The Secretary shall make an award only to urban eligible local educational agencies that—

[(1) comply with the provisions of section 10966; and

[(2) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 10961 shows progress toward meeting National Education Goals.

[(e) ADMINISTRATIVE COSTS.—Not more than five percent of any award made under this subpart may be used for administrative costs.

**[SEC. 10964. SPECIAL RULES.**

[(a) SPECIAL CONSIDERATION.—In making awards under this subpart, the Secretary shall give special consideration to urban eligible local educational agencies in which there is—

[(1) low achievement;

[(2) high poverty; and

[(3) racial isolation.

[(b) FLEXIBILITY.—Each urban eligible local educational agency shall have the flexibility to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations within the program assisted under this subpart.

## [Subpart 2—Rural Education Demonstration Grants

**[SEC. 10971. FINDINGS.**

[The Congress finds that—

[(1) the ability of America's rural public school systems to meet the National Education Goals will contribute to the economic competitiveness and academic standing of the Nation in the world community;

[(2) approximately 60 percent of the Nation's public school districts are rural with a population of less than 2,500;

[(3) about 1 out of every 4 of America's rural school children are living below the poverty line;

[(4) the quality of public education in the rural areas of the Nation has a direct effect on the economic development of the rural communities of the Nation;

[(5) the success of rural public schools in boosting the achievement of minority youth attending such schools will determine the ability of the Nation to close the gap between the haves and the have-nots in society;

[(6) the academic performance of students in the average rural school system is below that of students in most other suburban school systems;

[(7) the average age of rural public school buildings is more than 45 years old and such buildings are often in serious disrepair, creating poor and demoralizing working and learning conditions;

[(8) shortages of teachers for rural public school systems is greater than in other kinds of school systems;

[(9) solving the challenges facing the Nation's rural public schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

[(10) additional Federal funding would contribute significantly to addressing the comprehensive needs of rural schools;

[(11) rural public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;

[(12) a declining number of rural public secondary school graduates are pursuing postsecondary education opportunities;

[(13) rural preschoolers have less access to early childhood development programs than other children; and

[(14) Federal and State funding of rural public schools has not adequately reflected need.

**[SEC. 10972. PURPOSE.**

[It is the purpose of this subpart to provide financial assistance to rural public schools most in need, to encourage the comprehensive restructuring of America's rural schools, the appropriate use of telecommunications technologies for learning, and to support innovative programs which improve performance through programs and projects designed to—

[(1) assist rural public schools in meeting National Education Goals;

[(2) encourage rural public schools to engage in school reform;

[(3) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;

[(4) improve the educational and social well-being of rural public school children;

[(5) close the achievement gap between children attending rural public schools and other children, while improving the achievement level of all children nationally;

[(6) conduct coordinated research on rural education problems, solutions, promising practices, and distance learning technologies;

[(7) improve the Nation's global economic and educational competitiveness by improving the Nation's rural public schools;

[(8) encourage community, parental, and business collaboration in the improvement of rural public schools;

[(9) encourage rural school consortia for the purpose of increasing efficiency and course offerings;

[(10) encourage a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

[(11) encourage community-as-school concepts, which include the role public schools can play to assist with rural community economic revitalization; and

[(12) provide for the recruitment and meaningful inservice opportunities for rural public school teachers.

**[SEC. 10973. RURAL SCHOOL GRANTS.**

[(a) AUTHORITY.—The Secretary is authorized to make grants to rural eligible local educational agencies, or State educational agencies in the case where the State educational agency is the local educational agency, for activities designed to assist in local school improvement efforts.

[(b) AWARD RULES.—

[(1) LESS THAN $50,000,000.—If the amount made available to carry out this subpart for any fiscal year is less than $50,000,000, the Secretary shall award grants under this section on a competitive basis.

[(2) EQUAL TO OR GREATER THAN $50,000,000.—If the amount made available to carry out this subpart for any fiscal year is equal to or greater than $50,000,000, the Secretary shall award grants under this section so that a rural eligible local educational agency in each State receives such a grant.

[(c) ADMINISTRATIVE COSTS.—Not more than five percent of a grant awarded under section 10573 shall be used for administrative costs.

[(d) DURATION.—Each grant under this section shall be awarded for a period of not more than five years.

**[SEC. 10974. USES OF FUNDS.**

[(a) IN GENERAL.—Grant funds made available under section 10973 may be used by rural eligible local educational agencies to meet the National Education Goals through programs designed to—

[(1) increase the academic achievement of rural public school children to at least the national average of such achievement, including education reform initiatives, such as—

[(A) effective public schools programs;

[(B) tutoring, mentoring, and other activities to improve academic achievement directly;

[(C) supplementary academic instruction;

[(D) efforts to improve problem-solving and higher-order critical thinking skills; and

[(E) efforts to lengthen the school day, school year, or reduce class sizes;

[(2) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;

[(3) encourage the formation of rural school consortia for the purpose of increasing efficiency and course offerings;

[(4) provide meaningful inservice training opportunities for rural public school teachers;

[(5) assist rural schools in acquiring and improving access to educational technology, including distance learning technologies;

[(6) ensure the readiness of all rural children for school, such as—

[(A) full workday, full calendar-year comprehensive early childhood development programs;

[(B) parenting classes, including parenting classes for teenage parents, and parent involvement activities;

[(C) activities designed to coordinate prekindergarten and child care programs;

[(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

[(E) improving the skills of early childhood education staff and standards for programs;

[(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

[(G) establishment of comprehensive child care centers in public secondary schools for student parents and their children; and

[(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient children, children with disabilities, and migrant preschool children;

[(7) increase the graduation rates of rural public school students to at least the national average of such rate, when funds are used to serve secondary schools, such as—

[(A) dropout prevention activities and support services for students at-risk of dropping out of school;

[(B) reentry, outreach and support activities to recruit students who have dropped out of school to return to school;

[(C) development of systemwide policies and practices that encourage students to stay in school;

[(D) efforts to provide individualized student support;

[(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher

education aimed at preventing individuals from dropping out of school;

[(F) programs to increase student attendance; and

[(G) alternative programs for students, especially bilingual, special education, and migrant students, who have dropped out of school or are at risk of dropping out of school;

[(8) prepare rural public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

[(A) activities designed to increase the number and percentages of students, enrolling in postsecondary educational institutions after graduation from secondary schools;

[(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

[(C) activities designed in collaboration with colleges and universities to assist rural public school graduates in completing higher education;

[(D) activities designed in conjunction with community colleges to provide a kindergarten through grade 14 experience for rural public school secondary school students;

[(E) efforts to increase voter registration among eligible public secondary school students attending schools served by rural eligible local educational agencies;

[(F) activities designed to promote community service and volunteerism among students, parents, teachers, and the community;

[(G) civic education, law-related education, and other programs designed to enhance responsible citizenship and understanding of the political process; and

[(H) encouraging a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

[(9) recruit and retain qualified teachers, such as—

[(A) school-based management projects and activities;

[(B) programs designed to increase the status of the teaching profession;

[(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

[(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, foreign language teachers, and special education and bilingual teachers;

[(E) upgrading the skills of existing classroom teachers through the use of year-round, systematic, comprehensive inservice training programs;

[(F) upgrading the skills of teacher aides and paraprofessionals to assist such individuals in becoming certified teachers;

[(G) efforts specifically designed to increase the number of minority teachers in rural public schools;

[(H) programs designed to encourage parents and students to enter the teaching profession;

[(I) incentives for teachers to work in rural public schools;

[(J) collaborative activities with colleges and universities to revise and upgrade teacher training programs to meet the needs of rural public school students; and

[(K) training activities for the purpose of incorporating distance learning technologies; or

[(10) decrease the use of drugs and alcohol among rural public school students, and to enhance the physical and emotional health of such students, such as—

[(A) activities designed to improve the self-esteem and self-worth of rural students;

[(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

[(C) programs designed to improve safety and discipline and reduce in-school violence and vandalism;

[(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students;

[(E) collaborative activities with other agencies, businesses, and community groups;

[(F) efforts to enhance health education and nutrition education; and

[(G) alternative public schools, and schools-within-schools programs, including bilingual, migrant, and special education programs for students with special needs.

[(b) APPLICATIONS.—Each eligible entity desiring a grant under section 10973 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each grant awarded under section 10973 shall be of sufficient size and scope to achieve significant rural school improvement.

**[SEC. 10975. HIGHER EDUCATION GRANTS.**

[(a) GRANTS.—The Secretary is authorized to make grants to institutions of higher education, consortia of such institutions, or partnerships between institutions of higher education and local educational agencies to assist rural schools and rural eligible local educational agencies in undertaking local school improvement activities.

[(b) AUTHORIZED ACTIVITIES.—Grant funds under this section may be used to—

[(1) assist rural schools in meeting National Education Goals;

[(2) assist in the recruitment and training of teachers in rural schools;

[(3) assist rural schools in the development of appropriate innovative school improvement initiatives;

[(4) provide inservice training opportunities for teachers in rural schools; and

[(5) provide technical assistance in the use and installation of innovative telecommunications technology.

[(c) APPLICATIONS.—Each eligible entity 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.

## [Subpart 3—White House Conferences

**[SEC. 10981. WHITE HOUSE CONFERENCE ON URBAN EDUCATION.**

[(a) AUTHORIZATION TO CALL CONFERENCE.—

[(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Urban Education (referred to in this section as the "Conference") which shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

[(2) PURPOSE.—The purpose of the Conference shall be to—

[(A) develop recommendations and strategies for the improvement of urban education;

[(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist urban public schools in achieving National Education Goals; and

[(C) conduct the initial planning for a permanent national advisory commission on urban education.

[(b) COMPOSITION OF CONFERENCE.—

[(1) IN GENERAL.—The Conference shall be comprised of 12 individuals, including—

[(A) representatives of urban public school systems, including members of the governing body of local educational agencies, and school superintendents;

[(B) representatives of the Congress, the Department of Education, and other Federal agencies;

[(C) State elected officials and representatives from State educational agencies; and

[(D) individuals with special knowledge of and expertise in urban education.

[(2) SELECTION.—The President shall select one-third of the participants of the Conference, the majority leader of the Senate, in consultation with the minority leader of the Senate, shall select one-third of such participants, and the Speaker of the House of Representatives, in consultation with the minority leader of the House, shall select the remaining one-third of such participants.

[(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the majority leader of the Senate, and the Speaker of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and linguistic diversity of cities as is practicable.

[(c) REPORT.—

[(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Con-

gress together with a statement of the President containing recommendations for implementing the report.

[(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local urban public school leaders.

**[SEC. 10982. WHITE HOUSE CONFERENCE ON RURAL EDUCATION.**

[(a) AUTHORIZATION TO CALL CONFERENCE.—

[(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Rural Education (hereafter in this section referred to as the "Conference").

[(2) DATE.—The Conference shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

[(3) PURPOSE.—The purposes of the Conference shall be to—

[(A) develop recommendations and strategies for the improvement of rural public education;

[(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist rural public schools in achieving National Education Goals, and make recommendations on the roles rural public schools can play to assist with local rural community economic revitalization; and

[(C) conduct the initial planning for a permanent national commission on rural public education.

[(b) COMPOSITION OF CONFERENCE.—

[(1) IN GENERAL.—The Conference shall be comprised of—

[(A) representatives of eligible public school systems, including members of the governing body of local educational agencies, school superintendents, and classroom teachers;

[(B) representatives of the Congress, the Department, and other Federal agencies;

[(C) State elected officials and representatives from State educational agencies;

[(D) individuals with special knowledge of, and expertise in, rural education, including individuals involved with rural postsecondary education; and

[(E) individuals with special knowledge of, and expertise in, rural business.

[(2) SELECTION.—The President shall select one-third of the participants of the Conference, the majority leader of the Senate, in consultation with the minority leader of the Senate, shall select one-third of such participants, and the Speaker of the House of Representatives, in consultation with the minority leader of the House, shall select the remaining one-third of such participants.

[(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the majority leader of the Senate, and the Speaker of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and language diversity of rural areas as is practicable.

[(c) REPORT.—

[(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

[(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local rural school leaders and teachers.]

## *PART J—RURAL EDUCATION INITIATIVE*

***SEC. 10951. SHORT TITLE.***

*This part may be cited as the "Rural Education Initiative Act of 1999".*

***SEC. 10952. FINDINGS.***

*Congress finds the following:*

*(1) The National Center for Educational Statistics reports that 46 percent of our Nation's public schools serve rural areas.*

*(2) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific and unique needs of rural school districts and schools.*

*(3) Small school districts often cannot use Federal grant funds distributed by formula because the formula allocation does not provide enough revenue to carry out the program the grant is intended to fund.*

*(4) Rural schools often cannot compete for Federal funding distributed by competitive grants because the schools lack the personnel needed to prepare grant applications and the resources to hire specialists in the writing of Federal grant proposals.*

*(5) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in reading, science, and mathematics). As a result, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subject areas than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.*

## *Subpart 1—Small and Rural School Program*

***SEC. 10961. FORMULA GRANT PROGRAM AUTHORIZED.***

*(a) ALTERNATIVE USES.—*

*(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to support local or state-*

*wide education reform efforts intended to improve the academic achievement of elementary school and secondary school students and the quality of instruction provided for the students.*

*(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.*

*(b) ELIGIBILITY.—*

*(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—*

*(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and*

*(ii) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture; or*

*(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).*

*(2) CERTIFICATION.—The Secretary shall determine whether or not to waive the criteria described in paragraph (1)(A)(ii) based on certification provided by the local educational agency, or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.*

*(c) APPLICABLE FUNDING.—In this section, the term "applicable funding" means funds provided under each of titles II, IV, VI, parts A and C of title VII, and part I of title X.*

*(d) DISBURSAL.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.*

*(e) SUPPLEMENT NOT SUPPLANT.—Funds used under this section shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purpose of this subpart.*

*(f) SPECIAL RULE.—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.*

***SEC. 10962. PROGRAM AUTHORIZED.***

*(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to support local or statewide education reform efforts intended to improve the academic achievement of elementary school and secondary school students and the quality of instruction provided for the students.*

*(b) ELIGIBILITY.—*

*(1) IN GENERAL.—A local educational agency shall be eligible to receive a grant under this section if—*

*(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and*

*(ii) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture; or*

*(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).*

*(2) CERTIFICATION.—The Secretary shall determine whether or not to waive the criteria described in paragraph (1)(A)(ii) based on certification provided by the local educational agency, or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.*

*(c) ALLOCATION.—*

*(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant to an eligible local educational agency for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 10961(c) for the preceding fiscal year.*

*(2) DETERMINATION OF THE INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students, over 50 students, in average daily attendance in such eligible agency plus $20,000, except that the initial amount may not exceed $60,000.*

*(3) RATABLE ADJUSTMENT.—*

*(A) IN GENERAL.—If the amount made available for this subpart for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.*

*(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.*

*(5) CENSUS DETERMINATION.—*

*(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency.*

*(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.*

*(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.*

*(e) SPECIAL RULE.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year shall be ineligible to receive funds for such fiscal year under subpart 2.*

*(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State or local education funds.*

***SEC. 10963. ACCOUNTABILITY.***

*(a) ACADEMIC ACHIEVEMENT.—*

*(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 10961 or 10962 for a fiscal year shall administer an assessment consistent with section 1111 of title I.*

*(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 10961 or 10962 shall use the same assessment described in paragraph (1) for each year of participation in the program under such section.*

*(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 10961(c) shall—*

*(1) after the 2d year that a local educational agency participates in a program under section 10961 or 10962 and on the basis of the results of the assessments described in subsection (a), determine whether the students served by the local educational agency participating in the program performed in accordance with section 1111 of title I; and*

*(2) only permit those local educational agencies that so participated and met the requirements of section 1111(b)(2) of title I to continue to so participate.*

## *Subpart 2—Low-Income And Rural School Program*

***SEC. 10971. PROGRAM AUTHORIZED.***

*(a) RESERVATIONS.—From amounts appropriated under section 10982 for this subpart for a fiscal year, the Secretary shall reserve ½ of 1 percent to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purpose of this subpart.*

*(b) GRANTS TO STATES.—*

*(1) IN GENERAL.—From amounts appropriated under section 10982 for this subpart that are not reserved under subsection (a), the Secretary shall award grants for a fiscal year to State educational agencies that have applications approved under section 10973 to enable the State educational agencies to award subgrants to eligible local educational agencies for local authorized activities described in subsection (c)(2).*

*(2) ALLOCATION.—From amounts appropriated for this subpart, the Secretary shall allocate to each State educational agency for a fiscal year an amount that bears the same ratio*

*to the amount of funds appropriated under section 10982 for this subpart that are not reserved under subsection (a) as the number of students in average daily attendance served by eligible local educational agencies in the State bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.*

*(3) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—*

*(A) NONPARTICIPATING STATE.—If a State educational agency elects not to participate in the program under this subpart or does not have an application approved under section 10973 a specially qualified agency in such State desiring a grant under this subpart shall apply directly to the Secretary to receive an award under this subpart.*

*(B) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under paragraph (2) directly to specially qualified agencies in the State.*

*(c) LOCAL AWARDS.—*

*(1) ELIGIBILITY.—A local educational agency shall be eligible to receive funds under this subpart if—*

*(A) 20 percent or more of the children aged 5 to 17, inclusive, served by the local educational agency are from families with incomes below the poverty line; and*

*(B) all of the schools served by the agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.*

*(2) USES OF FUNDS.—Grant funds awarded to local educational agencies or made available to schools under this subpart shall be used for—*

*(1) educational technology, including software and hardware;*

*(2) professional development;*

*(3) technical assistance;*

*(4) teacher recruitment and retention;*

*(5) parental involvement activities; or*

*(6) academic enrichment programs.*

***SEC. 10972. STATE DISTRIBUTION OF FUNDS.***

*(a) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—*

*(1) on a competitive basis; or*

*(2) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools (as appropriate) in the State, as determined by the State.*

*(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs.*

***SEC. 10973. APPLICATIONS.***

*Each State educational agency and specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such ap-*

*plication shall include specific measurable goals and objectives to be achieved which may include specific educational goals and objectives relating to increased student academic achievement, decreased student drop-out rates, or such other factors that the State educational agency or specially qualified agency may choose to measure.*

***SEC. 10974. REPORTS.***

*(a) STATE REPORTS.—Each State educational agency that receives a grant under this subpart shall provide an annual report to the Secretary. The report shall describe—*

*(1) the method the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;*

*(2) how local educational agencies and schools used funds provided under this subpart; and*

*(3) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 10973.*

*(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—*

*(1) how such agency uses funds provided under this subpart; and*

*(2) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 10971(b)(4)(A).*

*(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Education and the Workforce for the House of Representatives and the Committee on Health, Education, Labor, and Pensions for the Senate an annual report. The report shall describe—*

*(1) the methods the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;*

*(2) how eligible local educational agencies and schools used funds provided under this subpart; and*

*(3) progress made in meeting specific measurable educational goals and objectives.*

***SEC. 10975. DEFINITIONS.***

*For the purposes of this subpart—*

*(1) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.*

*(2) The term "specially qualified agency" means an eligible local educational agency, located in a State that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year in accordance with section 10971(b)(4).*

## *Subpart 3—General Provisions*

***SEC. 10981. 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.*

***SEC. 10982. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to carry out this part $125,000,000 for fiscal year 2000 and such sums as may be necessary for each of 4 succeeding fiscal years to be distributed equally between subparts 1 and 2.*

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# *TITLE XV—TEACHER LIABILITY PROTECTION*

***SEC. 15001. SHORT TITLE.***

*This title may be cited as the "Teacher Liability Protection Act of 1999".*

***SEC. 15002. FINDINGS AND PURPOSE.***

*(a) FINDINGS.—Congress makes the following findings:*

*(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.*

*(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.*

*(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.*

*(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.*

*(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—*

*(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and*

*(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.*

*(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.*

***SEC. 15003. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.***

*(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.*

*(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—*

*(1) citing the authority of this subsection;*

*(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and*

*(3) containing no other provisions.*

***SEC. 15004. LIMITATION ON LIABILITY FOR TEACHERS.***

*(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—*

*(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;*

*(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;*

*(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;*

*(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and*

*(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—*

*(A) possess an operator's license; or*

*(B) maintain insurance.*

*(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.*

*(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:*

*(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.*

*(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.*

*(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.*

*(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—*

*(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.*

*(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.*

*(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—*

*(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—*

*(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;*

*(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;*

*(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or*

*(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.*

*(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).*

***SEC. 15005. LIABILITY FOR NONECONOMIC LOSS.***

*(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).*

*(b) AMOUNT OF LIABILITY.—*

*(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment*

*against each defendant in an amount determined pursuant to the preceding sentence.*

*(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.*

***SEC. 15006. DEFINITIONS.***

*For purposes of this title:*

*(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.*

*(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.*

*(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.*

*(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.*

*(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.*

*(6) TEACHER.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.*

***SEC. 15007. EFFECTIVE DATE.***

*(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of the Student Results Act of 1999.*

*(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the Student Results Act of 1999, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.*

# *TITLE XVI—SCHOOLWIDE PROGRAM ADJUSTMENT*

***SEC. 16001. SCHOOLWIDE PROGRAM ADJUSTMENT.***

*Notwithstanding the provisions of section 1114, a local educational agency may consolidate funds under part A of title I, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.*

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## Education Amendments of 1978

TITLE XI—INDIAN EDUCATION

PART A—ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES

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## PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

**[SEC. 1121. STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.**

[(a)(1) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the National Education Goals embodied in the Goals 2000: Educate America Act. Consistent with the provisions of this section and section 1131, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State improvement plans developed and implemented pursuant to the Goals 2000: Educate America Act for the States in which each Bureau funded school operates. In developing and reviewing such standards and coordination, the Secretary shall utilize the findings and recommendations of the panel established in section 315(b)(4) of such Act.

[(2) The Secretary shall take immediate steps to encourage school boards of Bureau funded schools to engage their communities in adopting declarations of purposes of education in their communities, analyzing the implications of such purposes for their schools, and determining how such purposes may be made to motivate students and faculties and otherwise animate their schools by May 1, 1995. Such declarations shall represent the aspirations of a community for the kinds of persons such community wants its children to increasingly become, and shall include such purposes as assuring that all learners are becoming accomplished in ways important to themselves and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share.

[(b) Within 18 months of the publication of the voluntary national content standards described in section 203(a)(2) of the Goals

2000: Educate America Act, the Secretary, in consultation with the Secretary of Education and Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization such studies and surveys, making the fullest use possible of other existing studies, surveys, and plans, as are necessary to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

[(c)(1) The Secretary shall revise the minimum academic standards published in the Federal Register of September 9, 1985 (50 Fed. Reg. 174) for the basic education of Indian children in accordance with the purpose described in subsection (a) and the findings of the studies and surveys described in subsection (b), and shall publish such revised standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 21 months of the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish final standards, distribute such standards to all the tribes and publish such final standards in the Federal Register. The Secretary shall revise such final standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

[(2) The standards described in paragraph (1) shall apply to Bureau schools, and subject to subsection (f), to contract or grant schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe.

[(d) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

[(e) A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsection (c) and (d), where such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

[(f)(1) The Secretary, through contracting and grant-making procedures, shall assist school boards of contract or grant schools in the implementation of the standards established under subsections

(c) and (d), if the school boards request that such standards, in part or in whole, be implemented. At the request of a contract or grant school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (c) and (d) to take into account the needs of the Indian children and the contract or grant school.

[(2) Within 1 year of the date of the enactment of the Indian Education Technical Amendments Act of 1985, the Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract or grant schools. Such standards shall yield data results comparable to those used by Bureau schools.

[(g) Subject to subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. Not later than January 1, 1995, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section. Such plan shall include detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school up to the level required by such standards.

[(h)(1) Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection, except that, in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, the requirements of this subsection shall not apply. The requirements of this subsection shall not apply when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

[(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing, consolidation, or substantial curtailment of Bureau schools in accordance with the requirements of this subsection.

[(3) Whenever closure, transfer to any other authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified as soon as such consideration or review begins, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to any other authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated local school board shall be notified at least 6 months prior to the end of the school year preceding the proposed closure date. Copies

of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

[(4) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of—

[(A) any Bureau funded school that is operated on or after April 1, 1987,

[(B) any program of such a school that is operated on or after April 1, 1987, or

[(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988,

only if the tribal governing body approves such action.

[(i) There are authorized to be appropriated such sums as may be necessary, for academic program costs, in order to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section.

[(j)(1) All Bureau funded schools shall include within their curriculum a program of instruction relating to alcohol and substance abuse prevention and treatment. The Assistant Secretary shall provide the technical assistance necessary to develop and implement such a program for students in kindergarten and grades 1 through 12, at the request of—

[(A) any Bureau school (subject to the approval of the school board of such school);

[(B) any school board of a school operating under a contract entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or

[(C) any school board of a school operating under a grant under the Tribally Controlled Schools Act of 1988.

[(2) In schools operated directly by the Bureau, the Secretary shall provide for—

[(A) accurate reporting of all incidents relating to alcohol and substance abuse; and

[(B) individual student crisis intervention.

[(3) The programs requested under paragraph (1) shall be developed in consultation with the Indian tribe that is to be served by such program and health personnel in the local community of such tribe.

[(4) Schools requesting program assistance under this subsection are encouraged to involve family units and, where appropriate, tribal elders and Native healers in such instructions.

[(k) For purposes of this section, the term "tribal governing body" means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

[(l)(1)(A)(i) The Secretary shall only consider the factors described in subparagraphs (B) and (C) in reviewing—

[(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and

[(II) applications from any tribe or school board of any Bureau funded school for—

[(aa) a school which is not a Bureau funded school; or

[(bb) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 1127.

[(ii) The Secretary shall give consideration to all of the factors under clause (i), but none of the applications under clause (i) may be denied based primarily upon the geographic proximity of public education.

[(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

[(i) The adequacy of facilities or the potential to obtain or provide adequate facilities.

[(ii) Geographic and demographic factors in the affected areas.

[(iii) Adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by a tribe or by Bureau personnel.

[(iv) Geographic proximity of comparable public education.

[(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.

[(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

[(i) Geographic and demographic factors in the affected areas.

[(ii) Adequacy and comparability of programs already available.

[(iii) Consistency of available programs with tribal educational codes or tribal legislation on education.

[(iv) The history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

[(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by not later than the date that is 180 days after the day on which such application is submitted to the Secretary.

[(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

[(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if—

[(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

[(ii) written evidence of such approval is submitted with the application.

[(B) Each application described in paragraph (1)(A)—

[(i) shall provide information concerning each of the factors described in paragraph (1)(B), and

[(ii) may provide information concerning the factors described in paragraph (1)(C).

[(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

[(A) state the objections in writing to the applicant by not later than the date that is 180 days after the day on which the application is submitted to the Secretary,

[(B) provide assistance to the applicant to overcome stated objections, and

[(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objections raised by the Secretary.

[(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

[(B) If an application is treated as having been approved by the Secretary by reason of paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

**[SEC. 1122. NATIONAL CRITERIA FOR DORMITORY SITUATIONS.**

[(a) The Secretary, in consultation with the Secretary of the Department of Education, and in consultation with Indian organizations and tribes, shall conduct or cause to be conducted by contract with an Indian organization, a study of the costs applicable to boarding arrangements for Indian students provided in Bureau schools, and contract or grant schools, for the purpose of establishing national criteria for such dormitory situations. Such criteria shall include adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space, and privacy.

[(b) Not later than January 1, 1996, the Secretary shall propose such criteria, and shall distribute such proposed criteria to the tribes and publish such proposed criteria in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 18 months of the date of the enactment of the Improving America's Schools Act of 1994, the Secretary shall establish final criteria, distribute such final criteria to all the tribes, and publish such final criteria in the Federal Register. The Secretary shall revise such final criteria periodically as necessary. Any revisions to the criteria established under this section shall be developed subject to requirements established under section 1131.

[(c) The Secretary shall begin to implement the criteria established under this section immediately upon the date of the establishment of such criteria. Not later than January 1, 1997, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau contract boarding schools up to the criteria established under this section. Such plan shall include predictions for the relative need for each boarding school in the future, detailed information on

the status of each school in relation to the criteria established under this section, specific cost estimates for meeting such criteria at each school, and specific time lines for bringing each school up to the level required by such criteria.

[(d)(1) The criteria established under this section may be waived in the same manner as the standards provided under section 1121(c) may be waived under section 1121(e).

[(2) No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

[(e) There are authorized to be appropriated such sums as may be necessary in order to bring each school up to the level required by the criteria established under this section.

**[SEC. 1123. REGULATIONS.**

[(a) The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

[(b) The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, shall be applied by the Federal Government and shall not, before July 1, 1989, be amended, revoked, or altered in any manner. No officer or employee of the executive branch shall have the authority to issue any other regulations, prior to July 1, 1989, that supersede, supplement, or otherwise affect the provisions of such parts. To the extent that the provisions of such parts do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

[(c) After June 30, 1989, no regulation prescribed for the application of any program provided under this title shall become effective unless—

[(1) the regulation has been published as a proposed regulation in the Federal Register,

[(2) an opportunity of not less than 90 days has been afforded the public to comment on the published proposed regulation, and

[(3) the regulation has, after such period for public comment, been published in the Federal Register as a final regulation.

[(d) For purposes of this section, the term "regulation" means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the executive branch.

**[SEC. 1124. SCHOOL BOUNDARIES.**

[(a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

[(b)(1) Except as provided in paragraph (2), on or after July 1, 1985, no attendance area shall be changed or established with respect to any Bureau funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been (i) afforded at least six months notice of the intention of the Bureau to change or establish such attendance area, and (ii) given the opportunity to propose alternative boundaries. Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs.

[(2) In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

[(c) In any case where there is only 1 Bureau operated program located on an Indian reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

[(d) The Bureau shall include in the regulations the requirement that each appropriate education line officer coordinate and consult with the affected tribes and relevant school boards in the establishment of such geographic boundaries.

**[SEC. 1125. FACILITIES CONSTRUCTION.**

[(a) The Secretary shall immediately begin to bring all schools, dormitories, and other facilities operated by the Bureau or under contract or grant with the Bureau in connection with the education of Indian children into compliance with all applicable Federal, tribal, or State health and safety standards, whichever provide greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and with the Americans with Disabilities Act of 1990, except that nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of the Improving America's Schools Act of 1994.

[(b) By January 1, 1996, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring such facilities into compliance with such standards. Such plan shall include detailed information on the status of each facility's compliance with such standards, specific

cost estimates for meeting such standards at each school, and specific time lines for bringing each school into compliance with such standards.

[(c) Within six months of the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and publish in the Federal Register, the system used to establish priorities for school construction projects. At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities.

[(d)(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

[(2)(A) In making determinations described in paragraph (1) before July 1, 1989, health and safety officers of the Bureau shall use the health and safety guidelines of the Bureau that were in effect on January 1, 1988.

[(B)(i) If—

[(I) the Secretary fails to publish in the Federal Register in final form before July 1, 1989, and

[(II) action described in paragraph (1) is taken after June 30, 1989, and before the date on which such regulations are published in final form in the Federal Register by reason of the condition of any plant,

an inspection of the condition of such plant shall be conducted by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by not later than the date that is 30 days after the date on which the action described in paragraph (1) is taken.

[(ii) The inspection required under clause (i) shall be conducted by a health and safety officer designated jointly by the Secretary and the tribes affected by the action described in paragraph (1). If the Secretary and such tribes are unable to agree on the designation of the health and safety officer, the Secretary shall designate the health and safety officer and shall provide notice of such designation to each of such tribes before the inspection is conducted by such officer.

[(iii) If the health and safety officer conducting an inspection of a plant required under clause (i) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions at the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

[(3) If—

[(A) a Bureau school is temporarily closed or consolidated, or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety, and

[(B) the Secretary estimates that the closure, consolidation, or curtailment will be more than 1 year in duration,

the Secretary shall submit to the Congress, by not later than the date that is 6 months after the date on which the closure, consolidation, or curtailment is initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard.

[(e) There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

**[SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.**

[(a) The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education.

[(b) The Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved with provision of education services by the Bureau, including school or institution custodial or maintenance personnel. The Assistant Secretary for Indian Affairs shall provide for the adequate coordination between the affected Bureau Offices and the Office to facilitate the consideration of all contract functions relating to education. Except as required by section 1129, nothing in this Act shall be construed to require the provision of separate support services for Indian education.

[(c) Education personnel who are under the direction and supervision of the Director of the Office in accordance with the first sentence of subsection (b) shall—

[(1) monitor and evaluate Bureau education programs,

[(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions, and

[(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.

[(d)(1) The Assistant Secretary shall submit in the annual Budget a plan—

[(A) for school facilities to be constructed under the system required by section 1125(c);

[(B) for establishing priorities among projects and for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds; and

[(C) including a 5-year plan for capital improvements.

[(2)(A) The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include—

[(i) a method of computing the amount necessary for each education facility;

[(ii) similar treatment of all Bureau funded schools;

[(iii) a notice of an allocation of appropriated funds from the Director of the Office directly to the appropriate education line officers; and

[(iv) a system for the conduct of routine preventive maintenance.

[(B) The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate education line officers, except that no funds under this part may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

[(3) The requirements of this subsection shall be implemented not later than July 1, 1995.

[(e) Notwithstanding any other provision of law, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use of, and benefit of, particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use, and shall report to the appropriate committees of Congress the amount and terms of such gift or bequest, the use to which such gift or bequest is put, and any positive results achieved by such action.

[(f) For the purpose of this section the term "functions" includes powers and duties.

**[SEC. 1127. ALLOTMENT FORMULA.**

[(a)(1) The Secretary shall establish, by regulation adopted in accordance with section 1139, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—

[(A) the number of eligible Indian students served and size of the school;

[(B) special cost factors, such as—

[(i) the isolation of the school;

[(ii) the need for special staffing, transportation, or educational programs;

[(iii) food and housing costs;

[(iv) maintenance and repair costs associated with the physical condition of the educational facilities;

[(v) special transportation and other costs of isolated and small schools;

[(vi) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

[(vii) costs associated with greater lengths of service by educational personnel; and

[(viii) special programs for gifted and talented students;

[(C) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located; and

[(D) such other relevant factors as the Secretary determines are appropriate.

[(2) Upon the establishment of the standards required by sections 1121 and 1122, the Secretary shall revise the formula established under this subsection to reflect the cost and funding standards so established. Prior to January 1, 1996, the Secretary shall review the formula established under this section and shall take such steps as may be necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1121 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.

[(b) Notwithstanding any other provisions of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted pro rata in accordance with the formula established under subsection (a).

[(c)(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

[(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

[(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

[(C) take into account the provision of residential services on a less than 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.

[(2)(A) The Secretary shall reserve for national school board training 0.2 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1992, except that the contracts for distribution of such funds shall require that such funds be distributed by the recipient organizations in a manner that assures the same pro rata share is made available for training for each school board in the system. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations.

[(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) to fund Bureau schools, a Bureau school which generates less than 168 weighted units shall

receive an additional 2 weighted units to defray school board activities.

[(C) From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

[(i) $5,000, or

[(ii) the lesser of—

[(I) $15,000, or

[(II) 1 percent of such allotted funds,

for school board activities for such school, including and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

[(3) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 2.0 for each eligible Indian student that—

[(A) is gifted and talented, and

[(B) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

[(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a year-long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

[(B) The adjustment required under subparagraph (A) shall be used for such school after—

[(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year following the school year for which the certification is made; and

[(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.

[(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary makes funds available under this subsection, the Secretary shall report

such action to the appropriate committees of Congress within the annual budget submission.

[(e) Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

[(f) For the purpose of this section, the term "eligible Indian student" means a student who—

[(1) is a member of or is at least a ¼ degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau to Indians because of their status as Indians, and

[(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

[(g)(1) An eligible Indian student may not be charged tuition for attendance at a Bureau school or contract or grant school. A student attending a Bureau school under paragraph (2)(C) may not be charged tuition.

[(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

[(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards,

[(B) the school board consents,

[(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government, employee who lives on or near the school site, or

[(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students, is in addition to the school's allocation under this section.

[(3) The school board of a contract or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students is in addition to funding under this section.

[(h) Notwithstanding any other provision of law, at the election of the school board of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision immediately.

[(i) Beginning with academic year 1994–1995, tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds authorized in this section and section 1130 at a rate not to exceed the amount per weighted student unit for that year for the instruction of such students. No additional administrative cost funds shall be added to the grant.

**[SEC. 1128. ADMINISTRATIVE COST GRANTS.**

[(a)(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools in order to—

[(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice, and

[(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

[(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

[(b)(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

[(2) The Secretary shall—

[(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

[(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

[(c)(1) For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

[(A) the sum of—

[(i) the amount equal to—

[(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

[(II) the minimum base rate, plus

[(ii) the amount equal to—

[(I) the standard direct cost base, multiplied by

[(II) the maximum base rate, by

[(B) the sum of—

[(i) the direct cost base of the tribe or tribal organization for the fiscal year, plus

[(ii) the standard direct cost base.

[(2) The administrative cost percentage rate shall be determined to the 1/100 of a decimal point.

[(d)(1)(A) Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

[(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

[(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

[(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

[(4) In applying this section and section 105 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

[(A) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988, and

[(B) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract or grant school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

[(e) For purposes of this section:

[(1)(A) The term "administrative cost" means the costs of necessary administrative functions which—

[(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,

[(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and

[(iii) are either—

[(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or

[(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

[(B) The term "administrative cost" may include—

[(i) contract or grant (or other agreement) administration;

[(ii) executive, policy, and corporate leadership and decisionmaking;

[(iii) program planning, development, and management;

[(iv) fiscal, personnel, property, and procurement management;

[(v) related office services and record keeping; and

[(vi) costs of necessary insurance, auditing, legal, safety and security services.

[(2) The term "Bureau elementary and secondary functions" means—

[(A) all functions funded at Bureau schools by the Office;

[(B) all programs—

[(i) funds for which are appropriated to other agencies of the Federal Government, and

[(ii) which are administered for the benefit of Indians through Bureau schools; and

[(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

[(3)(A) Except as otherwise provided in this subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

[(i) the second fiscal year preceding such fiscal year, or

[(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

[(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

[(4) The term "maximum base rate" means 50 percent.

[(5) The term "minimum base rate" means 11 percent.

[(6) The term "standard direct cost base" means $600,000.

[(7) The term "tribal elementary or secondary educational programs" means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common ad-

ministrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

[(f)(1) Upon the date of enactment of the Indian Education Amendments of 1988, the Secretary shall—

[(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting the required administrative costs of tribal elementary and secondary educational programs, using the formula set forth in subsection (c), and

[(B) conduct a study to determine—

[(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs,

[(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs, and

[(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

[(I) be equal to the median between the maximum base rate and the minimum base rate, and

[(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

[(2) The studies required under paragraph (1) shall—

[(A) be conducted in full consultation (in accordance with section 1131) with—

[(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c), and

[(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

[(B) be conducted onsite with a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

[(C) take into account the availability of skilled labor, commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance gen-

erated by the values, percentages, or other factors found in the studies to be relevant in such formula;

[(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

[(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how the factors may effectively be incorporated into such formula.

[(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

[(4) Determinations described in paragraph (2)(C) shall be based on what is pragmatically possible to do at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or other services were delivered instead, during the period of the study.

[(5) Upon completion of the studies conducted under paragraph (1), but in no case later than October 1, 1989, the Secretary shall submit to the Congress a report on the findings of the studies, together with determinations based upon such findings that would affect the definitions of terms used in the formula that is set forth in subsection (c).

[(6) The Secretary shall include in the Bureau's justification for each appropriations request for each fiscal year beginning after fiscal year 1989, a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary educational programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

[(7) For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

[(g)(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

[(2) If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grant determined under subsection (b) bears to the total of all grants determined under subsection (b) for all tribes and tribal organizations for such fiscal year.

[(h)(1) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1989 shall—

[(A) in lieu of being determined under subsection (b), be determined for each tribal elementary or secondary educational program on the same basis that indirect costs were determined for such programs for fiscal year 1988, and

[(B) be subject to the provisions of subsection (d).

[(2) Notwithstanding any other provision of this section, the amount of the grant provided under this section for fiscal year 1990 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

[(A) if the amount of the grant determined under subsection (b) for fiscal year 1990 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1988 (or fiscal year 1989 if such program was not operated by the tribe or tribal organization during fiscal year 1988), the sum of—

[(i) such amount received, plus

[(ii) ⅓ of the excess of—

[(I) such amount determined under subsection (b), over

[(II) such amount received, or

[(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

[(i) such amount received, over

[(ii) an amount equal to ⅓ of the excess of—

[(I) such amount received, over

[(II) such amount determined under subsection (b).

[(3) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1991 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

[(A) if the amount of the grant determined under subsection (b) for fiscal year 1991 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1990, the sum of—

[(i) such amount received, plus

[(ii) ½ of the excess of—

[(I) such amount determined under subsection (b), over

[(II) such amount received, or

[(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

[(i) such amount received, over

[(ii) an amount equal to ½ of the excess of—

[(I) such amount received over,

[(II) such amount determined under subsection (b).

[(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

**[SEC. 1129. DIVISION OF BUDGET ANALYSIS.**

[(a) Within 24 months of the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish within

the Office a Division of Budget Analysis (hereinafter referred to as the "Division"). Such Division shall be under the direct supervision and control of the Director of the Office.

[(b) The Division shall have the capacity to conduct such studies, surveys, or other activities as are necessary to gather demographic information on Bureau-funded schools (current and future) and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

[(c) The Division shall prepare projections on such amounts, along with such other information as the Director of the Office shall require, for each fiscal year beginning after October 1, 1996. The Director of the Office and the Assistant Secretary for Indian Affairs shall use such reports when preparing their annual budget submissions.

**[SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.**

[(a)(1) Within six months after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish, by regulation adopted in accordance with section 1139, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds, in accordance with section 1127. All amounts appropriated for distribution under this section may be made available under paragraph (2).

[(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 1127, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such amounts are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

[(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

[(i) publish, on July 1 of the fiscal year for which the funds are appropriated, allotments to each affected school made under section 1127 of 85 percent of such appropriation; and

[(ii) publish, not later than September 30 of such fiscal year, the allotments to be made under section 1127 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

[(3)(A) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of not more than $35,000 of the amount allotted the school under section 1127 to acquire supplies and equipment for the school without competitive bidding if—

[(i) the cost for any single item purchased does not exceed $10,000;

[(ii) the school board approves the procurement;

[(iii) the supervisor certifies that the cost is fair and reasonable;

[(iv) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

[(v) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quan-

tities acquired, and any other information the supervisor or school board considers relevant.

[(B) The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph, and shall be responsible for the provision of guidelines on the use of this paragraph and adequate training on such guidelines.

[(4) If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1127 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—

[(A) the Secretary, notwithstanding any other law, may use—

[(i) funds appropriated for the operation of any Bureau school that is closed or consolidated, and

[(ii) funds appropriated for any program that has been curtailed at any Bureau school,

to fund allotments made under section 1127, and

[(B) the Secretary may waive the application of the provisions of section 1121(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1127 for such fiscal year.

[(b) In the case of all Bureau schools, allotted funds shall be expended on the basis of local financial plans which shall be prepared by the local school supervisor in active consultation with the local school board for each school, and the local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan. The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time such copies are submitted to the local school board. The supervisor of the school may appeal any such action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate line education officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

[(c) Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in

the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and the development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

[(d) In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and the Secretary shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

[(e)(1) A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary of Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

[(2) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (25 U.S.C. 452 et seq.) and this Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

[(3) The Assistant Secretary of Indian Affairs, acting through the Director of the Office, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

[(f)(1) From funds allotted to a Bureau school under section 1127, the Secretary shall, if specifically requested by the tribal governing body (within the meaning of section 1121(k)), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

[(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.

[(B) Support services, including procurement and facilities maintenance.

[(C) Transportation.

[(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

[(g) Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

[(h) Notwithstanding any other provision of law, funds received by a Bureau funded school under this title shall not be considered Federal funds for purposes of meeting a matching funds requirement in any Federal program.

**[SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.**

[(a) It shall be the policy of the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

[(b)(1) All actions under this Act shall be done with active consultation with tribes.

[(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

**[SEC. 1132. EDUCATION PERSONNEL.**

[(a)(1) Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to classification, pay, and leave, respectively, and the sections of such title relating to the appointment, promotion, and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (n)).

[(2) Paragraph (1) shall take effect 1 year after the date of enactment of this Act.

[(b) Not later than the effective date of subsection (a)(2), the Secretary shall prescribe regulations to carry out this section. Such regulations shall govern—

[(1) the establishment of education positions,

[(2) the establishment of qualifications for educators,

[(3) the fixing of basic compensation for educators and education positions,

[(4) the appointment of educators,

[(5) the discharge of educators,

[(6) the entitlement of educators to compensation,

[(7) the payment of compensation to educators,

[(8) the conditions of employment of educators,

[(9) the length of the school year applicable to education positions described in subsection (n)(1)(A),

[(10) the leave system for educators, and

[(11) such other matters as may be appropriate.

[(c)(1) In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

[(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

[(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

[(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (d)(2)(A), a determination by a school board that such a person be hired shall be followed by the supervisor; and

[(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to paragraph (1)(A)(ii) or that such individual has applied at the national level for an education position.

[(2) The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

[(d)(1) In prescribing regulations to govern the appointment of educators, the Secretary shall require—

[(A)(i) that educators employed in a school (other than the supervisor of the school) shall be hired by the supervisor of the school unless there are no qualified applicants available, in which case the vacant position shall be filled at the national level from the list maintained pursuant to subsection (c)(1)(A)(ii);

[(ii) each school supervisor shall be hired by the education line officer of the agency office of the Bureau in which the school is located; and

[(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office;

[(B) that before an individual is employed in an education position in a school by the supervisor of a school (or, with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school

shall be consulted, and that subject to paragraph (2), a determination by the school board that such individual should or should not be so employed shall be followed by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education); and

[(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that, subject to paragraph (3), a determination by such school board that such individual should or should not be employed shall be followed by the agency superintendent for education.

[(2)(A) The supervisor of a school may appeal to the appropriate agency education line officer any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, overturn the determination of the local school board. The education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

[(B) The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

[(3) The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

[(4) Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall immediately be forwarded to the Secretary, who shall, as soon as possible but in no event in more than 30 days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this paragraph. If the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual had applied at the national level for an education position in the Bureau, the appointment of such individual at the local level shall be conditional for a period of 90 days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

[(5) Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards, authority over, or control of, educators.

[(e)(1) In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

[(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

[(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

[(C) educators employed in Bureau schools shall be notified 60 days prior to the end of the school year whether their employment contract will be renewed for the following year.

[(2) The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B)) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the education line officer of the appropriate agency office of the Bureau. Upon such an appeal, the agency education line officer may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

[(3) Each local school board for a Bureau school shall have the right—

[(A) to recommend to the supervisor of such school that an educator employed in the school be discharged; and

[(B) to recommend to the education line officer of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

[(f)(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action

within the purview of this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action, if such a waiver is in writing deemed to be a necessity by the tribal organization, except that this paragraph shall in no way relieve the Bureau of the Bureau's responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if such action is intended to fill a vacancy (no matter how such vacancy is created).

[(2) For purposes of this subsection, the term "tribal organization" means—

[(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c); 85 Stat. 688)); or

[(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1146, and which has been delegated by such governing body the authority to grant a waiver under such subsection with respect to such personnel action.

[(3) The term "Indian preference laws" means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions, except that such term shall not be considered to include section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

[(g) Subject to the authority of the Office of Personnel Management to determine finally the applicability of chapter 51 of title 5, United States Code, to specific positions and employees in the executive branch, the Secretary shall determine in accordance with subsection (a)(1) the applicability or inapplicability of such chapter to positions and employees in the Bureau.

[(h)(1)(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation or annual salary rate for educators and education positions at rates comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable or on the basis of the Federal Wage System schedule in effect for the locality.

[(B) By not later than October 28, 1988, the Secretary shall establish, for contracts for the 1991–1992 academic year, and thereafter, the rates of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of such amendments and thereafter) to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, unless the Secretary establishes such rates within such 6-month period through collective bargaining with the appropriate union representative of the education employees that is recognized by the Bureau.

[(C) By not later than October 28, 1988, the Secretary shall establish the rates of basic compensation or annual salary rates for

the positions of teachers and counselors (including dormitory and home-living counselors)—

[(i) for contracts for the 1989–1990 academic year, at rates which reflect ⅓ of the changes in the rates applicable to such positions on April 28, 1988, that must be made to conform the rates to the rates established under subparagraph (B) for such positions for contracts for the 1991–1992 academic year, and

[(ii) for contracts for the 1990–1991 academic year, at rates which reflect ⅔ of such changes.

[(D) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before the enactment of the Indian Education Amendments of 1988 in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

[(E)(i) Except as provided in clause (ii), the establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o).

[(ii) Any individual described in clause (i) may, during the 5-year period beginning on the date on which the Secretary establishes rates of basic compensation and annual salary rates under subparagraph (B), make an irrevocable election to have the basic compensation rate or annual salary rate of such individual determined in accordance with this paragraph.

[(iii) If an individual makes the election described in clause (ii), such election shall not affect the application to the individual of the same retirement system and leave system that applies to the individual during the fiscal year preceding the fiscal year in which such election is made, except that the individual must use leave accrued during a contract period by the end of that contract period.

[(F) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1990, 1991, and 1992 a written statement by the Secretary which specifies—

[(i) the amount of funds the Secretary needs to pay basic compensation and the annual salaries of educators for such fiscal year, and

[(ii) the amount of funds the Secretary estimates would be needed to pay basic compensation and the annual salaries of educators for such fiscal year if the amendments made to this paragraph by the Indian Education Amendments of 1988 had not been enacted.

[(2) Each educator employed in an education position in Alaska shall be paid a cost-of-living allowance equal to 25 percent of the rate of basic compensation to which such educator is entitled.

[(3)(A) The Secretary may pay a postdifferential not to exceed 25 percent of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

[(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

[(I) at least 5 percent, or

[(II) less than 5 percent and affects the recruitment or retention of employees at the school.

[(ii) The request under clause (i) shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with modification, or disapproved by the Secretary.

[(iii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either—

[(I) the local school board requests that such differential be discontinued or decreased, or

[(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

[(i) Any individual—

[(1) who on the date of enactment of this Act is holding a position which is determined under subsection (f) to be an education position and who elects under subsection (o)(2) to be covered under the provisions of this section, or

[(2) who is an employee of the Federal Government or the municipal government of the District of Columbia and is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to an education position,

shall be credited for the purpose of the leave system provided under regulations prescribed pursuant to subsection (b)(10), with the annual and sick leave to such individual's credit immediately before the effective date of such election, transfer, promotion, or reappointment.

[(j) Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) shall not be so liquidated.

[(k) In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to such person's credit in the employing agency on an adjusted

basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

[(l) An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

[(m) In the case of any educator employed in an education position described in subsection (n)(1)(A) who—

[(1) is employed at the close of a school year,

[(2) agrees in writing to serve in such a position for the next school year, and

[(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5533 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any such receipt of additional compensation.

[(n) For the purpose of this section—

[(1) The term "education position" means a position in the Bureau the duties and responsibilities of which—

[(A) are performed on a school-year basis principally in a Bureau school and involve—

[(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

[(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;

[(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

[(iv) support services at, or associated with, the site of the school; or

[(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

[(2) The term "educator" means an individual whose services are required, or who is employed, in an education position.

[(o)(1) Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2)) and to the position in which such individual is employed. Subject to paragraph (2), the enactment of this Act shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such individual's right to receive the compensation attached to such position.

[(2) Any individual employed in an education position on October 31, 1979, may, not later than November 1, 1983, make an irrev-

ocable election to be covered under the provisions of subsections (a) through (n) of this section.

[(p)(1) An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code) without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless—

[(A) the supervisor, with the approval of the local school board (or of the education line officer upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1130(b) of this Act, and

[(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length, except that the supervisor, with the approval of the local school board (or of the agency education line officer upon appeal under paragraph (2)), may continue 1 or more educators in pay status if—

[(i) such educators are needed to operate summer programs, attend summer training sessions, or participate in special activities including curriculum development committees; and

[(ii) such educators are selected based upon such educator's qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply.

[(2) The supervisor of a Bureau school may appeal to the appropriate agency education line officer any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, approve the determination of the supervisor. The educational line officer shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.

**[SEC. 1133. MANAGEMENT INFORMATION SYSTEM.**

[The Secretary shall establish within the Office, within 1 year after the date of the enactment of the Indian Education Amendments of 1984, a computerized management information system, which shall provide information to the Office. Such information shall include—

[(1) student enrollment;

[(2) curriculum;

[(3) staff;

[(4) facilities;

[(5) community demographics;

[(6) student assessment information; and

[(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements.

**[SEC. 1134. BUREAU EDUCATION POLICIES.**

[Within 180 days of the date of enactment of this Act, the Secretary shall develop, publish in the Federal Register, and submit to all agency and area offices of the Bureau, all tribal governments, and the appropriate committees of the Congress, a draft set of education policies, procedures, and practices for education-related action of the Bureau. The Secretary shall, within 1 year of the date of enactment of this Act, provide that such uniform policies, procedures, and practices shall be finalized and promulgated. Thereafter, such policies, procedures, and practices and their periodic revisions, shall serve as the foundation for future Bureau actions in education.

**[SEC. 1135. UNIFORM EDUCATION PROCEDURES AND PRACTICES.**

[The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

**[SEC. 1136. RECRUITMENT OF INDIAN EDUCATORS.**

[The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

**[SEC. 1137. BIENNIAL REPORT.**

[(a) The Secretary shall submit to each appropriate committee of the Congress a detailed biennial report on the state of education within the Bureau and any problems encountered in the field of education during the 2-year period covered by the report. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall, among other things, include—

[(1) information on the funds provided previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458d) and recommendations with respect to the future use of such funds;

[(2) the needs and costs of operation and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and recommendations with respect to meeting such needs and costs; and

[(3) the plans required by sections 1121(g), 1122(c), and 1125(b), of this Act.

[(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.

**[SEC. 1138. RIGHTS OF INDIAN STUDENTS.**

[Within six months of the date of enactment of this Act, the Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression and such students' right to due process in connection with disciplinary actions, suspensions, and expulsions.

**[SEC. 1140. VOLUNTARY SERVICES.**

[Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

**[SEC. 1141. PRORATION OF PAY.**

[(a) Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period. Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.

[(b) During the course of such year the employee may change election once.

[(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

[(d) For the purposes of this section the terms "educator" and "education position" have the meaning contained in paragraphs (1) and (2) of section 1132(n). This section applies to those individuals employed under the provisions of section 1132 of this title or title 5, United States Code.

**[SEC. 1142. EXTRACURRICULAR ACTIVITIES.**

[(a) Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social pro-

grams may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

[(b) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

[(c) This section applies to all Bureau employees, whether employed under section 1132 of this title or title 5, United States Code.

**[SEC. 1143. EARLY CHILDHOOD DEVELOPMENT PROGRAM.**

[(a) The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

[(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) for such fiscal year (less amounts provided under subsection (e)) as—

[(A) the total number of children under 6 years of age who are members of—

[(i) such tribe,

[(ii) the tribe that authorized such tribal organization, or

[(iii) any tribe that—

[(I) is a member of such consortium, or

[(II) authorizes any tribal organization that is a member of such consortium, bears to

[(B) the total number of all children under 6 years of age who are members of any tribe that—

[(i) is eligible to receive funds under subsection (a),

[(ii) is a member of a consortium that is eligible to receive such funds, or

[(iii) authorizes a tribal organization that is eligible to receive such funds.

[(2) No grant may be provided under subsection (a)—

[(A) to any tribe that has less than 500 members,

[(B) to any tribal organization which is authorized—

[(i) by only 1 tribe that has less than 500 members, or

[(ii) by 1 or more tribes that have a combined total membership of less than 500 members, or

[(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

[(c)(1) A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

[(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

[(d) The early childhood development programs that are funded by grants provided under subsection (a)—

[(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

[(A) prenatal care,

[(B) nutrition education,

[(C) health education and screening,

[(D) educational testing, and

[(E) other educational services,

[(2) may include instruction in the language, art, and culture of the tribe, and

[(3) shall provide for periodic assessment of the program.

[(e) The Secretary shall, out of funds appropriated under the authority of subsection (f), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

[(f) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

**[SEC. 1144. TRIBAL DEPARTMENTS OF EDUCATION.**

[(a) Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

[(b) Grants provided under this section shall—

[(1) be based on applications from the governing body of the tribe,

[(2) reflect factors such as geographic and population diversity,

[(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

[(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

[(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

[(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450h) that are in effect on the date application for such grants are made.

[(c)(1) In approving and funding applications for grants under this section, the Secretary shall give priority to any application that—

[(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

[(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

[(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law,

[(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

[(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

[(D) provides a plan and schedule for—

[(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

[(ii) the termination by the Bureau of such operations and office at the time of such assumption,

except that when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

[(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

[(d) The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

[(e) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

**[SEC. 1145. PAYMENTS.**

[(a)(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments—

[(A) one payment to be made not later than July 15 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year, and

[(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

[(2) For any school for which no payment was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

[(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

[(4) The provisions of chapter 39 of title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3) of this subsection.

**[SEC. 1146. DEFINITIONS.**

[For the purpose of this part, unless otherwise specified—

[(1) the term "agency school board" means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties;

[(2) the term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior;

[(3) the term "Bureau funded school" means—

[(A) a Bureau school;

[(B) a contract school; or

[(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;

[(4) the term "Bureau school" means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

[(5) the term "contract or grant school" means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d) or under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504);

[(6) the term "education line officer" means education personnel under the supervision of the Director, whether located in central, area, or agency offices;

[(7) the term "financial plan" means a plan of services to be provided by each Bureau school;

[(8) the term "Indian organization" means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;

[(9) 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, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

[(10) the term "local school board", when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes;

[(11) the term "Office" means the Office of Indian Education Programs within the Bureau;

[(12) the term "Secretary" means the Secretary of the Interior;

[(13) the term "supervisor" means the individual in the position of ultimate authority at a Bureau school; and

[(14) the term "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. 1801 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.]

## *PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS*

***SEC. 1120. FINDING AND POLICY.***

*(a) FINDING.—Congress finds and recognizes that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children.*

*(b) POLICY.—It is the policy of the United States to work in full cooperation with Indian tribes toward the goal of assuring that the programs of the Bureau of Indian Affairs funded school system are of the highest quality and meet the unique educational and cultural needs of Indian children.*

***SEC. 1121. ACCREDITATION AND STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.***

*(a) PURPOSE; DECLARATIONS OF PURPOSES.—*

*(1) PURPOSE.—The purpose of the standards implemented under this section shall be to afford Indian students being served by a school funded by the Bureau of Indian Affairs the same opportunities as all other students in the United States to achieve the same challenging State performance standards expected of all students.*

*(2) DECLARATIONS OF PURPOSES.—Local school boards for schools operated by the Bureau of Indian Affairs, in cooperation and consultation with their tribal governing bodies and their communities, are encouraged to adopt declarations of purposes of education for their communities taking into account the implications of such purposes on education in their communities and for their schools. In adopting such declarations of purpose, the school boards shall consider the effect those declarations may have on the motivation of students and faculties. Such declarations shall represent the aspirations of the community for the kinds of people the community would like its children to become, and shall include assurances that all learners will become accomplished in things and ways important to them and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share. These declarations of purpose shall influence the standards for accreditation to be accepted by the schools.*

*(b) STUDIES AND SURVEYS RELATING TO STANDARDS.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the Secretary, in consultation with the Secretary of Education, consortia of education organizations, and Indian organizations and tribes, and making the fullest use possible of other existing studies, surveys, and plans, shall carry out by contract with an Indian organization, studies and surveys to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.*

*(c) REVISION OF MINIMUM ACADEMIC STANDARDS.—*

*(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the Secretary shall—*

*(A) propose revisions to the minimum academic standards published in the Federal Register on September 9, 1995 (50 Fed. Reg. 174) for the basic education of Indian children attending Bureau funded schools in accordance with the purpose described in subsection (a) and the findings of the studies and surveys conducted under subsection (b);*

*(B) publish such proposed revisions to such standards in the Federal Register for the purpose of receiving comments from the tribes, tribal school boards, Bureau funded schools, and other interested parties; and*

*(C) consistent with the provisions of this section and section 1131, take such actions as are necessary to coordinate standards implemented under this section with the Comprehensive School Reform Plan developed by the Bureau and—*

*(i) with the standards of the improvement plans for the States in which any school operated by the Bureau of Indian Affairs is located; or*

*(ii) in the case where schools operated by the Bureau are within the boundaries of reservation land of 1 tribe but within the boundaries of more than 1 State, with the standards of the State improvement plan of 1 such State selected by the tribe.*

*(2) FURTHER REVISIONS.—Not later that 6 months after the close of the comment period, the Secretary shall establish final standards, distribute such standards to all tribes and publish such final standards in the Federal Register. The Secretary shall revise such standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.*

*(3) APPLICABILITY OF STANDARDS.—Except as provided in subsection (e), the final standards published under paragraph (2) shall apply to all Bureau funded schools not accredited under subsection (f), and may also serve as a model for educational programs for Indian children in public schools.*

*(4) CONSIDERATIONS WHEN ESTABLISHING AND REVISING STANDARDS.—In establishing and revising such standards, the Secretary shall take into account the unique needs of Indian students and support and reinforcement of the specific cultural heritage of each tribe.*

*(d) ALTERNATIVE OR MODIFIED STANDARDS.—The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school are in compliance with the minimum accreditation standards required for schools in the State or region where the school is located.*

*(e) WAIVER OF STANDARDS; ALTERNATIVE STANDARDS.—A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsections (c) and (d) if such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, not later than 60 days after a waiver under this subsection, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and not subject to review.*

*(f) ACCREDITATION AND IMPLEMENTATION OF STANDARDS.—*

*(1) DEADLINE FOR MEETING STANDARDS.—Not later the second academic year after publication of the standards, to the extent necessary funding is provided, all Bureau funded schools shall meet the standards established under subsections (c) and (d) or shall be accredited—*

*(A) by a tribal accrediting body, if the accreditation standards of the tribal accrediting body have been accepted by formal action of the tribal governing body and are equal to or exceed the accreditation standards of the State or region in which the school is located;*

*(B) by a regional accreditation agency; or*

*(C) by State accreditation standards for the State in which it is located.*

*(2) DETERMINATION OF STANDARDS TO BE APPLIED.—The accreditation type or standards applied for each school shall be determined by the school board of the school, in consultation with the Administrator of the school, provided that in the case where the School Board and the Administrator fail to agree on the type of accreditation and standards to apply, the decision of the school board with the approval of the tribal governing body shall be final.*

*(3) ASSISTANCE TO SCHOOL BOARDS.—The Secretary, through contracts and grants, shall assist school boards of contract or grant schools in implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented.*

*(4) FISCAL CONTROL AND FUND ACCOUNTING STANDARDS.—The Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract and grant schools. Such standards shall provide data comparable to those used by Bureau operated schools.*

*(g) ANNUAL PLAN FOR MEETING OF STANDARDS.—Except as provided in subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. On an annual basis, the Secretary shall submit to the appropriate committees of Congress, all Bureau funded schools, and the tribal governing bodies of such schools a detailed plan to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section. Such plan shall include detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school and specific timelines for bringing each school up to the level required by such standards.*

*(h) CLOSURE OR CONSOLIDATION OF SCHOOLS.—*

*(1) IN GENERAL.—Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection.*

*(2) EXCEPTIONS.—This subsection shall not apply—*

*(A) in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation; or*

*(B) when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.*

*(3) REGULATIONS.—The Secretary shall, by regulation, promulgate standards and procedures for the closure, transfer to another authority, consolidation, or substantial curtailment of Bureau schools, in accordance with the requirements of this subsection.*

*(4) NOTICE.—Whenever closure, transfer to another authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified immediately, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to another authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated school board shall be notified at least 6 months prior to the end of the school year preceding the proposed closure date. Copies of any such notices and information shall be transmitted promptly to the appropriate committees of Congress and published in the Federal Register.*

*(5) REPORT.—The Secretary shall make a report to the appropriate committees of Congress, the affected tribe, and the designated school board describing the process of the active consideration or review referred to in paragraph (4). The report shall include a study of the impact of such action on the student population, identify those students with particular educational and social needs, and ensure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representatives and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students.*

*(6) LIMITATION ON CERTAIN ACTIONS.—No irrevocable action may be taken in furtherance of any such proposed school closure, transfer to another authority, consolidation or substantial curtailment (including any action which would prejudice the personnel or programs of such school) prior to the end of the first full academic year after such report is made.*

*(7) TRIBAL GOVERNING BODY APPROVAL REQUIRED FOR CERTAIN ACTIONS.—The Secretary may terminate, contract, transfer to any other authority, consolidate, or substantially curtail the operation or facilities of—*

*(A) any Bureau funded school that is operated on or after of January 1, 1999;*

*(B) any program of such a school that is operated on or after January 1, 1999; or*

*(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988,*

*only if the tribal governing body approves such action.*

*(i) APPLICATION FOR CONTRACTS OR GRANTS FOR NON-BUREAU FUNDED SCHOOLS OR EXPANSION OF BUREAU FUNDED SCHOOLS.—*

*(1) IN GENERAL.—(A)(i) The Secretary shall only consider the factors described in subparagraph (B) in reviewing—*

*(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and*

*(II) applications from any tribe or school board of any Bureau funded school for—*

*(aa) a school which is not a Bureau funded school; or*

*(bb) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 1127.*

*(ii) With respect to applications described in this subparagraph, the Secretary shall give consideration to all the factors described in subparagraph (B), but no such application shall be denied based primarily upon the geographic proximity of comparable public education.*

*(B) With respect to applications described in subparagraph (A) the Secretary shall consider the following factors relating to the program and services that are the subject of the application:*

*(i) The adequacy of the facilities or the potential to obtain or provide adequate facilities.*

*(ii) Geographic and demographic factors in the affected areas.*

*(iii) The adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by the tribe or the Bureau.*

*(iv) Geographic proximity of comparable public education.*

*(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.*

*(vi) Adequacy and comparability of programs already available.*

*(vii) Consistency of available programs with tribal educational codes or tribal legislation on education.*

*(viii) The history and success of these services for the proposed population to be served, as determined from all factors, including but not limited to standardized examination performance.*

*(2) DETERMINATION ON APPLICATION.—(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) not later than 180 days after such application is submitted to the Secretary.*

*(B) If the Secretary fails to make the determination with respect to an application by the date described in subparagraph (A), the application shall be treated a having been approved by the Secretary.*

*(3) REQUIREMENTS FOR APPLICATIONS.—(A) Notwithstanding paragraph (2)(B), an application described in paragraph (1)(A) may be approved by the Secretary only if—*

*(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and*

*(ii) written evidence of such approval is submitted with the application.*

*(B) Each application described in paragraph (1)(A) shall provide information concerning each of the factors described in paragraph (1)(B).*

*(4) DENIAL OF APPLICATIONS.—Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—*

*(A) state the objections in writing to the applicant not later 180 days after the application is submitted to the Secretary;*

*(B) provide assistance to the applicant to overcome stated objections; and*

*(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act and an opportunity to appeal the objections raised by the Secretary.*

*(5) EFFECTIVE DATE OF A SUBJECT APPLICATION.—(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective at the beginning of the academic year following the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.*

*(B) If an application is treated as having been approved by the Secretary under paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.*

*(6) STATUTORY CONSTRUCTION.—Nothing in this section shall be read so as to preclude the expansion of grades and related facilities at a Bureau funded school where such expansion and the maintenance of such expansion is occasioned or paid for with non-Bureau funds.*

*(j) GENERAL USE OF FUNDS.—Funds received by Bureau funded schools from the Bureau of Indian Affairs and under any program from the Department of Education or any other Federal agency for the purpose of providing education or related services may be used for schoolwide projects to improve the educational program for all Indian students.*

*(k) STUDY ON ADEQUACY OF FUNDS AND FORMULAS.—The Comptroller General shall conduct a study, in consultation with Indian tribes and local school boards, to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau funded schools, taking into account unique circumstances applicable to Bureau funded schools, as well as expenditures for comparable purposes in public schools nationally. Upon completion of the study, the Secretary of the Interior shall take such action as necessary to ensure distribution of the findings of the study to all affected Indian tribes, local school boards, and associations of local school boards.*

***SEC. 1122. NATIONAL CRITERIA FOR HOME LIVING SITUATIONS.***

*(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, Indian organizations and tribes, and Bureau funded schools, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, needs for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy. Such standards shall be implemented in Bureau operated schools, and shall serve as minimum standards for contract or grant schools. Once established, any revisions of such standards shall be developed according to the requirements established under section 1138A.*

*(b) IMPLEMENTATION.—The Secretary shall implement the revised standards established under this section immediately upon their completion.*

*(c) PLAN.—At the time of each annual budget submission for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau funded schools that provide home-living (dormitory) situations up to the standards established under this section. Such plan shall include a statement of the relative needs of each Bureau funded home-living (dormitory) school, projected future needs of each Bureau funded home-living (dormitory) school, detailed information on the status of each school in relation to the standards established under this section, specific cost estimates for meeting each standard for each such school, aggregate cost estimates for bringing all such schools into compliance with the criteria established under this section, and specific timelines for bringing each school into compliance with such standards.*

*(d) WAIVER.—The criteria established under this section may be waived in the same manner as the standards provided under section 1121(c) may be waived.*

*(e) CLOSURE FOR FAILURE TO MEET STANDARDS PROHIBITED.—No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section), may be closed, transferred to another authority, consolidated, or have its program substantially curtailed for failure to meet the criteria.*

***SEC. 1123. REGULATIONS.***

*(a) PART 32 OF TITLE 25 OF CODE OF FEDERAL REGULATIONS.—The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Such provisions may be altered only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.*

*(b) REGULATION DEFINED.—For purposes of this part, the term "regulation" means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the executive branch.*

***SEC. 1124. SCHOOL BOUNDARIES.***

*(a) ESTABLISHMENT BY SECRETARY.—The Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau funded school.*

*(b) ESTABLISHMENT BY TRIBAL BODY.——In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.*

*(c) BOUNDARY REVISIONS.—*

*(1) IN GENERAL.—On or after July 1, 1999, no geographical attendance area shall be revised or established with respect to any Bureau funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been afforded—*

*(A) at least 6 months notice of the intention of the Bureau to revise or establish such attendance area; and*

*(B) the opportunity to propose alternative boundaries.*

*Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs. The Secretary shall cause such revisions to be published in the Federal Register.*

*(2) TRIBAL RESOLUTION DETERMINATION.—Nothing in this section shall be interpreted as denying a tribal governing body the authority, on a continuing basis, to adopt a tribal resolution allowing parents the choice of the Bureau funded school their children may attend, regardless of the attendance boundaries established under this section.*

*(d) FUNDING RESTRICTIONS.—The Secretary shall not deny funding to a Bureau funded school for any eligible Indian student attending the school solely because that student's home or domicile is outside of the geographical attendance area established for that school under this section. No funding shall be made available without tribal authorization to enable a school to provide transportation for any student to or from the school and a location outside the approved attendance area of the school.*

*(e) RESERVATION AS BOUNDARY.—In any case where there is only 1 Bureau funded program located on an Indian reservation, the attendance area for the program shall be the boundaries (established by treaty, agreement, legislation, court decisions, or executive decisions and as accepted by the tribe) of the reservation served, and those students residing near the reservation shall also receive services from such program.*

*(f) OFF-RESERVATION HOME-LIVING (DORMITORY) SCHOOLS.—Notwithstanding any geographical attendance areas, attendance at off-reservation home-living (dormitory) schools shall include students requiring special emphasis programs to be implemented at each off-reservation home-living (dormitory) school. Such attendance shall*

*be coordinated between education line officers, the family, and the referring and receiving programs.*

***SEC. 1125. FACILITIES CONSTRUCTION.***

*(a) COMPLIANCE WITH HEALTH AND SAFETY STANDARDS.—The Secretary shall immediately begin to bring all schools, dormitories, and other Indian education-related facilities operated by the Bureau or under contract or grant with the Bureau into compliance with all applicable tribal, Federal, or State health and safety standards, whichever provides greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), with section 504 of the Rehabilitation Act of 1973, and with the Americans with Disabilities Act of 1990. Nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of the Student Results Act of 1999.*

*(b) COMPLIANCE PLAN.—At the time that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all facilities covered under subsection (a) of this section into compliance with the standards referred to in subsection (a). Such plan shall include detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific timelines for bringing each school into compliance with such standards.*

*(c) CONSTRUCTION PRIORITIES.—*

*(1) SYSTEM TO ESTABLISH PRIORITIES.—On an annual basis the Secretary shall submit to the appropriate committees of Congress and cause to be published in the Federal Register, the system used to establish priorities for replacement and construction projects for Bureau funded schools and home-living schools, including boarding schools and dormitories. At the time any budget request for education is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all Bureau funded school construction priorities.*

*(2) LONG-TERM CONSTRUCTION AND REPLACEMENT LIST.—In addition to the plan submitted under subsection (b), the Secretary shall—*

*(A) not later than 18 months after the date of enactment of the Student Results Act of 1999, establish a long-term construction and replacement list for all Bureau funded schools;*

*(B) using the list prepared under subparagraph (A), propose a list for the orderly replacement of all Bureau funded education-related facilities over a period of 40 years to enable planning and scheduling of budget requests;*

*(C) cause the list prepared under subsection (B) to be published in the Federal Register and allow a period of not less than 120 days for public comment;*

*(D) make such revisions to the list prepared under subparagraph (B) as are appropriate based on the comments received; and*

*(E) cause the final list to be published in the Federal Register.*

*(3) EFFECT ON OTHER LIST.—Nothing in this section shall be construed as interfering with or changing in any way the construction priority list as it exists on the date of the enactment of the Student Results Act of 1999.*

*(d) HAZARDOUS CONDITION AT BUREAU SCHOOL.—*

*(1) CLOSURE OR CONSOLIDATION.—A Bureau funded school may be closed or consolidated, and the programs of a Bureau funded school may be substantially curtailed by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau funded school.*

*(2) INSPECTION.—(A) After making a determination described in paragraph (1), the Bureau health and safety officer shall conduct an inspection of the condition of such plant accompanied by an appropriate tribal, county, municipal, or State health and safety officer in order to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by not later than the date that is 30 days after the date on which the action described in paragraph (1) is taken. No further negative action may be taken unless the findings are concurred in by the second, non-Bureau of Indian Affairs inspector.*

*(B) If the health and safety officer conducting the inspection of a plant required under subparagraph (A) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made under paragraph (1) shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.*

*(C) If a Bureau funded school is temporarily closed or consolidated or the programs of a Bureau funded school are substantially curtailed under this subsection and the Secretary determines that the closure, consolidation, or curtailment will exceed 1 year, the Secretary shall submit to the Congress, by not later than 6 months after the date on which the closure, consolidation, or curtailment was initiated, a report which sets forth the reasons for such temporary actions, the actions the Secretary is taking to eliminate the conditions that constitute the hazard, and an estimated date by which such actions will be concluded.*

*(e) FUNDING REQUIREMENT.—*

*(1) DISTRIBUTION OF FUNDS.—Beginning with the fiscal year following the year of the date of the enactment of the Student Results Act of 1999, all funds appropriated for the operations and maintenance of Bureau funded schools shall be distributed by formula to the schools. No funds from this account may be retained or segregated by the Bureau to pay for administrative or other costs of any facilities branch or office, at any level of the Bureau.*

*(2) REQUIREMENTS FOR CERTAIN USES.—No funds shall be withheld from the distribution to the budget of any school operated under contract or grant by the Bureau for maintenance or*

*any other facilities or road related purpose, unless such school has consented, as a modification to the contract or in writing for grants schools, to the withholding of such funds, including the amount thereof, the purpose for which the funds will be used, and the timeline for the services to be provided. The school may, at the end of any fiscal year, cancel an agreement under this paragraph upon giving the Bureau 30 days notice of its intent to do so.*

*(f) NO REDUCTION IN FEDERAL FUNDING.—Nothing in this section shall be construed to diminish any Federal funding due to the receipt by the school of funding for facilities improvement or construction from a State or any other source.*

***SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.***

*(a) FORMULATION AND ESTABLISHMENT OF POLICY AND PROCEDURE; SUPERVISION OF PROGRAMS AND EXPENDITURES.—The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs.*

*(b) DIRECTION AND SUPERVISION OF PERSONNEL OPERATIONS.—Not later than 6 months after the date of the enactment of the Student Results Act of 1999, the Director of the Office of Indian Education Programs shall direct and supervise the operations of all personnel directly and substantially involved in the provision of education services by the Bureau, including school or institution custodial or maintenance personnel, facilities management, contracting, procurement, and finance personnel. The Assistant Secretary for Indian Affairs shall coordinate the transfer of functions relating to procurement, contracts, operation, and maintenance to schools and other support functions to the Director.*

*(c) EVALUATION OF PROGRAMS; SERVICES AND SUPPORT FUNCTIONS; TECHNICAL AND COORDINATING ASSISTANCE.—Education personnel who are under the direction and supervision of the Director of the Office of Indian Education Programs in accordance with the first sentence of subsection (b) shall—*

*(1) monitor and evaluate Bureau education programs;*

*(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions; and*

*(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, curriculum, and operation and maintenance of school facilities.*

*(d) CONSTRUCTION, IMPROVEMENT, OPERATION, AND MAINTENANCE OF FACILITIES.—*

*(1) PLAN FOR CONSTRUCTION.—The Assistant Secretary shall submit in the annual budget a plan—*

*(A) for school facilities to be constructed under section 1125(c);*

*(B) for establishing priorities among projects and for the improvement and repair of educational facilities, which together shall form the basis for the distribution of appropriated funds; and*

*(C) for capital improvements to be made over the 5 succeeding years.*

*(2) PROGRAM FOR OPERATION AND MAINTENANCE.—*

*(A) IN GENERAL.—The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include—*

*(i) a method of computing the amount necessary for each educational facility;*

*(ii) similar treatment of all Bureau funded schools;*

*(iii) a notice of an allocation of appropriated funds from the Director of the Office of Indian Education Programs directly to the education line officers and appropriate school officials;*

*(iv) a method for determining the need for, and priority of, facilities repair and maintenance projects, both major and minor. In making such determination, the Assistant Secretary shall cause to be conducted a series of meetings at the agency and area level with representatives of the Bureau funded schools in those areas and agencies to receive comment on the lists and prioritization of such projects; and*

*(v) a system for the conduct of routine preventive maintenance.*

*(B) The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate education line officers, except that no funds under this chapter may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner.*

*(3) IMPLEMENTATION.—The requirements of this subsection shall be implemented as soon as practicable after the date of the enactment of the Student Results Act of 1999.*

*(e) ACCEPTANCE OF GIFTS AND BEQUESTS.—Notwithstanding any other provision of law, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use and benefit of particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use and shall report to the appropriate committees of Congress the amount and terms of such gift or bequest, the manner in which such gift or bequest shall be used, and any results achieved by such action.*

*(f) FUNCTIONS CLARIFIED.—For the purpose of this section, the term "functions" includes powers and duties.*

***SEC. 1127. ALLOTMENT FORMULA.***

*(a) FACTORS CONSIDERED; REVISION TO REFLECT STANDARDS.—*

*(1) FORMULA.—The Secretary shall establish, by regulation adopted in accordance with section 1138A, a formula for deter-*

*mining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—*

*(A) the number of eligible Indian students served and total student population of the school;*

*(B) special cost factors, such as—*

*(i) the isolation of the school;*

*(ii) the need for special staffing, transportation, or educational programs;*

*(iii) food and housing costs;*

*(iv) maintenance and repair costs associated with the physical condition of the educational facilities;*

*(v) special transportation and other costs of isolated and small schools;*

*(vi) the costs of home-living (dormitory) arrangements, where determined necessary by a tribal governing body or designated school board;*

*(vii) costs associated with greater lengths of service by education personnel;*

*(viii) the costs of therapeutic programs for students requiring such programs; and*

*(ix) special costs for gifted and talented students;*

*(C) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located; and*

*(D) such other relevant factors as the Secretary determines are appropriate.*

*(2) REVISION OF FORMULA.—Upon the establishment of the standards required in sections 1121 and 1122, the Secretary shall revise the formula established under this subsection to reflect the cost of funding such standards. Not later than January 1, 2001, the Secretary shall review the formula established under this section and shall take such steps as are necessary to increase the availability of counseling and therapeutic programs for students in off-reservation home-living (dormitory) schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1122 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling and therapeutic programs.*

*(b) PRO RATA ALLOTMENT.—Notwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted pro rata in accordance with the formula established under subsection (a).*

*(c) ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT FOR SCHOOL BOARD ACTIVITIES.—*

*(1) ANNUAL ADJUSTMENT.—For fiscal year 2001, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—*

*(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;*

*(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools;*

*(C) take into account the provision of residential services on less than a 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved;*

*(D) use a weighted unit of 2.0 for each eligible Indian student that—*

*(i) is gifted and talented; and*

*(ii) is enrolled in the school on a full-time basis,*

*in considering the number of eligible Indian students served by the school; and*

*(E) use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a yearlong credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.*

*The adjustment required under subparagraph (E) shall be used for such school after—*

*(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year for which the certification is made; and*

*(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.*

*(2) RESERVATION OF AMOUNT.—*

*(A) IN GENERAL.—From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—*

*(i) $8,000; or*

*(ii) the lesser of—*

*(I) $15,000; or*

*(II) 1 percent of such allotted funds,*

*for school board activities for such school, including (notwithstanding any other provision of law) meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.*

*(B) TRAINING.—Each school board shall see that each new member of the school board receives, within 12 months of the individual's assuming a position on the school board, 40 hours of training relevant to that individual's service on the board. Such training may include legal issues pertaining to schools funded by the Bureau, legal issues pertaining to school boards, ethics, and other topics deemed appropriate by the school board.*

*(d) RESERVATION OF AMOUNT FOR EMERGENCIES.—The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office of Indian Education Programs, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs, including emergency repairs of educational facilities, at a schoolsite (as defined by section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever, the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.*

*(e) SUPPLEMENTAL APPROPRIATIONS.—Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.*

*(f) ELIGIBLE INDIAN STUDENT DEFINED.—For the purpose of this section, the term "eligible Indian student" means a student who—*

*(1) is a member of or is at least 1/4 degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau because of their status as Indians; and*

*(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation home-living (dormitory) school.*

*(g) TUITION.—*

*(1) IN GENERAL.—An eligible Indian student may not be charged tuition for attendance at a Bureau school or contract or grant school. A student attending a Bureau school under paragraph (2)(C) may not be charged tuition for attendance at such a school.*

*(2) ATTENDANCE OF NON-INDIAN STUDENTS AT BUREAU SCHOOLS.—The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—*

*(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards or accreditation;*

*(B) the school board consents;*

*(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site; or*

*(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students, and shall be in addition to the school's allocation under this section.*

*(3) ATTENDANCE OF NON-INDIAN STUDENTS AT CONTRACT AND GRANT SCHOOLS.—The school board of a contract or grant*

*school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students shall be in addition to funding received under this section.*

*(h) FUNDS AVAILABLE WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, at the election of the school board of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision.*

*(i) STUDENTS AT RICHFIELD DORMITORY, RICHFIELD, UTAH.—Tuition for out-of-State Indian students in home-living (dormitory) arrangements at the Richfield dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds authorized in this section and section 1130 at a rate not to exceed the amounts per weighted student unit for that year for the instruction of such students. No additional administrative cost funds shall be added to the grant.*

***SEC. 1128. ADMINISTRATIVE COST GRANTS.***

*(a) GRANTS; EFFECT UPON APPROPRIATED AMOUNTS.—*

*(1) GRANTS.—Subject to the availability of appropriated funds, the Secretary shall provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools, provided that no school operated as a stand-alone institution shall receive less than $200,000.00 per year for these purposes, in order to—*

*(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice; and*

*(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.*

*(2) EFFECT UPON APPROPRIATED AMOUNTS.—Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.*

*(b) DETERMINATION OF GRANT AMOUNT.—*

*(1) IN GENERAL.—The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated*

*by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.*

*(2) DIRECT COST BASE FUNDS.—The Secretary shall—*

*(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization; and*

*(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.*

*(c) ADMINISTRATIVE COST PERCENTAGE RATE.—*

*(1) IN GENERAL.—For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—*

*(A) the sum of—*

*(i) the amount equal to—*

*(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by*

*(II) the minimum base rate; plus*

*(ii) the amount equal to—*

*(I) the standard direct cost base; multiplied by*

*(II) the maximum base rate; by*

*(B) the sum of—*

*(i) the direct cost base of the tribe or tribal organization for the fiscal year; plus*

*(ii) the standard direct cost base.*

*(2) ROUNDING.—The administrative cost percentage rate shall be determined to the 1/100 of a decimal point.*

*(d) COMBINING FUNDS.—*

*(1) IN GENERAL.—Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.*

*(2) INDIRECT COST FUNDS.—Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in paragraph (1).*

*(e) AVAILABILITY OF FUNDS.—Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.*

*(f) TREATMENT OF FUNDS.—Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.*

*(g) TREATMENT OF ENTITY OPERATING OTHER PROGRAMS.—In applying this section and section 105 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—*

*(1) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988; and*

*(2) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act;*

*the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs that are associated with operating the contract or grant school, and of the indirect costs, that are associated with all of such other programs, provided that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.*

*(h) DEFINITIONS.—For purposes of this section:*

*(1) ADMINISTRATIVE COST.—(A) The term "administrative cost" means the costs of necessary administrative functions which—*

*(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program;*

*(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds; and*

*(iii) are either—*

*(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds; or*

*(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.*

*(B) The term "administrative cost" may include—*

*(i) contract or grant (or other agreement) administration;*

*(ii) executive, policy, and corporate leadership and decisionmaking;*

*(iii) program planning, development, and management;*

*(iv) fiscal, personnel, property, and procurement management;*

*(v) related office services and record keeping; and*

*(vi) costs of necessary insurance, auditing, legal, safety and security services.*

*(2) BUREAU ELEMENTARY AND SECONDARY FUNCTIONS.—The term "Bureau elementary and secondary functions" means—*

*(A) all functions funded at Bureau schools by the Office;*

*(B) all programs—*

*(i) funds for which are appropriated to other agencies of the Federal Government; and*

*(ii) which are administered for the benefit of Indians through Bureau schools; and*

*(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.*

*(3) DIRECT COST BASE.—(A) Except as otherwise provided in subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—*

*(i) the second fiscal year preceding such fiscal year; or*

*(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.*

*(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.*

*(4) MAXIMUM BASE RATE.—The term "maximum base rate" means 50 percent.*

*(5) MINIMUM BASE RATE.—The term "minimum base rate" means 11 percent.*

*(6) STANDARD DIRECT COST BASE.—The term "standard direct cost base" means $600,000.*

*(7) TRIBAL ELEMENTARY OR SECONDARY EDUCATIONAL PROGRAMS.—The term "tribal elementary or secondary educational programs" means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.*

*(i) STUDIES FOR DETERMINATION OF FACTORS AFFECTING COSTS; BASE RATES LIMITS; STANDARD DIRECT COST BASE; REPORT TO CONGRESS.—*

*(1) STUDIES.—Not later than 120 days after the date of enactment of the Student Results Act of 1999, the Director of the Office of Indian Education Programs shall—*

*(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting required administrative costs of tribal elementary and secondary education programs, using the formula set forth in subsection (c); and*

*(B) conduct a study to determine—*

*(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs;*

*(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs; and*

*(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—*

*(I) be equal to the median between the maximum base rate and the minimum base rate; and*

*(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.*

*(2) GUIDELINES.—The studies required under paragraph (1) shall—*

*(A) be conducted in full consultation (in accordance with section 1131) with—*

*(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c); and*

*(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;*

*(B) be conducted onsite with a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;*

*(C) take into account the availability of skilled labor; commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;*

*(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and*

*(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary edu-*

*cational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how the factors may effectively be incorporated into such formula.*

*(3) CONSULTATION WITH INSPECTOR GENERAL.—In carrying out the studies required under this subsection, the Director shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.*

*(4) CONSIDERATION OF DELIVERY OF ADMINISTRATIVE SERVICES.—Determinations described in paragraph (2)(C) shall be based on what is practicable at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or whether other services were delivered instead, during the period of the study.*

*(5) REPORT.—Upon completion of the studies conducted under paragraph (1), the Director shall submit to Congress a report on the findings of the studies, together with determinations based upon such studies that would affect the definitions set forth under subsection (e) that are used in the formula set forth in subsection (c).*

*(6) PROJECTION OF COSTS.—The Secretary shall include in the Bureau's justification for each appropriations request beginning in the first fiscal year after the completion of the studies conducted under paragraph (1), a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary education programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.*

*(7) DETERMINATION OF PROGRAM SIZE.—For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.*

*(j) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—There are authorized to be appropriated such sums as necessary to carry out this section.*

*(2) REDUCTIONS.—If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grants determined under subsection (b) bears to the total of all grants determined under subsection (b) section for all tribes and tribal organizations for such fiscal year.*

*(k) APPLICABILITY TO SCHOOLS OPERATING UNDER TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.*

***SEC. 1129. DIVISION OF BUDGET ANALYSIS.***

*(a) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of the Student Results Act of 1999, the Secretary*

*shall establish within the Office of Indian Education Programs a Division of Budget Analysis (hereinafter referred to as the "Division"). Such Division shall be under the direct supervision and control of the Director of the Office.*

*(b) FUNCTIONS.—In consultation with the tribal governing bodies and tribal school boards, the Director of the Office, through the Division, shall conduct studies, surveys, or other activities to gather demographic information on Bureau funded schools and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.*

*(c) ANNUAL REPORTS.—Not later than the date that the Assistant Secretary for Indian Affairs makes the annual budget submission, for each fiscal year after the date of the enactment of the Student Results Act of 1999, the Director of the Office shall submit to the appropriate committees of Congress (including the Appropriations committees), all Bureau funded schools, and the tribal governing bodies of such schools, a report which shall contain—*

*(1) projections, based upon the information gathered pursuant to subparagraph (b) and any other relevant information, of amounts necessary to provide Indian students in Bureau funded schools the educational program set forth in this part;*

*(2) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (1); and*

*(3) such other information as the Director of the Office considers appropriate.*

*(d) USE OF REPORTS.—The Director of the Office and the Assistant Secretary for Indian Affairs shall use the annual report required by subsection (c) when preparing their annual budget submissions.*

***SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.***

*(a) ESTABLISHMENT OF SYSTEM AND FORWARD FUNDING.—*

*(1) IN GENERAL.—The Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1127. All amounts appropriated for distribution under this section may be made available under paragraph (2).*

*(2) TIMING FOR USE OF FUNDS.—(A) For the purposes of affording adequate notice of funding available pursuant to the allotments made under section 1127, amounts appropriated in an appropriations Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such amounts are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.–*

*(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—*

*(i) publish, not later than July 1 of the fiscal year for which the funds are appropriated, allotments to each affected school made under section 1127 of 85 percent of such appropriation; and*

*(ii) publish, not later than September 30 of such fiscal year, the allotments to be made under section 1127 of the*

*remaining 15 percent of such appropriation, adjusted to reflect the actual student attendance.*

*(3) LIMITATION.—(A) Notwithstanding any other provision of law or regulation, the supervisor of a Bureau funded school may expend an aggregate of not more than $50,000 of the amount allotted the school under section 1127 to acquire materials, supplies, equipment, services, operation, and maintenance for the school without competitive bidding if—*

*(i) the cost for any single item purchased does not exceed $15,000;*

*(ii) the school board approves the procurement;*

*(iii) the supervisor certifies that the cost is fair and reasonable;*

*(iv) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and*

*(v) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the price paid, the quantities acquired, and any other information the supervisor or school board considers relevant.*

*(B) Not later than 6 months after the date of enactment of the Student Results Act of 1999, the Secretary shall cause to be sent to each supervisor of a Bureau operated program and school board chairperson, the education line officer or officers of each agency and area, and the Bureau Division in charge of procurement, at both the local and national levels, notice of this paragraph.*

*(C) The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph, and shall be responsible for the provision of guidelines on the use of this paragraph and adequate training on such guidelines.*

*(4) EFFECT OF SEQUESTRATION ORDER.—If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1127 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—*

*(A) to fund allotments under section 1127, the Secretary, notwithstanding any other law, may use—*

*(i) funds appropriated for the operation of any Bureau school that is closed or consolidated; and*

*(ii) funds appropriated for any program that has been curtailed at any Bureau school; and*

*(B) the Secretary may waive the application of the provisions of section 1121(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1127 for such fiscal year.*

*(b) LOCAL FINANCIAL PLANS FOR EXPENDITURE OF FUNDS.—*

*(1) PLAN REQUIRED.—(A) In the case of all Bureau operated schools, allotted funds shall be expended on the basis of local financial plans which ensure meeting the accreditation requirements or standards for the school established pursuant to section 1121 and which shall be prepared by the local school supervisor in active consultation with the local school board for each school. The local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan.*

*(B) The supervisor—*

*(i) shall put into effect the decisions of the school board;*

*(ii) shall provide the appropriate local union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time such copies are submitted to the local school board; and*

*(iii) may appeal any such action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.*

*(c) USE OF SELF-DETERMINATION GRANTS FUNDS.—Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.*

*(d) TECHNICAL ASSISTANCE AND TRAINING.—In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and the Secretary shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.*

*(e) SUMMER PROGRAM OF ACADEMIC AND SUPPORT SERVICES.—*

*(1) IN GENERAL.—A financial plan under subsection (b) for a school may include, at the discretion of the local administrator*

*and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary for Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.*

*(2) USE OF OTHER FUNDS.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934, and this Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.*

*(3) TECHNICAL ASSISTANCE AND PROGRAM COORDINATION.—The Assistant Secretary for Indian Affairs, acting through the Director of the Office, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.*

*(f) COOPERATIVE AGREEMENTS.—*

*(1) IN GENERAL.—From funds allotted to a Bureau school under section 1127, the Secretary shall, if specifically requested by the tribal governing body (as defined in section 1141), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:*

*(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.*

*(B) Support services, including procurement and facilities maintenance.*

*(C) Transportation.*

*(2) EQUAL BENEFIT AND BURDEN.—Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.*

*(g) PRODUCT OR RESULT OF STUDENT PROJECTS.—Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.*

*(h) NOT CONSIDERED FEDERAL FUNDS FOR MATCHING REQUIREMENTS.—Notwithstanding any other provision of law, funds received by a Bureau funded school under this title shall not be con-*

*sidered Federal funds for the purposes of meeting a matching funds requirement for any Federal program.*

***SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.***

*(a) FACILITATION OF INDIAN CONTROL.—It shall be the policy of the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate tribal control of Indian affairs in all matters relating to education.*

*(b) CONSULTATION WITH TRIBES.—*

*(1) IN GENERAL.—All actions under this Act shall be done with active consultation with tribes.*

*(2) REQUIREMENTS.—The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information available from or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.*

***SEC. 1132. INDIAN EDUCATION PERSONNEL.***

*(a) IN GENERAL.—Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to classification, pay and leave, respectively, and the sections of such title relating to the appointment, promotion, hours of work, and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (p)).*

*(b) REGULATIONS.—Not later than 60 days after the date of enactment of the Student Results Act of 1999, the Secretary shall prescribe regulations to carry out this section. Such regulations shall include—*

*(1) the establishment of education positions;*

*(2) the establishment of qualifications for educators and education personnel;*

*(3) the fixing of basic compensation for educators and education positions;*

*(4) the appointment of educators;*

*(5) the discharge of educators;*

*(6) the entitlement of educators to compensation;*

*(7) the payment of compensation to educators;*

*(8) the conditions of employment of educators;*

*(9) the leave system for educators;*

*(10) the annual leave and sick leave for educators; and*

*(11) such matters as may be appropriate.*

*(c) QUALIFICATIONS OF EDUCATORS.—*

*(1) REQUIREMENTS.—In prescribing regulations to govern the qualifications of educators, the Secretary shall require—*

*(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and*

*(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;*

*(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (e)(2), a determination by a school board that such a person be hired shall be instituted supervisor; and*

*(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subparagraph (A)(ii) or that such individual has applied at the national level for an education position.*

*(2) EXCEPTION FOR CERTAIN TEMPORARY EMPLOYMENT.—The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.*

*(d) HIRING OF EDUCATORS.—*

*(1) REQUIREMENTS.—In prescribing regulations to govern the appointment of educators, the Secretary shall require—*

*(A)(i) that educators employed in a Bureau operated school (other than the supervisor of the school) shall be hired by the supervisor of the school. In cases where there are no qualified applicants available, such supervisor may consult the national list maintained pursuant to subsection (c)(1)(A)(ii);*

*(ii) each school supervisor shall be hired by the education line officer of the agency office of the Bureau in which the school is located;*

*(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office; and*

*(iv) each education line officer and educators employed in the Office of the Director of Indian Education Programs shall be hired by the Director;*

*(B) that before an individual is employed in an education position in a school by the supervisor of a school (or with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school shall be consulted. A determination by such school board that such individual should or should not be so employed shall be instituted by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education);*

*(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that a determination by such school board that such individual should or should not be employed shall be instituted by the agency superintendent for education; and*

*(D) that before an individual may be employed in an education position in the Office of the Director (other than the position of Director), the national school boards representing all Bureau schools shall be consulted.*

*(2) INFORMATION REGARDING APPLICATION AT NATIONAL LEVEL.—Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall be immediately forwarded to the Secretary, who shall, as soon as practicable but in no event in more than 30 days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this paragraph. Notwithstanding subsection (e), if the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual has applied at the national level for an education position in the Bureau, the appointment of such individual at the local level shall be conditional for a period of 90 days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.*

*(3) STATUTORY CONSTRUCTION.—Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards authority over, or control of, educators at Bureau funded schools or the authority to issue management decisions.*

*(e) DISCHARGE AND CONDITIONS OF EMPLOYMENT OF EDUCATORS.—*

*(1) REGULATIONS.—In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—*

*(A) that procedures be established for the rapid and equitable resolution of grievances of educators;*

*(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and*

*(C) that educators employed in Bureau schools be notified 30 days prior to the end of the school year whether their employment contract will be renewed for the following year.*

*(2) PROCEDURES FOR DISCHARGE.—The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B)) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the education line officer of the appropriate agency office of the Bureau. Upon such an appeal, the agency education line officer may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.*

*(3) RECOMMENDATIONS OF SCHOOL BOARDS FOR DISCHARGE.—Each local school board for a Bureau school shall have the right—*

*(A) to recommend to the supervisor of such school that an educator employed in the school be discharged; and*

*(B) to recommend to the education line officer of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.*

*(f) APPLICABILITY OF INDIAN PREFERENCE LAWS.—*

*(1) IN GENERAL.—Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action under this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants a written waiver of the application of such laws with respect to such personnel action and states that such waiver is necessary. This paragraph shall not relieve the Bureau's responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if such action is intended to fill a vacancy (no matter how such vacancy is created).*

*(2) TRIBAL ORGANIZATION DEFINED.—For purposes of this subsection, the term "tribal organization" means—*

*(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act); or*

*(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1141 which has been delegated by such governing body the authority to grant a waiver under this subsection with respect to personnel action.*

*(3) INDIAN PREFERENCE LAW DEFINED.—The term "Indian preference laws" means section 12 of the Act of June 18, 1934 or any other provision of law granting a preference to Indians in promotions and other personnel actions. Such term shall not include section 7(b) of the Indian Self-Determination and Education Assistance Act.*

*(g) COMPENSATION OR ANNUAL SALARY.—*

*(1) IN GENERAL.—(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation for educators and education positions at rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable or on the basis of the Federal Wage System schedule in effect for the locality, and for the comparable positions, the rates of compensation in effect for the senior executive service.*

*(B) The Secretary shall establish the rate of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of the Student Results Act of 1999 and thereafter) to comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay Act. The Secretary shall allow the local school boards authority to implement only the aspects of the Defense Department Overseas Teacher pay provisions that are considered essential for recruitment and retention. Implementation of such provisions shall not be construed to require the implementation of the Act in its entirety.*

*(C)(i) Beginning with the fiscal year following the date of enactment of the Student Results Act of 1999, each school board may set the rate of compensation or annual salary rate for teachers and counselors (including academic counselors) who are new hires at the school and who have not worked at the school on the date of implementation of this provision, at rates consistent with the rates paid for individuals in the same positions, with the same tenure and training, in any other school within whose boundaries the Bureau school lies. In instances where the adoption of such rates cause a reduction in the payment of compensation from that which was in effect for the fiscal year following the date of enactment of the Student Results Act of 1999, the new rate may be applied to the compensation of employees of the school who worked at the school on of the date of enactment of that Act by applying those rates to each contract renewal such that the reduction takes effect in three equal installments. Where adoption of such rates lead to an increase in the payment of compensation from that which was in effect for the fiscal year following the date of enactment of the Student Results Act of 1999, the school board may make such rates applicable at the next contract renewal such that either—*

*(I) the increase occurs in its entirety; or*

*(II) the increase is applied in 3 equal installments.*

*(ii) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bu-*

*reau prior to April 28, 1988, in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.*

*(D) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make an election under subsection (p) is in effect on January 1, 1990.*

*(2) POST-DIFFERENTIAL RATES.—(A) The Secretary may pay a post-differential rate not to exceed 25 percent of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.*

*(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post-differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post-differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—*

*(I) at least 5 percent, or*

*(II) less than 5 percent and affects the recruitment or retention of employees at the school.*

*(ii) A request under clause (i) shall be deemed granted at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with modification, or disapproved by the Secretary.*

*(iii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post-differential authorized under this subparagraph at the beginning of a school year if—*

*(I) the local school board requests that such differential be discontinued or decreased; or*

*(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.*

*(iv) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous year and listing the positions contracted under those grants of authority.*

*(h) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or ac-*

*crued under regulations prescribed pursuant to subsection (b)(10) of this section shall not be so liquidated.*

*(i) TRANSFER OF REMAINING SICK LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to such person's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.*

*(j) INELIGIBILITY FOR EMPLOYMENT OF VOLUNTARILY TERMINATED EDUCATORS.—An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.*

*(k) DUAL COMPENSATION.—In the case of any educator employed in an education position described in subsection (l)(1)(A) who—*

*(1) is employed at the close of a school year,*

*(2) agrees in writing to serve in such position for the next school year, and*

*(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5533 of title 5, United States Code, relating to dual compensation,*

*shall not apply to such educator by reason of any such employment during a recess period for any receipt of additional compensation.*

*(l) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.*

*(m) PRORATION OF PAY.—*

*(1) ELECTION OF EMPLOYEE.—Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period. Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.*

*(2) CHANGE OF ELECTION.—During the course of such year the employee may change election once.*

*(3) LUMP SUM PAYMENT.—That portion of the employee's pay which would be paid between academic school years may be paid in a lump sum at the election of the employee.*

*(4) DEFINITIONS.—For purposes of this subsection, the terms "educator" and "education position" have the meanings contained in paragraphs (1) and (2) of subsection (o). This subsection applies to those individuals employed under the provisions of section 1132 of this title or title 5, United States Code.*

*(n) EXTRACURRICULAR ACTIVITIES.—*

*(1) STIPEND.—Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.*

*(2) ELECTION NOT TO RECEIVE STIPEND.—If an employee elects not to be compensated through the stipend established by this subsection, the appropriate provisions of title 5, United States Code, shall apply.*

*(3) APPLICABILITY OF SUBSECTION.—This subsection applies to all Bureau employees, whether employed under section 1132 of this title or title 5, United States Code.*

*(o) DEFINITIONS.—For the purpose of this section—*

*(1) EDUCATION POSITION.—The term "education position" means a position in the Bureau the duties and responsibilities of which—*

*(A) are performed on a school-year basis principally in a Bureau school and involve—*

*(i) classroom or other instruction or the supervision or direction of classroom or other instruction;*

*(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;*

*(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or*

*(iv) support services at, or associated with, the site of the school; or*

*(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.*

*(2) EDUCATOR.—The term "educator" means an individual whose services are required, or who is employed, in an education position.*

*(p) COVERED INDIVIDUALS; ELECTION.—This section shall apply with respect to any educator hired after November 1, 1979 (and to any educator who elected for coverage under that provision after November 1, 1979) and to the position in which such individual is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979 in an*

*education position, or such person's right to receive the compensation attached to such position.*

***SEC. 1133. COMPUTERIZED MANAGEMENT INFORMATION SYSTEM.***

*(a) ESTABLISHMENT OF SYSTEM.—Not later than July 1, 2001, the Secretary shall establish within the Office, a computerized management information system, which shall provide processing and information to the Office. The information provided shall include information regarding—*

*(1) student enrollment;*

*(2) curriculum;*

*(3) staffing;*

*(4) facilities;*

*(5) community demographics;*

*(6) student assessment information;*

*(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements;*

*(8) relevant reports;*

*(9) personnel records;*

*(10) finance and payroll; and*

*(11) such other items as the Secretary deems appropriate.*

*(b) IMPLEMENTATION OF SYSTEM.—Not later than July 1, 2002, the Secretary shall complete implementation of such a system at each field office and Bureau funded school.*

***SEC. 1134. UNIFORM EDUCATION PROCEDURES AND PRACTICES.***

*The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.*

***SEC. 1135. RECRUITMENT OF INDIAN EDUCATORS.***

*The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.*

***SEC. 1136. BIENNIAL REPORT; AUDITS.***

*(a) BIENNIAL REPORTS.—The Secretary shall submit to each appropriate committee of Congress, all Bureau funded schools, and the tribal governing bodies of such schools, a detailed biennial report on the state of education within the Bureau and any problems encountered in Indian education during the 2-year period covered by the report. Such report shall contain suggestions for the improvement of the Bureau educational system and for increasing tribal or local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall include—*

*(1) information on the funds provided to previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act, and recommendations with respect to the future use of such funds;*

*(2) the needs and costs of operations and maintenance of tribally controlled community colleges eligible for assistance under*

*the Tribally Controlled Community College Assistance Act of 1978 and recommendations with respect to meeting such needs and costs; and*

*(3) the plans required by sections 1121(g), 1122(c), and 1125(b).*

*(b) FINANCIAL AND COMPLIANCE AUDITS.—The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau operated school at least once in every 3 years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1130.*

***SEC. 1137. RIGHTS OF INDIAN STUDENTS.***

*The Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau funded schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression, and such students' right to due process in connection with disciplinary actions, suspensions, and expulsions.*

***SEC. 1138. REGULATIONS.***

*(a) IN GENERAL.—The Secretary is authorized to issue only such regulations as are necessary to ensure compliance with the specific provision of this Act. The Secretary shall publish proposed regulations in the Federal Register, shall provide a period of not less than 90 days for public comment thereon, and shall place in parentheses after each regulatory section the citation to any statutory provision providing authority to promulgate such regulatory provision.*

*(b) MISCELLANEOUS.—*

*(1) CONSTRUCTION.—The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of this Act and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.*

*(2) GENERAL APPLICABILITY OF CERTAIN RULES; LEGAL AUTHORITY TO BE STATED.—Regulations required to be adopted under sections 2006 through 2018 and any revisions of the standards developed under section 2001 or 2002 shall be deemed rules of general applicability prescribed for the administrations of an applicable program for the purposes of section 437 of the Elementary and Secondary Education Amendments of 1967 and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section. Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which provision is based.*

***SEC. 1138A. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.***

*(a) MEETINGS.—*

*(1) IN GENERAL.—The Secretary shall obtain tribal involvement in the development of proposed regulations under this part and the Tribally Controlled Schools Act of 1988. The Secretary shall obtain the advice of and recommendations from representatives of Indian tribes with Bureau-funded schools on*

*their reservations, Indian tribes whose children attend Bureau funded off-reservation boarding schools, school boards, administrators or employees of Bureau-funded schools, and parents and teachers of students enrolled in Bureau-funded schools.*

*(2) ISSUES.—The Secretary shall provide for a comprehensive discussion and exchange of information concerning the implementation of this part and the Tribally Controlled Schools Act of 1988 through such mechanisms as regional meetings and electronic exchanges of information. The Secretary shall take into account the information received through such mechanisms in the development of proposed regulations and shall publish a summary of such information in the Federal Register together with such proposed regulations.*

*(b) DRAFT REGULATIONS.—*

*(1) IN GENERAL.—After obtaining the advice and recommendations described in subsection (a)(1) and before publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 and shall submit such regulations to a negotiated rulemaking process. Participants in the negotiations process shall be chosen by the Secretary from individuals nominated by the entities described in subsection (a)(1). To the maximum extent possible, the Secretary shall ensure that the tribal representative membership chosen pursuant to the preceding sentence reflects the proportionate share of students from tribes served by the Bureau-funded school system. The negotiation process shall be conducted in a timely manner in order that the final regulations may be issued by the Secretary no later than 18 months after enactment of this section, provided that the authority of the Secretary to promulgate regulations under this part and the Tribally Controlled Schools Act of 1988 shall expire if final regulations are not promulgated within the time stated in this sentence. If the Secretary determines that an extension of the deadline in the preceding sentence is necessary, the Secretary may submit proposed legislation to Congress for extension of such deadline.*

*(2) EXPANSION OF NEGOTIATED RULEMAKING.—All regulations pertaining to this part and the Tribally Controlled Schools Act of 1988 that are promulgated after the date of enactment of this subsection shall be subject to a negotiated rulemaking (including the selection of the regulations to be negotiated), unless the Secretary determines that applying such a requirement with respect to given regulations is impracticable, unnecessary, or contrary to the public interest (within the meaning of section 553(b)(3)(B) of title 5), and publishes the basis for such determination in the Federal Register at the same time as the proposed regulations in question are first published. All published proposed regulations shall conform to agreements resulting from such negotiated rulemaking unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants in that process why the Secretary has decided to depart from such agreements. Such negotiated rulemaking shall be conducted in accordance with the provisions of subsection (a), and the Secretary shall ensure that a clear and*

*reliable record of agreements reached during the negotiation process is maintained.*

*(c) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to activities carried out under this section.*

***SEC. 1139. EARLY CHILDHOOD DEVELOPMENT PROGRAM.***

*(a) IN GENERAL.—The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.*

*(b) AMOUNT OF GRANTS.—*

*(1) IN GENERAL.—The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (g) for such fiscal year (less amounts provided under subsection (f)) as—*

*(A) the total number of children under 6 years of age who are members of—*

*(i) such tribe;*

*(ii) the tribe that authorized such tribal organization; or*

*(iii) any tribe that—*

*(I) is a member of such consortium; or*

*(II) authorizes any tribal organization that is a member of such consortium; bears to*

*(B) the total number of all children under 6 years of age who are members of any tribe that—*

*(i) is eligible to receive funds under subsection (a);*

*(ii) is a member of a consortium that is eligible to receive such funds; or*

*(iii) authorizes a tribal organization that is eligible to receive such funds.*

*(2) LIMITATION.—No grant may be provided under subsection (a)—*

*(A) to any tribe that has less than 500 members;*

*(B) to any tribal organization which is authorized—*

*(i) by only 1 tribe that has less than 500 members; or*

*(ii) by 1 or more tribes that have a combined total membership of less than 500 members; or*

*(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.*

*(c) APPLICATION.*

*(1) IN GENERAL.—A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization, or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.*

*(2) CONTENTS.—Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.*

*(d) REQUIREMENT OF PROGRAMS FUNDED.—The early childhood development programs that are funded by grants provided under subsection (a)—*

*(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—*

*(A) prenatal care;*

*(B) nutrition education;*

*(C) health education and screening;*

*(D) family literacy services;*

*(E) educational testing; and*

*(F) other educational services;*

*(2) may include instruction in the language, art, and culture of the tribe; and*

*(3) shall provide for periodic assessment of the program.*

*(e) COORDINATION OF FAMILY LITERACY PROGRAMS.—Family literacy programs operated under this section or other similar programs operated by the Bureau shall coordinate with family literacy programs for Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving Indians.*

*(f) ADMINISTRATIVE COSTS.—The Secretary shall, out of funds appropriated under subsection (g), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe, tribal organization, or consortium of tribes in establishing and maintaining the early childhood development program.*

*(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001, 2002, 2003, and 2004.*

***SEC. 1140. TRIBAL DEPARTMENTS OR DIVISIONS OF EDUCATION.***

*(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.*

*(b) GRANTS.—Grants provided under this section shall—*

*(1) be based on applications from the governing body of the tribe;*

*(2) reflect factors such as geographic and population diversity;*

*(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations (and on former Indian reservations in Oklahoma);*

*(4) provide for the development of coordinated educational programs on Indian reservations (and on former Indian reservations in Oklahoma) (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordina-*

*tion with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities;*

*(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs; and*

*(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act that are in effect on the date that application for such grants are made.*

*(c) PRIORITIES.—*

*(1) IN GENERAL.—In making grants under this section, the Secretary shall give priority to any application that—*

*(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including the submission to each applicable agency of a unified application for funding for all of such schools which provides that—*

*(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application; and*

*(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law;*

*(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible;*

*(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law; and*

*(D) provides a plan and schedule for—*

*(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education; and*

*(ii) the termination by the Bureau of such operations and office at the time of such assumption;*

*except that when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.*

*(2) TIME PERIOD OF GRANT.—Subject to the availability of appropriated funds, grants provided under this section shall be*

*provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.*

*(d) TERMS, CONDITIONS, OR REQUIREMENTS.—The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001, 2002, 2003, and 2004.*

***SEC. 1141. DEFINITIONS.***

*For the purposes of this part, unless otherwise specified:*

*(1) AGENCY SCHOOL BOARD.—The term "agency school board" means a body, the members of which are appointed by all of the school boards of the schools located within an agency, including schools operated under contract or grant, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties, and in agencies having schools or a school operated under contract or grant, one such member at least shall be from such a school.*

*(2) BUREAU.—The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.*

*(3) BUREAU FUNDED SCHOOL.—The term "Bureau funded school" means—*

*(A) a Bureau school;*

*(B) a contract or grant school; or*

*(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.*

*(4) BUREAU SCHOOL.—The term "Bureau school" means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school.*

*(5) CONTRACT OR GRANT SCHOOL.—The term "contract or grant school" means an elementary or secondary school or dormitory which receives financial assistance for its operation under a contract, grant or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, or under the Tribally Controlled Schools Act of 1988.*

*(6) EDUCATION LINE OFFICER.—The term "education line officer" means education personnel under the supervision of the Director, whether located in the central, area, or agency offices.*

*(7) FINANCIAL PLAN.—The term "financial plan" means a plan of services provided by each Bureau school.*

*(8) INDIAN ORGANIZATION.—The term "Indian organization" means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes.*

*(9) LOCAL EDUCATIONAL AGENCY.—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, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education.*

*(10) LOCAL SCHOOL BOARD.—The term "local school board", when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes.*

*(11) OFFICE.—The term "Office" means the Office of Indian Education Programs within the Bureau.*

*(12) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(13) SUPERVISOR.—The term "supervisor" means the individual in the position of ultimate authority at a Bureau school.*

*(14) TRIBAL GOVERNING BODY.—The term "tribal governing body" means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.*

*(15) TRIBE.—The term "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, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.*

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## TRIBALLY CONTROLLED SCHOOLS ACT OF 1988

## PART B—TRIBALLY CONTROLLED SCHOOL GRANTS

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**[SEC. 5202. FINDINGS.**

[The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

[(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

[(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act has not provided the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

[(3) Indians will never surrender their desire to control their relationships both among themselves and with the non-Indian governments, organizations, and persons;

[(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

[(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement nor created the diverse opportunities and personal satisfaction which education can and should provide;

[(6) true local control requires the least possible Federal interference; and

[(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.

**[SEC. 5203. DECLARATION OF POLICY.**

[(a) RECOGNITION.—The Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

[(b) COMMITMENT.—The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.

[(c) NATIONAL GOAL.—The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

[(d) EDUCATIONAL NEEDS.—The Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.

[(e) FEDERAL RELATIONS.—The Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

[(f) TERMINATION.—The Congress hereby repudiates and rejects House Concurrent Resolution 108 of the 83rd Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

**[SEC. 5204. GRANTS AUTHORIZED.**

[(a) IN GENERAL.—

[(1) The Secretary shall provide grants to Indian tribes, and tribal organizations, that—

[(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract schools;

[(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

[(C) elect to assume operation of Bureau schools with assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

[(2) Grants provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is provided.

[(3)(A) Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education-related activities for which any funds that compose the grant may be used under the laws described in section 5205(a), including but not limited to, expenditures for—

[(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes, and

[(ii) support services for the school, including transportation.

[(B) Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operation and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).

[(C) If funds allocated to a tribally controlled school under title I of the Elementary and Secondary Education Act of 1965, the Individuals with Disabilities Education Act, or any Federal education law other than title XI of the Education Amendments of 1978 are included in a grant provided under this part, a portion of the grant equal to the amount of the funds allocated under such law shall be expended only for those activities for which funds provided under such law may be expended under the terms of such law.

[(b) LIMITATIONS.—

[(1) No more than one grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

[(2) Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

[(3) Funds provided under any grant made under this part may not be expended for administrative costs (as defined under section 1128A(e)(1) of the Education Amendments of 1978) in

excess of the amount generated for such costs under section 1128A of such Act.

[(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOLSITES.—

[(1) In the case of a grantee which operates schools at more than one schoolsite, the grantee may expend no more than the lesser of—

[(A) 10 percent of the funds allocated for a schoolsite under section 1128 of the Education Amendments of 1978, or

[(B) $400,000 of such funds,

at any other schoolsite.

[(2) For purposes of this subsection, the term "schoolsite" means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract with, the Bureau for which a discreet student count is identified under the funding formula established under section 1128 of the Education Amendments of 1978.

[(d) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed—

[(1) to require a tribe or tribal organization to apply for or accept, or

[(2) to allow any person to coerce any tribe or tribal organization into applying for, or accepting,

a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications, and the timing of such applications, shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided.

[(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

[(f) RETROCESSION.—Whenever an tribal governing body requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary not more than 120 days after the date on which the tribal governing body requests the retrocession, or such later date as may be mutually agreed upon by the Secretary and the tribal governing body. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.

[The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau school or as a contract school under title XI of the Education Amendments of 1978. Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

[(1) with assistance under this part, or

[(2) upon assumption of operation of the program under this part if it was a Bureau funded school under title XI of the Edu-

cation Amendments of 1978 before receiving assistance under this part.

[(g) NO TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided under this Act may not be terminated, modified, suspended, or reduced only for the convenience of the administering agency.

**[SEC. 5205. COMPOSITION OF GRANTS.**

[(a) IN GENERAL.—The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—

[(1) the total amount of funds allocated for such fiscal year under sections 1128 and 1128A of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part that are operated by such Indian tribe or tribal organization, including, but not limited to, funds provided under such sections, or under any other provision of law, for transportation costs,

[(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act (25 U.S.C. 450j), or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to all those referenced under section 1216(d) of the Education Amendments of 1978, or any other law), and

[(3) the total amount of funds provided under—

[(A) title I of the Elementary and Secondary Education Act of 1965,

[(B) the Individuals with Disabilities Education Act, and

[(C) any other Federal education law,

that are allocated to such schools for such fiscal year.

[(b) SPECIAL RULES.—

[(1) In the allocation of funds under sections 1128, 1128A, and 1126(d) of the Education Amendments of 1978, tribally controlled schools for which grants are provided under this part shall be treated as contract schools.

[(2) In the allocation of funds provided under—

[(A) title I of the Elementary and Secondary Education Act of 1965,

[(B) the Individuals with Disabilities Education Act, and

[(C) any other Federal education law,

that are distributed through the Bureau, tribally controlled schools for which grants are provided under this part shall be treated as Bureau schools.

[(3)(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) shall be subject to the provisions of this part and shall not be subject to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

[(i) title I of the Elementary and Secondary Education Act of 1965,

[(ii) the Individuals with Disabilities Education Act, or

[(iii) any Federal education law other than title XI of the Education Amendments of 1978.

[(B) Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii), or (iii) of subparagraph (A).

[(4) Notwithstanding the provision of paragraph 5204(a)(2) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(2)), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under such paragraph (a)(2), the grantee shall maintain a separate account for such funds and shall, at the end of the period designated for the work covered by the funds received, render a separate accounting of the work done and the funds used to the Secretary. Funds received from these accounts may only be used for the purposes for which they were appropriated and for the work encompassed by the application or submission under which they were received, except that a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least one-fourth of the total cost of such new construction. Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of funds: *Provided,* That such period may be extended upon mutual agreement.

[(5) If the Secretary fails to make a determination within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial of or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).

**[SEC. 5206. ELIGIBILITY FOR GRANTS.**

[(a) IN GENERAL.—

[(1) A tribally controlled school is eligible for assistance under this part if the school—

[(A) was, on April 28, 1988, a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part,

[(B) was a Bureau school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b),

[(C) is a school for which the Bureau has not provided funds, but which has met the requirements of subsection (c), or

[(D) is a school with respect to which an election has been made under paragraph (2) and which has met the requirements of subsection (b).

[(2) Any application which has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe for a school which is not in operation on the date of enactment of this Act shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).

[(b) ADDITIONAL REQUIREMENTS FOR BUREAU SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

[(1) A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on April 28, 1988, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—

[(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—

[(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school, and

[(ii) make a determination of whether the school is eligible for assistance under this part, and

[(B) the Secretary makes a determination that the school is eligible for assistance under this part.

[(2)(A) By no later than the date that is 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—

[(i) if the school is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization, and

[(ii) whether the school is eligible for assistance under this part.

[(B) In considering applications submitted under paragraph (1)(A), the Secretary—

[(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school, and

[(ii) shall determine that the school is eligible for assistance under this part,

unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school.

[(C) In considering applications submitted under paragraph (1)(A), the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—

[(i) equipment,

[(ii) bookkeeping and accounting procedures,

[(iii) substantive knowledge of operating the school,

[(iv) adequately trained personnel, or

[(v) any other necessary components in the operation of the school.

[(c) ADDITIONAL REQUIREMENTS FOR A SCHOOL WHICH IS NOT A BUREAU FUNDED SCHOOL.—

[(1) A school which is not a Bureau funded school under title XI of the Education Amendments of 1978 meets the requirements of this subsection if—

[(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary of whether the school is eligible for assistance under this part, and

[(B) the Secretary makes a determination that the school is eligible for assistance under this part.

[(2)(A) By no later than the date that is 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

[(B) In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

[(i) with respect to the applicant's proposal—

[(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

[(II) geographic and demographic factors in the affected areas;

[(III) adequacy of applicant's program plans;

[(IV) geographic proximity of comparable public education; and

[(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

[(ii) with respect to all education services already available—

[(I) geographic and demographic factors in the affected areas;

[(II) adequacy and comparability of programs already available;

[(III) consistency of available programs with tribal education codes or tribal legislation to education; and

[(IV) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

[(C) The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

[(D) Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph

(B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.

[(E) If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months after the date on which the Secretary received the application, or an earlier date, at the Secretary's discretion.

[(d) APPLICATIONS AND REPORTS.—

[(1) All applications and reports submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the agency or area education officer designated by the Director of the Office of Indian Education of the Bureau of Indian Affairs. The date on which such filing occurs shall, for purposes of this part, be treated as the date on which the application or amendment is submitted to the Secretary.

[(2) Any application that is submitted under this part shall be accompanied by a document indicating the action taken by the tribal governing body in authorizing such application.

[(e) EFFECTIVE DATE FOR APPROVED APPLICATIONS.—Except as provided in subsection (c)(2)(E), a grant provided under this part, and any transfer of the operation of a Bureau school made under subsection (b), shall become effective beginning with the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or at an earlier date determined by the Secretary.

[(f) DENIAL OF APPLICATIONS.—

[(1) Whenever the Secretary declines to provide a grant under this part, to transfer operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

[(A) state the objections in writing to the tribe or tribal organization within the allotted time,

[(B) provide assistance to the tribe or tribal organization to overcome all stated objections,

[(C) provide the tribe or tribal organization a hearing on the record, under the same rules and regulations that apply under the Indian Self-Determination and Education Assistance Act, and

[(D) provide an opportunity to appeal the objection raised.

[(2) The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.

**[SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.**

[(a) IN GENERAL.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been

met with respect to such school until the eligibility determination is revoked by the Secretary.

[(b) ANNUAL REPORTS.—Each recipient of a grant provided under this part shall submit to the Secretary and to the tribal governing body (within the meaning of section 1121(j) of the Education Amendments of 1978) of the tribally controlled school an annual report that shall be limited to—

[(1) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

[(2) a biannual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

[(3) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

[(4) a program evaluation conducted by an impartial entity, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).

[(c) REVOCATION OF ELIGIBILITY.—

[(1)(A) The Secretary shall not revoke a determination that a school is eligible for assistance under this part if—

[(i) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school, and

[(ii) at least one of the following subclauses applies with respect to the school:

[(I) The school is certified or accredited by a State or regional accrediting association as recognized by the Secretary of Education, or is a candidate in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by students within the education programs are, or will be, accepted at grade level by a State certified or regionally accredited institution.

[(II) A determination made by the Secretary that there is a reasonable expectation that the accreditation described in subclause (I), or the candidacy in good standing for such accreditation, will be reached by the school within 3 years and that the program offered by the school is beneficial to the Indian students.

[(III) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized regional or State accreditation agency.

[(IV) The school accepts the standards promulgated under section 1121 of the Education Amendments of 1978 and an evaluation of performance is conducted under this section in conformance with the regulations pertaining to Bureau operated schools by an impartial evaluator chosen by the grantee, but no grantee shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

[(V) A positive evaluation of the school is conducted once every 3 years under standards adopted by the

contractor under a contract for a school entered into under the Indian Self-Determination and Education Assistance Act (or revisions of such standards agreed to by the Secretary and the grantee) prior to the date of enactment of this Act, such evaluation to be conducted by an impartial evaluator agreed to by the Secretary and the grantee. If the Secretary and a grantee other than the tribal governing body fail to agree on such an evaluator, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply.

[(B) The choice of standards employed for purposes of subparagraph (A)(ii) shall be consistent with section 1121(e) of the Education Amendments of 1978.

[(2) The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A), until the Secretary—

[(A) provides notice to the tribally controlled school and the tribal governing body (within the meaning of section 1121(j) of the Education Amendments of 1978) of the tribally controlled school which states—

[(i) the specific deficiencies that led to the revocation or resumption determination, and

[(ii) the actions that are needed to remedy such deficiencies, and

[(B) affords such authority an opportunity to effect any remedial actions.

The Secretary shall provide such technical assistance as is necessary to effect such remedial actions. Such notice and technical assistance shall be in addition to a hearing and appeal to be conducted pursuant to the regulations described in section 5206(f)(1)(C).

[(d) APPLICABILITY OF SECTION PURSUANT TO ELECTION UNDER SECTION 5209(b).—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)—

[(1) subsection (b) of this section shall apply; and

[(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.

**[SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.**

[(a) PAYMENTS.—

[(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—

[(A) the first payment shall be made not later than July 15 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year; and

[(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

[(2) For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

[(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

[(4) The provisions of chapter 39 of title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3).

[(5) Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.

[(b) INVESTMENT OF FUNDS.—

[(1) Notwithstanding any other provision of law, any interest or investment income that accrues on any funds provided under this part after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law.

[(2) Funds provided under this part may be—

[(A) invested by the Indian tribe or tribal organization only in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States, or

[(B) deposited only into accounts that are insured by an agency or instrumentality of the United States.

[(c) RECOVERIES.—For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.

**[SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.**

[(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—All provisions of sections 5, 6, 7, 104, 105(f), 106(f), 109, and 111 of the Indian Self-Determination and Education Assistance Act, except those provisions relating to indirect costs and length of contract, shall apply to grants provided under this part.

[(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.—

[(1) Contractors for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect upon the date of enactment of this Act may, by giving notice to the Sec-

retary, elect to have the provisions of this part apply to such activity in lieu of such contract.

[(2) Any election made under paragraph (1) shall take effect on the later of—

[(A) October 1 of the fiscal year succeeding the fiscal year in which such election is made, or

[(B) the date that is 60 days after the date of such election.

[(3) In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election. For fiscal year 1989, the Secretary may waive this paragraph for elections received prior to September 30, 1988.

[(c) NO DUPLICATION.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or service if a grant has been made under this part to pay such expenses.

[(d) TRANSFERS AND CARRYOVERS.—

[(1) A tribe or tribal organization assuming the operation of a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

[(2) A tribe or tribal organization assuming the operation of a contract school with assistance under this part shall be entitled to the transfer or use of the buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

[(3) Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather than to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.

[(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2) of this Act, any dispute regarding the amount of a grant under section 5205 (and the amount of any funds referred to in that section), any payments to be made under section 5208 of this Act, and any dispute involving an administrative cost grant under section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) shall be handled under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975 (Public Law 93–658; 25 U.S.C. 450 et seq.). The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.

**[SEC. 5210. ROLE OF THE DIRECTOR.**

[Applications for grants under this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

**[SEC. 5211. [25 U.S.C. 2510] REGULATIONS.**

[The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this part. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this part, the Secretary shall not issue regulations. Regulations issued pursuant to this part shall not have the standing of a Federal statute for the purposes of judicial review.

**[SEC. 5212. [25 U.S.C. 2511] DEFINITIONS.**

[For purposes of this part—

[(1) The term "eligible Indian student" has the meaning of such term in section 1128(f) of the Education Amendments of 1978 (25 U.S.C. 2008(f)).

[(2) 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 Alaskan Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

[(3)(A) The term "tribal organization" means—

[(i) the recognized governing body of any Indian tribe, or

[(ii) any legally established organization of Indians which—

[(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization, and

[(II) includes the maximum participation of Indians in all phases of its activities.

[(B) In any case in which a grant is provided under this part to an organization to perform services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

[(4) The term "Secretary" means the Secretary of the Interior.

[(5) The term "tribally controlled school" means a school, operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agency and which is not directly administered by the Bureau of Indian Affairs.

[(6) The term "a 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 such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

[(7) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.]

***SEC. 5202. FINDINGS.***

*Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—*

*(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;*

*(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act has not provided the full opportunity to develop leadership skills crucial to the realization of self-government and has denied Indians an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;*

*(3) Indians will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons;*

*(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;*

*(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction that education can and should provide;*

*(6) true local control requires the least possible Federal interference; and*

*(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.*

***SEC. 5203. DECLARATION OF POLICY.***

*(a) RECOGNITION.—Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.*

*(b) COMMITMENT.—Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.*

*(c) NATIONAL GOAL.—Congress declares that a major national goal of the United States is to provide the resources, processes, and structure which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice and to achieve the measure of self-determination essential to their social and economic well-being.*

*(d) EDUCATIONAL NEEDS.—Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.*

*(e) FEDERAL RELATIONS.—Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.*

*(f) TERMINATION.—Congress hereby repudiates and rejects House Resolution 108 of the 83d Congress and any policy of unilateral termination of Federal relations with any Indian Nation.*

***SEC. 5204. GRANTS AUTHORIZED.***

*(a) IN GENERAL.—*

*(1) ELIGIBILITY.—The Secretary shall provide grants to Indian tribes, and tribal organizations that—*

*(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract school;*

*(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or*

*(C) elect to assume operation of Bureau funded schools with the assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.*

*(2) DEPOSIT OF FUNDS.—Grants provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is made.*

*(3) USE OF FUNDS.—(A) Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education related activities for which any funds that compose the grant may be used under the laws described in section 5205(a), including, but not limited to, expenditures for—*

*(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes; and*

*(ii) support services for the school, including transportation.*

*(B) Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the op-*

*eration and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).*

*(b) LIMITATIONS.—*

*(1) 1 GRANT PER TRIBE OR ORGANIZATION PER FISCAL YEAR.—Not more than 1 grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.*

*(2) NONSECTARIAN USE.—Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.*

*(3) ADMINISTRATIVE COSTS LIMITATION.—Funds provided under any grant under this part may not be expended for administrative costs (as defined in section 1128(h)(1) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128 of such Act.*

*(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOLSITES.—*

*(1) IN GENERAL.—In the case of a grantee that operates schools at more than one schoolsite, the grantee may expend not more than the lesser of—*

*(A) 10 percent of the funds allocated for such schoolsite under section 1128 of the Education Amendments of 1978; or*

*(B) $400,000 of such funds, at any other schoolsite.*

*(2) DEFINITION OF SCHOOLSITE.—For purposes of this subsection, the term "schoolsite" means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau for which a discreet student count is identified under the funding formula established under section 1127 of the Education Amendments of 1978.*

*(d) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed—*

*(1) to require a tribe or tribal organization to apply for or accept; or*

*(2) to allow any person to coerce any tribe or tribal organization to apply for, or accept,*

*a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications and the timing of such applications shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided.*

*(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.*

*(f) RETROCESSION.—*

*(1) IN GENERAL.—Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary that is not later than 120 days after the date on which the tribal governing body requests the retrocession. A later date as may be specified if mutually agreed upon by the Secretary and the tribal governing body. If such a program is retroceded, the Secretary shall provide to any In-*

*dian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.*

*(2) STATUS AFTER RETROCESSION.—The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau operated school or as a school operated under contract under title XI of the Education Amendments of 1978.*

*(3) TRANSFER OF EQUIPMENT AND MATERIALS.—Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—*

*(A) with assistance under this part; or*

*(B) upon assumption of operation of the program under this part if the school was a Bureau funded school under title XI of the Education Amendments of 1978 before receiving assistance under this part.*

*(g) PROHIBITION OF TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided under this part may not be terminated, modified, suspended, or reduced solely for the convenience of the administering agency.*

***SEC. 5205. COMPOSITION OF GRANTS.***

*(a) IN GENERAL.—The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—*

*(1) the total amount of funds allocated for such fiscal year under sections 1127 and 1128 of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part which are operated by such Indian tribe or tribal organization, including, but not limited to, funds provided under such sections, or under any other provision of law, for transportation costs;*

*(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act, or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to those referenced under section 1126(d) of the Education Amendments of 1978 or any other law); and*

*(3) the total amount of funds that are allocated to such schools for such fiscal year under—*

*(A) title I of the Elementary and Secondary Education Act of 1965;*

*(B) the Individuals with Disabilities Education Act; and*

*(C) any other Federal education law, that are allocated to such schools for such fiscal year.*

*(b) SPECIAL RULES.—*

*(1) IN GENERAL.—(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) of subsection (a) shall be subject to the provisions of this part and shall not be subject*

*to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—*

*(i) title I of the Elementary and Secondary Education Act of 1965;*

*(ii) the Individuals with Disabilities Education Act; or*

*(iii) any Federal education law other than title XI of the Education Amendments of 1978.*

*(B) Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii) or (iii) of subparagraph (A).*

*(2) SCHOOLS CONSIDERED CONTRACT SCHOOLS.—Tribally controlled schools for which grants are provided under this part shall be treated as contract schools for the purposes of allocation of funds under sections 1126(d), 1127, and 1128 of the Education Amendments of 1978.*

*(3) SCHOOLS CONSIDERED BUREAU SCHOOLS.—Tribally controlled schools for which grants are provided under this chapter shall be treated as Bureau schools for the purposes of allocation of funds provided under—*

*(A) title I of the Elementary and Secondary Education Act of 1965;*

*(B) the Individuals with Disabilities Education Act; and*

*(C) any other Federal education law, that are distributed through the Bureau.*

*(4) ACCOUNTS; USE OF CERTAIN FUNDS.—(A) Notwithstanding section 5204(a)(2), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under section 5204(a), the grantee shall maintain a separate account for such funds. At the end of the period designated for the work covered by the funds received, the grantee shall submit to the Secretary a separate accounting of the work done and the funds expended to the Secretary. Funds received from these accounts may only be used for the purpose for which they were appropriated and for the work encompassed by the application or submission under which they were received.*

*(B) Notwithstanding subparagraph (A), a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least 25 percent of the total cost of such new construction.*

*(C) Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of the funds. A period so determined may be extended upon mutual agreement of the Secretary and the grantee.*

*(5) ENFORCEMENT OF REQUEST TO INCLUDE FUNDS.—If the Secretary fails to carry out a request made under subsection*

*(a)(2) within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).*

***SEC. 5206. ELIGIBILITY FOR GRANTS.***

*(a) RULES.—*

*(1) IN GENERAL.—A tribally controlled school is eligible for assistance under this part if the school—*

*(A) on April 28, 1988, was a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part;*

*(B) was a Bureau operated school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b);*

*(C) is a school for which the Bureau has not provided funds, but which has met the requirements of subsection (c); or*

*(D) is a school with respect to which an election has been made under paragraph (2) and which has met the requirements of subsection (b).*

*(2) NEW SCHOOLS.—Any application which has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe for a school which is not in operation on the date of enactment of the Student Results Act of 1999 shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).*

*(b) ADDITIONAL REQUIREMENTS FOR BUREAU FUNDED SCHOOLS AND CERTAIN ELECTING SCHOOLS.—*

*(1) BUREAU FUNDED SCHOOLS.—A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on the date of enactment of the Student Results Act of 1999, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—*

*(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—*

*(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school; and*

*(ii) make a determination as to whether the school is eligible for assistance under this part; and*

*(B) the Secretary makes a determination that the school is eligible for assistance under this part.*

*(2) CERTAIN ELECTING SCHOOLS.—(A) By not later than the date that is 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—*

*(i) in the case of a school which is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization; and*

*(ii) whether the school is eligible for assistance under this part.*

*(B) In considering applications submitted under paragraph (1)(A), the Secretary—*

*(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the tribe or tribal organization is not already operating the school; and*

*(ii) shall determine that the school is eligible for assistance under this part, unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school.*

*(C) In considering applications submitted under paragraph (1)(A), the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—*

*(i) equipment;*

*(ii) bookkeeping and accounting procedures;*

*(iii) ability to adequately manage a school; or*

*(iv) adequately trained personnel.*

*(c) ADDITIONAL REQUIREMENTS FOR A SCHOOL WHICH IS NOT A BUREAU FUNDED SCHOOL.—*

*(1) IN GENERAL.—A school which is not a Bureau funded school under title XI of the Education Amendments of 1978 meets the requirements of this subsection if—*

*(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary as to whether the school is eligible for assistance under this part; and*

*(B) the Secretary makes a determination that a school is eligible for assistance under this part.*

*(2) DEADLINE FOR DETERMINATION BY SECRETARY.—(A) By not later than the date that is 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.*

*(B) In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:*

*(i) with respect to the applicant's proposal—*

*(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;*

*(II) geographic and demographic factors in the affected areas;*

*(III) adequacy of the applicant's program plans;*

*(IV) geographic proximity of comparable public education; and*

*(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and*

*(ii) with respect to all education services already available—*

*(I) geographic and demographic factors in the affected areas;*

*(II) adequacy and comparability of programs already available;*

*(III) consistency of available programs with tribal education codes or tribal legislation on education; and*

*(IV) the history and success of these services for the proposed population to be served, as determined from all factors including, if relevant, standardized examination performance.*

*(C) The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.*

*(D) Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.*

*(E) If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months after the date on which the Secretary received the application, or on an earlier date, at the Secretary's discretion.*

*(d) FILING OF APPLICATIONS AND REPORTS.—*

*(1) IN GENERAL.—All applications and reports submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the education line officer designated by the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs. The date on which such filing occurs shall, for purposes of this part, be treated as the date on which the application or amendment was submitted to the Secretary.*

*(2) SUPPORTING DOCUMENTATION.—Any application that is submitted under this chapter shall be accompanied by a document indicating the action taken by the tribal governing body in authorizing such application.*

*(e) EFFECTIVE DATE FOR APPROVED APPLICATIONS.—Except as provided by subsection (c)(2)(E), a grant provided under this part, and any transfer of the operation of a Bureau school made under subsection (b), shall become effective beginning the academic year*

*succeeding the fiscal year in which the application for the grant or transfer is made, or at an earlier date determined by the Secretary.*

*(f) DENIAL OF APPLICATIONS.—*

*(1) IN GENERAL.—Whenever the Secretary refuses to approve a grant under this chapter, to transfer operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—*

*(A) state the objections in writing to the tribe or tribal organization within the allotted time;*

*(B) provide assistance to the tribe or tribal organization to overcome all stated objections.*

*(C) at the request of the tribe or tribal organization, provide the tribe or tribal organization a hearing on the record under the same rules and regulations that apply under the Indian Self-Determination and Education Assistance Act; and*

*(D) provide an opportunity to appeal the objection raised.*

*(2) TIMELINE FOR RECONSIDERATION OF AMENDED APPLICATIONS.—The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.*

*(g) REPORT.—The Bureau shall submit an annual report to the Congress on all applications received, and actions taken (including the costs associated with such actions), under this section at the same time that the President is required to submit to Congress the budget under section 1105 of title 31.*

***SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.***

*(a) IN GENERAL.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been met with respect to such school until the eligibility determination is revoked by the Secretary.*

*(b) ANNUAL REPORTS.—*

*(1) IN GENERAL.—Each recipient of a grant provided under this part shall complete an annual report which shall be limited to—*

*(A) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;*

*(B) an annual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;*

*(C) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and*

*(D) a program evaluation conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).*

*(2) EVALUATION REVIEW TEAMS.—Where appropriate, other tribally controlled schools and representatives of tribally controlled community colleges shall make up members of the evaluation review teams.*

*(3) EVALUATIONS.—In the case of a school which is accredited, evaluations will be conducted at intervals under the terms of accreditation.*

*(4) SUBMISSION OF REPORT.—*

*(A) TO TRIBALLY GOVERNING BODY.—Upon completion of the report required under paragraph (a), the recipient of the grant shall send (via first class mail, return receipt requested) a copy of such annual report to the tribal governing body (as defined in section 1132(f) of the Education Amendments of 1978) of the tribally controlled school.*

*(B) TO SECRETARY.—Not later than 30 days after receiving written confirmation that the tribal governing body has received the report sent pursuant to subsection (A), the recipient of the grant shall send a copy of the report to the Secretary.*

*(c) REVOCATION OF ELIGIBILITY.—*

*(1) IN GENERAL.—(A) The Secretary shall not revoke a determination that a school is eligible for assistance under this part if—*

*(i) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school; and*

*(ii) at least one of the following subclauses applies with respect to the school:*

*(I) The school is certified or accredited by a State or regional accrediting association or is a candidate in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by the students within the education programs are, or will be, accepted at grade level by a State certified or regionally accredited institution.*

*(II) A determination made by the Secretary that there is a reasonable expectation that the accreditation described in subclause (I), or the candidacy in good standing for such accreditation, will be reached by the school within 3 years and that the program offered by the school is beneficial to the Indian students.*

*(III) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized regional or State accreditation agency.*

*(IV) The schools accept the standards promulgated under section 1121 of the Education Amendments of 1978 and an evaluation of performance is conducted under this section in conformance with the regulations pertaining to Bureau operated schools by an impartial evaluator chosen by the grantee, but no grantee shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.*

*(V) A positive evaluation of the school is conducted by an impartial evaluator agreed upon by the Secretary and the grantee every 2 years under standards adopted by the contractor under a contract for a school entered into under the Indian Self-Determination and Edu-*

*cation Assistance Act (or revisions of such standards agreed to by the Secretary and the grantee) prior to the date of enactment of this Act. If the Secretary and the grantee other than the tribal governing body fail to agree on such an evaluator, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply.*

*(B) The choice of standards employed for the purpose of subparagraph (A)(ii) shall be consistent with section 1121(e) of the Education Amendments of 1978.*

*(2) NOTICE REQUIREMENTS FOR REVOCATION.—The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A) until the Secretary—*

*(A) provides notice to the tribally controlled school and the tribal governing body (within the meaning of section 1141(14) of the Education Amendments of 1978) of the tribally controlled school which states—*

*(i) the specific deficiencies that led to the revocation or resumption determination; and*

*(ii) the actions that are needed to remedy such deficiencies; and*

*(B) affords such authority an opportunity to effect the remedial actions.*

*(3) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is practicable to effect such remedial actions. Such notice and technical assistance shall be in addition to a hearing and appeal to be conducted pursuant to the regulations described in section 5206(f)(1)(C).*

*(d) APPLICABILITY OF SECTION PURSUANT TO ELECTION UNDER SECTION 5209(b).—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)—*

*(1) subsection (b) of this section shall apply; and*

*(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.*

***SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.***

*(a) PAYMENTS.—*

*(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—*

*(A) the first payment shall be made not later than July 15 of each year in an amount equal to 85 percent of the amount which the grantee was entitled to receive during the preceding academic year; and;*

*(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.*

*(2) NEWLY FUNDED SCHOOLS.—For any school for which no payment under this part was made from Bureau funds in the*

*preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.*

*(3) LATE FUNDING.—With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.*

*(4) APPLICABILITY OF CERTAIN TITLE 31 PROVISIONS.—The provisions of chapter 39 of Title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3).*

*(5) RESTRICTIONS.—Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.*

*(b) INVESTMENT OF FUNDS.—*

*(1) TREATMENT OF INTEREST AND INVESTMENT INCOME.—Notwithstanding any other provision of law, any interest or investment income that accrues to any funds provided under this part after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law. Such interest income shall be spent on behalf of the school.*

*(2) PERMISSIBLE INVESTMENTS.—Funds provided under this part may be invested by the Indian tribe or tribal organization before such funds are expended for the purposes of this part so long as such funds are—*

*(A) invested by the Indian tribe or tribal organization only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States, or securities that are guaranteed or insured by the United States; or*

*(B) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.*

*(c) RECOVERIES.—For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.*

***SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.***

*(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—The following provisions of the Indian Self-Determination and Education Assistance Act (and any subsequent revisions thereto or renumbering thereof), shall apply to grants provided under this part:*

*(1) Section 5(f) (relating to single agency audit).*

*(2) Section 6 (relating to criminal activities; penalties).*

*(3) Section 7 (relating to wage and labor standards).*

*(4) Section 104 (relating to retention of Federal employee coverage).*

*(5) Section 105(f) (relating to Federal property).*

*(6) Section 105(k) (relating to access to Federal sources of supply).*

*(7) Section 105(l) (relating to lease of facility used for administration and delivery of services).*

*(8) Section 106(f) (relating to limitation on remedies relating to cost allowances).*

*(9) Section 106(j) (relating to use of funds for matching or cost participation requirements).*

*(10) Section 106(k) (relating to allowable uses of funds).*

*(11) Section 108(c) (Model Agreements provisions (1)(a)(5) (relating to limitations of costs), (1)(a)(7) (relating to records and monitoring), (1)(a)(8) (relating to property), and (a)(1)(9) (relating to availability of funds).*

*(12) Section 109 (relating to reassumption).*

*(13) Section 111 (relating to sovereign immunity and trusteeship rights unaffected).*

*(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.—*

*(1) IN GENERAL.—Contractors for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect upon the date of enactment of the Student Results Act of 1999 may, by giving notice to the Secretary, elect to have the provisions of this part apply to such activity in lieu of such contract.*

*(2) EFFECTIVE DATE OF ELECTION.—Any election made under paragraph (1) shall take effect on the later of—*

*(A) October 1 of the fiscal year succeeding the fiscal year in which such election is made; or*

*(B) 60 days after the date of such election.*

*(3) EXCEPTION.—In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election.*

*(c) NO DUPLICATION.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or services if a grant has been made under this part to pay such expenses.*

*(d) TRANSFERS AND CARRYOVERS.—*

*(1) BUILDINGS, EQUIPMENT, SUPPLIES, MATERIALS.—A tribe or tribal organization assuming the operation of—*

*(A) a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act; or*

*(B) a contract school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies and materials that were used in the oper-*

*ation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act.*

*(2) FUNDS.—Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather than to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.*

*(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2), any dispute regarding a grant authorized to be made pursuant to this part or any amendment to such grant, and any dispute involving an administrative cost grant under section 1128 of the Education Amendments of 1978 shall be administered under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975. The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.*

***SEC. 5210. ROLE OF THE DIRECTOR.***

*Applications for grants under this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.*

***SEC. 5211. REGULATIONS.***

*The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this part. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this part, the Secretary shall not issue regulations. Regulations issued pursuant to this part shall not have the standing of a Federal statute for the purposes of judicial review.*

***SEC. 5212. THE TRIBALLY CONTROLLED GRANT SCHOOL ENDOWMENT PROGRAM.***

*(a) IN GENERAL.—*

*(1) Each school receiving grants under this part may establish, at a Federally insured banking and savings institution, a trust fund for the purposes of this section.*

*(2) The school may provide—*

*(A) for the deposit into the trust fund, only funds from non-Federal sources, except that the interest on funds received from grants under this part may be used for this purpose;*

*(B) for the deposit in the account of any earnings on funds deposited in the account; and*

*(C) for the sole use of the school any noncash, in-kind contributions of real or personal property, such property may at any time be converted to cash.*

*(b) INTEREST.—Interest from the fund established under subsection (a) may periodically be withdrawn and used, at the discretion of the school, to defray any expenses associated with the operation of the school.*

***SEC. 5213. DEFINITIONS.***

*For the purposes of this part:*

*(1) BUREAU.—The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.*

*(2) ELIGIBLE INDIAN STUDENT.—The term "eligible Indian student" has the meaning of such term in section 1127(f) of the Education Amendments of 1978.*

*(3) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including Alaska Native Village or regional corporations (as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.*

*(4) LOCAL EDUCATIONAL AGENCY.—The term a "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 such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.*

*(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(6) TRIBAL ORGANIZATION.—(A) The term "tribal organization" means—*

*(i) the recognized governing body of any Indian tribe; or*

*(ii) any legally established organization of Indians which—*

*(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and*

*(II) includes the maximum participation of Indians in all phases of its activities.*

*(B) In any case in which a grant is provided under this part to an organization to provide services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.*

*(7) TRIBALLY CONTROLLED SCHOOL.—The term "tribally controlled school" means a school operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agen-*

*cy and which is not directly administered by the Bureau of Indian Affairs.*

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## SUBTITLE B OF THE STEWART B. MCKINNEY HOMELESS EDUCATION ASSISTANCE ACT

# [Subtitle B—Education for Homeless Children and Youth

**[SEC. 721. STATEMENT OF POLICY.**

[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 the State's 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 such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

**[SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.**

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such 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) IN GENERAL.—Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allo-

cated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than $100,000.

[(2) RESERVATION.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under 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 for assistance under this subtitle, 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 the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

[(3) DEFINITION.—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) 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, specific problems in the education of homeless children and youth.

[(e) STATE AND LOCAL GRANTS.—

[(1) IN GENERAL.—(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 such agency 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) SPECIAL RULE.—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 such agency's discretion, may provide grants to local educational agencies in accordance with section 723 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 children and youth served with assistance provided under the grants or contracts 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 the Secretary's 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, including homeless children and youth who are preschool age, and families of such children and youth; 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) IN GENERAL.—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 student 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, administered by the State agency, 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) COMPLIANCE.—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) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—(A) The local educational agency of each homeless child and youth to be assisted under this subtitle 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, to the extent feasible, with the request made by a parent or guardian regarding school selection.

[(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) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle 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;

[(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) RECORDS.—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 444 of the General Education Provisions Act.

[(6) COORDINATION.—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 chil-

dren or youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

[(7) LIAISON.—(A) Each local educational agency that receives assistance 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 such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, 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) REVIEW AND REVISIONS.—Each State educational agency and local educational agency that receives assistance under this subtitle 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) COORDINATION.—Where applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act to minimize educational disruption for children who become homeless.

**[SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.**

[(a) GENERAL AUTHORITY.—

[(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e) and from 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) SERVICES.—Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where such services are provided through programs to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, in the same setting or classroom. To the maximum extent practicable, such services shall be provided through existing programs and mechanisms

that integrate homeless individuals with nonhomeless individuals.

[(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and 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 reasonably 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 such agency for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;

[(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) IN GENERAL.—The State educational agency shall, in accordance with section 722(g) and from 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) NEED.—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) DURATION OF GRANTS.—Grants awarded under this section shall be for terms not to exceed three years.

[(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

[(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children or youth;

[(2) 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);

[(3) professional development and other activities for educators and pupil services personnel that are 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;

[(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

[(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

[(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

[(7) the provision of before- and after-school, mentoring, 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;

[(8) 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;

[(9) 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;

[(10) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;

[(11) the provision of pupil services (including violence prevention counseling) and referrals for such services;

[(12) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

[(13) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

[(14) the provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

[(15) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

**[SEC. 724. SECRETARIAL RESPONSIBILITIES.**

[(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) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

[(e) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (d), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

[(f) REPORTS.—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

**[SEC. 725. DEFINITIONS.**

[For the purpose of this subtitle, unless otherwise stated—

[(1) the term "Secretary" means the Secretary of Education; and

[(2) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**[SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

**[**For the purpose of carrying out this subtitle, there are authorized to be appropriated $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.**]**

## *Subtitle B—Education for Homeless Children and Youth*

***SEC. 721. STATEMENT OF POLICY.***

*It is the policy of Congress that—*

*(1) each State educational agency ensure that each child of a homeless individual and each homeless youth has equal access to the same free, 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 the State's 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 review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, public education as provided to other children and youth;*

*(3) homelessness alone is not 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 such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.*

***SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.***

*(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such 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) IN GENERAL.—Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than $100,000.*

*(2) RESERVATION.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.*

*(B)(i) The Secretary shall 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 the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.*

*(3) DEFINITION.—As used in this subsection, the term "State" shall not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.*

*(d) 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 homeless children, and 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, specific problems in the education of homeless children and youth.*

*(e) STATE AND LOCAL GRANTS.—*

*(1) IN GENERAL.—(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, as the subtitle was then in effect, 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 such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle, as the subtitle was then in effect, for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.*

*(2) SPECIAL RULE.—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 such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.*

*(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—*

*(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free, public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based solely on such child or youth's status as homeless.*

*(B) EXCEPTION.—A State that has established a separate school for homeless children in the fiscal year preceding the date of the enactment of the Stewart B. McKinney Homeless Education Assistance Improvement Act of 1999 shall remain eligible to receive funds under this subtitle for such program.*

*(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—*

*(1) 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;*

*(2) develop and carry out the State plan described in subsection (g);*

*(3) collect and transmit to the Secretary, information gathered pursuant to paragraphs (1) and (2), at such time and in such manner as the Secretary may require;*

*(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and*

*(5) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—*

*(A) educators, including child development and preschool program personnel;*

*(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);*

*(C) local educational agency liaisons for homeless children and youth; and*

*(D) community organizations and groups representing homeless children and youth and their families.*

*(g) STATE PLAN.—*

*(1) IN GENERAL.—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 student 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, enrollment personnel, and pupil services 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, administered by the State agency, 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)(3);*

*(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 shall 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 assurances that—*

*(i) except as provided in subsection (e)(3)(B), State and local educational agencies will adopt policies and practices to ensure that homeless children and youth*

*are not segregated solely on the basis of their status as homeless; and*

*(ii) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.*

*(2) COMPLIANCE.—Each plan adopted under this subsection shall also demonstrate how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).*

*(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—*

*(A) IN GENERAL.—Each local educational agency serving a homeless child or youth assisted under this subtitle 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 duration of their homelessness;*

*(II) if the child becomes permanently housed, for the remainder of the academic year; or*

*(III) 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 public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.*

*(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall keep, to the extent feasible, a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian.*

*(C) ENROLLMENT.—(i) Except as provided in clause (iii), a school that a homeless child seeks to enroll in shall, in accordance with this paragraph, immediately enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, or other documentation.*

*(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.*

*(iii) A school described in clause (i) is not required to accept a homeless child until the school receives the immunization records for such child. If the child or youth needs to obtain immunizations, the enrolling school shall promptly refer parent or guardian of the child or youth to the appropriate authorities. If a child is denied enrollment because of the lack of immunization records, the school denying such enrollment shall refer the parents of the homeless child or youth to the liaison in accordance with subparagraph (E).*

*(D) RECORDS.—Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for spe-*

*cial services or programs, of each homeless child or youth shall be maintained—*

*(i) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and*

*(ii) in a manner consistent with section 444 of the General Education Provisions Act.*

*(E) ENROLLMENT DISPUTES.—If there is a dispute over school selection or enrollment—*

*(i) except as provided in subparagraph (C)(iii), the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;*

*(ii) the parent or guardian shall be provided with a written explanation of the school's decision regarding enrollment, including the right to appeal the decision; and*

*(iii) the parent or guardian shall be referred to the liaison, who shall carry out the dispute resolution process as described in paragraph (6)(D) as expeditiously as possible, after receiving notice of the dispute.*

*(F) PLACEMENT CHOICE.—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.*

*(G) DEFINITION.—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.*

*(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information required by the local educational agency of a parent or guardian of a nonhomeless child.*

*(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle 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;*

*(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 (20 U.S.C. 6301 et seq.) 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 and technical education;*

*(D) programs for gifted and talented students; and*

*(E) school nutrition programs.*

*(5) COORDINATION.—*

*(A) IN GENERAL.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this subtitle with local social services agencies and other*

*agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.).*

*(B) HOUSING ASSISTANCE.—If applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.*

*(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—*

*(i) ensure that homeless children and youth have access to available education and related support services; and*

*(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth.*

*(6) LIAISON.—*

*(A) DUTIES.—Each local liaison for homeless children and youth, designated pursuant to subsection (g)(1)(H)(ii), shall ensure that—*

*(i) homeless children and youth enroll in, and have an equal opportunity to succeed in, schools of that agency;*

*(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;*

*(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; and*

*(iv) public notice of the educational rights of homeless children and youth is disseminated where such children and youth receive services under this Act (such as family shelters and soup kitchens).*

*(B) NOTICE.—State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.*

*(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.*

*(D) DISPUTE RESOLUTION.—Unless another individual is designated by State law, the local educational agency liaisons for homeless children and youth shall provide resource information and assist in resolving disputes under this subtitle, should they arise.*

*(7) REVIEW AND REVISIONS.—*

*(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle, 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).*

*(B) CONSIDERATION.—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.*

*(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.*

***SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.***

*(a) GENERAL AUTHORITY.—*

*(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e) and from 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) SERVICES.—*

*(A) IN GENERAL.—Services under paragraph (1)—*

*(i) may be provided through programs on school grounds or at other facilities;*

*(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth; and*

*(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.*

*(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—*

*(i) may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to the requirements of clause (ii).*

*(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregates homeless children and youth from other children and youth except as is necessary for short periods of time—*

*(I) for health and safety emergencies; or*

*(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.*

*(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and 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 reasonably require. Each such application shall include—*

*(1) an assessment of the educational and related needs of homeless children and youth in such agency (which may be undertaken as a part of needs assessments for other disadvantaged groups);*

*(2) 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;*

*(3) 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 such agency for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;*

*(4) an assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g); and*

*(5) a description of policies and procedures, consistent with section 722(e)(3)(B), 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) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants that result in an equitable distribution of geographic areas within the State to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.*

*(2) NEED.—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, and meets the requirements of section 722(g)(3);*

*(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 State agency determines appropriate.*

*(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—*

*(A) the applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs;*

*(B) the types, intensity, and coordination of the services to be provided under the program;*

*(C) the involvement of parents or guardians;*

*(D) the extent to which homeless children and youth will be integrated within the regular education program;*

*(E) the quality of the applicant's evaluation plan for the program;*

*(F) the extent to which services provided under this subtitle will be coordinated with other available services; and*

*(G) such other measures as the State educational agency considers indicative of a high-quality program.*

*(4) DURATION OF GRANTS.—Grants awarded under this section shall be for terms not to exceed three years.*

*(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—*

*(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children and youth;*

*(2) 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 and technical education, and school nutrition programs);*

*(3) professional development and other activities for educators and pupil services personnel that are 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;*

*(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;*

*(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);*

*(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;*

*(7) the provision of before- and after-school, mentoring, 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;*

*(8) if 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;*

*(9) 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;*

*(10) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;*

*(11) the provision of pupil services (including violence prevention counseling) and referrals for such services;*

*(12) activities to address the particular needs of homeless children and youth that may arise from domestic violence;*

*(13) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;*

*(14) the provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and*

*(15) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.*

***SEC. 724. SECRETARIAL RESPONSIBILITIES.***

*(a) REVIEW OF PLANS.—In reviewing the State plan submitted by a State educational agency 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, if requested by the State educational agency.*

*(c) REPORT.—The Secretary shall develop and issue not later than 60 days after the date of enactment of the Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999, a report*

*to be made available to States, local educational agencies, and other applicable agencies regarding the following:*

*(1) ENROLLMENT.—Such report shall review successful ways in which a State may assist local educational agencies to enroll homeless students on an immediate basis. The report issued by the Secretary shall—*

*(A) clarify that enrollment includes a homeless child's or youth's right to actually attend school; and*

*(B) clarify requirements that States are to review immunization and medical or school records and to make such revisions as appropriate and necessary in order to enroll homeless students in school more quickly.*

*(2) TRANSPORTATION.—The report shall also address the transportation needs of homeless students. The report issued by the Secretary shall—*

*(A) explicitly state that the goal of the transportation provisions contained in this Act is to provide educational stability by reducing mobility and therefore provide an effective learning environment for homeless children; and*

*(B) encourage States to follow programs implemented in State law that have successfully addressed transportation barriers for homeless children.*

*(d) 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.*

*(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.*

*(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (e), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).*

*(g) INFORMATION.—*

*(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—*

*(A) the number and location of homeless children and youth;*

*(B) the education and related services such children and youth receive;*

*(C) the extent to which such needs are being met; and*

*(D) such other data and information as the Secretary deems necessary and relevant to carry out this subtitle.*

*(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.*

*(h) REPORT.—Not later than 4 years after the date of the enactment of the Stewart B. McKinney Homeless Education Assistance Improvement Act of 1999, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youth, which shall include information on—*

*(1) the education of homeless children and youth; and*

*(2) the effectiveness of the programs supported under this subtitle.*

***SEC. 725. DEFINITIONS.***

*For the purpose of this subtitle, unless otherwise stated—*

*(1) the terms "local educational agency" and "State educational agency" have the same meanings given such terms under section 14101, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);*

*(2) the term "Secretary" means the Secretary of Education; and*

*(3) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.*

***SEC. 726. AUTHORIZATION OF APPROPRIATIONS.***

*For the purpose of carrying out this subtitle, there are authorized to be appropriated $36,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.*

* * * * * * *

## ADDITIONAL VIEWS

*H.R. 2 strengthens title I assistance for disadvantaged children*

Title I is the nation's flagship program to help our public schools, and it provides approximately 11 million disadvantaged children with supplementary educational services designed to ensure the achievement of challenging academic standards. This program is critical to helping communities provide high quality instruction and educational services to disadvantaged children.

Key changes to Title I in the last reauthorization of ESEA in 1994 have solidly put Title I on track of driving increased academic achievement. Prior to 1994, questions arose as to the effectiveness of Title I and its impact on student achievement. Congress refocused Title I during the 1994 reauthorization to require systemic educational reform by the States. States are required to have challenging State standards and assessments aligned with those standards for all children, including those assisted under Title I.

The strong 1994 reforms of Title I are starting to have a good effect in the classrooms. Earlier this year, the U.S. Department of Education issued "Promising Results, Continuing Challenges: The Final Report of the National Assessment of Title I." This in-depth analysis of Title I concluded that the initial results of Title I's systemic accountability system have proven successful. Out of the six States reporting data, five showed improvements in math achievement and four in reading. Out of the 13 urban school districts reporting, 9 showed substantial increases in either math or reading achievement. Most importantly, the National Assessment told us that, when fully implemented, systemic reform will very likely close the achievement gap between disadvantaged students and their non-disadvantaged peers.

H.R. 2 maintains and strengthens these reforms. The bill continues the improved targeting of Title I resources to the highest poverty schools, and strengthens increased teacher and paraprofessional quality. It maintains the requirements for State systemic reform, based on challenging standards and aligned assessments. A new focus is added to include State, school district and school report cards to help parents and states monitor student achievement. The bill requires that States ensure all of their teachers are fully qualified by the year 2003. Additionally, the bill prohibits the use of Title I funds for private school vouchers.

The bill also enhances accountability by requiring the reporting of disaggregated data based on at-risk populations, and provides additional focus on turning around failing schools through the investment of additional help and resources. We can no longer tolerate low-performing schools that place the education of our children at risk. This means that school districts must provide successful intervention to help the students of low-performing schools reach high standards, or face strong corrective action measures.

We are also pleased that this legislation maintains and strengthens the Magnet Schools Assistance Program (MSAP), the Javits Gifted and Talented Program, and McKinney Homeless Assistance Program. The MSAP continues the focus on assisting those school districts under voluntary or court ordered desegregation programs to establish, develop, and implement magnet schools. Despite the elimination of statutory language specifically requiring the Office of Civil Rights to review applications for assistance under this program, it is our intent that the Secretary of Education will continue this practice.

While we are supportive of the bill as a whole, we have serious concerns regarding changes in the schoolwide poverty requirements, the exclusion of the Women's Educational Equity Act, and the repeal of the Native Hawaiian Education Programs from the Elementary and Secondary Education Act.

*The 50% poverty eligibility for schoolwide programs should be maintained*

The bill as reported lowers the poverty eligibility threshold for schoolwide programs from 50% to 40%. Presently, schools with over 50 percent of their student population from low-income families can operate a schoolwide program. Schoolwide authority is considered advantageous only if there are a significant number of children in poverty. By lowering the poverty threshold to 40%, the Majority is diluting the program's focus on poor children.

During Committee consideration of H.R. 2, the Committee passed an amendment by Representative Payne, by a vote of 24–21, to retain the schoolwide threshold at 50%. Later in the markup, the Majority inexplicably reversed itself and passed an amendment to move the threshold back to 40%. We are very troubled that after approving an amendment to raise the schoolwide threshold, the Committee took a step backwards and reversed itself. This is unacceptable, and, we will continue to fight to retain the 50% threshold.

*The Women's Educational Equity Act should be maintained*

We strongly oppose elimination of the Women's Educational Equity Act (WEEA). Just as the gender gap in education is beginning to narrow, the Majority is ignoring girls' educational needs and eliminating a current, long-standing program that ensures fairness and equal opportunities in schools. WEEA represents the federal commitment to ensure that girls' futures are determined not be their gender, but by their own interests, aspirations, and abilities.

Since 1974, WEEA has funded the development and dissemination of curricular materials; training programs; guidance activities; and other projects to combat inequitable educational practices. WEEA provides a resource for teachers, administrators, and parents and provides the materials and tools to help schools comply with Title IX, the federal law prohibiting sex discrimination in federally funded education institutions. Through an 800 number, e-mail, and a web site, the WEEA Publishing Center makes these materials and models widely available to teachers, administrators, and parents.

WEEA has funded over 700 programs since its inception, and the requests for assistance and information are growing. From Feb-

ruary to August of this year, the WEEA Resource Center received over 750 requests for technical assistance. Past and current WEEA-funded projects include making math and science opportunities more accessible to girls, and programs such as "Expanding Your Horizons" expose girls and women to non-traditional careers.

The Majority cited the results of a 1994 GAO study as its reason for eliminating this very important program. It argued that the Womens' Education Equity Center lacked the staff to implement this program. The Majority also argued that a small percentage of the grants made its way to the state and local levels. During the 1980s, WEEA fought a constant battle with funding and authorization. It has only been since the GAO report was printed and the Democratic president was elected, that the Womens' Education Equity Center has been able to grow and improve. The Majority must not rely on a dated report that is no longer relevant to justify the elimination of this program.

The Majority also argues this program is not needed. Girls are doing better than boys in school in reading and writing. Although there has been much improvement in girls accomplishments, this does not justify the elimination of the program that added to these gains. Girls are achieving now because of the federal government's focus and attention on these inequities.

Moreover, although there has been gains, girls are still lagging behind boys in many important subjects, such as math, science, and technology.

WEEA helps girls acquire the skills and self-confidence they will need to support themselves and help support their families. Efforts to improve education will fail unless we address the different needs of different students. Excellence and equity go hand in hand. The repeal of this critical program undermines this country's commitment to equity in the classroom.

*The Native Hawaiian Education Programs should not be repealed*

We oppose the repeal of the Native Hawaiian Education Programs from the Elementary and Secondary Education Act (ESEA).

The Native Hawaiian Education Program has been in effect since 1988, when it was first included in Title IX of ESEA together with funding for Native American and Native Alaskan education programs. Native Hawaiians are Native Americans, and like Native American Indians, they have suffered greatly at the hand of the U.S. Government, most significantly due to the illegal overthrow of the Hawaiian Monarchy by military force in 1893. As a result, Native Hawaiians were disenfranchised from their land, their culture, and their ability to self govern. Eliminating this program negates the steady progress that has been made in recent years to make amends for the terrible travesty of the overthrow.

From 1826 until 1893, the United States recognized the Kingdom of Hawaiian as a sovereign, independent nation and accorded her full and complete diplomatic recognition. During this time, treaties and trade agreements were enacted into between these two nations. However, in 1893, a powerful group of American businessmen engineered the overthrow with the use of U.S. Naval forces. Queen Liliuokalani was imprisoned and over 1.8 million acres of

land belonging to the Crown, referred to as Crown lands or ceeded lands, were confiscated without compensation or due process.

This takeover was illegal. There was no treaty of annexation. There was no referendum of consent by the Native Hawaiian people. Recently, the National Archives disclosed amongst its treasures a 556 page petition dated 1897–1989 protesting the annexation of Hawaii by the U.S. It was signed by 21,259 Native Hawaiian people. A second petition had more than 17,000 signatures. Historians advise that this number of signatories constitutes nearly 100% of the adult Native Hawaiian population at that time.

Today, out of a total of 211,033 acres of land occupied by the military, the ownership of 112,137 acres can be traced to the royal family. No compensation was ever paid for these lands.

In 1920, Congress answered the cries of injustice by decreeing that 20,000 acres of land confiscated by the federal government be returned to the Native Hawaiians as an act of contrition. Unfortunately, these lands were in places where no one lived or wanted to live. They were in the most remote places—isolated without any infrastructure or access to jobs. Today, Native Hawaiians live in segregated reservations much like the Indian tribes. Their current despair is due to this forced isolation.

The Native Hawaiian Education Act was established out of our moral and legal responsibility for the destruction that occurred to this community. The $20 million that funds this program to help educate Native Hawaiian children can't begin to make up for the loss of a nation, of an identity, a culture, and a heritage, but it can help fulfill our moral and legal obligations.

Justice requires that we fulfill our trust obligations to the Native Hawaiian community. This modest program has helped these children, who suffer the lowest reading and math scores, whose families suffer the highest percentage of poverty, and whose health statistics and mortality rates are alarming by all measures. We do this for the Native American and Native Alaskan communities. The Majority would never dream of eliminating the funding for these equally important programs. We must not repeal this important program for the Native Hawaiian population.

We urge the Committee to uphold the honor of the United States and restore the Native Hawaiian Education program to this legislation.

*Democratic amendments opposed by the majority*

We are disappointed that the Majority opposed a number of amendments that would have strengthened the bill. Mr. Martinez offered an amendment to strike the parental consent requirements related to limited English proficient children, and one to ensure that the needs of girls and at-risk groups were considered in constructing professional development programs. Mr. Fattah offered two amendments to increase the comparability requirements in Title I to even out within district inequities pertaining to curriculum and certified teachers and to require States to reduce State finance inequities. Mr. Owens offered three amendments to increase training for educators dealing with technology, to train paraprofessionals, and to help wire and repair our nation's public schools.

Mr. Scott also offered amendments to focus on childhood services, truancy prevention, and to cap the amount of Title I funds for transportation to 10 percent. Mr. Roemer offered an amendment to increase the Title I authorization by $1.5 million. Mr. Andrews offered an amendment to authorize pre-kindergarten as a use of funds under schoolwide programs.

Ms. Sanchez offered an amendment to establish a parental training center, and an amendment to establish a dropout prevention program for pregnant and parenting teens. Ms. Woolsey offered an amendment to ensure that the needs of girls were addressed in professional development programs. Mr. Hinojosa offered four amendments. The first amendment, which was withdrawn, would have required an electronic migrant student records transfer system. Two amendments would have established a National Migrant Parent Advisory Council and a dropout prevention program. Mr. Hinojosa's fourth amendment would have reauthorized Title VII of ESEA—Bilingual and Emergency Immigrant Education.

WILLIAM L. CLAY.
DALE E. KILDEE.
MAJOR R. OWENS.
PATSY T. MINK.
TIM ROEMER.
LYNN WOOLSEY.
CHAKA FATTAH.
CAROLYN MCCARTHY.
RON KIND.
HAROLD FORD, Jr.
DAVID WU.
GEORGE MILLER.
MATTHEW G. MARTINEZ.
DONALD M. PAYNE.
ROBERT E. ANDREWS.
ROBERT C. SCOTT.
CARLOS ROMERO-BARCELO.
RUBEN HINOJOSA.
JOHN F. TIERNEY.
LORETTA SANCHEZ.
DENNIS J. KUCINICH.
RUSH HOLT.

## ADDITIONAL VIEWS

During the House Education and the Workforce Committee's markup of H.R. 2, the Student Results Act of 1999, Congressman Chaka Fattah offered and we supported two amendments that would focus the Federal government's efforts on measuring and ensuring that all public school students receive an equal and adequate education regardless of where they live. Both amendments received the full support of our Democratic colleagues on the Committee.

Congressman Fattah's first amendment focused on the comparability of educational services. This amendment would have strengthened current law by requiring districts receiving Title I funds to establish policies, no later than July 1, 2002, to ensure that Title I schools are comparable to non-Title I schools. Schools would be compared on three qualitative factors including:

1. the rates at which classes are taught by experienced and fully qualified teachers in Title I and non-Title I schools;
2. the curriculum, in terms of both the range of courses offered, and the opportunity to participate in rigorous courses, including advanced placement (AP) courses; and
3. the quality and availability of instructional materials and instructional resources including technology.

For example, Title I schools would be expected to have teachers who are well qualified, in terms of experience and education, as teachers in non-Title I schools. Similarly, students in Title I schools would be expected to have equal access to a high-quality curriculum, including gifted and talented classes, Advanced Placement courses, and courses that address the State's content standards, as students in non-Title I schools. Finally, Title I schools would also be expected to be as comparably equipped with computers and other educational technologies as non-Title I schools.

Currently, most districts comply with the comparability requirement by ensuring equivalence in pupil/teacher ratios or in instructional staff salaries/pupil. Although these measures are important, they often address quantity rather than the quality of resources available between Title I and non-Title I schools.

While providing districts considerable flexibility in devising their comparability policies, my comparability amendment is focused toward ensuring that the comparability provision results in comparable quality as well as quantity of resources.

The second amendment Congressman Fattah offered to H.R. 2 on educational equity would simply require that States certify to the Secretary of Education that either the per pupil expenditures are "substantially equal" across the state or that achievement levels are "substantially equal" across the state. The amendment further calls for consultation with the National Academy of Sciences to de-

velop definitions for "substantially equal" and "per pupil expenditures".

When the issue of school finance equity has been raised supporters of the status quo have argued that achievement is not directly related to quantity of dollars and services provided to public school students. We strongly disagree with this assertion. The obsolescence of our nation's school finance systems is having a devastating effect on both educational equity and educational quality in school districts all over the country. There has been no significant change in these systems for 70 years. Court challenges pending in 23 states are finding not only that they perpetuate gross disparities in the resources that are available to districts of different wealth, but also that these antiquated systems are geared to meeting minimum standards rather than to providing the high quality, world class education our children need to compete in today's global economy.

The United States consistently ranks last among the top ten industrialized nations in the educational attainment of its students. Most of the school districts in the country need enriched and expanded curricula, better facilities, higher quality and greater quantity of text books, instructional equipment, audiovisual materials, consumable supplies, computer labs and libraries. Poorer school districts have inferior course offerings, dilapidated facilities, higher drop out rates, and failing scores. We cannot lift our national performance without addressing the need of these districts. We cannot preserve our viability as a nation unless we can insure that all children have the level of education they need to be citizens and to compete in the labor market.

CHAKA FATTAH.
JOHN F. TIERNEY.
BOBBY SCOTT.
PATSY T. MINK.
GEORGE MILLER.
DONALD M. PAYNE.

## ADDITIONAL VIEWS OF HON. DALE E. KILDEE

### REPEAL OF INDIAN EDUCATION PROGRAMS

The Federal responsibility to honor our commitments with Native Americans is one that Congress must take extremely seriously. The government to government relationship that the Federal government has with Indian tribes is a critically important piece of our history and heritage as a nation. In general, the mission of Federal Indian education programs has been to support traditional Native cultures and values, to enable Native learners to become contributing members of their communities, to promote Native control of educational institutions, and to improve educational opportunities and resources for American Indians throughout the United States.

Unfortunately, a portion of H.R. 2 does not recognize these important priorities. H.R. 2 repeals four existing programs authorized under Title IX of the Elementary and Secondary Education Act (ESEA). These programs are: Fellowships for Indian students; Indian Gifted and Talented programs, Grants to Tribes for Administrative Planning and Development, and Indian Adult Education. While these programs are presently unfunded, they represent a piece of the commitment to Native Americans that Congress is required to honor. The continuation of these programs should be a moral obligation of the Congress. It is my hope that as we consider this bill on the floor and in conference that these critically important programs can be maintained.

DALE E. KILDEE.

## ADDITIONAL VIEWS OF HON. LORETTA SANCHEZ

As a Representative of a district that relies heavily on federal Title I funding, I am dedicated to ensuring that this aid, designed to ensure that academic services reach our nation's most disadvantaged students and communities, meets the high expectations we have of this important program.

I believe there is nothing more important to the future of our country than the opportunity for a high-quality education for all Americans. I offered two amendments to improve the Title I legislation, H.R. 2, recently marked up by the House Education and the Workforce Committee, in an effort to meet this goal.

My dropout prevention amendment would ensure that pregnant and parenting teens do not fall through the cracks in our national dropout prevention efforts. Although ESEA has historically made efforts to ensure that girls have equal access to education, too many young women are still dropping out of school. This is a serious problem that needs to be addressed.

The U.S. has the highest teen pregnancy rate of any industrialized nation. Almost 1 million teens become pregnant each year, and tragically, 80 percent of these pregnancies are unintended. Pregnancy and parenting account for half the female dropout rate and one-fourth of the dropout rate for all students. Two-thirds of girls who give birth before age 18 will not complete high school. And the younger a girl becomes pregnant, the more likely it is that she will not complete high school.

If we do not maintain the programs required by current law, we allow these young women and men to disappear from our nation's high schools—relegating them to difficult lives, increasing the burden they bear without high school diplomas, and increasing the possibility that the nation's taxpayers will later be asked to support them through public assistance.

I also offered a Parent Training and Information Center amendment. Under this proposal, the Secretary of Education would create a grant program to empower communities interested in providing an independent source of information for parents. These centers would offer parents assistance in understanding how they can make the right educational choices for their children.

I am pleased that H.R. 2 includes strong accountability measures designed to assure all students of a quality education and high standards. But this is top-down accountability, requiring local education agencies to report to the government on their progress in these areas. A critical piece is missing: bottom-up accountability. Schools should answer—first and foremost—to parents, the individuals most entitled and best equipped to foster their children's educational growth and success.

My amendment creates that piece. It would ensure that families have the tools they need to make sure their children's schools are

providing the high quality and constant improvement that this bill is designed to guarantee. And it will help them understand their choices when schools aren't meeting these guarantees.

But along with the clear call for independent centers, this amendment makes clear that these centers are part of a collaborative effort to improve schools in the community. they must meet with school district personnel to discuss the grant proposal before applying for it and school officials must sit on the centers' boards. These centers will know what's going on in their communities, and can relate to local schools and families. They can help make parents full partners in their children's education.

There is nothing more important to the future of our country than the opportunity for a high-quality education for all Americans. I believe that a key part of my job is protecting the youth of America, and that means ensuring that they are provided with the best possible education. I was disappointed that these proposals failed to garner the majority's support, but my belief in their importance has not been reduced. That is why I look forward to introducing these amendments again before the full House.

## DISSENTING VIEWS OF HON. RUBÉN HINOJOSA

H.R. 2 is unfortunately an opportunity missed for the hundreds of thousands of migrant students across this country. Migrant students are arguably the most disadvantaged students in our Nation. While there are Federal programs to serve those students, and for the most part they serve them well, there are also areas in which we need major changes to meet the needs of these very disadvantaged children. During Committee deliberations on the bill, I unsuccessfully offered two amendments that would have improved significantly Federal migrant education programs and the services provided to migrant children. My first amendment would have established a data information system that would have provided immediate information on the previous educational activities of migrant students when they entered a new school. The second amendment would have created a national parent advisory committee on migrant education. The failure of the Committee to adopt these provisions only perpetuates the problems migrant children must face in trying to receive an education.

Top on the list of needed changes is a revamped and revitalized data collection system. Since the passage of the last reauthorization of the Elementary and Secondary Education Act in 1994, there has been no coordinated system of data collection. While the system in place at that time was clearly outdated and in need of reworking, its elimination without an adequate replacement has been devastating. The results have been nothing less than catastrophic for migrant children. The negative consequences range from many children receiving multiple inoculations for the same disease, a serious threat to their health, to a total lack of records that can be transferred from school to school. Children are therefore often placed in inappropriate education programs and the ability of older children to accumulate credits toward high school graduation is put severely at risk.

Of all youth, migrant students are the most at risk of not meeting state standards or even being assessed to those standards. The lack of a national, efficient, and cohesive system for transferring the records of migrant students impedes schools abilities to provide appropriate education and related services to migrant students and their families. Currently, states use an uncoordinated and incoherent hodge-podge of electronic and paper systems. These conditions make it nearly impossible to determine progress toward meeting challenging state standards.

A second area of missed opportunity is the creation of a National Parent Advisory Committee for migrant programs. A national parent advisory council would ensure that the voice of the parent and the family is heard in implementing Federal migrant policies. It is difficult to implement any large Federal education program, but migrant education programs are not just about educating children

they also are about accommodating a migrant family lifestyle that has unique problems and characteristics that must be addressed if migrant children are to learn. In many ways, migrant children are national children. Their annual voyages take them across city, county, state, and regional lines. Their programs must have a national focus that transcends those geographical barriers that form the educational systems for most children. Most educational policies are developed at the local level with the input of local advisory councils. Migrant education policies are mostly developed at the national level and need the input of a national parent advisory council.

RUBÉN HINOJOSA.

## DISSENTING VIEWS OF HON. RON PAUL

### I. INTRODUCTION—THE FAILURE OF CENTRALIZED EDUCATION

Congress is once again preparing to exceed its constitutional limits as well as ignore the true lesson of the last thirty years of education failure by reauthorizing Title I of the Early Secondary Education Act (ESEA). Like most federal programs, Title I was launched with the best of intentions, however, good intentions are no excuse for Congress to exceed its constitutional limitations by depriving parents, local communities and states of their rightful authority over education. The tenth amendment does not contain an exception for "good intentions!"

The Congress that created Title I promised the American public that, in exchange for giving up control over their schools and submitting to increased levels of taxation, federally-empowered "experts" would create an educational utopia. However, rather than ushering in a new golden age of education, increased federal involvement in education has, not coincidently, coincided with a decline in American public education. In 1963, when federal spending on education was less than nine hundred thousand dollars, the average Scholastic Achievement Test (SAT) score was approximately 980. Thirty years later, when federal education spending ballooned to 19 billion dollars, the average SAT score had fallen to 902. Furthermore, according to the National Assessment of Educational Progress (NAEP) 1992 Survey, only 37% of America's 12th graders were actually able to read at a 12th grade level!

### II. ESEA'S ORWELLIAN FORMULA: FEDERAL MANDATES=LOCAL CONTROL!

Supporters of a constitutional education policy should be heartened that Congress has finally recognized that simply throwing federal taxpayer money at local schools will not improve education. However, too many in Congress continue to cling to the belief that the "right federal program" conceived by enlightened members and staffers will lead to educational nirvana. In fact, a cursory review of this legislation reveals at least five new mandates imposed on the states by this bill—yet the drafters of this legislation somehow manage to claim with a straight face that this bill promotes local control!

One mandate requires states to give priority to K–6 education programs in allocating their Title I dollars. At first glance this may seem reasonable, however, many school districts may need to devote an equal, or greater, amount of resources to high school education. In fact, the principal of a rural school in my district has expressed concern that they may have to stop offering programs that use Title I funds if this provision becomes law! What makes DC-

based politicians and bureaucrats better judges of the needs of this small East Texas school district than that school's principal?

Another mandate requires teacher aides to be "fully qualified" if the aides are to be involved in instructing students. Again, while this may appear to be simply a matter of following sound practice, the cost of hiring qualified teaching assistants will add a great burden to many small and rural school districts. Many of these districts may have to go without teachers aides, placing another burden on our already overworked public school teachers.

Some may claim that this bill does not contain "mandates" as no state must accept federal funds. However, since obeying federal educrats is the only way states and localities can retrieve any of the education funds unjustly taken from their citizens by oppressive taxation, it is the rare state that will not submit to federal specifications.

III. TRUE ACCOUNTABILITY REQUIRES PARENTAL CONTROL

One of the mantras of those who promote marginal reforms of federal education programs is the need to "hold schools accountable for their use of federal funds." This is the justification for requiring Title I schools to produce "report cards" listing various indicators of school performance. Of course, no one would argue against holding schools accountable, but accountable to whom? The Federal Government? Simply requiring schools to provide information about the schools, without giving parents the opportunity to directly control their child's education does not hold schools accountable to parents. As long as education dollars remain in the hands of bureaucrats not parents, schools will remain accountable to bureaucrats instead of parents.

Furthermore, maximum decentralization is the key to increasing education quality. This is because decentralized systems are controlled by those who know the unique needs of an individual child, whereas centralized systems are controlled by bureaucrats who impose a "one-size fits all" model. The model favored by bureaucrats can never meet the special needs of individual children in the local community because the bureaucrats have no way of knowing those particular needs. Small wonder that students in states with decentralized education score 10 percentage points higher on the NAEP tests in math and reading than students in states with centralized education.

Fortunately there is an alternative educational policy to the one before us today that respects the Constitution and improves education by restoring true accountability to America's education system. Returning real control to the American people by returning direct control of the education dollars to America's parents and concerned citizens is the only proper solution. This is precisely why I have introduced the Family Education Freedom Act (H.R. 935). The Family Education Freedom Act provides parents with a $3,000 per child tax credit for the K–12 education expenses. I have also introduced the Education Tax Credit Act (H.R. 936), which provides a $3,000 tax credit for cash contributions to scholarships as well as any cash and in-kind contribution to public, private, or religious schools.

By placing control of education funding directly into the hands of parents and concerned citizens, my bills restore true accountability to education. When parents control education funding, schools must respond to the parents' desire for a quality education, otherwise the parent will seek other educational options for their child.

## IV. CONCLUSION

Instead of fighting over what type of federal intervention is best for education, Congress should honor their constitutional oath and give complete control over America's educational system to the states and people. Therefore, Congress should reject this legislation and instead work to restore true accountability to America's parents by defunding the education bureaucracy and returning control of the education dollar to America's parents.

RON PAUL.

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